CLARK TOWNSHIP ZONING ORDINANCE



Clark Township

Mackinac County, Michigan

Gourdie-Fraser

Municipal | Development | Transportation

CLARK TOWNSHIP ZONING ORDINANCE

Clark Township
Mackinac County, Michigan
September 18, 2013

Public Hearing Dates: September 30, 2008 and November 25, 2008

Planning Commission Approval: November 25, 2008

Township Board Approval: September 18, 2013

As Amended Through: September 18, 2013

Gourdie-Fraser
Municipal | Development | Transportation

CLARK TOWNSHIP

ZONING ORDINANCE

Clark Township

Mackinac County, Michigan

September 18, 2013

Public Hearing Dates: September 30, 2008 and November 25, 2008

Planning Commission Approval: November 25, 2008

Township Board Approval: September 18 2013

As Amended Through: September 18, 2013

Financial assistance for this project was provided, in part, by the Michigan Coastal Management Program, Michigan Department of Environmental Quality (MDEQ), through a grant from the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

DEQ MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

NOAA NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION U.S. DEPARTMENT OF COMMERCE

gfa Gourdie-Fraser
Municipal | Development | Transportation

CLARK TOWNSHIP ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE 1
- **1.1 TITLE**
- **1.2 LEGAL BASIS**
- **1.3 SCOPE**

ARTICLE 2: PURPOSE & INTERPRETATION

ARTICLE 3: EFFECTIVE DATE

ARTICLE 4: ZONES AND ZONING MAP
- **4.1 ESTABLISHMENT OF DISTRICTS**
- **4.2 ZONING MAP**

ARTICLE 5: DEFINITIONS
- **5.1 Purpose**
- **5.2 Definitions**

ARTICLE 6: GENERAL PROVISIONS
- **6.1 Regulations**
- **6.2 Uses Permitted In All Districts**
- **6.3 Adverse Effect**
- **6.4 Standards For All Dwellings**
- **6.5 Alteration Of Dwellings**
- **6.6 Bulk Regulations**
- **6.7 Projections Into Yards**

6.8 Exemptions From Height Provisions
6.9 Bed & Breakfast Establishments
6.10 Number of Dwellings On A Parcel
6.11 Temporary Dwellings
6.12 Accessory Buildings and Structures
6.13 Decks
6.14 Fences
6.15 Water Supply and Sewage Facilities
6.16 Home Occupations
6.17 Residential Care Facilities
6.18 Access To Public Roads
6.19 Required Public Access
6.20 Private and Undeveloped Roads
6.21 Grade Changes
6.22 Lighting Standards
6.23 Waste Accumulation and Outside Storage
6.24 Boathouses
6.25 Water Protection
6.26 Accessory Dwelling Unit
6.27 The Keeping Of Animals
6.28 The Recreational Keeping Of Horses
6.29 The Keeping of Livestock – Other Than Horses
6.30 Wireless Communication Facilities
6.31 Heating Wood/Material Shelter
6.32 Airport Approach Protection Plan

ARTICLE 7: PARKING AND LOADING FACILITIES
7.1 Parking
7.2 Loading Spaces

ARTICLE 8: SIGNS
8.1 General Provisions
8.2 Allowed Signs
8.3 Prohibited Signs
8.4 Nonconforming Signs
8.5 Permits

ARTICLE 9: LANDSCAPING

- **9.1 Application**
- **9.2 General Standards**
- **9.3 Parking Lot Plantings**
- **9.4 Buffers**
- **9.5 Greenbelts**

ARTICLE 10: ZONING DISTRICTS

- **10.1 Uses Permitted**
- **10.2 Conditional Uses Permitted Subject to Special Regulations**
- **10.3 Uses Permitted By Special Land Use Permit**
- **10.4 Regulations**
- **10.5 District Provisions**
- **10.6 Table Of Uses**
- **10.7 Table Of Regulations**

ARTICLE 11: SPECIAL LAND USES AND SPECIAL USE PERMITS

- **11.1 Authority**
- **11.2 Construction Code Permit**
- **11.3 Application Procedure**
- **11.4 General Requirements and Standards**
- **11.5 Specific Requirements and Standards**
- **11.6 Relationship To Site Plan**
- **11.7 Required Compliance**
- **11.8 Violation of Special Use Permit**
- **11.9 Amendments**
- **11.10 Transfer of Special Use Permit**
- **11.11 Expiration of Special Use Permit**
- **11.12 Reapplication**
- **11.13 Appeals**
- **11.14 Pre-existing Special Use**
- **11.15 Burden of Proof**

ARTICLE 12: DEVELOPMENT OPTIONS

- **12.1 Base Density**
- **12.2 Open Space Preservation Developments**
- **12.3 Planned Residential Developments**
- **12.4 Planned Unit Developments**
- **12.5 Procedure**
- **12.6 Phasing**
- **12.7 Amendments**

ARTICLE 13: CONDOMINIUM DEVELOPMENT

- **13.1 Legal Authority**
- **13.2 Procedure**
- **13.3 Consultation**
- **13.4 General Requirements**
- **13.5 Condominium Subdivision**
- **13.6 Condominium Development Without Subdivision of Land**
- **13.7 Mobile Home Condominium Project**
- **13.8 Additional Filings Required**

ARTICLE 14: SITE PLAN REVIEW

- **14.1 Authority**
- **14.2 Requirement**
- **14.3 Permits**
- **14.4 Optional Sketch Plan Review**
- **14.5 Types of Site Plans**
- **14.6 Site Plan Detail Requirements**
- **14.7 Exceptions**
- **14.8 Application Procedure**
- **14.9 General Requirements and Standards**
- **14.10 Required Compliance**
- **14.11 Expiration of Site Plan Approval**
- **14.12 Amendments**
- **14.13 Reapplication**

ARTICLE 15: PLANNING COMMISSION
- **15.1 Membership**
- **15.2 Duties**
- **15.3 Rules of Procedure**
- **15.4 Powers and Duties**
- **15.5 Capital Improvements**
- **15.6 Compensation**
- **15.7 Reports**

ARTICLE 16: ZONING BOARD OF APPELS
- **16.1 Establishment**
- **16.2 Membership**
- **16.3 Duties**
- **16.4 Compensation**
- **16.5 Rules of Procedure**
- **16.6 Variances**
- **16.7 Interpretations**
- **16.8 Appeals**
- **16.9 Dependant Applications**

ARTICLE 17: NON-CONFORMITIES
- **17.1 Nonconforming Uses**
- **17.2 Nonconforming Structures**
- **17.3 Nonconforming Lots of Record**
- **17.4 Pre-existing Special Land Uses**
- **17.5 Termination of Nonconforming Uses**
- **17.6 Repairs and Maintenance**
- **17.7 Replacement**
- **17.8 Completion of Previously Permitted Construction**
- **17.9 Change of Tenancy or Ownership**

ARTICLE 18: AMENDMENTS
- **18.1 General**
- **18.2 Initiating Applications**
- **18.3 Contents of Application**
- **18.4 Contents of Development Plan**

18.5 Procedure
18.6 Conditional Rezoning
18.7 Factors
18.8 Resubmittal
18.9 Conformance to Court Decree

ARTICLE 19: BLIGHT ELIMINATION
19.1 Purpose
19.2 Causes of Blight or Blighting Factors
19.3 Enforcement and Penalties
19.4 Effective Date and Adoption

ARTICLE 20: ENTERTAINMENT NUDITY ORDINANCE
20.1 Title
20.2 Definitions
20.3 Prohibition
20.4 Zoning Compliance
20.5 Violations and Penalties
20.6 Severability
20.7 Repeal
20.8 Effective Date

ARTICLE 21: LAND DIVISION ORDINANCE
21.1 Title
21.2 Purpose
21.3 Definitions
21.4 Prior Approval Requirement for Land Divisions
21.5 Application For Land Division Approval
21.6 Procedure For Review of Applications for Land Division Approvals
21.7 Standards for Approval of Land Divisions
21.8 Consequences of Noncompliance
W/ Land Division Approval Requirement
21.9 Severability
21.10 Repeal
21.11 Effective Date

ARTICLE 22: ADMINISTRATION AND ENFORCEMENT
- **22.1 Administration**
- **22.2 Enforcement**

ARTICLE 23: LEGAL BASIS AND EFFECTIVE DATE
- **23.1 Legal Basis**
- **23.2 Validity and Severability**
- **23.3 Effective Date**
- **23.4 Period of Effectiveness**

ARTICLE 24: ALTERNATIVE ENERGY
- **24.1 Purpose**
- **24.2 Definitions**
- **24.3 Requirements for ALL Wind Turbines**
- **24.4 Setbacks For LWES**
- **24.5 Sound Emission Testing For ALL Wind Turbines**
- **24.6 Effective Date and Adoption**

ARTICLE 25: MOBILE VENDING
- **25.1 Definitions**
- **25.2 Prohibited Conduct**
- **25.3 Permit Process**
- **25.4 Penalty**
- **25.5 Effective Date and Adoption**

OTHER DOCUMENTS
Ordinance #01-2008: Municipal Civil Infractions
Ordinance #04-2011: Amendment to Municipal Civil Infractions

ARTICLE 1
TITLE, LEGAL BASIS AND SCOPE

1.1 TITLE

This Ordinance shall be known as the "Clark Township Zoning Ordinance", hereinafter referred to as this Ordinance.

1.2 LEGAL BASIS

This Ordinance was adopted pursuant to the provisions of the Michigan Zoning Enabling Act, Act 110 of 2006, MCLA 125.3101 et seq. and the Michigan Planning Enabling Act, Act 33 of 2008, MCLA 125.3801 et seq.

1.3 SCOPE

1.3.1 Defined Area

The provisions of this Ordinance shall apply to all lands within the boundaries of Clark Township.

1.3.2 Application

No parcel, building, structure, use or part thereof shall hereafter be located, erected, altered, occupied or used except in conformity with this Ordinance.

1.3.3 Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

1.3.4 Relationship to Other Documents

This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of: deed restrictions; subdivision regulations; private restrictions placed upon property by covenants; condominium rules; ownership association rules; ordinances, laws, or regulations of any federal, state or county agency. However, when this Ordinance has more restrictive regulations, limitations or requirements, then this Ordinance shall control.

1.3.5 Severability and Validity

Provisions of this Ordinance are severable. If any provision is held unconstitutional by any court, such holding shall not impair or affect the remaining provisions of this Ordinance.

If any clause, sentence or provision of this Ordinance is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the clause, section or provision so declared to be invalid.
All the remaining clauses, sections and provisions of this Ordinance shall remain in full force and effect until repealed notwithstanding that one (1) or more provisions of this Ordinance shall have been declared to be invalid.

1.3.6 Repeal of previous Zoning Ordinance

This Ordinance repeals and replaces any previous Clark Township Zoning Ordinance in its entirety.

ARTICLE 2
PURPOSE & INTERPRETATION

The purpose of this Ordinance is to promote and preserve the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the State's residents for food, fiber and other natural resources; places of residence; recreation; industry; trade; service and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation; sewage disposal; safe and adequate water supply; education; recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and properties. The purpose of this Ordinance is to provide for the reasonable consideration of the character of each Zoning District located within Clark Township, its peculiar suitability for particular uses; for conservation of property values and natural resources and the general and appropriate trend in character of land, building and population development. The purpose of this Zoning Ordinance is also intended to assist with the implementation of the Clark Township Land Use Plan.

2.1 INTERPRETATION

2.1.1 Interpretation of Provisions

In the interpretation and application of the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

2.1.2 Interpretation of Words

For the purposes of this Ordinance:

a.) Words used in the present tense shall be deemed to include the future
b.) Words in the singular number shall be deemed to include the plural and words in the plural shall be deemed to include the singular
c.) Words of gender shall include all genders
d.) The word "person" shall include a firm, partnership, association, trust, company of corporation, as well as an individual
e.) The words "use" or "used" shall be deemed to include the words "intended, arranged or designed for use" or "intended, arranged or designed to be used"
f.) The word "shall" is mandatory and not discretionary; and
g.) The word "may" is permissive.

2.1.3 Changes in Legislation

Where the provisions of this Ordinance refer to specific legislation, such provisions shall be deemed to also refer to any legislation that is a successor thereto.

2.1.4 Captions

The captions used in this Ordinance shall not be deemed to be part of this Ordinance and shall not be construed to enlarge or restrict the rights and obligations otherwise contained herein.

2.1.5 Conflict

When this Ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings or structures, or on lot coverage, or where this Ordinance requires greater lot areas or larger yards or other open spaces than required by other laws, ordinances or private restrictions, the provisions of this Ordinance shall prevail.

ARTICLE 3
EFFECTIVE DATE

This Ordinance, in its original form, shall become effective seven (7) days after the date of its publication in summary form on September 25, 2013, in the St. Ignace News, a newspaper of general circulation in Clark Township, Mackinac County, Michigan.

This Ordinance shall remain in full force and effect henceforth unless repealed.

ARTICLE 4
ZONES AND ZONING MAP

4.1 Establishment of Districts

The following Zoning Districts are hereby established within Clark Township. Such districts are shown on the Official Zoning Map, which is made a part of this Ordinance as is any other Chapter, Section or Regulation herein. Each district may be known by and may be referred to by its symbol.

Agricultural Districts:

- AG Recreation, Sylviculture and Agriculture District

Residential Districts:

- RS Resort District
- R-1 Single Family Residential District
- R-2 Rural Residential District Family
- MH Mobile Home Park District

Business Districts:

- C Commercial District
- M Industrial District
- LM Light Industrial District
- SS Shore Strip District

4.1.1 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to boundaries of any of the Zoning Districts indicated on the Zoning Map, the following rules of interpretation shall apply:

a) A district boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line;

b) A district boundary indicated as following along a section line, quarter-section line, platted lot line, or other survey line, shall be construed as following such line;

c) A district boundary indicated as following a property line shall be construed as following such property line;

d) A district boundary indicated as approximately following a highway, street, alley or easement shall be the centerline of such highway, road, alley or easement;

e) Whenever any road, alley, or other public right-of-way or railroad right-of-way is vacated by official action, the property formerly within such road, alley or right-of-way shall be included within the Zoning District of the adjacent property to which it is adjoined. In the event that the road, alley or right-of-way was a zoning district boundary between two or more Zoning

Districts, the new district boundary shall be the boundary of the new property formed by the joining of the closed road, alley or right-of-way to the adjacent properties. Where no joining takes place, the new district boundary shall be the former center of such road, alley or right-of-way;

f) A district boundary indicated as following the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centerline of such watercourse or right-of-way;

g) A district boundary indicated as following the shoreline of any lake, river, stream, or other body of water, shall be construed as following such shoreline and, in the event of change in a shoreline, shall be construed as following the actual shoreline;

h) A district boundary indicated as approximately parallel to a street or highway center line, or to section lines, quarter-section lines or other survey lines, shall be construed to be parallel thereto and at such distance as indicated on the Zoning Map. If no distance is given, such distance shall be determined by the use of the scale shown on the Zoning Map;

i) A boundary indicated as parallel to, or an extension of, a feature indicated in interpretation rules a) through h) above shall be so construed;

j) A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

k) Where the provisions of a) through j) above are not applicable in determining the location of a district boundary, its location shall be determined by measuring the distance from the nearest definable geographic reference point as indicated on the Zoning Map;

l) Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between Zoning Districts, the regulations of the more restrictive Zoning District shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals after recommendation from the Planning Commission.

4.2 ZONING MAP

4.2.1 Official Zoning Map

The boundaries of the Zoning Districts are hereby established as shown on the map entitled "Clark Township Zoning Map" that accompanies this Ordinance. The Zoning Map, along with all notations, references, and other explanatory information, is hereby made as much a part of this Ordinance as if fully described herein. The Zoning Map shall at all times be available for examination and a copy of it shall be kept with the records of the Township Clerk.

4.2.2 Identification of Official Zoning Map

A. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk, under the following words: "This is to certify that this is the Clark Township Zoning Map referred to in Article 4 of the Clark Township Zoning

Ordinance, adopted on September 18, 2013, together with the most recent effective date of any amendment to the Official Zoning Map.

B. If the Official Zoning Map is replaced for reasons other than amendment to the location of district boundaries, the new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk, under the following words: "This is to certify that this is the Clark Township Zoning Map referred to in Article 4 of the Clark Township Zoning Ordinance, adopted on September 18, 2013. This Official Zoning Map replaces and supercedes the Official Zoning Map that was adopted by the Clark Township Board on June 10, 1975.

4.2.3 Authority

Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Clark Township Hall, shall be the final authority as to the location of all Zoning Districts and any overlay boundaries.

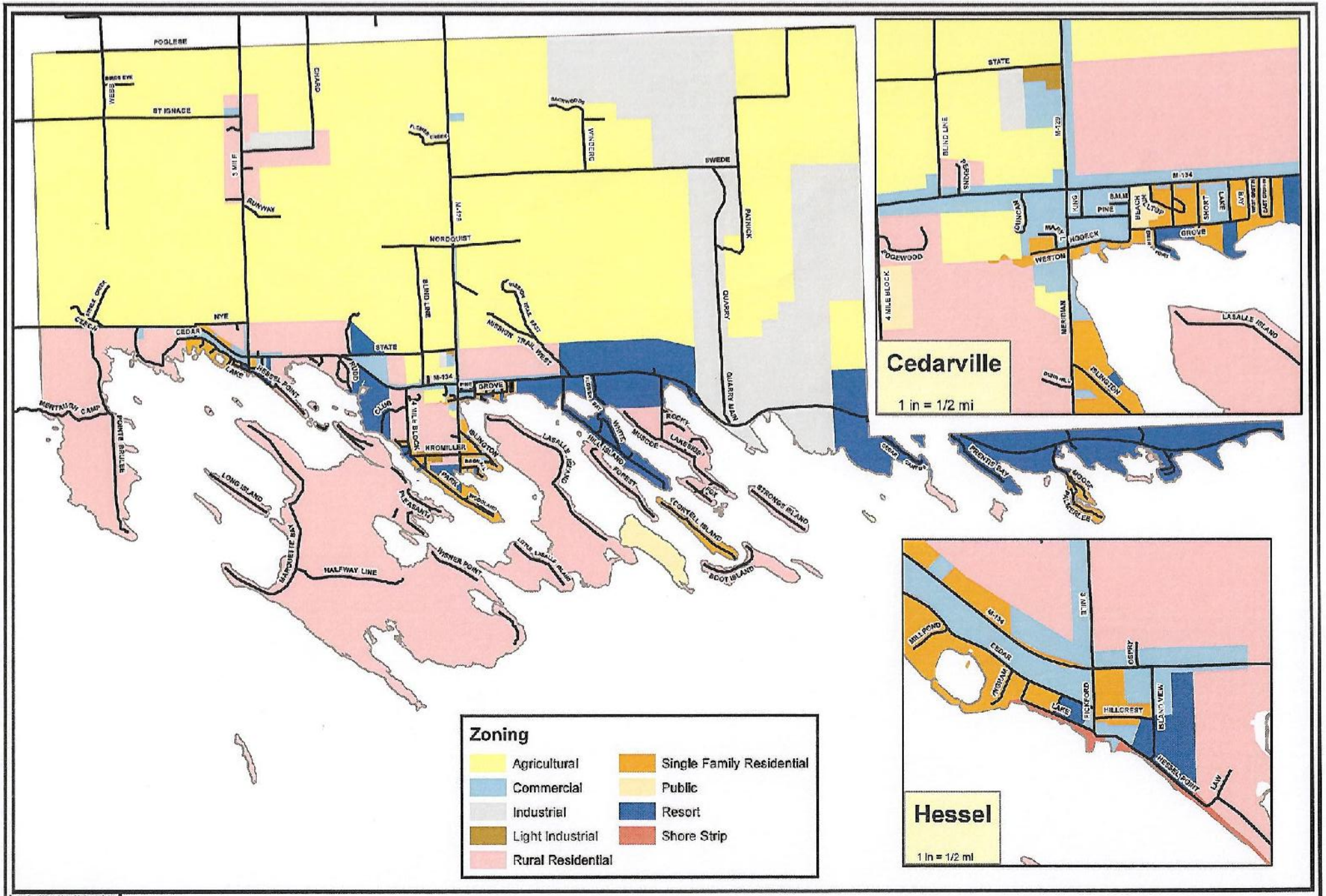
4.2.4 Changes

In the event of an amendment to this Ordinance that has the effect of changing the location of a district boundary, the Township Supervisor shall promptly make, or cause to be made, such change on the Official Zoning Map. The Township Supervisor shall affix his signature on the Official Zoning Map, attested to by the Township Clerk, under the following words: "This is to certify that this is the Clark Township Zoning Map referred to in Article 4 of the Clark Township Zoning Ordinance, adopted on September 18, 2013.

4.2.5 Replacement

A. The Official Zoning Map shall be replaced upon amendment to the location of a district boundary, in accordance with Section 4.2.2 above. The Official Zoning Map may be replaced from time to time if same becomes damaged, destroyed, or lost.

B. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending this Ordinance or the prior Official Zoning Map unless it shall have been adopted in accordance with the Michigan Zoning Enabling Act, as amended.



EUPRPDC
PO BOX 520 SSM, MI 49783
906.635.1581

Clark Township Zoning Map

Date: 3/8/2013

0 2 4 6 Miles

1 in = 2 miles

Data Source: 1999 Zoning Map

ARTICLE 5
DEFINITIONS

5.1 For the purpose of this Ordinance, words in the present tense include the future; words in the singular number include the plural number, the word "shall" is always mandatory and not discretionary. The term "Township" shall mean Clark Township in Mackinac County, Michigan. Any terms or word defined shall be defined by common or standard usage.

5.2 Definitions: For the purpose of these regulations, certain terms and words are defined as follows:

5.2.1 Accessory Building: Means a structure which is a supplementary building or structure on the same parcel as the main building, which is naturally and normally incidental, clearly subordinate, and devoted exclusively to the principal use on the same parcel. An accessory building may be erected on the parcel prior to the main building.

5.2.2 Accessory Structure: Means a structure, which is naturally, and normally incidental, clearly subordinate, and devoted exclusively to the principal use on the same parcel. An accessory structure may be part of the main structure, occupied by or devoted exclusively to an accessory use. Accessory structures include, but are not limited to, the following: playground equipment, sports courts, children's playhouses, domestic animal shelters, fallout shelters, swimming pools, gazebos, barbecue stoves, septic systems, parking lots, loading docks, sheds, storage buildings, radio and television antennas, and structures which are clearly permanent and may be easily removed. An accessory structure may be erected on the parcel prior to the main building.

5.2.3 Accessory Use: Means a use of land naturally and normally incidental, clearly subordinate, and devoted exclusively to the principal use of the same parcel on which the principal use is located. The landowner and/or user has the burden of proving to the Township Zoning Enforcement officer, and/or the Zoning Board of Appeals, that the use intended is an accessory use. Vacant lots may not be classified as being used for any primary purpose or principal use.

5.2.4 Alley: A passage larger than a sidewalk but not a designated street, road, thru-way or by-way as designated by the Michigan Department of Transportation or the Mackinac County Road Commission, which is open to the public for travel only as a secondary means of vehicular access to abutting lots and/or rear entrances to buildings, and not intended for general traffic circulation.

5.2.5 Apartment House: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

5.2.6 Area: See District

5.2.7 Assisted Living Facility: (see: Care Homes)

5.2.8 Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

5.2.9 Bed and Breakfast Establishment: A dwelling unit containing, as an accessory use, one or more rooms provided, for compensation, with or without meals, for the transient public as temporary accommodation. Such rooms shall contain no cooking facilities.

5.2.10 Board or Township Board: The Clark Township Board of Trustees.

5.2.11 Boardinghouse: A single-family dwelling where lodging and meals are furnished to three or more persons on a weekly or monthly basis who are not members of the family occupying the dwelling.

5.2.12 Boat House (Also known as or called a Boat Shelter Building): Permanent or temporary, fixed or floating, enclosed or unenclosed structure used for the sheltering of a privately owned boat(s). Where the house or shed is constructed over the water, over an access channel to the water, and is used only for the private storage of a boat(s) and not as a for-hire or commercial enterprise.

5.2.13 Building: A structure, either temporary or permanent, having a roof supported by columns, walls or other supports, which is used for housing, storing, enclosing or sheltering persons, animals, chattel, or personal property or for conducting business activities or other similar uses.

5.2.14 Building Height: Shall be measured from the lowest point at finished grade to the highest point of roof excluding chimneys. The lowest point of finished grade shall be measured from the lowest elevation along the outside perimeter of the building.

5.2.15 Building Line: A line beyond which the foundation wall or any enclosed or covered porch, vestibule or other portion of a building shall not project.

5.2.16 Care Homes: includes rest and nursing home, convalescent homes and boarding homes for the aged established to render care for chronic or convalescent patients.
See MCL 125.3102(j) and (t)

5.2.17 Cellar: The portion of a building below the first floor joists at least half of whose clear ceiling height is below the level of the adjacent ground. Such a portion of a building shall not be used for habitation.

5.2.18 Condominium Project: Means a land development project regulated under the provisions of the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended. Any term or word used in this Ordinance with reference to a Condominium Project shall be defined by the Michigan Condominium Act, as amended (Michigan Public Act 59 of 1978, as amended).

5.2.19 Deck: A free-standing platform or a floor-like platform.

5.2.20 District: An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; lot area, building height limits, and other requirements are established; all of the forgoing being identical for the district in which they apply.

5.2.21 Dock: Means a temporary or permanent structure built out and over the water, on flotation or supported by pillars, pilings or other supporting devices.

5.2.22 Dwelling Unit: A building or portion thereof arranged, built, or designed for permanent occupancy by not more than one family for living purposes and having cooking and

sanitary facilities. A dwelling unit may house more than one family if specified as such in other definitions under this Ordinance.

5.2.23 Dwelling, Single Family: A building containing not more than one dwelling unit.

5.2.24 Dwelling, Two Family: A building containing not more than two separate dwelling units.

5.2.25 Dwelling, Multiple Family: A building containing three or more dwelling units.

5.2.26 Dump: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of trash, refuse or waste material of any kind.

5.2.27 Entrances, Temporary: An attached shed commonly constructed of wood, for the purpose of protecting the main structure from the elements, such as wind, rain and snow, during the winter season.

5.2.28 Excavating, Commercial: The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes: When primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture. Does not mean grading or filling incidental to improvement of the land.

5.2.29 Facilities and Services: Those facilities and services that are normally accepted as necessary for urban living, such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.

5.2.30 Family: One or more persons living as a single, non-profit housekeeping unit as distinguished from individuals or groups occupying a hotel, club, fraternity or sorority house. The family shall be deemed to include necessary servants when servants share the common housekeeping facilities and services.

5.2.31 Farming: Agricultural activity or the raising of livestock or small animals as a source of income. In order for an activity to classify as farming, the fields for the growing of crops or the grazing fields for livestock, together with all barns, sheds, coups, animal storage, crop storage, feed storage, equipment storage, transportation depots, loading and unloading docks, silos, and irrigation equipment shall occupy, in total, at least twenty-five percent (25%) of the total lot, or contiguous lots, where such farming activity is claimed to be taking place. Or, in the alternative, if the gross income as reported upon the State of Michigan Income Tax for the operation is more than $10,000.00 per year of operation. Anything less than the above stated standard constitutes gardening or hobby activities, and the keeping of animals shall be regulated accordingly. The practice of crowding grazing animals in smaller grazing lots to avoid the 25% Rule will not be allowed, and a determination as to the total grazing lands necessary per head of livestock or small animals will be determined by the Michigan Department of Agriculture. All of Michigan, including Clark Township, is regulated by Michigan's Right to Farm Act, being MCL 286.471 et seq. As defined by statute, "Farm" means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

5.2.32 Floodplain: Those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one (1) percent chance of occurrence in any given year (i.e., the 100-year flood frequency event). Floodplains

shall include all areas of the Township which are designated as a floodplain by the Federal Emergency Management Agency, being lands having an elevation of less than 583.3 feet International Great Lakes Datum, 1985 (IGLD 1985).

5.2.33 Floor Area: The total enclosed floor area of a structure used for residential purposes, excluding the floor area of uninhabitable basements, cellars, manufacturing, business or commercial activities which, in the case of the latter, includes customer facilities, showcase facilities and sale facilities.

5.2.34 Frontage: The length of the front of land abutting a public street, road or highway.

5.2.35 Gasoline Service Stations: Building, or portion thereof, used and limited to the function of distributing for retail sale of gasoline. Auxiliary uses may include the sale of oil, grease, antifreeze, tires, batteries, and automobile accessories, and such services as tune-ups, lubrication, washing, polishing, and tire rotation/alignments.

5.2.36 Home Occupation: An occupation customarily engaged in by residents in their own dwelling, such as a plumbing contractor, electrical contractor, building contractor, sawmilling, taxidermy, gift shop, beauty shop, ceramics, shoe repair and similar occupations normally performed within the home.

5.2.37 Hotel: A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, except for the management.

5.2.38 House Trailer: House trailer or mobile home means any vehicle or similar portable structure which was constructed with wheels so as to permit its being used as a duly licensable conveyance upon the public street, whether or not its wheels have been removed, and constructed to permit occupancy as a dwelling.

5.2.39 Junk Yard: Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.

5.2.40 Lot: Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated, and having the required access to public road or public access.

5.2.41 Lot Area: The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

5.2.42 Lot, Depth of: The average horizontal distance between the front lot line and rear lot line.

5.2.43 Lot, Front of: The side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.

5.2.44 Lot Frontage: That portion of a lot extending along a street line. In odd-shaped or triangular- shaped lots the length of the frontage may be reduced to not less than one half of any minimum frontage herein required and that the actual length of the street line shall not be less than fifty feet.

5.2.45 Lots Fronting on a Lake, Stream, Pond, or River: Notwithstanding anything in this Ordinance to the contrary, whenever any lot shall front on any lake, stream, pond or river, the front yard of said lot shall be deemed to face said body of water.

A. The frontage of said lots shall be the length of the front property line of the lot abutting the body of water.

B. The lot shall be deemed to be the land occupied or to be occupied by a building and its accessory building, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on said body of water.

C. The lot area of such lots shall be deemed to be the total horizontal area included within lot lines. Where the front lot line extends into said body of water through legal description or by operation of law, the lot area shall not include that part of the lot upon which there is water.

D. The front of the lot shall be deemed to be the side or sides of an interior or through lots which abuts said body of water.

E. The lot frontage shall be deemed to be that portion of lot extending along said body of water. In odd-shaped or triangular-shaped lots, the length of the frontage may be reduced to not less than one-half of any minimum frontage herein required and that the actual length of any lot frontage shall not be less than fifty feet.

F. The front yard of such lots shall be deemed to be the open space extending across the full width of a lot between the front lot line and the nearest line of the building or portion thereof. The depth of such front yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any portion thereof.

5.2.46 Lot Interior: A lot other than a corner lot.

5.2.47 Lot Width: The average horizontal width measured at right angles to the lot depth.

5.2.48 Mobile Home: See: House Trailer

5.2.49 Motel: A group of attached or detached dwellings not more than two stories in height containing guest rooms which are provided for transient occupancy only, duration of stay of any guest not to exceed thirty days. This definition includes auto courts, motor lodges, road-side inns, and tourist locations not within the definition of the hotel or resort.

5.2.50 Non-Conforming Uses: The use of a building or of land lawfully existing at the time this Ordinance became effective but which does not conform with the present use of regulations of the district in which it is located.

5.2.51 Nursing Home: (See: Care Homes)

5.2.52 Ordinary High Water Mark: Means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. In all cases, the ordinary high water mark shall be defined in compliance with either Public Act 346 of 1972, Inland Lakes and Streams Act or Public Act 247 of 1955, Great Lakes Submerged Lands Act. The Ordinary High Water Mark for Lake Huron is established at 581.5 feet International Great Lakes Datum, 1985 (IGLD 1985).

5.2.53 Parking Space; Automobile: That area required for the parking or storage of one automobile including necessary aisle or driveway space providing access thereto.

5.2.54 Permanent Dwelling: A dwelling wherein the party(ies) are living for a period of more than 180 days out of the year , although not necessarily in one straight period of time. Other ways to measure whether a party(ies) are using a structure as a permanent dwelling is U.S. Mail is delivered at that location to that party(ies); if taxes are paid; such amenities as cable T.V., satellite subscription, newspaper subscription, and such others are present.

5.2.55 Personal Services: Establishments providing non-medically related services, such as a barber shop, a beauty salon, a tanning salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio, a music studio, or similar use. These uses may also include accessory retail sales of products related to the services provided.

5.2.56 Planning Commission: The Clark Township Planning Commission.

5.2.57 Porch: An entrance to a building, attached to and projecting out from the main wall of the building.

5.2.58 Principal Building (Or Primary Building): A principal building / primary building is a building which is in its ordinary status considered the central building on the lot. A principal building / primary building is the building which is associated with the primary purpose / use of the lot, such as a house, or a business or enterprise structures where the customers and/or central offices are located.

5.2.59 Professional Office: Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc. but not including medical or dental clinics.

5.2.60 Residential Care Facilities: (refer to state requirements) are defined as follows**:**

1. **Child Care Organization or Group Child Care Home.** Refer to State requirements.
2. **Adult Foster Care:** A facility for the care of adults, over 18 years of age, as licensed and regulated by the State of Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services.

5.2.61 Resort: A group of attached or detached dwellings not more than two stories in height containing guest rooms which are provided for transient of short or long duration, generally in conjunction with a recreation facility such as a beach, with or without meals furnished, including structures and uses normally auxiliary thereto.

5.2.62 Road: See Street

5.2.63 Road, Private: Means a road which is part of a recorded subdivision and shown as a private road on the plat, or a road which is not public which services more than one dwelling and/or business. Private road shall not include driveways or easement to a dwelling, business or accessory buildings thereto when the driveway is located on the same parcel as the serviced structure; a United States Forest Service road; a state highway, a county road as shown on maps certifying the same to the Michigan Department of Transportation; two track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel.
Refer to Article 6: 6.19 and 6.20.

5.2.64 Shelters, Temporary: A structure constructed of such things as wood, plastic, canvas, or other inexpensive materials, to protect such things as woodpiles, boats, snowmobiles, etc., from the elements during the winter season.

5.2.65 Shopping Center: A group of five or more commercial establishments planned, developed, and managed as a unit, with off-street parking provided on the same property and related in location to the center. Parking will contain at least the appropriate size and type of shops in the center. For purposes of this definition, a Shopping Center includes shopping mall, enclosed or open, strip mall, commercial center, or anything that otherwise fits into this definition.

5.2.66 Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service, business, or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the buildings.

5.2.67 Sign Area: The sign area is the surface of the structure used to convey the message exclusive of the necessary supports of any appurtenances required by the building code. The area of open sign structure, consisting of letters or symbols without a solid surface in between shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.

5.2.68 Sign, Outdoor Advertising: A sign which calls attention to a business commodity, service, entertainment, or other activities, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.

5.2.69 Special Land Uses: The granting to a petitioner, by the Planning Commission, certain uses of land and/or buildings, because of their particular nature and due to certain circumstances, being designated as Special Land Uses. These uses may be permitted to become established within those districts as specified in this ordinance. See Article 11.

5.2.70 Storage, Open: Means the outdoor storage or display of equipment, materials or things not within an enclosed building. Enclosure of an area by a fence, canopy, or roofed structure without walls shall not be construed as enclosed storage.

5.2.71 Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

5.2.72 Street: Means a dedicated or accepted public thoroughfare or a permanent, unobstructed private easement of access on a right-of-way.

5.2.73 Structure: Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word “structure” shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground.

5.2.74 Use: The principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is, or may be used, occupied or maintained.

5.2.75 **Uses Chart:** see Article 10.6. (CU) Conditional Use means to adhere to special regulations within that district. (P) means Permitted Use. (SU) means a use only after a Special Land Use Approval.

5.2.76 Vacant Lot: A Vacant lot is a lot in which there is no practical activity taking place upon it, and it is without any usable structure. There is no size minimum or maximum for a lot to be considered a vacant lot. Activities on land not containing a usable structure such as hunting, fishing, private recreational camping, snow-mobile riding, bike riding, motorcycle riding, or swimming shall be a vacant lot for purposes of this Ordinance. Uses such as lumbering and logging, oil / gas / water well digging and production, community camping for local kid's clubs, churches, or organizations, or some other special or defined use as otherwise stated in this Ordinance that is operated as a business enterprise removes the lot from the definition of a vacant lot.

5.2.77 Variance: a dimensional variance only, a determined by the ZBA pursuant to Act 110 of 2006, being MCLA 125.3101 et. Seq. and Article 16 of this ordinance.

5.2.78 Wireless Communication Facilities: Refer to State requirements – as amended.

5.2.79 Wireless Communication Support Structures: Refer to State requirements – as amended.

5.2.80 Yard: Open space on the same lot with a building or group of buildings, lying between the building and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, or fences.

5.2.81 Yard, Front: Open space extending across the full width of a lot between the front lot line or the proposed street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed from street line and the nearest point of the building or any portion thereof.

5.2.82 Yard, Rear: Open space extending across the full width of a lot between the rear line of the lot and the nearest line of the building, porch, or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building.

5.2.83 Yard, Side: Open space between side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard or, in the absence of either of such yards, to the front lot line or rear lot line, the width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof.

5.2.84 Zone: (See District)

5.2.85 Zoning Administrator or Zoning Enforcement Officer: Means the Clark Township Zoning Administrator, appointed pursuant to Article 22 of this Ordinance.

5.2.86 Zoning Area: (See District)

5.2.87 Zoning Board: The Clark Township Zoning Board of Appeals.

ARTICLE 6
GENERAL PROVISIONS

6.1 The Regulations contained in this article shall apply to all Zoning Districts and all uses except as otherwise noted.

6.2 USES PERMITTED IN ALL DISTRICTS

The following uses may be permitted in any Zoning District and shall be subject only to the specified provisions of this Article:

a) Streets, traffic signs and traffic signals
b) Facilities essential to the operation of any public utility such as sewers and water mains and including any accessory utility service building or structure
c) Water and sewer treatment plant including any accessory public utility yard
d) Gas, oil or water pipeline, power line, telephone line, cable television line, or any similar utility service line including any substation, transformer or similar utility service building or structure associated therewith
e) Railway line excluding any accessory station, depot or yard
f) Public park
g) Buildings, structures and uses accessory to any permitted use subject to the provisions of Section 6.11
h) Public washroom
i) Construction camp, work camp, tool shed, scaffold, or other buildings and structures accessory to and necessary for construction work on the premises, but only until such construction work is completed or abandoned. For the purposes of this subsection, failure to proceed with the construction work shall constitute abandonment of such work
j) Any building or structure accessory to exploration, drilling or pumping of petroleum or natural gas, but only until such work is completed or abandoned. For the purposes of this subsection, failure to proceed with any work shall constitute abandonment of such work
k) Aids to navigation
l) Mail boxes
m) Temporary sales and rental office for the sale, rental or promotion of land and development in the immediate surrounding area.

6.3 ADVERSE EFFECT

No parcel, building or structure in any Zoning District shall be used or occupied in a manner that creates dangerous, injurious, noxious elements or conditions that may adversely affect persons using the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained provided acceptable measures and safeguards are employed to limit dangerous and objectionable elements and conditions to acceptable levels, as established by the following performance requirements:

a) Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate on site fire-fighting and fire suppression equipment and by safety devices that are normally used in the handling of such material. Such hazards shall be isolated from adjacent activities in a manner compatible with the potential danger involved, and as required by the State Fire Marshall and/or applicable provisions of the State Construction Code and rules promulgated there under.
b) As determined by objective standards, no audible noise or vibration shall be permitted in excess of the applicable Federal or State Statutes and Regulations, or County or Township Ordinances, or rules promulgated there under.
c) No pollution of air or water by fly-ash, dust, vapors, malodorous gas, matter, or other substances, shall be permitted in excess of the applicable Federal or State Statutes and Regulations, or County or Township Ordinances, or rules promulgated there under.
d) No storm water runoff, resulting from site development, design or other manmade alterations, shall be allowed to collect or stand on the surface, except in a natural wetland, or properly managed and maintained storm water retention system or sediment pond. The amount of runoff leaving a parcel at any location after use or development shall not exceed that of the parcel in its original natural state. The Zoning Administrator shall enforce this section by cooperating with and reporting suspected violations to the appropriate governmental enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The Township Board may take direct enforcement action only after a finding that cooperation by the Zoning Administrator with other agencies has not been successful in achieving compliance with this Ordinance.

6.4 STANDARDS FOR ALL DWELLINGS

No person shall use, occupy, permit the use or occupancy of a structure as a dwelling which does not comply with the dwelling standards of this Ordinance and with the standards of the State of Michigan and applicable Federal law, if applicable, within any Zoning District, except as hereinafter provided.

All dwellings shall comply with the following minimum standards:

a) It complies with the minimum bulk, density, height, area, square footage and width requirements of this Ordinance for the Zoning District in which it is located unless it is legally non-conforming and complies with the provisions of this ordinance for non-conforming structures. Where a dwelling is required by law to comply with any federal or state standard or regulation for construction different from those imposed by the building code, then and in that event, such federal or state standard or regulation shall apply.
b) It complies in all respects with the Michigan State Construction Code Act as promulgated by the Michigan State Construction Code Commission under the provisions of PA 230 of 1972, as amended. For existing dwellings, it shall comply with any building or construction code restrictions applicable at the time of construction, and, to the extent required under the Act, any upgrades or alterations.
c) It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials

and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device and shall be set on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground. Such skirt shall be of commercial quality or equivalent complying with the rules and regulations of the Michigan Mobile Home Commission and shall be installed within thirty (30) days of dwelling placement.

d) In the event that the dwelling is a mobile home as defined herein, each mobile home shall be installed with the towing mechanism and wheels removed. No mobile home shall have any exposed undercarriage or chassis.

e) All dwellings shall be connected to a public sewer if readily accessible by law.

f) The dwelling contains no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

g) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and other strength requirements.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance pertaining to such parks.

All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable construction code provisions and requirements.

These standards shall not apply to a seasonal trailer park otherwise meeting the requirements of this Ordinance.

6.5 ALTERATION OF DWELLINGS

Except as specified in this Ordinance, no building, structure, premises, or piece and parcel of land in and throughout the Township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the Zoning District in which it is located.

6.6 BULK REGULATIONS

A. The continuing compliance with required spatial relationships and physical requirements of this Ordinance for the permitting of a use, structure, building, or parcel shall be the obligation of the owner of the use, structure, building or parcel.

B. Required spatial relationships and physical requirements of this Ordinance shall be deemed to be in connection with only one (1) use, structure, building, parcel and are not transferable, not to be split or divided in any manner, unless specifically permitted elsewhere in this Ordinance.

C. Required spatial relationships and physical requirements of this Ordinance shall apply uniformly within each respective Zoning District to all uses, structures, buildings and parcels except that the following can be located anywhere on a parcel:

1. those parts of a building which are grade level patios, steps, awnings and nonpermanent canopies;
2. flag poles;
3. hydrants;
4. clothes lines;
5. arbors, trellises, trees, plants, shrubs;
6. playground equipment, outdoor cooking equipment;
7. sidewalks, private driveways and walkways.

D. As used in this section:

1. "Required spatial relationships" means all the requirements of this Ordinance dealing with minimum or maximum size, area or space required for an approved use, structure, building or parcel, including but not limited to, buffer areas, greenbelt, building area, buildable envelope, parcel area, parcel measurements (width, setback), parking space, vegetation belt, yard;
2. "Physical Requirements" means all the requirements of this Ordinance dealing with designated areas for specific physical (tangible) improvements of uses/functions required for an approved use, structure, building or parcel, including but not limited to placement of accessory structures, improvements within buffer areas, building height, easement, floor area, improvements within a greenbelt, all requirements found in Article 6 of this Ordinance, access drive, drives, loading areas, solid waste storage areas, service drives, parking areas.

6.7 PROJECTIONS INTO YARDS

A. Architectural features including such features as eaves, overhangs, canopies, and chimneys and unenclosed roof structures may not extend or project into any required side, rear or front yard setback area.

B. Patios, steps, and similar structures above grade level may not extend into a required setback area, except as otherwise permitted in the waterfront yard as further defined in this Ordinance.

C. Fences are subject to the provisions of Section 6.14.

D. Barrier free access ramps may extend into any required yard area.

6.8 EXEMPTIONS FROM HEIGHT PROVISIONS

The height provisions of this Ordinance shall not apply to any of the following uses:

a) Ornamental structures such as a church steeple, belfry, spire, clock tower, dome, cupola, or flag pole
b) Structural or mechanical elements such as chimney or smoke stacks, elevator and stairwell penthouses, ventilators, bulkheads, and cooling towers, provided that such structures do not exceed twenty percent (20%) of the roof area
c) Radio, television or telecommunication tower and antennae, including amateur radio towers and antennae, except as required under Section 6.32.
d) Aids to navigation
e) Electrical transmission tower
f) Water storage structure
g) Barn, silo, drying elevator or tower, fire training tower, windmills and wind turbines used for personal use only, or grain elevator
h) Machinery for the moving of industrial and extractive materials and housing frames and structures for such machinery
i) Hospital.

6.9 BED & BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments are permitted as a special land use in the AG, RS, R-1, R-2, and C Zoning Districts. In addition to the provisions of Article 11, the following standards shall also apply:

a.) A maximum of six (6) bedrooms shall be made available for guests.
b.) One (1) parking space shall be provided per guest bedroom.
c.) For any bed and breakfast proposed on one of the islands that is not accessible by road, a minimum of one (1) parking space per guest bedroom shall be provided offsite. The continued availability of such parking space(s) shall be secured to the satisfaction of the Planning Commission and shall be required as a condition of special land use approval. The loss of secured offsite parking shall require that the bed and breakfast operation cease to operate until such time as alternate parking is secured and has been approved by the Planning Commission through an amendment to the special land use permit.

6.10 NUMBER OF DWELLINGS ON A PARCEL

Where this ordinance permits a dwelling, not more than one (1) dwelling unit shall be permitted per lot, except as follows:

One (1) additional single family dwelling may be allowed on a lot, provided that the lot is large enough in size to support the minimum requirements for two (2) or more dwellings within the designated district and provided further that each portion of the lot would be properly described, marked and recorded with the Township Clerk so that each dwelling could be sold as a separate lot at a later date without violating any provision of this ordinance or causing any other dwelling(s) to be in violation of this ordinance.

Accessory dwelling units in an existing dwelling pursuant to the provisions of Section 6.26 and developments approved under Articles 12 and 13 of this ordinance are exempt from this standard.

6.11 TEMPORARY DWELLINGS

No person shall use or permit the use of any garage, basement, tent, trailer, or other temporary structure as a principal or seasonal dwelling on any parcel, except as temporary quarters during the construction or installation of a dwelling for which all required permits have been issued conforming to Section 6.3 of this Ordinance, and then only if all of the following conditions are met:

1. the location of the temporary structure shall comply with all setback requirements of this Ordinance;
2. adequate provision is made for temporary public or private water supply and sewage disposal to and from said structure;
3. the structure is constructed so as to meet the minimum requirements for the health, safety and welfare of those occupants and the surrounding neighborhood;
4. the use of the temporary structure shall not exceed six (6) months, beginning with the issuance of the permit contemplated by Section 22.1.2 of this Ordinance;
5. a permit for a temporary dwelling is issued by the Zoning Administrator. The permit may be renewed for not more than six (6) months upon approval of the Zoning Administrator for good cause shown.

6.12 ACCESSORY BUILDINGS AND STRUCTURES

A. An accessory building or structure shall only exist or be constructed where there exists a primary structure on the same parcel. The following are exceptions to this restriction:

1. When a permit for construction of a primary structure has been approved, a permit for construction of an accessory structure on the same parcel may also be approved.
2. Where a basic site plan has been submitted to and approved by the Zoning Administrator demonstrating that the proposed size and location of the accessory building reserves a sufficiently sized and located area upon which the primary structure and all necessary appurtenances can be located in full compliance with all standards of this ordinance.

3. Where the demolition or land division of a parcel is proposed which would result in an accessory structure without a primary structure, the demolition or land division shall be conditioned on a performance bond ensuring removal of the accessory structure in two (2) years, if no primary structure has been constructed, or if no satisfactory progress in the construction of a primary structure has occurred. This standard shall not apply if subsection 2 above is complied with.
4. Any accessory structure without a primary structure built before the adoption of this ordinance may legally exist and be altered if in conformance with the dimensional standards of B below.
5. Accessory structures without a primary structure may be established where:
   a. The parcel is actively in bone fide agricultural use (as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended); and
   b. Such agricultural use is the primary use on the parcel; and
   c. The parcel is at least five (5) acres in area, and
   d. The parcel is located in the AG zoning district.

B. The following dimensional restrictions shall apply to all accessory structures having a floor area equal to or greater than two hundred (200) square feet.

Dimensional Restrictions for Accessory Structures

Dimensional Restriction	AG, M, LM Zoning Districts	All other Districts
Setbacks	As required for primary structures	As required for primary structures
Total Number of Accessory Buildings Permitted per Parcel (this does not include structures not herein defined as buildings)	No limit	No limit provided that the total square footage of all accessory buildings shall not exceed the maximum permitted size identified below
Maximum Permitted Height	35 feet	35 feet
Maximum Permitted Size (Note: Detached decks shall not be considered part of the permitted square footage for accessory buildings)	No limit	Maximum of 1,800 square feet permitted.

6.13 DECKS

A. For the purposes of this Ordinance, open decks, including any attached steps, shall be considered an accessory structure, even when attached to the primary structure. A minimum setback of ten (10) feet shall apply to all lot lines except on the water side. The deck must not exceed two (2) feet in height above the ordinary high water mark within this waterside setback.
B. Any deck less than two hundred (200) square feet requires no permit unless it exceeds the height according to current Michigan Building Code.

6.14 FENCES

A. No fence shall be permitted in the yard between a street and the primary structure unless setback a distance equal to the setback of the principal structure or the required yard setback, whichever is less.

B. No fence in a setback area shall exceed eight (8) feet in height.

C. Any fence over eight (8) feet high shall comply with all setback requirements for the respective land use district.

D. Any fence exceeding eight (8) feet in height is subject to site plan review.

E. The Planning Commission shall have the authority to approve any fence in a front yard exceeding eight (8) feet in height in a setback area, subject to site plan review.

F. The finished side of the fence shall be facing the outside of the property line or the road right-of-way.

G. Barb wire fences and electric fences are permitted for agricultural purposes only.

H. Fences four (4) feet in height, or less, and fences erected for bona fide agricultural operations, shall not be subject to the provisions of this subsection.

6.15 WATER SUPPLY AND SEWAGE FACILITIES

A. Any structure used for human occupancy shall be connected to a public sewer and water supply or to private facilities which comply with the Luce, Mackinac, Alger, Schoolcraft Health Department standards, as amended or replaced.

B. The Zoning Administrator shall enforce this section by cooperating with and reporting suspected violations to the appropriate governmental enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above.

6.16 HOME OCCUPATIONS

Home occupations shall be permitted in any residence located within a zoning district where residential uses are permitted. Any home occupation(s) shall be subject to the following conditions and limitations:

a) The home occupation is clearly incidental and subordinate to the principal use of the premises for residential purposes.
b) The proposed use will not generate noise, odors, or illumination noticeable outside the confines of the residence or garage or otherwise constitute a nuisance to adjoining residents.
c) Automotive repair, or any auto-related work including, but not limited to, detailing, washing, painting, or auto sales shall not be permitted as a home occupation.
d) No process shall be used which is hazardous to public health, safety, or welfare.
e) The space allowed to be used by the home occupation is limited to twenty five percent (25%) of the square footage of the main dwelling and shall be accessory to the residential use of the property.
f) There shall be no alteration of the residential appearance of the premises or other exterior evidence, other than a sign, to indicate that the premises are being utilized for any purpose other than that of a dwelling.
g) Signs are subject to the provisions of Section 8.2.1.g.
h) There shall be no outside operations, storage, or display or materials or products of any aspect of the home occupation.
i) The use shall not result in any truck traffic (except ground delivery service), and shall not require off-street parking areas in addition to that required for the single-family use unless sufficient parking areas have been approved by site plan.
j) Not more than one (1) paid assistant shall be employed other then the resident(s) of the dwelling. For the purposes of a hair salon, not more than three (3) paid assistants shall be employed other than the residents of the dwelling.

6.17 RESIDENTIAL CARE FACILITIES

A. Residential care facilities are permitted in compliance with the table below:

Type of Facility	Permitted Use	Permitted After Special Land Use Approval	Not Permitted
Family Day Care (1-6 children, less than 24 hours)	AG, RS, R-1, R-2, C, MH		M, LM
Group Day Care (7-12 children, less than 24 hours)	AG, RS, C,	R-2, R-1, MH	M, LM
Foster Family Care (4 or fewer children, 4 or more days)	AG, RS, R-1, R-2, C, MH		M, LM
Foster Family Group Home (5 or 6 children, 4 or more days)	AG, RS, R-1, R-2, C, MH		M, LM
Adult Foster Care Family Home (1-6 adults, 5 or more days, 2 or more weeks in a private residence)	AG, RS, R-1, R-2, C, MH		M, LM

B. Residential care facilities must be licensed by the State of Michigan.

C. Residential care facilities required to obtain special land use approval shall be subject to the requirements of Article 11.

6.18 ACCESS TO PUBLIC ROADS

In any Zoning District, every use, building or structure established after the effective date of this Ordinance shall be located on a parcel which abuts a public road or a private road or an easement which provides safe, convenient access for serving fire protection and any required off-street parking. Parcels located on an island that is not accessible by road are exempt from this standard.

6.19 REQUIRED PUBLIC ACCESS

6.19.1 Every dwelling shall be built upon a lot having the required road access on a street or lake.

6.19.2 No resultant lot from any land division shall have road frontage less than the required lot width for the district in which it is located.

6.19.3 Any one (1) lot of record created before the effective date of this ordinance without any frontage on a street but provided with an easement or other right-of-way of not less than twenty (20) feet in width may be granted a land use and building permit.

6.19.4 These standards shall not apply to island parcels that are not accessible by road.

6.20 PRIVATE AND UNDEVELOPED ROADS

A. When private and undeveloped platted road development occurs in the Township, the following minimum standards shall apply. No person, firm, or corporation shall hereafter divide any land or develop any pre-platted parcels without providing for public or permanent private easements and/or roads for access to such divided lands with said private easements and/or roads to conform to these minimum requirements:
   a) All roads constructed in the Township shall be accessible, usable, and constructed in a good and workmanlike manner upon and parallel to and centered with the centerline of a permanent right-of-way easement duly recorded with the Mackinac County Register of Deeds. Rights-of-way or easements, while not required to be dedicated, will be reserved for future dedication and preclude any development within the designated area. All plans as submitted for approval must show the private road easement including a legal description, the grades for the roads, and any drainage facilities and structures.
   b) All roads and access easements in the Township shall meet the following minimum requirements:

Minimum Road and Easement Requirements				
Number of lots served or to be served	Minimum Right-of-way width	Minimum Base Depth	Minimum Roadbed Width	Second Access Required
1-3	20 feet	N/A	N/A	No
4-6	30 feet	12 inches	19 feet	No
7-12	66 feet	12 inches	19 feet	No
13+	66 feet	12 inches	24 feet	No
25+	66 feet	12 inches	24 feet	Yes

B. Review

a.) All roads servicing four (4) or more lots shall be reviewed by the Planning Commission. Roads servicing three (3) or fewer lots may be reviewed by the Zoning Administrator.
b.) Following tentative approval of a private road, a Land Use Permit shall be issued by the Zoning Administrator.
c.) The engineer will inspect and review the road during planning and/or construction if deemed necessary by the Planning Commission or Zoning Administrator.

C. Fees:

The Applicant/Developer shall pay all review and inspection costs, including the costs of the Zoning Administrator, Township Attorney, and the Licensed Civil Engineer, prior to final approval.

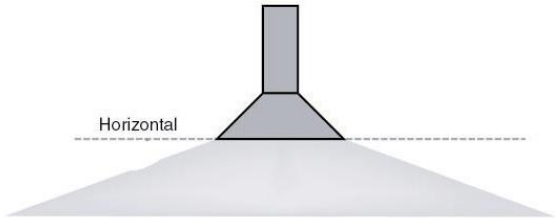
6.21 GRADE CHANGES

Where changes to the natural grade are made on any parcel in the Township, the final grade shall provide for retention of storm water on the same parcel and shall otherwise not impact the neighboring properties through uncontrolled soil erosion. This regulation is not designed to supercede the authority of the County Drain Commission office, but to apply to properties where a soil erosion permit is not required.

6.22 LIGHTING STANDARDS

Lighting shall be designed, constructed and located to minimize light pollution and shall conform to the following standards:

a) Light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the development
b) All exterior pole lighting shall be shielded and directed downwards with non-projecting lenses. Light poles and fixtures shall be located as low as practical. A greater number of low "area" lights are favored over higher lights. Light poles shall not exceed twenty-five (25) feet in height.
c) All pole-mounted lighting of parking or display areas shall be shielded but in no case shall the light be permitted to extend beyond the horizontal plane (90 degrees). See graphic



The provisions of this Section shall not apply to flag poles.

6.23 WASTE ACCUMULATION AND OUTSIDE STORAGE

A. It shall be unlawful for any person to accumulate junk on any parcel except in a licensed junkyard or licensed sanitary landfill and allowed by this Ordinance or Township Ordinance.

B. No sewage, waste water or water containing foreign substances shall be deposited or drained into any water bodies.

C. The provisions of this Section shall not be deemed to prohibit storing or spreading of manure, fertilizers, or other soil conditioners as part of a permitted farm, forestry operation or home garden or lawn, botanical or zoological garden, or parks.

6.24 BOATHOUSES

Boathouses shall be subject to the following standards:

A. General Standards
   1. Boathouses for private residential use are allowed on all parcels zoned to permit a residential dwelling unit.
   2. Commercial boathouses shall be allowed in the Commercial (C) District. They shall conform to the size and setbacks of the C District. All other criteria and standards contained in this section shall also apply to commercial boathouses.
   3. Boathouses are allowed as the primary structure on a property.
   4. All boathouse additions, of existing boathouses, must conform to these standards.
   5. All boathouses and boat shelters (defined as open sided) shall be considered as one and the same for the purposes of this Ordinance.
   6. Permanent and floating boathouses shall be considered one and the same for the purposes of this Ordinance.
   7. All boathouses must obtain both a United States Army Corps of Engineers (USACE) and Michigan Department of Environmental Quality (DEQ) permit, prior to construction. These permits are not required prior to obtaining a land use permit from the Zoning Administrator.
   8. A Bottomland Conveyance Agreement, entered into with the State of Michigan, may be required for boathouses larger than 1,200 square feet, prior to receiving a DEQ construction permit. Among other things, this will require proof of upland ownership, a bottomland survey (metes & bounds), and Township resolution.
   9. Human habitation of boathouses is permitted provided an adequate functioning and working septic system or sewer hookup, meeting the standards of the County Health Department, is currently in place or has been permitted. The discharge of any sewage into the lake is forbidden.
   10. Wood shall be used for all exterior siding, fascias, and gable ends. Synthetic products that simulate a wood appearance may be approved by the Planning Commission.
   11. All boathouses shall be excluded from flood plain elevation requirements.

B. All boathouses shall require a special land use permit in accordance with Article 11. In considering an application for special land use approval, the Planning Commission shall take into account the following factors:
   1. Structural and aesthetic design shall take into account the unique character and nature of the shoreline and of the Les Cheneaux area. Such design shall compliment that of the owner's dwelling located on the parcel and aesthetically blend with existing boathouses located nearby.
   2. The design and location of the structure shall not unreasonably obstruct or block the riparian rights of adjacent properties.
   3. The size of the structure shall take into consideration the length & width of boats intended to be sheltered.
   4. All boathouses shall be maintained and kept in good repair.
   5. All light fixtures, excepting those facing the water, shall be louvered downward or shall be unobtrusive and of low intensity.

C. Dimensional Standards

All boathouses shall comply with the following dimensional standards:

Lot Shorefront Feet	Min. Side Setback (Feet)	Max. Width of Dock	Max. Width of Shelter	Maximum Height Above OHWM
50–75 ft.	10 ft.	50% of lot	20 ft.	18 ft.
76-100 ft.	10 ft.	50% of lot	40 ft.	22 ft.
101-200 ft.	10 ft.	50% of lot up to 80 ft.	60 ft.	30 ft.
201 ft. and larger	20 ft.	40% up to 124 ft.	110 ft.	35 ft.

Notes to Table:

1. Width is measured across the outside width of the sidewalls on boathouses, or upright supports on boat shelters.
2. Permitted width shall comply with both the permitted and maximum widths.
3. Maximum length shall be as determined on the DEQ permit.
4. Height shall be measured from the OHWM (ordinary high water mark) of 581.5 feet IGLD to the roof peak.
5. Dormers and balconies are permitted. Cupolas are not subject to the maximum height requirement.
6. Side setbacks shall comply with both of the minimum side setbacks specified.
7. Permanent and floating docks shall meet the above side setbacks.
8. Roof overhangs and eaves may extend up to 4 feet in length.
9. Shorefront lots larger than 200 feet in width may be approved for boathouse widths in excess of 60 feet where appropriate and when a demonstrated need to such width has been proven to the satisfaction of the Planning Commission. Special land use approval for such additional width shall specifically notice and consider the need for such additional width.
10. Existing boathouses may be rebuilt within the same existing footprint, with design criteria review, and Zoning Administrator approval. All size and location deviations will be considered a new project, and must meet all guidelines contained herein.

For Boathouses and Boat Shelters, refer to Article 6.24.

D. Drawings Required

1. Prior to issuing a permit, accurate scaled construction drawings of the proposed boathouse must be presented to the Building Inspector, and kept on file with the Township.

2. Scaled drawing(s) must include: size of lot, site plan including existing structures, exterior side view, end view, interior floor plan, ordinary high water mark, size of boathouse, side yard setbacks, roof pitch, siding pattern, and two photos showing the entire shorefront (taken from the water, lakeward of the property).

E. Land Use Permit

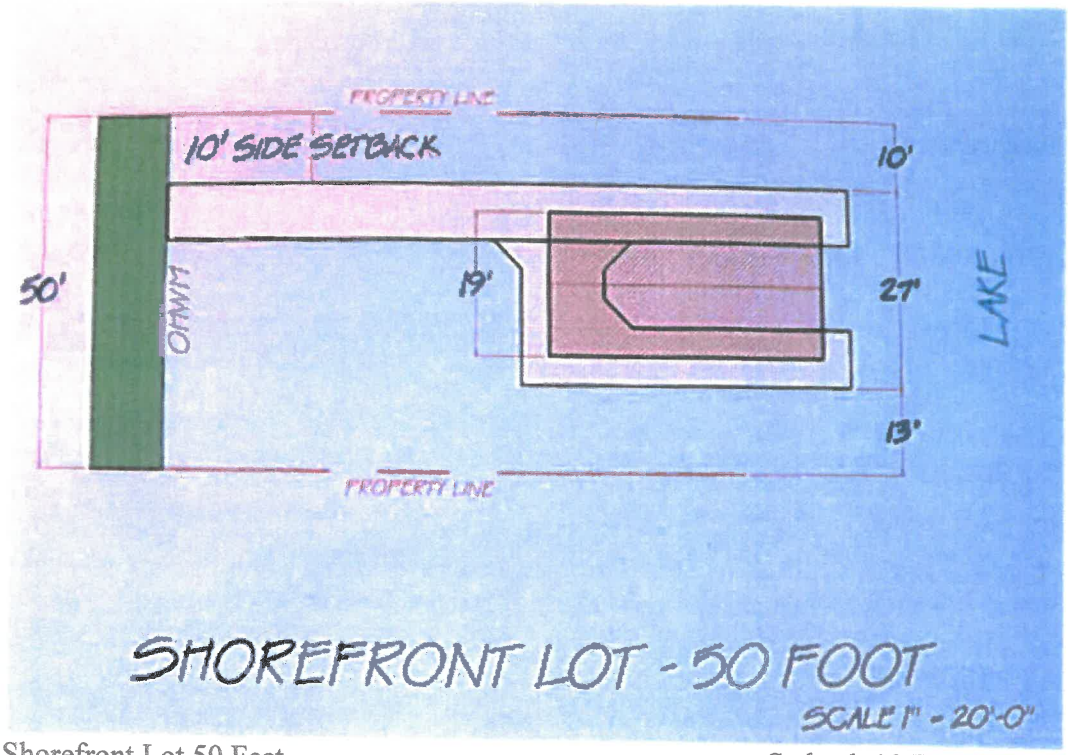
Following special land use approval, including design criteria and landscaping approval by the Planning Commission, and having met all the above standards, the Zoning Administrator shall issue a land use permit for the boathouse.

F. Interpretation

All questions of interpretations, larger size variations, and/or disputes, within this section, shall be heard and ruled upon by the Zoning Board Authority pursuant to statute. The applicant shall pay all required hearing fees at point of application and additional costs incurred by the Township such as, but not limited to, legal review.

G. Illustrations

The following drawings are provided for illustrative purposes only. In any case of interpretation, the provisions outlined above shall govern: ***INSERT ILLUSTRATIONS HERE***



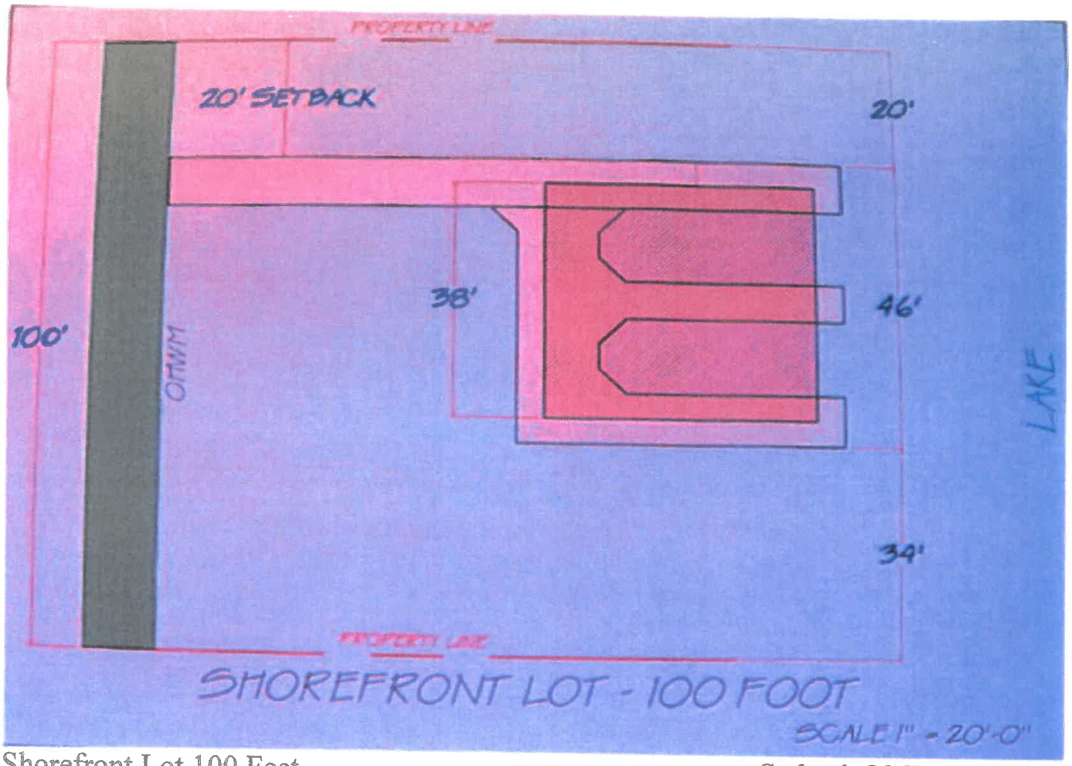
Shorefront Lot 50 Feet …

Setback 10 Feet (20%)



50 Foot Lot ~ Single Slip Boathouse

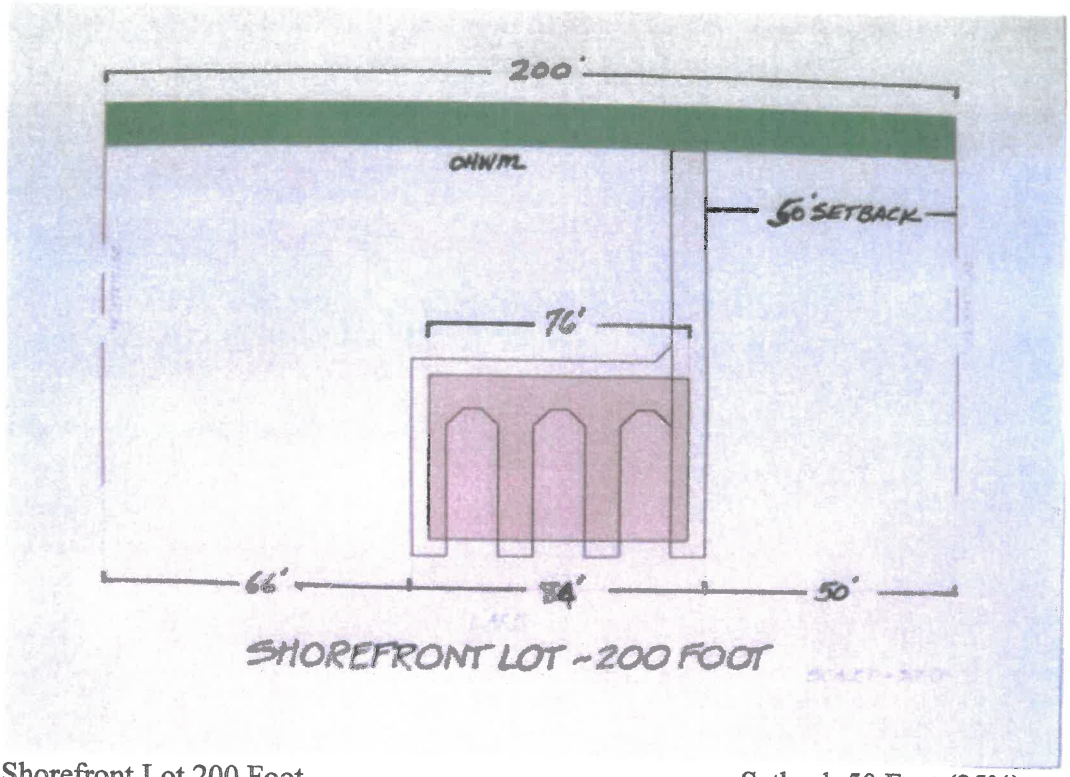
Islington Channel



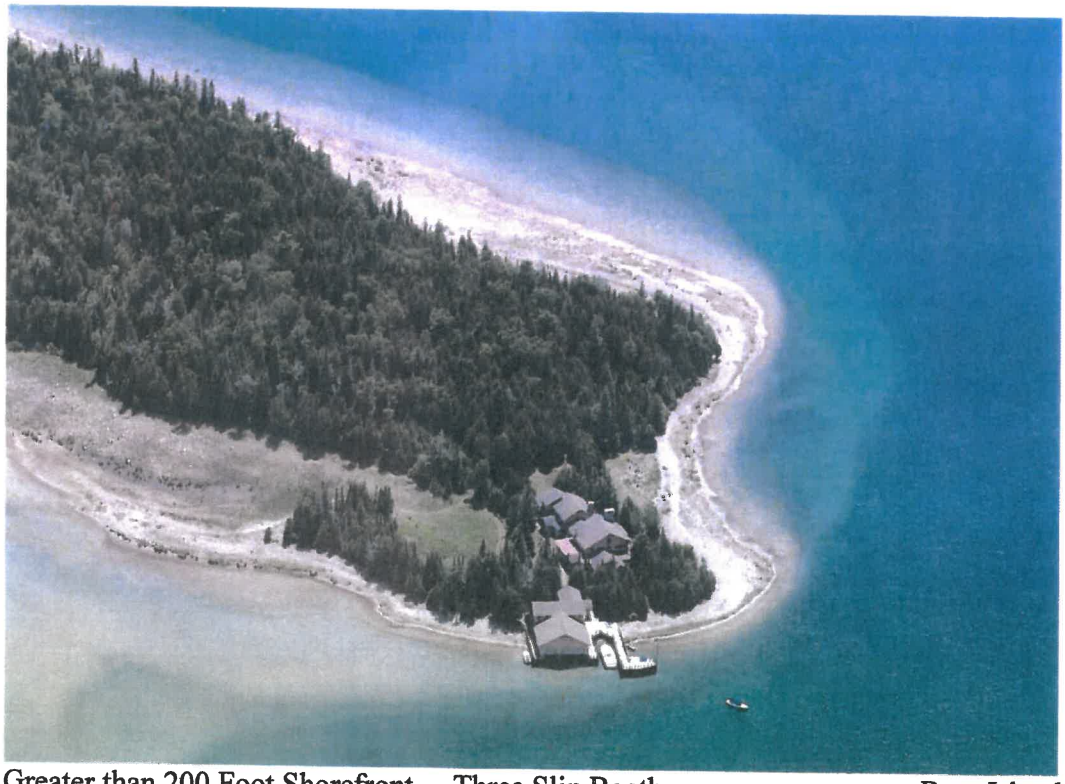
Shorefront Lot 100 Feet … Setback 20 Feet (20%)



100 Foot Shorefront ~ Two Slip Boathouse Dock Coryell Island



Shorefront Lot 200 Foot … Setback 50 Feet (25%)



Greater than 200 Foot Shorefront ~ Three Slip Boathouse Boot Island

6.25 WATER PROTECTION

Recognizing the need for some structures to locate in the Waterfront Yard, the following are permitted:

1. Decks refer to 6.13
2. Retaining walls, boat ramps and bulkheads at or to waters edge.
3. In some cases lots have high steep banks and /or wetland near waters edge causing it to be desirable to have a small storage shed, pump house, or gazebo down near the waters edge. In such cases, follow boathouse criteria 6.24 A and B.
4. Boathouses in accordance with Section 6.24.

6.26 ACCESSORY DWELLING UNIT

It is the policy of Clark Township to permit accessory dwelling units in a manner that enhances residential neighborhoods and helps residents meet their housing needs. The following standards shall apply:

A. Accessory dwelling units are a permitted use in any zoning district that permits single family dwellings, subject to issuance of a land use permit by the Zoning Administrator and compliance with section 6.4.
B. Accessory dwelling units are permitted only as an accessory use to an owner-occupied single family dwelling.
C. A maximum of one accessory dwelling unit is permitted per residential lot, provided the Zoning Administrator approves the accessory dwelling unit as complying with the standards of this section.
D. An accessory dwelling unit may be incorporated in either an existing dwelling or a new dwelling unit.
E. An accessory dwelling unit within an existing dwelling may be incorporated on any lot meeting the minimum lot size and dimensional standards of the zoning district in which it is proposed.
F. When proposed as a separate structure from the existing dwelling unit, an accessory dwelling unit shall comply with the standards of Section 6.10.
G. In no case shall an accessory dwelling unit be more than 40 percent of the living area of the existing dwelling.
H. One (1) parking space shall be required for an accessory dwelling unit.
I. Applicants for an accessory dwelling unit shall provide the Zoning Administrator with certification from the municipal health department that the water supply and sewage disposal facilities are adequate for the projected number of residents.

6.27 THE KEEPING OF ANIMALS

All animals kept on premises are limited to domestic animals, household pets, farm livestock subject to the provisions of Sections 6.28 and 6.29 below, and, with proper Michigan Department of Natural Resources approval.

6.28 THE RECREATIONAL KEEPING OF HORSES

Recreational keeping of horses is a permitted use in the AG Zoning District, and a special use in the RS and R-2 Zoning Districts, subject to the standards included in this section.

6.28.1 Standards

A. The minimum acreage required, consisting of contiguous land, is five (5) acres for the first two horses plus one (1) acre for each additional horse over two.

B. Minimum fence and housing setbacks shall comply with the setback requirements for the respective Zoning District.

C. Fresh water will be provided for each animal. Any wells and facilities shall comply with County Health Department standards.

D. Every corral to be provided shall have a minimum dimension of not less than twelve (12) feet and shall contain not less than two hundred forty (240) square feet of area.

E. Shelter shall be provided sufficient to accommodate all horses kept on site.

F. Fences shall be maintained to insure containment.

6.28.2 Compliance with Health Regulations

The keeping of horses as provided for in this section shall comply with all regulations and provisions of the County Health Department and the United States Department of Agriculture.

6.29 THE KEEPING OF LIVESTOCK OTHER THAN HORSES

The keeping of livestock, including domestic animals other than domestic pets such as dogs and cats which are kept for companionship and customarily reside within the dwelling, shall be limited to the Agricultural District and shall also be subject to the provisions of this Section.

6.29.1 Minimum Land Area

The minimum land area required for the keeping of livestock shall be five (5) acres.

6.29.2 Regulations and Standards

A. The keeping of livestock shall not be noxious by reason of odor, noise or other nuisance.

B. Minimum fence and housing setbacks shall comply with the setback requirements of the AG Zoning District.

C. Shelter shall be provided sufficient to accommodate all livestock kept on site.

D. Fences shall be maintained to insure containment.

6.29.3 Compliance with Health Regulations

The keeping of any livestock as provided for in this Section shall comply with all regulations and provisions of the County Health Department and the United States Department of Agriculture.

6.29.4 Non-application to Farms

The provisions of Subsection 6.29.2 above shall not apply to a farm.

6.30 WIRELESS COMMUNICATION FACILITIES

6.30.1 Purpose and Intent

It is the general purpose and intent of the Township to comply with Federal and State standards authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, an attempt has been made to balance these potentially competing interests.

6.30.2 Definitions

All definitions relating to this Section are found in Article 5.

6.30.3 Permitted Uses and Uses Permitted After Special Land Use Approval

A. Category A Proposal: In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use in any zoning district:
   1. An existing structure which will serve as an Attached Wireless Communication Facility, where the existing structure is not, in the discretion of the Zoning Administrator or the Township's Planning Consultant, proposed to be either materially altered or materially changed in appearance.
   2. A proposed co-location upon an Attached Wireless Communication Facility which had been pre-approved for such co-location as part of an earlier approval by the Township.
   3. An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator or the Township's Planning Consultant, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

B. Category B Proposal: Subject to the standards and requirements in this Section, wireless communications facilities not specified in Subsection A, above, shall be a use permitted only after Special Land Use Approval only in the AG, M, and LM zoning districts.

C. Category C Proposal: If it is demonstrated by an applicant that a wireless communication facility may not be reasonably established as a permitted use under Subsection B, above, and is required to be established outside of the AG, M, and LM zoning districts in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the community as a special land use.

6.30.4 Application Requirements for All Wireless Communications Facilities

A. A full site plan prepared in accordance with Article 14 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

B. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

D. The application shall include a description of the financial security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection 6.30.8 below.

E. The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.

F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

6.30.5 General Regulations

A. Standards and Conditions Applicable to All Facilities

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be harmonious with the surrounding areas.
3. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.
5. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
6. The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
7. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
8. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

9. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met on the newly created parcels.
10. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
11. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
12. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
13. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
14. Unless otherwise required by the Federal Aviation Authority, strobe lighting shall be authorized for daytime use only while continuous lighting shall be utilized between dusk and dawn. In no case shall lighting of a greater intensity than required by the Federal Aviation Authority regulations be authorized.

B. Additional Standards and Conditions Applicable to Special Land Use Facilities (Category B and C Proposals)

Applications for wireless communication facilities which may be approved as special land uses, shall be reviewed and if approved, constructed and maintained in accordance with the standards and conditions in Subsection 6.32, and in accordance with the following standards.

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
   (a) Proximity to an interstate or major thoroughfare.
   (b) Areas of population concentration.

(c) Concentration of commercial, industrial, and/or other business centers.
(d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
(e) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
(f) Other specifically identified reason(s) creating facility need.

2. The proposal shall be reviewed in conformity with the co-location requirements of this Section.
3. For Category C proposals, at the time of the submittal, the applicant shall demonstrate that a location within the AG, M, and LM zoning district cannot reasonably meet the coverage and/or capacity needs of the applicant.
4. Category C proposals shall be permitted only on the following sites (not stated in any order of priority):
   (a) Municipally owned site.
   (b) Other governmentally owned site.
   (c) Religious or other institutional site.
   (d) Public park and other large permanent open space areas when compatible.
   (e) Public or private school site.
   (f) Other locations if none of the above is available.

6.30.6 Co-location

A. **Statement of Policy**

It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes.

B. **Feasibility of Co-location**

Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:

1. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
2. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
3. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

4. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in Subsections 6.30.4 and 6.30.5 B of this Section, above.

C. **Requirements for Co-location.**

1. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
3. The policy of the community is for co-location. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
4. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

D. **Offer of Co-location Required.**

An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for co-location. The list of potential users shall be provided by the Township based on those entities who have requested approval of a wireless communication facility, current Federal Communications Commission license holders, and other entities requesting to be on the list. If, during a period of thirty (30) days after the notice letters are sent to potential users, a user requests in writing, to co-locate on the new support structure, the applicant shall accommodate the request(s), unless

co-location is not feasible based on the criteria of this Section.

6.30.7 Effect of Approval.

A. Subject to subparagraph B below, final approval for a wireless communication support structure shall be effective for a period of six (6) months.

B. If construction of a wireless communication support structure is commenced within two (2) miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six (6) month period of effectiveness, the approval for the support structure that has not been commenced shall be void thirty (30) days following written notice from the Township of the commencement of the other support structure. Such voiding shall apply when the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to co-locate on the support structure that has been newly commenced.

6.30.8 Removal

A. condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

1. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
2. Six (6) months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.

B. The situations in which removal of a facility is required, as set forth in Subsection A above, may be applied and limited to portions of a facility.

C. Upon the occurrence of one or more of the events requiring removal, specified in Subsection A above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator or the Township’s Planning Consultant.

D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

6.31 HEATING WOOD/MATERIAL SHELTER

A shelter used only for the purpose of protecting wood, wood pellets, corn pellets or other similar materials used to heat a residence or other structure located on the same parcel shall be permitted in any district without a land use permit, subject to the following:

a) The shelter may have a roof and unenclosed side walls only. The use of lattice or similar materials that permit open air flow shall not be considered an enclosed wall for the purposes of this section.
b) The shelter may not exceed 400 square feet in size.
c) The shelter will not be considered an accessory building for the purposes of Section 6.12.B
d) The shelter may not be used for any other storage purposes unless in full compliance with Section 6.12 of this Ordinance. When used for storage purposes other than as provided for in this section, the provisions of Section 6.12.B shall apply.

6.32 AIRPORT APPROACH PROTECTION PLAN

Where the provisions of this ordinance are in conflict with those of the Hessel Airport Approach Protection Plan, the more restrictive provisions shall control.

ARTICLE 7
PARKING AND LOADING FACILITIES

7.1 PARKING

No building shall be erected, altered, or used, and no land shall be used unless there be provided adequate off-street parking spaces for the needs of the owners, tenants, personnel, visitors and patrons, together with means of ingress and egress. Such parking spaces may be provided in a building or in the open, and in accordance with the provisions of this Article.

7.1.1 Access

A. Each parking space shall have direct access to a highway, street, alley, or easement, except for any residential unit, in which case only one (1) parking space per dwelling unit shall be required to have direct access.

B. All parking spaces shall be accessed by means of maneuvering lanes. Backing directly onto a street shall be prohibited for any non-residential use.

C. Adequate ingress and egress to the parking area by means of clearly defined drives shall be provided for all vehicles.

D. Ingress and egress to any off-street parking lot lying in an area zoned for other than single-family residential use shall not be across lots zoned for single-family residential use.

E. Ingress and egress to any off-street parking lot located in an area zoned for other than single family residential use shall be at least twenty-five (25) feet distant from adjacent lots located in any single family residential district.

F. Ingress and egress to any off-street parking lot serving non-residential uses, which are adjoining or opposite property zoned for residential purposes, shall not exceed
thirty-five (35) feet in width.

7.1.2 Prepared Surface

Any required parking space, parking aisle, or parking lot for any use other than a residential dwelling unit shall have a prepared surface consisting of gravel, concrete, asphalt, or similar material and shall be so graded and drained to dispose of all surface water accumulated within the area without harming neighboring property or public streets or highways.

7.1.3 Parking Space Dimensions

Each parking space shall be a minimum of nine (9) feet wide by twenty (20) feet deep, exclusive of driveway and aisle space.

7.1.4 Parking Aisle Requirements

All center and cross aisles within a parking area shall have a minimum perpendicular width of twenty (20) feet.

7.1.5 Lighting

The illumination of parking spaces is not required by this Ordinance. It is encouraged that all required parking spaces, other than those required for residential dwelling units, be illuminated when the establishment to which they are accessory is open to the public and/or employees. All lighting shall comply with the standards of Section 6.22.

7.1.6 Location of Parking on a Lot

A. No parking space shall be located nearer than five (5) feet of any lot line.

B. No parking area shall be located within a clear view area, as defined by State regulations.

C. For multiple family dwellings and apartment dwellings, required parking spaces shall not be permitted within the required front yard setback.

7.1.7 Visitor Parking Spaces for Multiple Family Dwellings

For multiple family dwellings, parking spaces shall be provided and used to accommodate the vehicles of persons visiting or having business with residents of the dwelling units at a ratio of one (1) visitor parking space for every three (3) dwelling units or part thereof. Such required visitor parking spaces shall be in addition to those required in Section 7.1.13.

7.1.8 Parking Spaces for the Disabled

All parking areas shall conform to the requirements of the Americans with Disabilities Act and any other accessibility requirements in effect. Such spaces shall be included in the calculations for meeting the standards of this Ordinance under Section 7.1.13.

7.1.9 Use of Parking Areas and Spaces

A. The parking spaces required in this Article shall be used only for the parking of vehicles used by employees, customers or visitors to the establishment to which it is accessory.

B. No required parking space, or any publicly owned parking lot, shall be used for repair, display or storage purposes, for the permanent parking of any motor vehicle, recreational vehicle or trailer, or for the location of any sign or light standard.

7.1.10 Parking of Vehicles in Residential Districts

A. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles and commercial vehicles of the light delivery type, not to exceed 1 ton. The parking of any other type of commercial vehicles or buses, except those parked on school or church property, is prohibited in a residential district.

B. Not more than two (2) vehicles per dwelling unit shall be a vehicle used for commercial purposes.

C. The parking of recreational vehicles, boats, jet skis, horse trailers, general use trailers, motorized racing vehicles, and snowmobiles shall be permitted in the yard between the principal structure and the road right-of-way subject to the following requirements:
1. The vehicle shall be parked at the residence of the owner.
2. The vehicle shall display a current State license plate and/or current registration sticker, if required by state law or local ordinance.
3. The vehicle shall be maintained in operable condition and shall not be used for living, sleeping, or general housekeeping.

7.1.11 Collective Parking

A. Off-street parking may be provided collectively for two (2) or more buildings or uses, provided the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately.

B. The total of such off-street parking facilities required for joint or collective use may be reduced by the Board of Appeals in accordance with all of the following standards:
1. Uses for which the collective off-street parking facilities are to serve do not operate during the same hours of the day or night.

2. Not more than fifty percent (50%) of the off-street parking facilities required for theaters, churches, bowling alleys, dance halls, and establishments for sale and consumption of alcohol beverages, food or refreshments may be supplied by off-street parking facilities provided for other buildings.

3. The required off-street parking for a particular use may be reduced by its proportionate share of any publicly owned off-street parking lot within six hundred (600) feet of street travel, or for which it has been assessed.

7.1.12 Stacking Spaces

Where a restaurant, financial institution, or any other use incorporates a drive-through or pick-up window, a minimum of three (3) stacking spaces shall be provided for vehicles waiting to be served from the drive-through or pick-up window. Such stacking spaces shall not utilize or otherwise interfere with the use of any required parking space.

7.1.13 Required Parking Spaces

A. Any building, structure, or use, shall have parking spaces provided and maintained in accordance with the following:

RESIDENTIAL USES	
Dwellings, single family and duplex	Two (2) parking spaces for each dwelling unit
Dwellings, multiple family	One and one-quarter (1 ¼) parking spaces for each dwelling unit (See also Section 7.1.7)
Mobile home park	Two (2) parking spaces for each mobile home site plus one (1) parking space for each employee
Dwellings serviced only by boat access	No vehicular parking spaces required

PUBLIC AND INSTITUTIONAL USES	
Community Center Public administration halls and meeting centers	One (1) parking space for each six (6) seats of capacity
Libraries, museums and post offices	One (1) parking space for each one hundred (100) square feet of floor area
Nursing home or convalescent home	One (1) parking space for each four (4) beds
Place of worship Theaters, auditoriums and any other places of public assembly	One (1) parking space for each four (4) seats of capacity
Elementary and junior high school	One and one-half (1 ½) parking spaces for each classroom
Senior high school or college	Three (3) parking spaces for each ten (10) students

COMMERCIAL USES	
Automobile sales or rental	One (1) parking space for each one hundred fifty (150) square feet of floor area
Automobile service	Two (2) parking spaces for each service stall
Bed and breakfast	Two (2) parking spaces for the main dwelling unit, plus one (1) additional parking space for each bedroom available for bed and breakfast usage
Bowling alleys	Five (5) parking spaces for each alley
Dance halls, assembly halls and convention halls without fixed seats	One (1) parking space for each one hundred (100) square feet of floor area
Financial institution	One (1) parking space for each one hundred (100) square feet of floor area
Golf course	Two (2) parking spaces for each golf hole
Health services	One (1) parking space for each four (4) beds, plus one (1) space for each doctor
Offices	One (1) parking space for every two hundred (200) square feet of floor area: provided, however, that that doctor's offices and clinics shall be provided with three (3) spaces for each doctor
Place of entertainment	One (1) parking space for each six (6) seats of capacity
Place of lodging	One (1) parking space for every individual living or sleeping unit
Restaurants and night clubs	One (1) parking space for each one hundred (100) square feet of floor area
Retail nurseries, lawn and garden supply stores	One (1) parking space for each six hundred (600) square feet of area in which plants and supplies are grown, displayed or sold
Retail store, super markets, personal service shops and shopping centers	One (1) parking space for each two hundred fifty (250) square feet of floor area
Any other service	One (1) parking space for each two hundred (200) square feet of floor area

AGRICULTURAL/LAND PRESERVATION USES	
Farm product warehousing and storage	One (1) parking space for each six hundred (600) square feet of floor area
Fruit and vegetable market	One (1) parking space for each one hundred fifty (150) square feet of floor area

INDUSTRIAL USES	
Manufacturing Processing Warehousing	One (1) parking space for each two (2) employees on the maximum shift

B. Uses having high employee parking requirements shall be required to provide additional parking to satisfy the needs of such employees. Such additional parking shall be determined through the review of a site plan application and/or during the review of a Special Use Permit application.

C. Where not specifically provided for, the number of parking spaces required shall be determined by the Board of Appeals, or for a special use, during the process of review of the Special Use Permit application.

7.1.14 Fractional Spaces

When units of measurement determining the number of required parking spaces result in fractional space, any fraction of one-half (1/2) or more shall require one (1) parking space.

7.1.15 Existing Parking

A structure that meets the parking requirements of this Ordinance at any time shall continue thereafter to comply with all parking requirements hereof. Any existing structure that partially meets the requirements of this Ordinance, either on the effective date of this Ordinance or at any subsequent time, shall thereafter continue to comply with the parking requirements to the degree of compliance achieved or shall become more conforming.

7.1.16 Ingress and Egress Approval

Approval for the location of all ingress and egress shall be obtained from the County Road Commission and/or the Michigan Department of Transportation (MDOT), as applicable, for all streets.

7.2 LOADING SPACES

On the same parcel with every building, structure, or part thereof, occupied by a use requiring the receipt or distribution of vehicles or materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading operations.

All off-street loading spaces shall be located to the side or rear of the building where possible.

ARTICLE 8
SIGNS

8.1 GENERAL PROVISIONS

A. The purpose of this Article is to visually enhance our historic resort community and regulate the number, size and location of signs:
   i. to minimize the distraction to motorists and pedestrians;
   ii. to minimize traffic hazards;
   iii. to increase the effectiveness of signs needed to direct the public; and
   iv. to minimize the impact on the natural rural setting of the Township of those signs which are necessary to efficiently carry out business and other activities within the Township.

B. All signs shall be kept neat, safe, and in good repair, at all times.

C. No sign, either advertising or otherwise, shall display any obscene, indecent or immoral matter. The determination of what constitutes obscene, indecent or immoral matter shall be made by the Zoning Administrator, subject to appeal to the Zoning Board of Appeals in accordance with Article 16.

D. All signs shall comply with all local, state and federal regulations.

E. A sign permit shall be required for the erection, or alteration, or placing of all new permanent signs, unless otherwise noted. Repainting or repair of a sign, or the replacement of panels on an existing sign, shall not be considered an alteration.

F. Two sided and V-type signs shall be regarded as one sign, provided the interior angle of the "V" does not exceed thirty (30) degrees.

G. Illumination and Lighting

1. Light sources to illuminate signs shall be shielded from all adjacent residential districts, buildings and streets and shall not be of such brightness as to cause glare that is hazardous to pedestrians or drivers.
2. Lighted signs shall not be allowed in any Residential District, except for signs advertising a home occupation to which the public have access. Such home occupation signs shall comply with the lighting standards of subsection 3.a below.
3. If illuminated, signs shall be illuminated only by the following means:
   a. By a steady stationary light, shielded and directed solely at the sign. Such light shall not exceed 30 foot candles measured 5 feet from the face of the sign.
   b. By an interior light not exceeding 30 foot candles measured 5 feet from the face of the sign.

4. The repair and replacement of broken signs and lighting otherwise prohibited by this section shall be exempt from the standards of this section, provided such repair or replacement does not increase the nonconformity.

H. Time/temperature signs, digital signs, and signs with manually changeable messages are permitted on any free-standing sign. These sign areas shall be included when calculating the total square footage of the sign.

I. A freestanding structure formerly used as a sign and no longer in use for more than six (6) months after its use for a sign has ceased, shall be maintained or removed by the:

1. Owner of the sign.
2. Owner of the property.

For the purposes of this subsection, removal shall mean physical removal of the entire sign and supporting structure, the removal of all text and other signage to display a blank sign face, or the reversal of all sign panels to display a blank sign face.

8.2 ALLOWED SIGNS

8.2.1 Signs Allowed without a Permit

The following signs are allowed without a permit, provided any conditions and standards listed below, or elsewhere in this Article, are met:

a. Identification Signs. Identification signs designating a house number and/or the name of the resident, or for commercial properties, the street number, are exempt, however, lettering shall not exceed four (4) square feet for non-residential properties.

b. Memorial Signs or Tablets.

c. Flags. Flags are not considered signs and are exempt under this section.

d. Traffic, Municipal and Private Traffic Control Signs. When located within a right-of-way or road easement.

e. Political Signs. Signs indicating a political party or candidate for public office, may be displayed under this exemption for not more than forty five (45) days prior to the scheduled election, and shall be removed within ten (10) days after the election date.

f. Real Estate Signs. Temporary, non-illuminated, on-premises signs advertising the sale, rent or lease of the premises, not exceeding eight (8) square feet in area on each side, not exceeding one (1) such sign per frontage, and located on the premises. Off-premise signs require property owner's permission before being placed and must be kept out of the road right-of-way. Open house directional signs are permitted but need to be removed following

the event. "Sold" real estate signs need to be removed after thirty (30) days of display after the sale of the property.

g. Home Occupation Signs. Signs for home occupations are limited to twelve (12) square feet in area per side and a maximum of six (6) feet in height. Such signs shall comply with the lighting standards of 8.1.G.3.a above. If advertising more than one home occupation on the same parcel, the total square footage of all signs shall not exceed twelve (12) square feet. Signs located in a window or on a front façade indicating whether a home occupation is open or closed shall be exempt from this section and section 8.1.G.3.a.

h. Directional Signs. A sign directing traffic to a retail or other commercial business may be allowed on the same property provided that such sign not exceed six (6) feet in height and the sign area not exceed six (6) square feet per side. Such signs may only be externally illuminated and may display the name or logo of more than one business, provided that there not be more than one (1) directional sign per driveway entrance.

i. Garage/Yard Sale Signs. Signs for personal property sales may be located off site, must be removed within 24 hours of the completion of the sale, and may not be posted earlier than 48 hours prior to the sale or for more than three (3) consecutive days and not more than twelve (12) days in any three hundred and sixty-five (365) day period. All signs shall not be located within the road right-of-way and may only be installed with the property owner's consent.

j. Informational Signs. Signs displaying information such as, but not limited to, hours of operation, door operating information, credit card information, and menus may be displayed on or near a commercial pedestrian entranceway without a permit provided that such signs are not illuminated. A menu board for a drive-through restaurant may be illuminated but must be located behind the front building line.

k. Open Lot Sales Signs. A temporary sign may be granted for temporary open lot sales such as Christmas trees, fruit and/or vegetable stands, art fairs, antique automobile or vehicles. Temporary shall be defined for the purposes of this section as seven (7) days or less in duration.

l. Special Event Signs.
Special event signs, including portable signs, banners, and sandwich board signs, advertising a grand opening, a sale, a public event, or similar commercial or non-profit event shall be allowed on a temporary basis.
No single place of business shall display any special event sign(s) in excess of a total of forty-five (45) days in any calendar year.
A single place of business may be allowed up to three (3) special event signs per year, for no more than fourteen (14) consecutive days.

For temporary uses such as carnival, circus, fair, rodeo or special event, sign permits will only be issued upon proof that all needed health department

regulations have been met. Such signs shall not be erected more than thirty (30) days in advance of the event, and shall be removed no later than three (3) days after the event. Signs shall be removed by the owner or responsible person(s) of the sponsoring event.

m. Portable Signs. Portable signs, also called pull-on signs, with or without internal illumination are permitted only as a temporary special event sign for a limited period of time. For the purposes of this article, temporary shall be defined as not more than two (2) weeks prior to the event and not later than two (2) days after the event.

8.2.2 Signs Allowed with Permit

The following signs are allowed as provided under Section 6.5 and subject to any applicable conditions listed within this Article.

8.2.2.1 Construction Signs

i. Any construction sign under six (6) square feet in sign area may be located on the site of construction during active construction **without** a permit. Such signs shall be removed within thirty (30) days upon the completion of construction.

ii. Construction signs six (6) square feet in area up to thirty two (32) square feet may be allowed in all districts **without** a permit.

iii. Construction signs in Commercial and Industrial districts are permitted up to thirty two (32) square feet **without** a permit. Such signs may not be illuminated and must be removed within thirty (30) days of issuance of an occupancy permit, and may include the names and/or logos of one or several contractors, financers, designers, engineers, or similar party involved in the construction project. A description of the construction project and/or intended use may also be included on such sign.

iv. Construction signs greater than thirty two (32) square feet require a permit.

8.2.2.2 Real Estate Development Signs

Any real estate development sign advertising the availability of lots or development units for a new subdivision or site condominium up to thirty two (32) square feet may be installed **without** a permit.

Any sign over thirty two (32) square feet up to sixty four (64) square feet must obtain a permit. Such signs shall be permitted upon the condition that the sign is removed within two (2) years from installation. An extension of this two (2) year deadline may be authorized upon written request from the applicant.

8.2.2.3Permanent Signs Allowed with Permit
See Table 8.2.2.3 below. Permits are subject to any applicable standards within this Section or elsewhere in this Article.

A. Free-Standing Signs. (Greater than 32 sq. ft.)
Free-standing signs include pole signs and monument style signs.
A monument style sign is one that is permanently installed directly on the ground or mounted on a low base.
Free-standing signs shall not be located in any right-of-way.

B. Wall Signs. (Greater than 32 sq. ft.)
For the purposes of this Article, wall signs are any building mounted permanent sign or a painted display on the side of a building - even those located on a window.

C. Billboards. (Greater than 32 sq. ft.)

i. One (1) billboard shall be permitted as the principal use on a vacant parcel of land in the Commercial District (C) fronting on M-134 or M-129, subject to the standards and regulations of the State of Michigan.

ii. Such billboards shall be setback in accordance with MDOT specifications five hundred (500) feet from any residential district, park, school, church, hospital, retirement home, cemetery, or government building.

iii. Non State road signs are allowed greater than thirty-two (32) square feet and up to sixty-four (64) square feet with a permit.

D. Residential Development Sign. (Greater than 32 sq. ft.)

i. A residential development sign is a sign marking the entranceway of a single family or multiple family residential development.

ii. Residential development signs may only be monument style signs.

iii.Residential development signs may include only the name of the development and/or a street address.

iv.Such signs may be illuminated only by a spotlight and may not include an internally illuminated translucent panel.

v.No signs are to exceed sixty-four (64) square feet.

E. Commercial Development Sign. (Greater than 32 sq. ft.)

i. At each driveway entrance one (1) group sign may be placed to identify the commercial establishment(s) located close to that driveway.

ii. Commercial development signs may only be monument style signs.

iii. Information included on the individual business signs shall be limited to business name, business address, and/or business logo. The commercial development sign may also include the name of the commercial development.

iv.Each business sign shall be limited to not more than two (2)feet by four (4) feet in size.

v.Any one (1) commercial establishment shall be limited to being included on not more than two (2) group signs.

vi. No signs are to exceed one hundred (100) square feet.

F. Institutional Identification/Informational Signs. (Greater than 32 sq. ft.)

i. Such signs include bulletin boards or message boards for churches, schools, libraries, hospitals, museums, chamber of commerce and other public/semi-public buildings. Such signs shall be removed or updated within four (4) days of the event.

ii. No signs are to exceed sixty-four (64) square feet.

Table 8.2.2.3 – Table of Sign Regulations

	Zoning District			
Sign Type	**AG**	**R-1, R-2, R-3**	**C,**	**RS**
Free-standing sign	(a) 1 per premises. (b) Not to exceed 12 ft in height (c) Not to exceed 64 sq. ft. in sign area	Not allowed except pursuant to 8.2.1g	(a) 1 per premises (b) Not to exceed 100 sq. ft. in sign area	(a) 1 per frontage (b) Not to exceed 12 feet in height (c) Not to exceed 64 sq. ft. in sign area
Wall sign **See Notes** **1 & 2**	1 per premises.	Not allowed except pursuant to 8.2.1g	(a) 2 per premises (b) Not to exceed 100 sq. ft.	(a) 1 per premises (b) Not to exceed 64 sq. ft.
Development Sign	See 8.2.2.1.b and 8.2.2.2.d & f.	See 8.2.2.1.b and 8.2.2.2.d	See 8.2.2.1.b and 8.2.2.2.d, e, & f.	See 8.2.2.1.b and 8.2.2.2.d & f
Projecting Sign **See Note 3**	Not allowed	Not allowed	(a) 2 per premises (b) Not to exceed 40 sq. ft.	(a) 2 per premises (b) Not to exceed 25 sq. ft.
Window Sign	Not allowed except pursuant to 8.2.1g	Not allowed except pursuant to 8.2.1g	← Not to exceed 50% of total window area in which sign is placed	← Not to exceed 50% of total window area in which sign is placed
Off Premise Sign	1 per premises. 32 – 64 sq. ft. allowed with permit	Not allowed.	1 per premises. ← 32 – 64 sq. ft. allowed with permit	1 per premises. ← 32 – 64 sq. ft. allowed with permit

Footnotes to the Table.

1. Where several distinct businesses, as evidenced by separate entrances or store fronts, are located on one common site or under one roof, each of said

businesses may, on that portion of the building or site occupied by it, construct a wall sign of no more than thirty-two (32) square feet.

2. A marquee, canopy or awning sign, or a projected sign is a type of wall sign for purposes of this ordinance. All regulations applicable to a wall sign shall apply.

3. Projecting Signs. Every projecting or overhanging sign shall be placed to provide a clearance of ten (10) feet above the public sidewalk or other area over which it is erected, and shall not extend a distance greater than ten (10) feet from the permanent structure to which it is attached.

8.3 PROHIBITED SIGNS

A. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

B. No sign or other advertising structure as regulated by this Ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of motorists.

C. No sign, which by reason of its position, shape, or color, may interfere with, obstruct the view of, or imitate, any authorized traffic sign, signal, or device.

D. Signs which make use of the words “stop”, “look”, “danger”, or any other words, phrases, symbols, or characters which may interfere with, mislead, or confuse traffic, are prohibited.

E. Signs, either advertising or otherwise, which include a sequence of flashing lights, or create a flashing effect.

F. Signs, either advertising or otherwise, which are animated or project an animated picture.

G. Moving or scrolling messages or images. Steady electronic message signs (using LED or similar technology) may be permitted with the approval of the Planning Commission upon determination that the design will not pose a nuisance or traffic hazard. Although such message shall not be permitted to scroll, it may be changed intermittently. Signs displaying time and/or temperature shall be exempt from this restriction.

H. Portable, also called pull-on signs, or other easily movable signs, shall not be used as a permanent sign anywhere in the Twp - except as specifically allowed in Section 8.2.1

I. No pediment, parasite or accessory signs shall be secured to any other sign.

J. Off-premise advertising signs, other than billboards as allowed by this Article.

K. Fluttering ribbons and lighted signs that blink off and on, rotate, flash or otherwise draw attention to the sign by means of the movement of light to include search lights and beacon lights.

8.4 NONCONFORMING SIGNS

A. Any nonconforming sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, for a period of six (6) months or longer, shall be considered conclusive evidence of an intention to legally abandon the nonconforming sign. This shall not apply to seasonal businesses routinely closed for a portion of the year.

B. Any abandoned nonconforming sign, or other sign that has lost its legal nonconforming status under this Article, shall be removed or made conforming by the owner, agent, or person having the beneficial use of the lot, building or structure upon which such sign may be found, within thirty (30) days after written notification from the Zoning Administrator.

C. The Zoning Administrator is hereby authorized to cause removal of any nonconforming sign that has lost legal nonconforming status under this Article and any expense incident thereto shall be paid by the owner of the lot, building or structure to which such sign is attached.

D. Nothing herein shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful nonconforming sign.

E. The repainting, refinishing or resurfacing of a legal nonconforming sign shall not cause the sign to lose legal nonconforming status.

8.5 PERMITS

8.5.1 Required

A sign permit shall be obtained from the Zoning Administrator for all signs except those specified under subsection 8.2.1.

8.5.2 Approval

A. Application forms for sign permits are provided by the Zoning Administrator, and shall contain or have attached thereto the following information at a minimum:
   1. Name, address and telephone number of applicant.
   2. Written consent of the owner of the building, structure, or lot to which or on which the sign is to be erected.
   3. Name of person, firm, corporation, or association erecting the structure.
   4. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
   5. If proposed to be attached to a building, proposed location on a building.
   6. Position of the sign or other advertising structure in relation to nearby buildings, structures, signs or other advertising structures.

7. Two (2) prints, sketches or scale drawings with dimensions of the plans and specifications and method of construction and attachment to the building, or in the ground.
8. Any electrical permit required and issued for said sign.
9. For temporary signs, the specific period of time that the sign is proposed to be displayed.
10. Such other information as the Zoning Administrator shall require to establish conformance with this section.

B. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure meets all Ordinance and zoning requirements, she/he shall then issue the sign permit.

C. The Zoning Administrator shall act on the request within fifteen (15) business days of receipt of a fully completed application.

D. Administrative decisions on a sign permit may be appealed to the Zoning Board of Appeals per the procedures of Article 16.

8.5.3 REVOCATION

A. The Zoning Administrator is hereby authorized and empowered to revoke any sign permit issued upon failure of the holder thereof to comply with any provision of this Ordinance or upon finding that the permit was issued based on false information.

B. If the Zoning Administrator shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this Ordinance, the permittee shall be given written notice thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) business days after such notice, such sign or other advertising structure may be removed or altered to comply with this Ordinance by the Zoning Administrator at the expense of the permittee or owner of the lot upon which it is located.

C. The Zoning Administrator may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.

D. If the work authorized under a sign permit is not completed within six (6) months after the date of issuance, the said permit shall become null and void.

ARTICLE 9
LANDSCAPING

9.1 APPLICATION

A. The standards in this Article shall apply to all proposals requiring site plan review except single-family and duplex residential developments.

B. For redevelopment of existing sites, the Planning Commission and/or Zoning Administrator shall require compliance with these standards to the extent possible considering current site conditions. For such redevelopments, compliance with these standards shall be required only in reasonable proportionality to the improvements proposed on the site.

C. The Planning Commission and/or Zoning Administrator may grant exceptions to the provisions of this Article during the review of any site plan where the application of such provisions is not reasonable for the parcel and provided such exceptions are consistent with the general intent and objectives of this Article and Ordinance.

9.2 GENERAL STANDARDS

A. Factors to be considered in determining species shall include ability to thrive in proposed location, expected full size of the species, and whether it is poisonous to humans.

B. Deciduous trees installed to meet the minimum requirements of this Article shall be a minimum of two (2) inches caliper measured twelve (12) inches off grade.

C. Coniferous trees installed to meet the minimum requirements of this Article shall be at least four (4) feet in height when planted.

D. All shrubs required shall be of a size generally known in the nursery industry as requiring a five (5) gallon container.

E. Landscaping shall be neatly maintained. Diseased or dead materials shall be replaced within the current or next planting season, as appropriate.

F. Any berms installed in the Township shall meet the following standards:
   1. Berms shall be no higher than five (5) feet in height as measured from the average grade along the primary road side or along the perimeter of the site (depending on proposed location).
   2. Berms shall have a minimum width of three (3) feet at the crown and shall have a maximum side slope of 2:1.
   3. Berms shall undulate or otherwise be designed to avoid an unnatural appearance.
   4. Berms shall be landscaped with the minimum plantings required herein for a greenbelt, parking lot perimeter planting or buffer. Landscaping shall be in naturalized groupings planted along the slopes of the berm.

9.3 PARKING LOT PLANTINGS

Non-residential parking lot areas adjacent to lands used or zoned for residential purposes shall be screened from any alley and from neighboring residential properties.

9.4 BUFFERS

A. Where a non-residential use is adjacent to a single-family or duplex residential use or district, a buffer may be required, at the discretion of the Planning Commission and/or Zoning Administrator, along the perimeter(s) of the site adjacent to the single-family or duplex residential use or district.

B. A buffer, at the discretion of the Planning Commission and/or Zoning Administrator, may consist of any combination of the following:
   1. Existing natural vegetation, provided that it provides substantial screening year round;
   2. Existing natural vegetation augmented with additional evergreen plantings to provide substantial screening year round;
   3. A “living wall” of upright evergreen shrubs with a minimum mature height of five (5) feet; or
   4. Naturalized groupings of planted vegetation with a minimum of one (1) tree and four (4) shrubs per twenty (20) linear feet.

D. The Planning Commission and/or Zoning Administrator may reduce or waive the standards for a buffer, require a fence in lieu of a buffer, or any combination thereof, if the Planning Commission and/or Zoning Administrator finds that there would be no adverse effects upon the neighboring properties resulting from the reduction, omission, or substitution.

9.5 GREENBELTS

A. For uses regulated under this Article, there shall be provided a greenbelt along the right-of-way of any street frontage.

B. Greenbelts shall be a minimum of six (6) feet in width.

C. Such landscaping shall be installed in naturalized groupings with natural ground cover except where a hedgerow is installed or the landscape design is intended to be of a more formal appearance.

D. Greenbelts may include a berm meeting the standards of Section 9.2.F of this Article, but such berm shall not replace the other landscaping requirements in this Section.

E. Where existing natural vegetation (wooded area, understory scrub, native grasses, wildflowers, etc.) exists in the greenbelt area, it may be retained in place of the requirements above.

ARTICLE 10
ZONING DISTRICTS

No building, structure or parcel in any Zoning District shall be used or occupied except for uses that are identified in the Zoning District as permitted, permitted subject to special regulations, or permitted by special land use permit.

10.1 USES PERMITTED

Refer to Section 10.6, Table of Uses.

10.2 CONDITIONAL USES PERMITTED SUBJECT TO SPECIAL REGULATIONS

Refer to Section 10.6, Table of Uses, and subject to the provisions of Section 10.5.

10.3 USES PERMITTED BY SPECIAL LAND USE PERMIT

Refer to Section 10.6, Table of Uses, and subject to the provisions of Section 10.5 and Article 11.

10.4 REGULATIONS

Refer to Section 10.7, Table of Dimensional Regulations.

10.5 DISTRICT PROVISIONS

10.5.1 AGRICULTURE AG

10.5.1.1 Intent

This district is composed of certain land in outlying areas presently of rural character. Such land is to remain for agricultural use with the intent that agriculture will be the principal land use within the foreseeable future, although the secondary use of recreation is of prime importance. The regulations for this district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature. To these ends, development is limited to a low concentration and to those uses, which would not be detrimental to future development. Various types of State Recreation Parks could be developed. (see Michigan Park Classification)

10.5.1.2 Special Regulations

A. Mobile Home Park
Subject to the standards of Section 10.5.5.

B. See also Article 9 – Landscaping.

10.5.2 RESORT RS

10.5.2.1 Intent

This district is composed of land on or adjacent to areas attractive to tourism. It is presently partially undeveloped, or existing resorts and tourist attractions give it its character. Scenic parks, roadside turnouts, historic marked areas and private and public recreational developments take place.

10.5.2.2 Special Regulations

A. Single Family Dwellings

Nothing shall prevent the conversion or alteration of any single family dwelling, in existence on June 10, 1975, into not more than two (2) separate dwelling units, provided that such dwelling units conform with the following provisions:

1. Any single family dwelling converted under the provisions of this section shall be required to have within the enclosed walls of the original structure a total of not less than 1,600 square feet of habitable floor area for two dwelling units.

2. There shall be a minimum habitable floor area of 600 square feet for each separate dwelling unit within any single-family structure, which has been converted to house two families.
3. The provisions of this section shall apply only to the conversion of single-family dwellings and shall not be construed to permit the construction of two family dwellings.

B. Resorts

1. The proposed use shall constitute an expansion of a resort that existed on the date of the adoption of the Clark Township Zoning Ordinance.
2. The existing resort proposed to be expanded shall be, itself, properly zoned for its use as a resort.
3. The proposed expansion will only utilize a parcel or parcels of land either contiguous to the existing resort or lying directly across a public street or road from an existing resort.
4. The applicant for such special land use permit shall submit satisfactory evidence of ownership or other proprietary interest in the property proposed to be used for such expansion.
5. The applicant for such special land use permit shall submit a site plan drawn to scale which shall include at least the following:
   A. The boundaries of the property proposed to be used for such expansion.
   B. The boundaries of the property being utilized for the existing resort.
   C. The size and location of all structures or other land improvements that are both existing and that are proposed for development.
   D. The size and location of all signs either existing or proposed to be erected.
   E. The location and type of all existing and proposed exterior lighting.
   F. A detailed description of all existing and proposed sanitary sewage disposal systems and water supply systems that will service both the existing and proposed resort area.

6. Upon receipt of an application for a special land use permit hereunder, the Planning Commission shall conduct a public hearing on said application and shall reasonably notify such persons as the commission deems appropriate in writing as to the date, time and place that said public hearing shall be held. In deciding whether a special land use permit hereunder shall be granted, the Planning Commission shall consider the following factors:
   A. Is there a need for increased resort facilities as proposed by the applicant?
   B. Will the proposed resort expansion adversely affect the residential character of the surrounding neighborhood?
   C. Will the proposed development be detrimental to the health, safety and general welfare of the Township as a whole and to the surrounding neighborhood in particular?

C. Public Utility Buildings and Structures

Public utility activities of an industrial nature such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

D. **See Article 9 – Landscaping.**

10.5.3 SINGLE FAMILY RESIDENTIAL R-1

10.5.3.1 Intent

This district is composed of medium density single- family residential areas primarily in the towns and villages, where medium density single family residential development has occurred, or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to medium density single family residential use, where adequate facilities and services will be provided. In addition, certain tourist oriented commercial enterprises and multiple family developments are permitted.

10.5.3.2 Special Regulations

A. Public Utility Buildings and Structures
Public utility activities of an industrial nature such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

B. Resorts
Resorts shall be permitted as special land uses subject to the provisions of Section 10.5.2.2B.

C. See also Article 9 - Landscaping

10.5.4 RURAL RESIDENTIAL R-2

10.5.4.1 Intent

This district is composed of certain land in outlying areas presently of a rural residential character where low-density single-family residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to low density single family residential use consistent with limited rural type facilities and service.

10.5.4.2 Special Regulations

A. Single Family Dwellings

Nothing shall prevent the conversion or alteration of any single family dwelling, in existence on June 10, 1975, into not more than two (2) separate dwelling units, provided that such dwelling units shall conform with the following provisions:

-Any single family dwelling converted under the provisions of this section shall be required to have within the enclosed walls of the original structure a total of not less than 1,200 square feet of habitable floor area for two dwelling units.
-There shall be a minimum habitable floor area of 600 square feet for each separate dwelling unit within any single-family structure, which has been converted to house two families.

-The provisions of this section shall apply only to the conversion of single- family dwellings and shall not be construed to permit the construction of two family dwellings.

B. Public Utility Buildings and Structures
Public utility activities of an industrial nature such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

C.Resorts
Resorts shall be permitted as special land uses subject to the provisions of Section 10.5.2.2.B.

D. See also Article 9 – Landscaping.

10.5.5 MOBILE HOME PARK MH

10.5.5.1 Intent

This district is designed solely for mobile home parks and such accessory structures and uses normally associated thereto, in accordance with those regulations specified by the State of Michigan Mobile Home Park Act 243, Public Acts of 1959, as amended, and in accordance with the area requirements specified herein and shall further comply with all codes and ordinances of the Township.

10.5.5.2 Special Regulations

A. Mobile Home Park

1. Mobile homes used for habitation shall be confined to Mobile Home Parks or other designated districts.
2. Mobile Home Park Districts shall have access (Minimum 50 ft.) to a primary or major county street, or similarly adequate thoroughfare or state trunkline.
3. Mobile Home Park Districts shall not be less than five acres in size.
4. The owner of every mobile home park which lies immediately adjacent to a residential district shall provide a suitable screen. The screen shall be in the form of either a wall, fence, or evergreen planting which is compact and maintained in good condition at all times. The height of the screen shall not be less than five feet except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than three feet in height. Adequate landscaping shall also be provided by the owner of the Mobile Home Park, within the front yard setback area, between the mobile home sites and any public street so as to provide an attractive frontage upon said street.
5. Each mobile home site shall contain an area of not less than 2,000 square feet and have a width of not less than 30 feet.
6. No mobile home within a park shall be within 35 feet of a residential district boundary.

B. See Article 9 – Landscaping.

10.5.6 COMMERCIAL C

10.5.6.1 Intent

This district is designed for the convenience of shopping of persons residing in the surrounding residential neighborhood and for the visiting tourists. The regulations are designed to permit development of the enumerated functions as limited to protect the abutting and surrounding residential properties. The single most important reasons for the creation of a Commercial District is to protect the residential way of life of this Township from rampant commercial expansion -- while still providing suitable commercial outlets for the residents. Businesses shall be in compliance with all governmental regulations and licensing requirements.

10.5.6.2 Special Regulations

A. Single Family Dwelling
Single family dwellings shall be subject to the dimensional standards and requirements of the Single Family Residential R-1 District.

B. Automobile Sales Agency
No dismantling or storage of dismantled cars shall take place outdoors, including used car lots.

C. Sawmills
   a. The minimum parcel size shall be ten (10) acres.
   b. Screening of adjacent land uses, to the satisfaction of the Planning Commission, shall be required.

D. Public Utility Buildings and Structures
Public utility activities of an industrial nature such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

E. See also Article 9 – Landscaping.

10.5.7 INDUSTRIAL M

10.5.7.1 Intent

The Industrial District is limited to large tracts located along State Highways, major county thoroughfares and railroad rights-of-way and/or commercial area. These regulations are intended to provide standards of external effects or amenities compatible with the surrounding or abutting residential districts. To these ends, development is limited to a low concentration, external effects are limited and uses are limited to those industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining residential districts.

10.5.7.2 Special Regulations

A. Single Family Dwelling
Single family dwellings shall be subject to the dimensional standards and requirements of the Rural Residential R-2 District.

B. Special Uses

1.A determination of the Planning Commission established under State Statute and this ordinance shall be conclusive on any question of nuisance, or objectionableness of any business or operation under the terms of this section.

2.Special Land Use permits for the Industrial District will be at the discretion of the Planning Commission. The burden of proving that the project being applied for will have limited damage to the surrounding environment is upon the party(ies) seeking the special land use. Special Land use hearings on projects under the Industrial District shall be given Township-wide notification, so that any resident of the Township can attend, review the information, and voice his/her opinion on the matter. The Planning Commission may, in place of making a difficult decision, and after a public meeting, send the matter to a vote of the Township population. The Referendum shall take place no sooner than 60 days following the decision to send the matter to a public vote, and no longer than 120 days after deciding to send the matter to a public vote. The referendum shall pass if 51% of all voters who vote in the Township approve. There shall be no appeal to the Township Zoning Board of Appeals as to any result of an Industrial Zoned District Referendum.

C. See also Article 9 – Landscaping.

10.5.8 LIGHT INDUSTRIAL LM

10.5.8.1 Intent

The Light Industrial District is limited to larger tracts of land comprised of smaller tracts of land located along county or state thoroughfares. These regulations are designed to permit development of the uses compatible with the surrounding or abutting districts. Development of use shall be limited to industrial activities, which can be operated in a clean and quiet manner and which will be least objectionable to adjoining districts.

10.5.8.2 Special Regulations

A. Single Family Dwelling
Single family dwellings shall be subject to the dimensional standards and requirements of the Rural Residential R-2 District.

B. Outside Storage
No outside storage shall be permitted in any required front, side or rear yard set back.
Outside storage shall be screened with fence or trees from the view of all surrounding properties.

C.Sawmills
The minimum parcel size shall be 75,000 square feet.
The minimum parcel frontage shall be 200 feet.
Screening of adjacent land uses, to the satisfaction of the Planning Commission, shall be required.

D.All Industrial Uses

An industrial use which meets the intent and the purpose of this district where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties.

E.Special Uses

A determination of the Planning Commission established under state statute and this ordinance shall be conclusive on any question of nuisance, or objectionableness of any business or operation under the terms of this section.

Special Land Use permits for the Light Industrial District will be at the discretion of the Planning Commission. The burden of proving that the project being applied for will have limited damage to the surrounding environment is upon the party(ies) seeking the special land use. Special Land use hearings on projects under the Light Industrial District shall be given Township-wide notification, so that any resident of the Township can attend, review the information, and voice his/her opinion on the matter. The Planning Commission may, in place of making a difficult decision, and after a public meeting and proper hearings, send the matter to a vote of the Township population. The Referendum shall take place no sooner than 60 days following the decision to send the matter to a public vote, and no longer than 120 days after deciding to send the matter to a public vote. The referendum shall pass if 51% of all voters who vote in the Township approve. There shall be no appeal to the Township Zoning Board of Appeals as to any result of a Light Industrial Zoned District Referendum.

F.See Article 9 – Landscaping.

10.5.9 SHORE STRIP SS

10.5.9.1 Intent

This district is located between the lake shore and the street in Hessel. The regulations of the structures and uses allowed in this district are intended to limit development in order to retain and preserve the natural character of the land and the scenic views of Lake Huron. In furtherance of such intent, no structures or buildings, except docks and boathouses, shall be permitted. The allowable uses shall be limited to outdoor recreational use, including private boat moorings. No commercial uses are allowed, whether the commerce is conducted onsite, or the site is used for storage, staging, transportation, assembly or similar types of use accessory to a commercial activity.

10.5.9.2 Special Regulations

A. **Lake Oriented Activities** – Lake oriented activities are all non-commercial uses in connection with access to and from Lake Huron, including the construction and use of private docks and private boathouses that are accessory to residential use (provided the boathouse meets the requirements set forth in Article 6.24). This definition shall not include any commercial or industrial uses.
B. **Parking** – Off street parking only as an adjunct to permitted uses. No commercial parking lots are permitted.
C. See also Article 9 – Landscaping.

10.6 Table of Uses

See following pages

10.7 Table of Regulations

See following pages

10.6 TABLE OF USES

USES	DISTRICTS											
	AG	**RS**	**R-1**	**R-2**		**MH**	**C**	**M**	**LM**			**SS**
Residential Uses												
Dwelling, single family	P	CU	P	CU			CU	SU	CU			
Dwelling, two family	P		SU	SU			SU					
Dwelling, multiple family and apartments		SU	SU	SU			SU					
Dwelling within a commercial or industrial structure							P	SU	SU			
Home occupation	See Section 6.16											
Mobile home park	SU					CU						
Mobile home park condominium						CU						
Mobile home subdivision						CU						
Open space preservation development	P	See Article 12										
Planned residential development	SU	See Article 12										
Residential care facility	See Section 6.17											
Site condominium subdivision	See Article 13											
Hunting cabin/weekend retreat	P	P	P	P								
Public and Institutional Uses												
Campgrounds	SU	SU										
Cemeteries	SU	SU	SU	SU								
Charitable organizations	SU	SU	SU	SU		SU	P	SU	SU			
Civic and social organizations	SU	SU	SU	SU		SU	P	SU	SU			
Community buildings	P	P	P	P			P	P	P			
Emergency services	P	P	P	P		P	P	P	P			P
Funeral establishments							P					
Library							P					
Museum	SU						P					
Parking and public parking structures							SU					SU
Parks and playgrounds	P	P	P	P			P					
Philanthropic institution	SU	SU	SU	SU			SU	SU	SU			

P=Permitted Use, CU=Conditional Use, SU = Use Permitted only after Special Land Use Approval

USES	AG	RS	R-1	R-2		MH	C	M	LM			SS
Public and Institutional Uses (continued)												
Place of worship	SU	SU	SU	SU			SU					
Public administration	P	P	P	P			P					
Publicly owned and operated buildings	P	P	P	P			P					P
Public recreation facility	P	P	P	P			P					P
Public utility buildings and structures	SU	SU	SU	SU			SU	SU	SU			
Retirement home/assisted living/nursing home	SU	SU	SU	SU			SU					
School	SU	SU	SU	SU			SU					
State approved campsites	SU	SU										
Commercial Uses												
Art gallery	SU	SU	SU	SU		SU	P	SU	SU			
Automobile sales agency							SU	SU	SU			
Automobile repair garage							SU	SU	SU			
Automotive washing facility							SU	SU	SU			
Bakery and dairy products							P	P	SU			
Bar, tavern and night club							SU					
Barber and beauty shops	SU						P	P	SU			
Bed and breakfast	SU	SU	SU	SU			P					
Boat and equipment structures and activities, including sales and service, necessary to serve the boating public &storage		SU					P	P	SU			
Books, stationery and newspapers, retail	SU	SU	SU	SU		SU	P	SU	SU			
Bus or truck terminal							SU	P				
Clothing and dry goods							P	SU				
Commercial recreation enterprises such as theaters, bowling alleys, skating rinks							P					
Dock fabrications							SU	P	P			
Drugs and pharmaceuticals							P					

P=Permitted Use, CU=Conditional Use, SU = Use Permitted only after Special Land Use Approval

USES	AG	RS	R-1	R-2		MH	C	M	LM			SS
Commercial Uses (continued)												
Equipment rental establishment							P	P	P			
Financial institution							P					
Florists and garden shops							P					
Furniture & household furnishings including carpets							P					
Gasoline service station							P					
Greenhouses and nurseries	P						P					
Groceries and food stuff, including party stores							P					
Golf course	SU	SU	SU	SU								
Hardware, hobby shop, household appliances							P					
Hospital or medical clinic				SU			P					
Motels, hotels		SU	SU	SU			P					
Kennel	P			SU			SU					
Laundromat, laundry and dry cleaning pick-up station							P					
Mobile home sales							SU	SU				
Music, arts, dancing schools, martial arts and fitness		SU		SU			P					
Office				SU			P	SU				
Package liquor sales							P					
Personal services		SU					P					
Photography store							P					
Private and commercial recreation facilities							SU					
Radio and television sales and service							P					
Resorts		P	SU	SU			SU					
Restaurant		SU		SU			P					
Restaurant, drive-in							SU					
Retail nurseries, lawn and garden supply stores	SU						P					
Retail store							P					
Riding stables, racetrack (commercial)	SU											

P=Permitted Use, CU=Conditional Use, SU = Use Permitted only after Special Land Use Approval

USES	AG	RS	R-1	R-2		MH	C	M	LM			SS
Commercial Uses (continued)												
Shoe sales and repair							P					
Signs	See Article 8											
Tailoring and dressmaking	SU	SU	SU	SU		SU	P	SU	SU			
Variety store, antiques, gifts							P					
Veterinary hospital/clinic	SU						SU					
Video rental/sales							P					
Wireless communication facility	See Section 6.30											
Agricultural Uses												
Agriculture	P							P				
Fishery	P	SU										
Sale of farm or dairy produce which has been raised on the farm from which it is being sold	P											
Industrial Uses												
Assembly of merchandise such as electrical appliances, electronics or precision instruments and articles of a similar nature								P	P			
Boat building and repair							P	P	P			
Building material, storage and sale							P	P				
Bulk fuel stations	SU						SU					
Concrete and asphalt plants	SU							SU				
Dump	SU							SU				
Earth removal, excavations, commercial (gravel pits)	SU							SU				
Gravel processing and quarrying, extraction and processing or non-metallic minerals, combined with the disposition of waste materials, tailings and related uses and facilities								SU				
P=Permitted Use, CU=Conditional Use, SU = Use Permitted only after Special Land Use Approval												

USES	AG	RS	R-1	R-2		MH	C	M	LM			SS
Industrial Uses (continued)												
Junk yards, building material salvage yards, scrap and waste materials								SU				
Manufacturing								P	SU			
Manufacturing of cutting tools								SU	SU			
Manufacturing of furniture and laminated wood products							SU	P	SU			
Mini-warehouse/storage	SU						SU	P	SU			
Packaging of previously prepared materials							SU	P	SU			
Printing, lithographic, blueprinting and similar uses							P	P	SU			
Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products								P	SU			
Public utility activities of an industrial character such as repair and maintenance yards and storage facilities								P	SU			
Sale of goods manufactured or assembled on the premises								P	SU			
Saw mills and related wood product processing	SU						SU	SU	SU			
Slaughter house	SU							SU				
Storage buildings for boats, cars, rv's and equipment, including storage for hire or rent	SU	SU					SU	P	SU			
Storage buildings for raw materials or for the storage of materials being used for work in progress or for the storage of finished goods or products							SU	P	SU			
Storage, outside								CU	SU			
Temporary gravel processing and quarrying – road contractors	SU						SU	SU				
Storage, staging, transportation or assembly of products, machinery, equipment, tools or materials used for commercial purposes, whether the commerce is conducted onsite, or the use is accessory to commercial activity conducted elsewhere	SU	SU					SU	P	SU			
Other Uses												
Lake oriented activities		P	SU	SU			P					P
Planned unit development	See Article 12											

Other similar uses as determined by the Planning Commission	SU	SU	SU	SU		SU	SU	SU	SU			SU
P=Permitted Use, CU=Conditional Use, SU = Use Permitted only after Special Land Use Approval												

10.7 TABLE OF DIMENSIONAL REGULATIONS

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Setback See Notes A, B & C				Maximum Building Height See Notes D & E	Maximum Building Coverage (% of lot)
			Front	Sides	Rear	Water's Edge		
Agriculture AG	1 acre	See Note F	35'	10'	10'	See Note J	35'	None
Resort RS	See Note F	See Note G	35'	10'	10'	See Note J	35'	None
Single Family Residential R-1	See Note F	See Note G	35'	10'	10'	See Note J	35'	None
Rural Residential R-2	See Note F	See Note G	35'	10'	10'	See Note J	35'	None
Mobile Home MH	All dimensional standards under the Michigan Department of Consumer and Industry Services' Manufactured Housing Commission rules (adopted February 12, 1998 or as amended or replaced with alternative rules) shall be observed.							
Commercial C	None	None	10'	See Note I	10'	See Note J	35'	None
Industrial M	50,000 sq ft	See Note H	60'	25'	25'	See Note J	35'	30%
Light Industrial LM	None	See Note H	60'	25'	10'	See Note J	35'	30%
Shore Strip SS	None							

Footnotes to the Table of Dimensional Regulations

GENERAL NOTES APPLICABLE TO ALL DISTRICTS

Note 1: Existing Parcels

All existing parcels legally created of any size may be developed for uses permitted in the zoning district. Unless otherwise stated in this Ordinance, setbacks of the district shall apply to all parcels in this District, even those with nonconforming width or area.

Note 2: Accessory Buildings and Structures

Accessory buildings and structures are subject to the provisions of Section 6.12. Unless otherwise stated, the provisions of this table shall not apply to such accessory buildings or structures.

Note 3: Alternative Development Choices

For alternative development choices, refer to Article 12.

Note 4: Minimum Dwelling Unit Area
The minimum dwelling unit area shall be:
500 square feet for a single family dwelling in the R-1District
500 square feet per unit for a two family dwelling in the R-1 District
500 square feet per unit for a multiple family or apartment unit in the R-1 District

A mobile home located in a licensed mobile home park is not subject to this standard.

Note 5: The minimum distance between multiple family dwellings within a single project area shall be as follows:

A. Where buildings are front to front or front to rear; two times the height of the taller building but not less than fifty feet.

B. Where buildings are side to side, if there are no windows on the side- walls; a distance equal to the height of the taller building but not less than twenty feet. Where buildings are front to side or rear to side, if there are no windows on the side walls, one and one-half times the height of the taller building but not less than thirty feet.

C. Where buildings are rear to rear and side to side with windows on the side walls; one and one-half times the height on the taller building but not less than forty feet.

D. When a roadway is located between two buildings the width of the roadway shall be in addition to the above minimum distance between buildings.

Note 6: Where the majority of the frontage along one side of the street within 500 feet of a vacant lot had been built upon as of June 10, 1975, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than nor shall it be less than, the average set-back of the improved properties.

Note 7: No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as a yard or open space for any other building.

Note 8: Every dwelling structure shall be built upon a lot with frontage upon a street, a private road (reference to Note F), or a lake, except that any one lot of record created before the effective date of this ordinance without any frontage on a street but provided with an easement or other right-of-way of no less than twenty feet wide, may be granted a building permit providing all other requirements of this ordinance can be met.

Note 9: The General Provisions of Article 6 shall apply in addition to the standards of this section.

SPECIFIC NOTES (REFERENCED IN TABLE 10.7 ABOVE)

Note A: Corner Lots
On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard set-back of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 of the front yard set-back required for that district.

Note B: Through Lots
When the rear yard of a lot abuts a street the minimum rear yard set-back shall not be less than the front yard set-back for the district had the lot fronted on the street.

Note C: Minimum Highway Setback
The minimum setback along highways M-129 and M-134 shall be 35 feet.

Note D: Exemptions from Height Provisions
For exemptions from the height provisions of this table, refer to Section 6.7.

Note E: Height Variation
Any building or structure or part thereof may be erected or altered to any height if approved by the Board of Appeals, pursuant to its power to grant variances, or by the Planning Commission in connection with a Special Use Permit application approval.

Note F: Minimum lot widths (frontage) shall be:
200 feet for all lots 5 acres or less in area
330 feet for all lots from 5.01 to 10 acres in area
660 feet for all lots 10.1 acres or greater in area
330 feet for multiple family dwellings and apartments

Frontage may constitute public or private easements no less than 66 feet in width and follow minimum road and easement requirements according to section 6.20.

Any newly created parcel serviced by a new private easement shall be:
-a minimum of 5 acres
-meet frontage width as required in Note F
-newly created 66 ft. easement shall act as the frontage

Note G: Minimum lot widths (frontage) shall be:

Mobile Home	100 feet
Single Family Dwelling	100 feet
Two Family Dwelling	150 feet
Apartment or Multiple Family Dwelling	150 feet
Other Principal or Primary Buildings	15,000 square feet

Note H: Lots fronting on M-134 or M-129 shall have a minimum lot width of 100 feet. All other lots shall have a minimum lot width of 150 ft in the M District and 100 feet in the LM District.

Note I: Side yard setbacks in the Commercial District shall be 10 feet, unless the building is connected to another commercial structure on an adjoining lot in which case the side yard setback shall not apply.

Note J: Any building constructed on a lot abutting a lake, pond, stream, or river shall be set back at least 100 feet from the high-water line, except:

A. Those buildings in existence on June 10, 1975.

B. Where the majority of the property abutting said water line within 500 feet of a vacant lot had been built upon as of June 10, 1975 the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than, nor shall it be less than, the average set-back of the improved properties.

C. One-story boathouses used exclusively for boating and bathing facilities and docks, together with temporary boat shelters, which are dismantled during the winter months, may be constructed out into the lake beyond the said high-water shore- line. In the event of a controversy concerning the location of the high-water shore-line for the purposes set forth herein, the determination of the Zoning Board of Appeals established under the statute and this ordinance, shall be conclusive on such question.

D. Where the lot elevation is three feet or more above the high-water line, such building shall not be closer than 35 feet from such high-water line except as provided in this Section, Paragraph B.

ARTICLE 11
SPECIAL LAND USES AND SPECIAL USE PERMITS

11.1 AUTHORITY

Special Land uses and special use permits need to comply with 502,504 et seq of ZEA. The Township Planning Commission shall have the authority to deny, approve, or approve with conditions, an application for a Special Use Permit in accordance with the provisions set forth in this Article. If approved by the Planning Commission, the Zoning Administrator shall issue the Special Use Permit.

11.2 CONSTRUCTION CODE PERMIT

A Special Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to the State Construction Code Act.

11.3 APPLICATION PROCEDURE

11.3.1 Application

If a use is listed as a special use in any Zoning District, anyone with an interest in a parcel within such Zoning District may apply for a Special Use Permit for such parcel. A Special Use Permit application shall be made on the form provided by the Zoning Administrator.

11.3.2 Application Contents

A. Every application for a Special Use Permit shall be accompanied by the following information and materials:

1. The Special Use Permit application form, filled out in full by the applicant, including the following:

a. The applicant's name and address;

b. An affidavit signed by the applicant stating that he or she is the owner or has a possessor interest in the parcel, or is acting as the authorized agent of one of the foregoing;

c. The street address and legal description of the property;

d. A specific and concise statement of the special use proposed, together with information supporting compliance with the standards required for the Special Use Permit, as stated in Sections 11.4 and 11.5;

2. A basic site plan as specified in Section 14.6; additional elements of the medium or detailed site plan may also be required by the Planning Commission or Zoning Administrator.

3. A complete description of the proposed development including:

a. Areas of the site which are proposed to be developed.
b. The number of parcels and/or units.

B. At the discretion of the Planning Commission and where necessary to assess the impacts and merits of an application for special land use approval, the applicant may be required to furnish:

1. Front, side and rear elevations of each building proposed for construction or alteration;

2. An environmental impact statement if the initial environmental review statements reveal a likelihood that the proposed development will pollute, degrade, impair, or destroy any environmentally sensitive resource and no mitigation is proposed. The environmental impact statement must be prepared by a qualified environmental engineer or other professional acceptable to the Township. The statement may include a description of those measures that will be undertaken to minimize soil erosion and/or improve shoreline protection and/or avoid excessive noise and/or any other adverse physical impacts of the proposed special use on nearby properties, and/or a presentation of alternative development configurations, densities, uses, or construction methods. The impact statement may also be required to include an evaluation of likely short and long term effects upon the following:
i. Soils, geology and topography
ii. Adjacent parcels
iii. Historic and cultural resources
iv. Land use patterns
v. Waterways and hydrologic systems and wetlands
vi. Vegetation, wildlife, and fisheries
vii. Recreational resources
viii. Infrastructure and utility requirements.

C. The applicant shall certify in writing that the information included is correct to the best of his knowledge and that the efforts proposed to mitigate any adverse physical impacts will be completed in a timely fashion, should the Special Use Permit be approved.

11.3.3 Review for Completeness

A. All Special Use applications shall be reviewed for completeness by the Zoning Administrator.

B. If the application is determined to be incomplete, the Zoning Administrator shall return the submittal to the applicant with a written list of items needed to make the submittal complete.

C. If the application is determined to be complete, the Zoning Administrator shall place the request on the next available Planning Commission agenda.

11.3.4 Public Hearing

A. The Planning Commission shall hold a public hearing to receive input on the Special Use Permit application from the applicant and other interested persons.

B. All persons shall be afforded an opportunity to provide input on the Special Use Permit application at the public hearing before the Planning Commission.

11.3.5 Notice of Public Hearing

A. The Zoning Administrator shall provide notice of the public hearing as required under the Michigan Zoning Enabling Act.

B. The notice of public hearing shall include all information required by the Michigan Zoning Enabling Act.

11.3.6 Review and Approval

All applications for a Special Use Permit shall be reviewed against the standards and requirements of this Article. Only when satisfied that the application meets all such standards and requirements shall the Planning Commission approve, or approve with conditions, such application for Special Use Permit.

11.3.7 Length of Review Period

A. The Planning Commission shall hear and consider all Special Use Permit applications within sixty (60) days following the receipt of a completed application**.**

B. Where a decision is not made on the Special Use Permit application within the sixty (60) day period described in A above, the Planning Commission shall advise the applicant of the reasons, in writing, and shall set a date for further consideration of the application.

11.3.8 Decision

The Planning Commission may deny, approve, or approve with conditions, any application for a Special Use Permit. The decision shall be incorporated in a written statement containing, at a minimum, the following:

1. A summary of public comments made at the hearing;
2. The conclusions that specify the basis for the decision;
3. The conclusions that specify the basis for any conditions imposed;
4. The decision.

11.3.9 Conditions

Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the Planning Commission. Any conditions, limitations or requirements upon which approval is based shall be:

a) Reasonable and designed to protect natural resources and/or the health, safety and welfare of the public;
b) Relevant to the social and economic well-being of the owners and occupants of the parcel in question, of adjacent parcels and the community as a whole;
c) A valid exercise of the Township police power;
d) Related to the purposes which are affected by the proposed use or activity;
e) Consistent with the intent and purpose of this Ordinance, generally, and specifically for the District where such special use is to be permitted;
f) Designed to insure compatibility with adjacent uses of land and the natural environment;
g) Designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by such special use.
h) Designed to be compatible with spirit of the goals and policies outlined in the Township Master Plan.

11.3.10 Record of Special Use Permit

The Special Use Permit shall be placed in the Township files by the Zoning Administrator. The Zoning Administrator shall file the application and all other information relating to the Special Use Permit with the Township.

11.3.11 Recording of Special Use Permit

The Special Use Permit, and/or Resolution, shall be filed with the County Register of Deeds within 6 months. This filing and any associated fees shall be

the responsibility of the applicant. Special Use Permit will be effective upon Twp. Clerk receiving the recorded document.

11.4 GENERAL REQUIREMENTS AND STANDARDS

Every application for a Special Use Permit shall be evaluated by the Planning Commission to ensure that the special use meets the following general requirements and standards:

a) The use conforms to all regulations of the Zoning District in which it is located.

b) The use is designed, and will be constructed, operated, and maintained so as to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.

c) Hours of operation shall be set in consideration of adjacent land uses.

d) The use will not be hazardous or disturbing to existing or future uses in the general vicinity.

e) The use will be adequately served by essential facilities and services such a highways, streets, police, fire and other emergency services, storm drainage, refuse disposal, water and sewage facilities, and schools.

f) The use will not create excessive additional requirements at public cost for public facilities and services.

g) The use will not generate traffic levels beyond that normally anticipated for the area in which it is proposed or that will exceed the capabilities of the street system.

h) The use meets the standards of other governmental agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

i) Natural resources are protected to the extent feasible, including floodways and flood plains.

j) The use does not involve activities, processes, materials, equipment, or conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of dust, fumes, odors, glare, noise or other objectionable impact.

11.5 SPECIFIC REQUIREMENTS AND STANDARDS

Every application for a Special Use Permit shall be evaluated by the Planning Commission to ensure that the special use meets the following specific requirements and standards:

11.5.1 Automotive Uses

A. Automotive repair shall be conducted within an enclosed building.

B. Any automotive washing facility shall not discharge untreated water onto the ground. A water recycling system or other means of containing and treating used water shall be employed as per DNRE and/or Health Dept. guidelines.

C. Any automotive washing facility shall be located a minimum of twenty (20) feet from a property line. If adjacent to a

residential use, a landscaped buffer shall be planted to provide an effective screen. A detailed planting plan shall be provided by the owner and approved by the Planning Commission. At the discretion of the Planning Commission, a fence may also be required, or may be substituted for the required landscaping, where landscaping alone will be insufficient to mitigate the impacts of the proposed washing facility.

D. Convenience commercial use accessory to an automobile service station shall be permitted.

E. Automobile sales establishments shall provide sufficient off-street parking to accommodate patrons. Such parking areas shall not be used for the display and sale of automobiles.

F. Display areas for the sale of automobiles shall not be located closer than ten (10) feet to any public street.

G. Any glare from site lighting shall not extend past the property line or otherwise interfere with the normal use and enjoyment of adjacent uses.

H. Permitted hours for site lighting may be determined by the Planning Commission.

11.5.2 Campgrounds

A. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of the Michigan Health Code.

B. Management offices and storage facilities, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses.

C. Impervious surface area shall be limited to the extent possible.

D. Existing vegetation shall be maintained to the extent possible.

11.5.3 Drive-Through Facilities

Any use having a drive-through facility shall comply with the following:

A. No drive-through lane or stacking area shall be located within ten (10) feet of a property line.

B. Where a drive-through lane or stacking area is adjacent to a residential use, a landscaped buffer shall be planted to screen the residential use from noise and headlight glare associated with the use. A detailed planting plan shall be provided by the owner and approved by the Planning Commission. At the discretion of the Planning Commission, a fence may also be required, or may be substituted for the required landscaping, where landscaping alone will be insufficient to mitigate the impacts of the proposed drive-through facility.

C. Drive-through lanes and stacking areas shall be defined by landscaped islands and/or curbing, as determined by the Planning Commission.

D. Sufficient stacking space shall be provided to service the proposed use without interfering with parking areas or driveway access.

E. Outdoor speakers shall not interfere with the normal use and enjoyment of adjacent properties.

11.5.4 Golf Courses

A. A turf management plan, detailing fertilizer and pesticide use, including amounts and types, frequency of application, and impact on ground water, shall be provided.

B. Normal accessory uses, including but not necessarily limited to, driving ranges, pro shops, and restaurants, may be approved by the Planning Commission.

11.5.5 Kennels

A. All kennels shall provide indoor containment areas within which all animals shall be kept overnight.

B. Specific hours for outdoor containment shall be set by the Planning Commission.

C. All noise shall be contained within the property limits.

D. Landscaping and fencing around the perimeter of the kennel area may be required to the satisfaction of the Planning Commission.

11.5.6 Motels, Hotels

A. Normal accessory uses, including but not limited to restaurants, banquet rooms and meeting facilities, may be approved by the Planning Commission.

11.5.7 Museums

A. Museums may be permitted in the Agricultural Districts only if it can be demonstrated to the Planning Commission that the proposed location is related to the purpose of the museum or is necessary to demonstrate principles which are central to the function of the museum.

B. Pedestrian access shall be provided between the parking area and the main building, and to any existing or proposed sidewalks along the primary road.

C. Building orientation shall be reviewed and approved by the Planning Commission. Unless specifically waived by the Planning Commission, the main building shall face and be parallel to the primary road.

11.5.8 Place of Worship

A. Pedestrian access shall be provided between the parking area and the main building, and to any existing or proposed sidewalks along the primary road.

B. Building orientation shall be reviewed and approved by the Planning Commission. Unless specifically waived by the Planning Commission, the main building shall face and be parallel to the primary road.

11.5.9 Public Administration

A. Pedestrian access shall be provided between the parking area and the main building, and to any existing or proposed sidewalks along the primary road.

B. Building orientation shall be reviewed and approved by the Planning Commission. Unless specifically waived by the Planning Commission, the main building shall face and be parallel to the primary road.

11.5.10 Recreation Facilities

A. Parking may be required to screened from adjacent residential uses.
B. Pedestrian access shall be provided between the parking area and the main building, and to any existing or proposed sidewalks along the primary road.
C. All noise shall not interfere with the normal use and enjoyment of adjacent properties.
D. Building orientation shall be reviewed and approved by the Planning Commission. Unless specifically waived by the Planning Commission, the main building shall face and be parallel to the primary road.

11.5.11 Retail Nurseries, Lawn and Garden Supply Stores

A. Outdoor storage of nursery materials shall not be permitted closer than ten (10) feet to any public street.
B. Any glare from site lighting shall not extend past the property line or otherwise interfere with the normal use and enjoyment of adjacent uses.

11.5.12 Schools

A. Location on a paved or black top surface county road, state trunk-line, or county primary road shall be encouraged.
B. Parking may be required to be screened from adjacent residential uses.
C. Pedestrian access shall be provided between the main building and any areas such as parking areas, bus loading areas, and parent drop-off areas, so as to minimize pedestrian and vehicular interaction.
D. Pedestrian access shall be provided between the main building and any existing or proposed sidewalks on the primary road.
E. Building orientation shall be reviewed and approved by the Planning Commission. Unless specifically waived by the Planning Commission, the main building shall face and be parallel to the primary road.

11.5.13 **Scrap and Waste Materials, Junk Yards**

A. Shall have a Michigan Sales Tax license.
B. Shall have records of sales and other transactions which are required by, and whose business falls under the jurisdiction of the Second Hand Junk Dealers Act.
C. Shall be designed to comply with all of the following:
    1. Be setback from the property line at least one-hundred (100) feet. Shall be set back one-hundred (100) feet from a road right-of-way or one-hundred thirty-three (133) feet from the centerline of a road, whichever is greater, or
    2. Have a buffer area to screen it from view from a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above; or

3. Not be visible from a road or from adjacent parcels.

D. Shall comply with the Control of Junk Yards Adjacent to Highways Act; the Second Hand Junk Dealers Act; the Solid Waste Management Act; and if applicable, Township licensing of junk yards.

E. Shall not operate a landfill, as defined in the Solid Waste Management Act.

11.5.14 Storage

A. Uses requiring open storage shall be encouraged to locate in the Industrial District, to the extent feasible.

B. Enclosed storage shall be encouraged over open storage, to the extent feasible.

C. Open storage shall be fully fenced and screened as required by the Planning Commission.

D. Open storage shall be screened from the view of any adjacent residential parcels and from all road right of ways.

E. The storage of hazardous or flammable materials shall not be permitted unless specifically authorized by the Planning Commission.

11.5.15 Wireless Communication Facilities

Wireless communication facilities shall be subject to the provisions of Section 6.30.

11.6 Relationship to Site Plan

A. A site plan as required in Section 11.3.2 above shall form part of the Special Use Permit application. Any approval of a Special Use Permit shall include reference to the site plan. Such plan shall be incorporated into and made a part of the Special Use Permit as if fully included therein. All representations, depictions and notations included on the site plan shall be considered conditions of approval, as if set out fully in writing by the Planning Commission.

B. Any change to an approved site plan referenced in a Special Use Permit shall require a new or amended Special Use Permit.

11.7 Required Compliance

The Special Use Permit and the site plan referenced in the Special Use Permit approval shall be fully complied with at the time of development and from that time forward. Any changes to the approved site plan shall require written approval in accordance with Article 14 of this Ordinance. Failure to maintain compliance with the approved site plan shall constitute a material violation of the Special Use Permit and shall be cause for revocation or suspension of such permit, pursuant to Section 11.8 below.

11.8 Violation of Special Use Permit

Any violation of the terms, conditions or limitations of a Special Use Permit shall be cause for revocation or suspension of such permit. The Planning Commission may either revoke or suspend the permit pending correction of any violation of a Special Use Permit after the notice and hearing provided for below. An action to revoke or suspend the permit shall occur only after giving written notice to the permit holder, specifying the violation(s) alleged to exist and the time and place for a hearing on the matter. The notice shall be delivered by certified mail, return receipt requested. Any interested party may appear in person or by attorney at the hearing. An action to revoke or suspend the permit shall occur only after the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s) before a permit may be revoked.

11.9 Amendments

Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. Minor non-substantive changes may, however, be made to an existing Special Use Permit by mutual agreement between the Township and applicant without further public hearing, if done prior to the issuance of an occupancy permit.

11.10 Transfer of Special Use Permit

A Special Use Permit, with any and all associated benefits, conditions and required security, shall be transferred to a new owner. The responsibility for affecting the transfer shall be with the original owner.

11.11 Expiration of Special Use Permit

A. A Special Use Permit shall be valid for a period of one (1) year from the date of Planning Commission approval. If construction or the permitted use has not commenced and proceeded meaningfully toward completion by the end of this one (1) year, the Special Use Permit shall expire. The Planning Commission may, at its discretion, extend the Special Use Permit for one (1) additional year if requested to do so in writing by the applicant and if there is good reason to believe that the applicant will in fact commence construction or the permitted use and proceed meaningfully toward completion by the end of the second year. Such extension must be requested in writing by the applicant and granted by the Planning Commission prior to the Special Use Permit expiring pursuant to this section. No extension of approval shall be granted to a Special Use Permit that has expired.

B. Once construction has been completed and the special use has been established, a Special Use Permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of any one of the following conditions:
   1. If replaced or superseded by a subsequent Special Use Permit;
   2. If replaced or superseded by a permitted use;
   3. If the applicant requests that the Special Use Permit be rescinded;
   4. If the use is moved, is not used, or is vacated for a period of twelve (12) continuous months.

11.12 Reapplication

No application for a Special Use Permit which has been denied wholly or in part shall be re-submitted for a period of one (1) year after such denial. The Planning Commission may, on the grounds of newly discovered evidence or proof of substantially changed conditions, waive this one (1) year period. The determination of the Planning Commission shall be final.

11.13 Appeals

No decision or condition related to an application for a Special Use Permit shall be taken to the Zoning Board of Appeals. An appeal of a Special Use Permit or condition shall only be taken to the Circuit Court.

11.14 Pre-existing Special Use

A. These are uses that were permitted as a special use under the Clark Township Zoning Ordinance in effect immediately prior to the effective date of this Ordinance that are not permitted uses under this Ordinance. Those that are listed as potential special uses in this Ordinance shall be designated as "Pre-existing Special Uses" and shall not be considered nonconforming uses.

B. A Pre-existing Special Use shall be considered to be an approved, existing, special use and its configuration shall be shown on a site plan drawn to reflect how such use existed on the effective date of this Ordinance. Parts of uses that are nonconforming immediately prior to the adoption if this Ordinance shall continue to be nonconforming under this Ordinance. A permit issued pursuant to this subsection shall be known as a Pre-existing Special Use Permit.

C. An owner or operator of a Pre-existing Special Use may obtain from the Planning Commission, without charge, certification of a site plan reflecting how the use existed on the effective date of this Ordinance and identifying any nonconforming parts. In the case of a dispute regarding improvements to parcels which existed on the effective date of this Ordinance, aerial photographs flown by the County or other aerial photographs, having the same or greater resolution and taken after the County photos but prior to the adoption of this Ordinance, shall be given greater weight as evidence in order to establish which improvements shall be included on the certified site plan and their location. For purposes of this section, the above-mentioned photo(s) may be used as the site plan for the Pre-existing Special Use Permit.

D. When a special use owner or operator applies to amend a Pre-existing Special Use Permit for expansion or change, a written Special Use Permit shall be prepared for the entire use and parcel. The review of a Pre-existing Special Use Permit amendment application for expansion or change by the Planning Commission shall include only a review and action upon the expansion or changed portion of the Pre-existing Special Use Permit requested by the applicant. Any action by the Planning Commission on such application shall not change or alter those parts of the Pre-existing Special Use that are shown on the Pre-existing Special Use Permit.

11.15 Burden of Proof

The applicant for a special land use shall have the burden of proof, which shall include the burden of presenting all evidence to the Zoning Enforcement Officer and the Planning Commission, and the burden of persuasion on all questions of fact, which are to be determined by the Planning Commission.

ARTICLE 12
DEVELOPMENT OPTIONS

12.1 BASE DENSITY

The maximum permitted density of a planned development shall be based on the underlying Zoning District. For the purposes of calculating the base density permitted on any parcel of land, one of the following shall apply:

A. 1. Gross buildable area shall be calculated by subtracting from the gross parcel area the following:
   a. existing public utility easements
   b. existing public right of ways
   c. high risk erosion areas
   d. that part of a flood plain where flood waters are expected to have a destructive current
   e. areas not suitable for on-site sewage disposal
   f. areas having a slope greater than twenty-five percent (25%).

2. The buildable area of a parcel shall be determined by reducing the gross buildable area by twenty percent (20%) as an allowance for road right of way purposes.

3. The buildable area of a parcel shall then be divided by the minimum parcel size of the underlying Zoning District(s).

B. Alternatively, the applicant may provide a yield plan, demonstrating the density that could be realized with a conventional subdivision layout, in compliance with all applicable standards of the underlying Zoning District(s) and accounting for all constraints set out in A above.

12.2 OPEN SPACE PRESERVATION DEVELOPMENTS

12.2.1 Purpose

The open space zoning provisions of the Michigan Zoning Enabling Act are intended to encourage the grouping of dwellings on smaller lots, on a smaller portion of an undeveloped tract of land, in order to preserve the remainder of the tract as open space. This Section is intended to implement the open space zoning provisions in certain Zoning Districts as a permitted use, subject to appropriate qualifying conditions.

12.2.2 Eligibility

Open space preservation developments are a permitted use within the AG Districts, subject to compliance with the standards of this Section.

12.2.3 Standards

A. The development proposed is a single family planned residential development as defined by this Ordinance.
B. An open space preservation development shall be permitted when a landowner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.
C. The residential density of an open space preservation development shall not exceed the base residential density calculated in accordance with Section 12.1 above.
D. Developed lands shall occupy no more than fifty percent (50%) of the parent parcels buildable area.
E. A minimum of fifty percent (50%) of the parent parcel shall be set aside as permanently protected open space. This area shall include at least fifty percent (50%) of the parcels buildable area.
F. The provisions of this Section may be implemented by reducing the minimum lot area and lot width standards of Section 10.7 by not more than fifty percent (50%), provided that the minimum lot area requirement shall not exceed one (1) acre unless otherwise required by the County Health Department.
G. The minimum setback provisions of Section 10.7 shall continue to apply to all parcels created under the provisions of this Section.
H. Development under this option shall not be dependent upon the establishment of a public sewer or public water supply system.
I. County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.
J. Restrictions for shared water access specified under Section 6.25 shall apply to open space preservation developments.

12.3 PLANNED RESIDENTIAL DEVELOPMENTS

12.3.1 Purpose

It is the purpose of this Section to encourage more imaginative and livable housing environments within the AG District through a planned reduction of the individual lot area requirements for that District, provided the base residential density for each such district is not exceeded and the objectives and standards of this Section are satisfied.

12.3.2 Eligibility

Planned residential developments may be permitted as a special use within the AG District, in accordance with Article 11 and subject to compliance with the objectives and standards of this Section.

12.3.3 Objectives

A. To permit flexibility in the regulation of residential development.
B. To encourage innovation in the design and layout of residential developments.
C. To encourage the conservation of natural features and resources.
D. To encourage the protection of usable open space.
E. To encourage a more livable residential environment through efficient and aesthetic use of open space.

12.3.4 Standards

A. The application proposed is a planned residential development as defined by this Ordinance.
B. A planned residential development may be permitted when a landowner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.
C. A planned residential development site shall be not less than twenty (20) acres in area.
D. The development will be compatible with adjacent land uses and the natural environment.
E. The development is warranted by the design of open space and/or additional amenities made possible by the proposal.
F. The residential density of a planned residential development shall not exceed the base residential density calculated in accordance with Section 12.1 above.
G. Uses within a planned residential development shall be limited to those residential uses permitted by the underlying Zoning District.
H. Developed lands shall occupy no more than seventy percent (70%) of the parent parcels buildable area.
I. A minimum of thirty percent (30%) of the parent parcel shall be set aside as permanently protected open space. This area shall include at least twenty-five percent (25%) of the parcels buildable area. In no case shall the protected open space be less than the amount of land gained through the reduction of lot sizes.
J. Any open space must be located, sized and dedicated in a manner acceptable to the Township.
K. Any improvements required to the open space must be undertaken and completed by the applicant prior to their dedication to the Township or other appropriate body, as determined by the Township.
L. The provisions of this Section may be implemented by reducing the minimum lot area and lot width standards of Section 10.7 by not more than fifty percent (50%), provided that the minimum lot area requirement shall not exceed one (1) acre unless otherwise required by the County Health Department.

M. The minimum setback provisions of Section 10.7 shall continue to apply to all parcels created under the provisions of this Section.
N. Development under this option shall not be dependent upon the establishment of a public sewer or public water supply system.
O. County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.
P. Restrictions for shared water access specified under Section 6.25 shall apply to open space preservation developments.

12.4 PLANNED UNIT DEVELOPMENTS

12.4.1 Purpose

This section recognizes that it may be desirable to modify certain restrictions of this Ordinance in the context of an innovative, efficient, planned development. The rationale for this departure from normal policy is that this Ordinance is drafted primarily to regulate discrete, individually proposed uses. Whenever it can be demonstrated that the needs of the community will be better served by a private plan which combines multiple structures or uses on one or more contiguous parcels, it may be desirable to allow implementation of such a plan without formal amendment of this Ordinance.

Approval shall not be granted to a planned unit development where such use is already permitted and appropriately regulated by the provisions of this Ordinance, or where approval is sought primarily to avoid the imposition of standards and regulations of existing zoning classifications rather than to achieve the objectives of this section.

12.4.2 Eligibility

A. Planned unit developments may be permitted within any Zoning District, as a special use, in accordance with the provisions of Article 11 and subject to compliance with the objectives and standards of this Section.

B. A planned unit development may be permitted when a landowner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.

C. The proposed planned unit development is on a self-contained parcel that is at least ten (10) acres in gross area and the area available for development (net acreage) shall not be less than one-half (1/2) the gross acreage.

D. Each use contemplated in the planned unit development is listed as a permitted use or a special use in the Zoning District in which the planned unit development is located.

E. The applicant must demonstrate that the planned unit development will result in a recognizable and substantial benefit to the ultimate users and occupants of the project and to the community, where such benefit would not otherwise be feasible or likely. Such benefits may include, but are not limited to, the protection of important natural features, wildlife areas, the provision of appropriately located and desirable open space, the provision of a mix of housing units and types and/or land uses, and/or innovation in design and project configuration not otherwise permitted by this ordinance.

12.4.3 Standards

A. The application proposed is a planned unit development as defined by this Ordinance.

B. The development is consistent with the Clark Township Master Plan.

C. The development will be compatible with adjacent land uses and the natural environment.

D. The conservation of natural features and fragile lands, and the preservation of important community resources, shall be required.

E. The development is warranted by the design of open space and/or additional amenities made possible by the proposal, or it can be demonstrated that the needs of the community will be better served by a private plan which combines multiple structures or uses on one or more contiguous parcels.

F. Existing important natural, historical and architectural features within the development site shall be preserved and incorporated into the development project.

G. The density proposed represents the maximum number of housing units or principal structures which would otherwise be permitted by the underlying Zoning District, based on the buildable area calculation set out in Section 12.1 above.

H. The provisions of this Section may be implemented by reducing the minimum lot area and lot width standards of Section 10.7 by not more than fifty percent (50%), provided that the minimum lot area requirement shall not exceed one (1) acre unless otherwise required by the County Health Department.

I. In addition to altering minimum lot area and lot width standards of the underlying zoning district, the Township may also waive, wholly or in part, any usable floor area requirement, setback, or maximum height, specified by the restrictions of the respective Zoning District, if doing so results in:
   1. Additional public property in the development and/or public easement on property in the development that is acceptable to the Township, and/or
   2. Public park land, developed in or near the development, that is of sufficient size and appropriately located so as to provide significant public benefit, and/or
   3. Some other public value to the Township.

J. If a proposed use in a planned unit development is a retail trade, finance, insurance or real estate service, or other similar service and is not listed as a permitted use or a special use in the respective district in which the planned unit development is proposed, the use may still be a part of the planned unit development if the following conditions are met:
   1. Operation of the use will be conducted entirely within an enclosed building except for parking, signs, arrival and departure of merchandise or supplies and other activities incidental thereto which are not permanent in nature.
   2. All outside accessory and work areas will be enclosed by a solid wall.
   3. The principal structure will be six-hundred (600) square feet in building area or larger.
   4. The total interior floor area of all principal and accessory structures does not exceed three thousand (3,000) square feet.

   The provisions of this section shall not apply to any of the Les Cheneaux islands unless the proposed use is permitted by the underlying zoning district.

K. Development under this option shall not be dependent upon the establishment of a public sewer or public water supply system.

L. County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.

M. Restrictions for shared water access specified under Section 6.25 shall apply to open space preservation developments.

12.5 PROCEDURE

12.5.1 Open Space Preservation Development

Open space preservation developments are permitted uses within the AG District.

12.5.2 Planned Residential Development

Planned residential developments are permitted as special uses within the AG District. The review and approval of a planned residential development shall take place in accordance with the provisions of Article 11, subject also to the provisions of this Article.

12.5.3 Planned Unit Development

A planned unit development is permitted as a special use in any Zoning District. The review and approval of a planned unit development shall take place in accordance with the provisions of Article 11, subject also to the provisions of this Article.

12.6 PHASING

Where any project under this Article is proposed for development in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area. The Planning Commission shall approve the phasing plan for any project and may, as a condition of approval, require such phasing as it feels necessary to secure the public benefits of the proposed development and the objectives of this section.

12.7 AMENDMENTS

Amendments to an open space preservation development, a planned residential development or a planned unit development shall be handled in the same manner as the initial application. Minor, non-substantive changes to a special use permit, may however, be made to the special use permit by mutual agreement between the Township and the applicant without further public hearing, if done prior to the issuance of an occupancy permit for the use affected by such change. Such minor amendments shall require the approval of the Zoning Administrator only, unless the Zoning Administrator refers such changes to the Planning Commission for review and decision. Once referred to the Planning Commission, all decisions concerning such revision shall be made only by resolution of the Planning Commission.

ARTICLE 13
CONDOMINIUM DEVELOPMENT

13.1 LEGAL AUTHORITY

These Regulations are enacted by the authority of the Michigan Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium subdivision of land shall be reviewed and approved or disapproved by the Planning Commission.

13.2 PROCEDURE

Prior to recording of the master deed, required by Section 72 of the Condominium Act, the condominium development shall undergo site plan review and approval by the Planning Commission in accordance with Article 14 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand or convert a condominium project in the Township.

13.3 CONSULTATION

In determining whether to approve a condominium development plan, the Planning Commission shall consult with the Zoning Administrator, the Township Planning Consultant and the Township Attorney regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

13.4 GENERAL REQUIREMENTS

13.4.1 Compliance with Federal, State and Local Laws

All condominium projects shall comply with all applicable Federal, State and local laws and ordinances.

13.4.2 Required Content

All condominium development plans shall include the information required by Section 66 of the Condominium Act and the following:

a) a survey plan of the condominium development
b) a flood plain plan, when appropriate
c) a detailed site plan showing the location, size, shape, area and width of all condominium units
d) a utility plan showing all sanitary sewer, water, and storm sewer lines and easements for the installation, repair and maintenance of all utilities
e) a street construction and maintenance plan for all private streets within the proposed condominium subdivision

f) a storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities, when appropriate.

13.4.3 Utility Easements

The condominium development plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities, including conveyance of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures

13.4.4 Private Roads

All private roads in a condominium subdivision shall comply with the specifications of the County Road Commission and the Township Private Road Ordinance.

13.4.5 Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

13.4.6 Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the Zoning District in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the condominium bylaws and recorded as part of the master deed.

13.4.7 Condominium Units

Individual condominium units shall comply with all regulations of the Zoning District in which it is located and shall be approved by the Zoning Administrator.

13.4.8 Performance Guarantees

As a condition of approval of the site plan, the Planning Commission may require a deposit by the developer to make improvements shown upon the site plan and to insure completion of filing requirements.

13.5 CONDOMINIUM SUBDIVISIONS

13.5.1 Compliance Of Condominium Lot

For the purposes of these Regulations, each condominium lot in a condominium subdivision shall be considered as a single lot and shall comply with all regulations of the Zoning District in which it is located. In a condominium development containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from boundaries of a condominium lot. These requirements shall be made part of the bylaws and recorded as part of the master deed.

13.5.2 Layout and Design

Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Township Subdivision Control Ordinance.

13.6 CONDOMINIUM DEVELOPMENT WITHOUT SUBDIVISION OF LAND

Condominium development not involving condominium lots within a condominium subdivision shall comply with all regulations of the Zoning District in which it is located.

13.7 MOBILE HOME CONDOMINIUM PROJECT

Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local and State laws, ordinances and regulations. Such developments shall be located only in a Zoning District that provides for Mobile Home Parks.

13.8 ADDITIONAL FILINGS REQUIRED

Subsequent to the recording of the master deed, bylaws and deed restrictions, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

a) One (1) mylar copy and five (5) prints of the as-built condominium plans.
b) Two (2) copies of the recorded master deed, bylaws and deed restrictions with all pertinent attachments.
c) Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Upon fulfillment of all requirements, the developer shall apply to the Township Clerk for release of performance guarantees.

ARTICLE 14
SITE PLAN REVIEW

14.1 AUTHORITY

An application for approval of a site plan may be denied, approved, or approved with conditions, in accordance with the provisions set forth in this Article.

14.2 REQUIREMENT

A site plan shall be submitted with all applications for a Land Use Permit, a Special Use Permit, a Planned Unit Development, a Planned Residential Development, and for Condominium Projects. An appeal to the Board of Appeals shall also include a site plan prepared according to the specifications of this Article.

14.3 PERMITS

No Land Use or Special Use Permit or Michigan Construction Code building permit, issued pursuant to the State Construction Code Act, shall be issued or otherwise authorized until after any required site plan has been approved, any conditions have been fulfilled, and any security requirement has been complied with.

14.4 OPTIONAL SKETCH PLAN REVIEW

Prior to submitting an application for a permit or site plan approval, an applicant may choose to submit a site plan sketch for review by the Zoning Administrator, the Township's Planning Consultant, and/or the Planning Commission. The sketch plan shall be superimposed on an air photo of the parcel or shall be a scaled drawing of the parcel showing the location of each existing and proposed parcel, property line, structure, improvement, street, sidewalk, easement, and drainage system. The review shall be informal and advisory only, and shall not constitute approval, authorization or granting any type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Planning Commission's agenda if the site plan sketch is to be reviewed by the Planning Commission.

14.5 TYPES OF SITE PLANS

There shall be three types of site plans required, depending on the complexity of the land use(s) proposed in the application:

a) Basic Site Plan required for a completed application for:
   1. construction of a dwelling or duplex
   2. addition to or alteration of a dwelling or duplex
   3. construction of any accessory structure

b) Medium Site Plan required for a completed application for any permitted use not listed in a) above, or c) below or any special land use.

c) Detailed Site Plan required for a completed application for:

1. any Multiple Family Dwelling greater than 2 units.
2. any Commercial or Industrial or Light Industrial construction.
3. any Planned Residential or Planned Unit Development

Note: Basic site plans shall be subject to review only by the Zoning Administrator.
Medium site plans may be reviewed by the Zoning Administrator and/or Planning Commission.
Detailed site Plans may be required to be reviewed by the Planning Commission or ZBA

14.6 SITE PLAN DETAIL REQUIREMENTS

The following information shall be provided with full and partial site plans, as indicated. All site plans shall be drawn at a scale of 1"=100' or less.

Required Site Plan Element	**Basic Site Plan**	**Medium Site Plan**	**Detailed Site Plan**
A. Basic Information			
1. Applicant's name, address, telephone number and signature	●	●	●
2. Property owner's name, address, telephone number and signature	●	●	●
3. Proof of property ownership and any deed restrictions	●	●	●
4. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent	●	●	●
5. The address and/or parcel number of the property, property lines, location and size	●		
6. The address and/or parcel number of the property, complete legal description and dimensions of the property, setback lines, monument locations, gross and net acreages and frontage		●	●
7. A vicinity map showing the area and road network surrounding the property		●	●
8. Name, address and phone number of the preparer of the site plan	●	●	●
9. Project title or name of the proposed development	●	●	●
10. Statement of proposed use of land, project completion schedule, any proposed development phasing	●	●	●
11. Land uses and zoning classification on the subject parcel and adjoining parcels			●
12. Seal of the registered engineer, architect, or surveyor, as well as their name, address and telephone number *	*	*	*

Required Site Plan Element	Basic Site Plan	Medium Site Plan	Detailed Site Plan
B. Site Plan Information			
1. North arrow, scale, and date of original submittal and last revision.	●	●	●
2. An elevation certificate may be required when construction is proposed near a floodplain.	●	●	●
3. Boundary dimensions of natural features		●	●
4. Proposed alterations to topography and other natural features *		●	●
5. Existing topographic elevations at two foot intervals except shown at five foot intervals where slopes exceed 18% *	*	*	*
6. The location and type of existing soils on the site and any certifications of borings *	*	*	*
7. Soil erosion and sediment control measures as required by the Luce, Mackinac, Alger, Schoolcraft Health Department, or subsequent agency having jurisdiction	●	●	●
8. The location, height and square footage of existing and proposed main and accessory buildings, and other existing structures	●	●	●
9. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state or federal government authorities.	●	●	●
10. Proposed finish floor and grade line elevations of any structures. Also required for all habitable construction within the floodplain on basic and medium site plans.	*	*	*
11. Residential density schedule showing the number of dwellings or housing units per acre, unit type(s), and number of each unit type			●
12. Existing and proposed driveways, including parking areas	●	●	●
13. Neighboring driveways and other vehicular circulation features adjacent to the site		●	●
14. Location, size and number of parking spaces in the on-site parking areas		●	●

Required Site Plan Element	Basic Site Plan	Medium Site Plan	Detailed Site Plan
B. Site Plan Information			
15. Identification and dimensions of service lanes and service parking, snow storage areas, loading and unloading and docks		●	●
16. Proposed roads, access easements, sidewalks, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site			●
17. Location of and dimensions of curb cuts, acceleration, deceleration and passing lanes		●	●
18. Location of neighboring structures that are close to the parcel line or pertinent to the proposal		●	●
19. Location of water well and on-site sewage disposal systems	●	●	●
20. Location, specifications, and access to a water supply in the event of a fire emergency		*	●
21. Location of water supply lines and or wells, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean out locations, connection points and treatment systems, including septic system if applicable		●	●
22. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam		●	●
23. Location, size and specifications of all signs and advertising features, including cross sections		●	●
24. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used		●	●
25. Proposed location of any open spaces, landscaping and buffering features such as buffer areas, vegetation belts, fences, walls, trash receptacle screening, and other screening features with cross sections shown		●	●
26. The proposed sizes of landscape materials not previously existing. All vegetation to be retained on site must also be indicated, as well as its typical size by general location or range of sizes as appropriate			●
27. Statements regarding the project impacts on existing infrastructure (including traffic capacity, schools, and existing utilities, and on the natural environment on and adjacent to the site)			●
28. Changes or modifications required for any applicable regulatory agencies' approvals			●

* NOTE: More or less information may be required if determined by Review Authority.

14.7 EXCEPTIONS

The Review Authority may grant exceptions to the requirements of Section 14.6 during the review of any site plan where the application of such provisions is not reasonable for the parcel and provided such exceptions are consistent with the general intent and objectives of this Article.

14.8 APPLICATION PROCEDURE

14.8.1 Application

Anyone with an interest in a parcel may apply for approval of a site plan affecting such parcel. An application for approval of a site plan shall be made on the form provided by the Zoning Administrator. The application shall be submitted to the Zoning Administrator.

14.8.2 Application Contents

Every application for approval of a site plan shall be accompanied by the following information and materials:

a) The site plan application form, filled out in full by the applicant, including the following:
   1. The applicant's name and address;
   2. An affidavit signed by the applicant stating that he or she is the owner or has a possessor interest in the parcel, or is acting as the authorized agent of one of the foregoing;
   3. The street address and legal description of the property;
   4. A specific and concise statement of the use proposed.

b) A site plan as specified in Sections 14.5 and 14.6 above.

14.8.3 Required Copies

A. Applications for a Land Use Permit shall be accompanied by one (1) copy of the Basic Site Plan.

B. Applications for review by the Planning Commission shall be accompanied by eleven (11) copies of the Medium or Detailed Site Plan.

C. Appeals to the Board of Appeals shall be accompanied by seven (7) copies of the Medium Site Plan.

D. Whenever additional copies of the site plan are required by the Zoning Administrator, the Township's Consultant, the Board of Appeals, or the Planning Commission, the applicant shall provide such additional copies as are determined to be necessary.

14.8.4 Review for Completeness

A. All site plan applications shall be reviewed for completeness by the Zoning Administrator and/or the Township's Consultant.

B. If the site plan is determined to be incomplete, the Zoning Administrator shall return the site plan to the applicant with a written list of items needed to make the site plan complete.

C. If the site plan is determined to be complete, the applicant shall:
   1. As applicable, forward copies of the site plan to the County Road Commission, County Drain Commissioner, County Health Department, and Michigan Department of Highways, for their review and comments; and
   2. Forward all copies of the review comments to the Zoning Administrator.

D. If the site plan is determined to be complete, the Zoning Administrator shall:
   1. Determine if the site plan is to be reviewed and acted upon by the Zoning Administrator, in which case the Zoning Administrator shall do so;
   2. Determine if the site plan is to be reviewed and acted upon by the Planning Commission and if so, forward a copy of the site plan(s) to each member of the Planning Commission at least one (7) business days prior to the Planning Commission's meeting when the site plan is on its agenda;
   3. Determine if the site plan is to be reviewed and acted upon by the Board of Appeals, and if so, forward a copy of the site plan to each member of the Board of Appeals at least seven (7) business days prior to the Board of Appeal's meeting when the site plan is on its agenda.

14.8.5 Consultant Reviews

A. In the course of reviewing a site plan application, the Planning Commission may determine that outside consulting services such as, but not limited to, planning, engineering, traffic and environmental services, are required. Such determination shall be made by the Planning Commission at the earliest possible time based upon available information. The revelation of information during the review process shall not preclude the Planning Commission from halting proceedings and requiring escrow funds at any time that, in the determination of the Planning Commission, such funds become necessary to complete a full and proper review of an application.

B. The Township reserves the right to consult with such consultants of its choice. Consultant costs shall be determined by written estimate from the consulting firm and supplied to the applicant. Funds to cover such costs shall be the responsibility of the applicant, in accordance with the escrow policies of Section 22.1.4 of this Ordinance.

14.8.6 Review and Approval

All applications for site plan approval shall be reviewed against the standards and requirements of this Ordinance, including all discretionary and non-discretionary standards. Only when satisfied that the application meets all such standards and requirements shall the Zoning Administrator or Planning Commission approve, or approve with conditions, such application for site plan approval.

14.8.7 Simultaneous Review

Whenever possible, site plan review by the Zoning Administrator and Planning Commission shall be conducted simultaneously with other reviews by the Zoning Administrator and Planning Commission on the same application.

14.8.8 Decision

A. The Zoning Administrator may deny, approve, or approve with conditions, any application for site plan approval of a Basic and Medium Site Plan.

B. The Planning Commission may deny, approve, or approve with conditions, any application for site plan approval of a Medium or Detailed Site Plan.

C. In cases where the Zoning Administrator reviews the site plan, such review shall occur within fifteen (15) business days of the site plan being found complete.

D. In cases where the Planning Commission reviews the site plan, such review shall occur within sixty (60) days of the site plan being found complete. This standard shall not apply when outside consultant review services are determined by the Planning Commission to be necessary.

E. Where a decision is not made on the site plan application within the times allowed under C. and D. above, the Zoning Administrator or the Planning Commission, as applicable, shall advise the applicant of the reasons, in writing, and shall set a date for further consideration of the application.

F. The decision of either the Zoning Administrator or the Planning Commission shall be incorporated in a written statement containing, at a minimum, the following:

1. The conclusions that specify the basis for the decision;
2. The conclusions that specify the basis for any conditions imposed;
3. The decision;
4. The conditions of approval, if applicable.

14.8.9 Conditions

Site plan approval may be granted with conditions, limitations, or additional requirements imposed by the Planning Commission. Any conditions, limitations or requirements upon which approval is based shall be:

a) Reasonable and designed to protect natural resources and/or the health, safety and welfare of the public;

b) Relevant to the social and economic well-being of the owners and occupants of the parcel in question, of adjacent parcels, and the community as a whole;

c) A valid exercise of the Township police power;

d) Related to the purposes which are affected by the proposed use or activity;

e) Consistent with the intent and purpose of this Ordinance, generally, and specifically for the Zoning District where such use is to be permitted;

f) Designed to insure compatibility with adjacent uses of land and the natural environment;

g) Designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by such use.

14.8.10 File Copies

At least two (2) copies of the site plan, all accompanying documents, record of approval, and list of conditions shall be kept by the Township for its record.

14.9 GENERAL REQUIREMENTS AND STANDARDS

The Planning Commission shall make a finding that the following general standards are met prior to approving a site plan:

a) All required site plan and application information has been provided as specified in this Article.

b) All required permits and approvals from outside agencies have been secured, or have been made a condition of site plan approval.

c) Adequate essential facilities and services, including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools, are available.

d) All applicable standards of agencies including, but not limited to, the Fire Department, Michigan Department of Transportation, County Road

Commission, Drain Commission, and the Department of Environmental Quality, have been met.

e) The spirit and intent of all ordinances and standards adopted by the Township, including this Ordinance, have been complied with.

f) All buildings and structures shall be designed, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance, with the existing or intended character of the general vicinity.

g) The proposed use will not change the essential character of the area in which it is proposed.

h) The buildings, structures and entryway thereto proposed are situated, designed and screened/buffered as to minimize any adverse effects upon owners and occupants of adjacent properties and the neighborhood.

i) Complete and safe pedestrian and vehicular circulation is provided.

j) All buildings and structures are accessible to emergency vehicles.

k) The percentage of impervious surface has been limited on the site to the extent practical.

l) Efforts have been made to protect the natural environment to the greatest extent possible.

m) The proposal is not in conflict with the goals and objectives of the Township Master Plan.

14.10 REQUIRED COMPLIANCE

Property that is the subject of an approved site plan shall be developed in full compliance with the approved site plan and any approved amendments thereto. Failure to conform to the approved site plan shall constitute a violation of this Ordinance.

14.11 EXPIRATION OF SITE PLAN APPROVAL

A. An approved site plan shall be valid for a period of one (1) year from the date of approval. If construction or the permitted use has not commenced and proceeded meaningfully toward completion by the end of this one (1) year, the site plan approval shall expire. The Planning Commission may, at its discretion, extend the approved site plan for one (1) additional year if requested to do so in writing by the applicant and if there is good reason to believe that the applicant will in fact commence construction of the permitted use and proceed meaningfully toward completion by the end of the second year. Such extension must be requested in writing by the applicant and granted by the Planning Commission prior to the site plan approval expiring pursuant to this section. No extension of approval shall be granted to a site plan approval that has expired.

B. Once construction has been completed and the site plan has been complied with, an approved site plan shall be valid for as long as the approved site plan continues to be complied with in accordance with the terms and conditions of the approval. The site plan will remain in full force and effect until replaced or superseded by a subsequent site plan.

14.12 AMENDMENTS

An application to amend an existing site plan may be filed with the Zoning Administrator, and shall be handled in the same manner as the initial site plan review prescribed by this Ordinance. By mutual agreement between the Township and applicant, minor non-substantive changes may be made to an existing approved site plan if such change is sought prior to the issuance of an occupancy permit for work authorized by a Special Use Permit.

14.13 REAPPLICATION

No application for site plan approval which has been denied wholly or in part shall be re-submitted for a period of one (1) year after such denial. The Planning Commission may, on the grounds of newly discovered evidence or proof of substantially changed conditions, waive this one (1) year period.
The determination of the Planning Commission shall be final.

ARTICLE 15
PLANNING COMMISSION

15.1 MEMBERSHIP

15.1.1 Composition

The Planning Commission, intending to comply with the Michigan Planning Enabling Act, Act 33 of Public Acts 2008, MCL 125.3801 et. seq. as amended shall consist of the following nine (9) members:

a) One member shall be a member of the Township Board.
b) The remaining regular members shall be selected from the electors of the Township.

15.1.2 Appointment

Members shall be appointed upon recommendation of the Township Supervisor and then a majority vote of the Township Board.

15.2 DUTIES

The Planning Commission shall hear and decide such matters as the Planning Commission is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by law, including, but not limited to, site plans, conditional use approvals, special use approvals, and planned unit developments.

The Planning Commission shall also be responsible for the holding of public hearings on applications and proposals as required by the provisions of this Ordinance and as may be required by law.

15.3 RULES OF PROCEDURE

The Planning Commission has adopted and shall maintain rules of procedures. These rules shall be available for public inspection at the Office of the Township Clerk.

15.3.1 Meeting Schedule

The Planning Commission shall annually establish a regular schedule of Planning Commission meetings and the time and place of each. The schedule shall be posted within ten (10) days of setting the schedule as required under the Open Meetings Act. All such meetings and hearings shall be open to the public.

15.3.2 Quorum

The presence of five (5) voting members shall constitute a quorum.

15.3.3 Majority Vote

The Planning Commission shall act by resolution. The concurring vote of a majority of the members of the Planning Commission shall be necessary to decide in favor of the applicant on any matter before the Planning Commission or act upon any other matter before the Planning Commission.

15.3.4 Meeting Minutes

The Planning Commission shall keep minutes of its proceedings, all of which shall be filed promptly with the Township Clerk and shall be a public record, showing:

a) The action of the Planning Commission;
b) The reasons on which the Planning Commission bases its action; and
c) Any other official action.

15.3.5 Transmittal of Resolutions

A copy of each resolution passed upon by the Planning Commission shall be submitted to the Township Clerk and shall be made available to the Public.

15.4 POWERS AND DUTIES

15.4.1 Master Plan:

15.4.1.1 The Planning Commission shall make and approve a Master Plan as a guide for development within its planning jurisdiction. The planning jurisdiction includes areas within the Township and may also include any areas outside of the Township that, in the judgment of the Commission, are related to planning for the Township.

15.4.1.2 In preparation of the Master Plan, the Planning Commission shall do all of the following, as applicable:

a. Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.
b. Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in Master Plans and zoning may be avoided
c. Cooperate with all departments of the State and Federal governments and other public agencies concerning with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government's programs with these agencies.

15.4.1.3 The Master Plan shall address land use and infrastructure issues. The plan shall include maps, plats, charts, and show the Commission recommendations for the physical development of the Township. The Master Plan shall also include information pertinent to the future development of the planning jurisdiction as detailed in Act 33 of the Michigan Public Acts of 2008 (MCL 125.3833(2)).

15.4.1.4 Preparation and adoption of and amendments to the Master Plan shall follow the procedures established in Act 33 of the Michigan Public Acts of 2008 (MCL 125.3839-125.3845).

15.5 CAPITAL IMPROVEMENTS

Upon adoption of the Master Plan, the Planning Commission shall annually prepare a Capital Improvements Program (CIP) of public structures and improvements, with the assistance of staff. The CIP shall show those public structures and improvements, in the general order of their priority for the ensuing 6-year period, based upon the requirements of the local unit of government for all types of public structures and improvements.

15.6 COMPENSATION

Members of the Planning Commission may be paid per diem plus expenses actually incurred or such sums as the Township Board shall by resolution establish from time to time, if appropriation for such payment is made in advance by the Township Board. Otherwise, the members shall serve without pay.

15.7 REPORTS

Based on input from the Zoning Administrator and/or Township's Consultant, the Planning Commission shall periodically prepare for the Township Board a report on the operations of the Zoning Ordinance. Such report shall include recommendations as to the enactment of amendments or supplements to the Zoning Ordinance.

ARTICLE 16
ZONING BOARD OF APPEALS

16.1 ESTABLISHMENT

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in the Township Zoning Act, in such a way that the objectives of this Ordinance shall be enforced, the health, safety and welfare of the public shall be promoted, and substantial justice shall be secured.

16.2 MEMBERSHIP

16.2.1 Composition

The Board of Appeals shall consist of the following five (5) members:

a) The first member shall be a member of the Planning Commission.

b) One (1) regular member may be a member of the Township Board.

c) The remaining regular members shall be selected from the electors of the Township.

16.2.2 Appointment

Members shall be appointed by the Township Board upon recommendation of the Township Supervisor.

16.2.3 Alternates

a) The Township Board, upon recommendation from the Township Supervisor, may appoint up to two (2) alternate Board of Appeal members, each to serve a term of three (3) years.

b) In the case where any regular member of the Board of Appeals cannot hear an appeal due to a conflict of interest, illness or other absence, the Board of Appeals Chairman and/or acting chairman may call an alternate member(s) for that appeal.

c) The alternate member(s) shall sit as regular members when regular members are unable to attend two (2) or more consecutive meetings or will be unable to attend any meetings for a period of more than thirty (30) consecutive days.

d) An alternate member who hears an appeal or variance request shall serve on that case until a final decision has been rendered by the Board of Appeals.

16.3 DUTIES

The Board of Appeals shall hear and decide such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by law, including, but not limited to, variances, interpretation of Ordinance text, and interpretation of the Zoning Map. This shall not apply where the Zoning Board of Appeals is specifically prohibited within this Ordinance from acting on an appeal.

16.4 COMPENSATION

Members of the Board of Appeals may be paid per diem plus expenses actually incurred or such sums as the Township Board shall by resolution establish from time to time, if appropriation for such payment is made in advance by the Township Board. Otherwise, the members shall serve without pay.

16.5 RULES OF PROCEDURE

The Board of Appeals shall adopt rules of procedures. These rules shall be available for public inspection at the Office of the Township Clerk.

16.5.1 Meeting Schedule

The Board of Appeals shall annually establish a regular schedule of Board of Appeals meetings and the time and place of each. The schedule shall be posted within ten (10) days of setting the schedule as required under the Open Meetings Act. All such meetings and hearings shall be open to the public.

16.5.2 Quorum

The presence of three (3) voting members shall constitute a quorum.

16.5.3 Majority Vote

The Board of Appeals shall act by resolution. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variations from the requirements of this Ordinance.

16.5.4 Meeting Minutes

The Board of Appeals shall keep minutes of its proceedings, all of which shall be filed promptly with the Township Clerk and shall be a public record, showing:

a) The action of the Board of Appeals;
b) The reasons on which the Board of Appeals bases its action;
c) The vote of each member upon each question, or, if absent or failing to vote, indicating such fact; and
d) Any other official action.

16.5.5 Transmittal of Resolutions

A copy of each resolution passed upon by the Board of Appeals shall be submitted to the Township Clerk and to the Secretary of the Planning Commission and Zoning Administrator.

16.6 VARIANCES

No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless the Board of Appeals makes findings, based upon competent, material and substantial evidence on the whole record.

16.6.1 Dimensional Variances

a) To obtain a dimensional variance, the applicant must show "practical difficulty" by demonstrating all of the following:
   1. That special conditions and circumstances exist which are peculiar to the land, structure, building, or use, involved and would not be of general application to other parcels in the immediate area or the Township in general;
   2. That strict application of these regulations would result in exceptional or undue hardship upon the property;
   3. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the terms of this Ordinance;
   4. That the special conditions and circumstances do not result from the actions of the applicant;
   5. That granting the variance will not alter the essential character of the area.

b) The Board of Appeals shall make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, will not cause undue impact to the surrounding neighborhood, and will not be otherwise detrimental to the public health, safety and welfare.

c) The Board of Appeals shall further make a finding that the reasons set forth in the application for variance justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

16.6.2 Use Variances

The Board of Appeals shall not grant a special land use variance or take any action that would effectively grant a use variance. ***Further the Board of Appeals shall not otherwise allow a use that is not in keeping with the spirit of the Ordinance or with the Zoning District in question.***

16.6.3 Conditions of Approval

In authorizing a variance, the Board of Appeals may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions regarding location, character, landscaping or treatment as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 22.2.2.

16.6.4 Voiding of Variance

Each variance granted under the provisions of this Ordinance shall become null and void unless:

a) The construction authorized by such variance or permit has begun within one (1) year after the granting of such variance and pursued diligently to completion; or

b) The occupancy and operation of land or buildings authorized by such variance has taken place within two (2) years after the granting of such variance.

16.6.5 Extension of Approval

The Board of Appeals may, at its discretion, extend the approved variance for one (1) additional year if requested to do so in writing by the applicant and if there is good reason to believe that the applicant will in fact commence construction of the permitted use and proceed meaningfully toward completion by the end of the second year. Such extension must be requested in writing by the applicant and granted by the Zoning Board of Appeals prior to the variance becoming void pursuant to Section 16.6.4. No extension of approval shall be granted to a variance that has become void.

16.6.6 Reapplication

No application for a variance which has been denied wholly or in part by the Board of Appeals shall be re-submitted for a period of one (1) year after such denial, except on grounds of new evidence or proof of changed conditions.

16.7 INTERPRETATIONS

16.7.1 Interpretation

Pursuant to the requirements the Michigan Zoning Enabling Act, nothing contained herein shall be construed as prohibiting the Board of Appeals from interpreting the text of this Ordinance in such a fashion that will allow in a land use district buildings, uses and structures which are sufficiently similar to the specifically permitted or special uses in that land use district, under the same permitted or special use regulations. Such interpretation shall not have the effect of granting a variance but rather shall be deemed only to be an interpretation of this Ordinance text.

16.7.2 Standards

In determining whether a proposed building, use or structure is sufficiently similar to a specifically identified permitted or special use, the Board of Appeals shall consider, among other factors, the relevant policies for the Land Use District in question as set forth in the Master Plan.

16.7.3 Precedent

An earlier determination under this section shall be considered a precedent for other applications proposing an identical building, use or structure in the same Land Use District, provided the earlier determination was made with respect to a building, use or structure sufficiently similar to a specifically identified permitted use in the Land Use District and not with respect to a specifically identified special use.

16.8 APPEALS

16.8.1 Appeal from Ruling

Except as prohibited by the provisions of Section 11.13 of this Ordinance, an appeal from a ruling of the Zoning Administrator or the Planning Commission or the Township Board concerning the enforcement, administration, and interpretation of this Ordinance text and Zoning Map may be made to the Board of Appeals, by the applicant filing with the Zoning Administrator a demand for appeal specifying the grounds thereof within thirty (30) days of the date a decision is received by the applicant. The date of receipt shall be presumed to be five (5) days after the date shown on the decision. The demand for appeal shall be on a form prepared by the Township for that purpose and shall also include a site plan. The Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

16.8.2 Who May Appeal

Any person aggrieved, or any officer, department, Board, agency, or bureau of the Township, County or State may take an appeal to the Board of Appeals.

16.8.3 Fee for Appeal

A fee prescribed by the Township Board shall be paid to the Zoning Administrator at the time of filing the demand for appeal. If the Township Board finds an applicant to be impoverished, the fee may be waived by the Township Board.

16.8.4 Effect of Appeal

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the demand for appeal is filed, that by reason of facts stated in the certificate, a stay would in the Zoning Administrator's opinion, cause imminent danger or harm to persons or property. The proceedings shall not be stayed except by a restraining order granted by the Board of Appeals or by the Circuit Court, on application.

16.8.5 Hearing by the Board of Appeals

When a demand for appeal in proper form has been filed with the Zoning Administrator, the Zoning Administrator shall immediately place such matter on the Board of Appeal's calendar for hearing, and cause notice to be given in accordance with Section 16.8.6 below. Interested parties, at a minimum, shall include Board of Appeals members, the Township's attorney, the appellant, the property owner and resident, adjoining property owners and residents.

16.8.6 Notice of Hearing

Notice of the hearing by the Board of Appeals, stating the time, place, and object of the hearing, shall be given in accordance with the requirements of the Michigan Zoning Enabling Act.

16.8.7 Representation at Hearing

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

16.8.8 Decisions of Board of Appeals and Appeals to the Circuit Court

The Board of Appeals shall decide upon all matters appealed within sixty (60) days of the receipt of a demand for appeal, and fee paid to the Zoning Administrator, unless mutually agreed to by both parties to extend the time. The Board of Appeals may reverse or affirm wholly or in part, or may modify the order, requirement, decision or determination appealed. Decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such decision shall have a right to appeal such a decision to Circuit Court as provided by law.

16.9 DEPENDANT APPLICATIONS

Where a variance or determination is sought from the Zoning Board of Appeals and a separate application for site plan approval, special land use approval or other similar approval is required by any provision of this Ordinance, no such application shall be considered or decided upon until such time as the variance or determination of the Zoning Board of Appeals has been made and is final.

ARTICLE 17
NON-CONFORMITIES

17.1 **NONCONFORMING USES: this article is intended to comply with Section 208 of the Michigan Zoning Enabling Act, MCL 125.3208, as amended.**

A. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance.

B. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this Ordinance.

C. No additional structure shall be erected in connection with a nonconforming use of land.

D. Any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use.

17.2 NONCONFORMING STRUCTURES

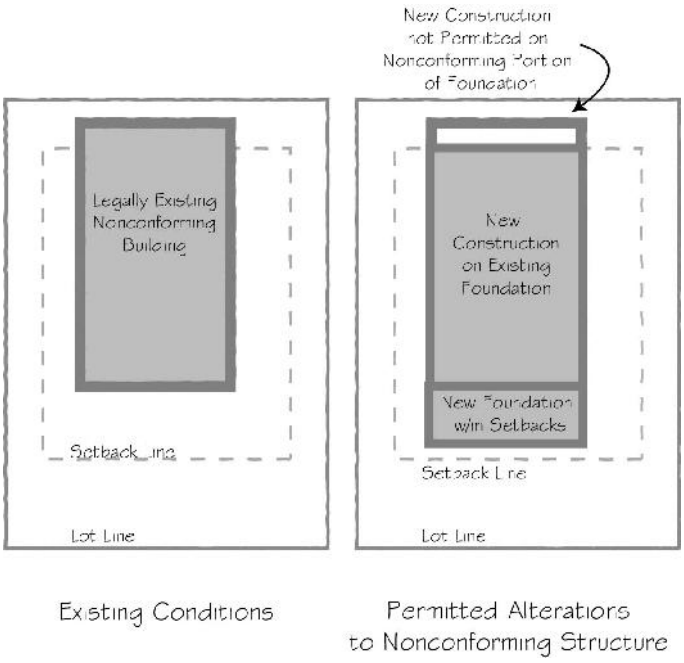
A. A nonconforming structure containing a nonconforming use may be repaired as may be necessary in the interest of public safety or to secure the continued advantageous use of such building, but the right to make repairs shall not constitute a right to alter, enlarge or extend any nonconforming use.

B. A nonconforming structure containing a conforming use may be repaired, altered or enlarged including second stories provided such changes do not further the manner in which it fails to conform. Therefore, any enlargement shall be wholly located within the setbacks for the Zoning District, shall not exceed the height limitations for the Zoning District, and shall in no way increase any nonconformity on the site.

C. In altering a nonconforming structure, any nonconforming wall or building section removed from a nonconforming building must be reconstructed in full compliance with the provisions of this Ordinance.

D. A nonconforming foundation and structure may be expanded only if the expansion is in conformity with the provisions of this Ordinance and where the expansion in no way increases any nonconformity on the site. (see example)

E. The addition of a second story to a non-conforming structure is allowable as long as it is within the same footprint.



17.3 NONCONFORMING LOTS OF RECORD

In any Zoning District, a nonconforming lot of record may be developed, subject to the following conditions:

a) The use is permitted in the Zoning District;
b) All setbacks and other dimensional requirements are met;
c) All outside agency requirements are met, including, but not limited to, the Health Department, the Mackinac County Road Commission, and the Michigan Department of Transportation;
d) The lot is in separate ownership and not of continuous frontage with other lots in the same ownership;
e) The nonconforming parcel was not created by division which did not comply with both:
    1. the Zoning Ordinance in effect at the time of such division, or
    2. this Ordinance.

17.4 PRE-EXISTING SPECIAL LAND USES

Uses that were permitted as special land uses under the previous Clark Township Zoning Ordinance and are permitted only as special land uses in this Ordinance shall be designated as "Pre-existing Special Land Uses" and shall not be considered nonconforming uses. Such uses shall not be subject to the provisions of this Article, but shall be subject to the provisions of Article 11.

17.5 TERMINATION OF NONCONFORMING USES

If the nonconforming use is discontinued through vacancy or lack of operation or any other means for a continuous period of one (1) year, the right to resume such use shall terminate and no use shall be made of such building or land, except in conformity with this Ordinance. An extension of such one (1) year period may be granted by the Board of Appeals for a parcel:

a) That is subject to probate or bankruptcy proceedings; or
b) That is the subject of dispute with an insurer; or
c) That is owned by a person inflicted with a temporary disability; or
d) That is owned by a person who is the subject of a criminal investigation.

17.6 REPAIRS AND MAINTENANCE

Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming use, building, structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures, subject to the following conditions:

a) The owner shall have a period of one (1) year in which to secure applicable permits;
b) Setbacks that formerly were nonconforming shall not change, or shall become more conforming;
c) The structure must conform in all other ways to the requirements of the Zoning District;
d) The repair or maintenance is not so extensive as to constitute a replacement of the building or structure. For the purposes of this section, the determination of whether proposed repair or maintenance constitutes replacement shall be made, in the first instance, by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals provided that no approval under this section shall permit the replacement of a building or structure.

17.7 REPLACEMENT

A. Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by from fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement does not increase the original usable floor area or volume of such building or structure. Alterations to nonconforming structures in accordance with Section 17.2 shall not be subject to the provisions of this section.
B. Nothing in this ordinance shall prevent the owner from tearing down and replacing a non-conforming structure using the same footprint.

17.8 COMPLETION OF PREVIOUSLY PERMITTED CONSTRUCTION

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which has been fully permitted and commenced, has been diligently undertaken prior to the effective date of this Ordinance or any amendment thereto, and the construction of which is completed within twelve (12) months after such effective date.

17.9 CHANGE OF TENANCY OR OWNERSHIP

Nothing contained in this Ordinance shall be construed to prevent a change of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

ARTICLE 18
AMENDMENTS

18.1 GENERAL

Amendments or supplements to this Ordinance may be made from time to time in the manner provided by law.

18.2 INITIATING APPLICATIONS

A. The Township Board and/or the Planning Commission may, from time to time, initiate an action to amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever it determines that the public necessity and convenience or the general health, safety or welfare of the public would benefit from such an amendment.

B. Any resident or land owner of the Township may bring before the Planning Commission a proposed amendment or change, by filing a petition signed by all persons having an interest in such premises, requesting the adoption of any specified amendment or change or regulation under this Ordinance. If the proposed amendment pertains to rezoning, such application or petition shall be accompanied by a development plan as provided for in this Article.

18.3 CONTENTS OF APPLICATION

Any resident or land owner initiated application requesting a proposed amendment or change shall contain the following:

a) The legal description of the premises involved, including area in square feet if less than one (1) acre or in acres if greater than one (1) acre;
b) The Zoning District in which such premises are presently situated;
c) The Zoning District into which the applicant(s) desire such premises to be situated;
d) The proposed text to be added and/or the existing text to be deleted, if any;
e) The signatures of all persons having an interest in such premises.

18.4 CONTENTS OF DEVELOPMENT PLAN

If the proposed amendment pertains to rezoning, the petition shall be accompanied by a development plan that shall include the following:

a) A topographic map showing existing and proposed contour lines at five (5) foot intervals;
b) A plot plan that shall show the following:
    1. Location of all existing buildings;
    2. All existing non-enclosed uses;
    3. Existing drainage patterns and structures;
    4. Existing parking;
    5. Loading and traffic handling facilities;

6. Existing screening and other landscaping;
7. All existing exterior lighting and signs;
8. Sewage disposal systems;
9. Water supply systems.

c) Such other information, or more detailed information, determined by the Planning Commission to be necessary for a full and proper review of the application.

d) Any portion(s) of the development plan may be waived by the Planning Commission if, due to the nature of the proposed use, such information would be unnecessary and serve no useful purpose.

18.5 PROCEDURE

A. Before submitting its recommendation of a tentative rezoning plan to the Township Board, the Planning Commission shall hold at least one (1) public hearing in compliance with the Michigan Zoning Enabling Act.

B. When an application for rezoning has been filed in proper form and with the required data, the Township Clerk and Zoning Administrator shall place the said application upon the next available Planning Commission agenda for hearing and cause notices stating the time, place, and object of the hearing to be served.

C. The Planning Commission shall recommend to the Township Board modification, rejection, or the adoption of said proposal either in its original or changed form.

D. Following the public hearing, the Planning Commission shall submit the proposed amendment or supplement to the County Planning Commission for its review.

E. The Township Board may, on its own initiative or as otherwise required by the provisions of the Michigan Zoning Enabling Act, hold one (1) or more further public hearings on the proposed amendment. If the Township Board holds an additional hearing, the Township Planning Commission members may be required to attend, at the discretion of the Township Board.

F. The Township Board shall adopt or deny the proposed amendment, with or without any amendments or recommendations that have been previously considered and/or recommended by the Township or County Planning Commissions.

G. Within fifteen (15) days of adoption, a notice to that effect shall be published in a newspaper that circulates in the Township and a copy of the amendment filed with the Township Clerk.

18.6 CONDITIONAL REZONING

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner’s offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 18.7 of this Ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 18.7 of this Ordinance.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

   a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

   b. Contain a legal description of the land to which it pertains.

   c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.

f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land may revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006).

L. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

18.7 FACTORS

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

1. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area
2. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land
3. Whether there will be an adverse physical impact on surrounding properties
4. Whether there will be an adverse effect on property values in the adjacent area
5. Whether there have been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning
6. Whether rezoning will create a deterrent to the improvement or development of adjacent property in accord with existing regulations
7. Whether rezoning will grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public
8. Whether there are substantial reasons why the property cannot be used in accordance with its present zoning classifications
9. Whether the rezoning is in conflict with the policies and uses proposed for the area as reflected in the master plan
10. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning
11. Whether there are sites nearby already properly zoned that can be used for the intended purposes
12. Whether other local remedies are available

18.8 RESUBMITTAL

No application for a rezoning that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial.
The Planning Commission may, on the grounds of newly discovered evidence or proof of substantially changed conditions, waive this one (1) year period.
The determination of the Planning Commission shall be final.

18.9 CONFORMANCE TO COURT DECREE

Any amendment initiated by the Township Board or Planning Commission for the purpose of conforming a provision of this Ordinance to the decision of a court of competent jurisdiction may be adopted by the Township Board and amendments published without referring the same to any other board or agency.

ARTICLE 19
BLIGHT ELIMINATION

19.1 PURPOSE

Consistent with the letter and spirit of Act 344 P.A. 1945, as amended, it is the purpose of this Article to prevent, reduce, or eliminate blight in Clark Township by the prevention and/or elimination of certain environmental causes of blight or blighting factors in said Township.

19.2 CAUSES OF BLIGHT OR BLIGHTING FACTORS

19.2.1 It is hereby determined that the following uses, structures and activities are causes of blight which, if allowed to exist, will tend to result in blighted or undesirable neighborhoods. On or after the effective date of this ordinance, no person, firm, or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Clark Township owned, leased, rented or occupied by such firm or corporation.

19.2.2 In any area, the storage upon any property of junk automobiles, except in a completely enclosed building, within a screened confine, or a junk yard all of which shall be approved by the Clark Township Planning Commission and licensed by the Clark Township Board. For the purpose of this Article, the term "junk automobiles" shall not include any motor vehicle which can be licensed by the State of Michigan, but shall include, whether so licensed or not, any motor vehicle which is inoperative.

19.2.3 In any area, the storage upon any property of building materials unless there is in force a valid building permit issued by the Township of Clark for construction upon said property and said materials are intended for use in connection with such construction. Building materials are allowable on premise without a building permit being in force provided they are orderly stacked and properly screened. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or other materials used in constructing any structure. Nothing in this subsection shall be construed to prohibit storage of materials or required screening, of a retail building supplier of inventory.

19.2.4 In any area, the storage of junk, trash, rubbish or refuse of any kind or an accumulation of material which is highly visible and injurious to the well being of the residents, except domestic refuse stored in such a manner as to not create a nuisance for a period not to exceed fifteen (15) days. The term "junk" shall

include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, metal or any other material or other cast off item of any kind whether or not the same could be put to any reasonable use.

19.2.5 In any area, the existence of any structure or part of any structure which is damaged or aesthetically blighted because of fire, wind, other natural disaster, physical deterioration, or is no longer habitable.

19.2.6 In any area, the existence of any vacant structure, garage or other outbuilding unless such structure is kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.

19.2.7 In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsiding building permit issued by the Township of Clark and unless such construction is completed within the time constraints of the building permit.

19.3 ENFORCEMENT AND PENALTIES

19.3.1 This Article shall be enforced by the Clark Township Zoning Enforcement Officer and if necessary the Township Attorney, and further if necessary any Court system deemed appropriate under Michigan law. All such enforcement shall comply with the provisions of Article 22 of this Ordinance.

19.3.2 The owner, if possible, and/or the occupant of any property upon which any of the causes of blight or blighting factors set forth in this article is found to exist shall be notified in writing by the Clark Township Zoning Enforcement Officer, as per Article 22 of this Ordinance, and further instructed to remove or eliminate such causes of blight or blighting factors from such property.

19.3.3 Violation of the provisions preventing the above listed Blight or Blighting Factors shall subject the landowner, and/or the resident of said offending property / building to the provision of Article 22 of this Ordinance, and all of the remedies available to the Township found therein.

19.4 EFFECTIVE DATE AND ADOPTION

19.4.1 This ordinance shall become effective thirty (30) days after its publication as required by law.

19.4.2 This ordinance was adopted by the Township Board of the Township of Clark, Mackinac County, Michigan at a meeting held on December 16, 2010.

ARTICLE 20
ENTERTAINMENT NUDITY ORDINANCE

This ordinance is written and adopted to protect and secure the Public Health, Safety and General Welfare by the regulation of certain forms of commercial entertainment, adult bookstores, adult theaters and cabarets, within the Township of Clark, Mackinac County, Michigan, and to provide penalties for the violation of its provisions as written and to repeal any ordinances or parts of ordinances in conflict herewith.

The Township of Clark, Mackinac County, Michigan

20.1 TITLE

This ordinance shall be known and cited as The Clark Township Public Entertainment Ordinance.

20.2 DEFINITIONS

As used in this ordinance, unless the context clearly indicates a different meaning:

A. "Adult Bookstore" means an establishment wherein more than twenty percent (20%) of its stock in trade is comprised of books, magazines and other periodicals having, as their dominant theme, matters depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

B. "Adult Theater" means an enclosed building used for live performances or presenting material by means of motion pictures, video tapes or receivers, photographic slides or other similar means of projection or display, which performance or material is distinguished or characterized by an emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities, as described in this ordinance, for observation by patrons therein.

C. "Cabaret" means any place wherein food or any type of alcoholic or other beverage is sold or given away on the premises, the operator of which place may or may not hold a yearly license to sell such beverages by the glass.

D. "Live Entertainment" means the presentation of acts which are presented live for the enjoyment of the audience.

E. "Specified Anatomical Areas" means less than completely and opaquely covered human genitals or human pubic regions, buttocks or female breasts below a point immediately above the top of the areola, human male genitals in a discernible turgid state, even if completely and opaquely covered.

F. "Specified Sexual Activities" means human genitals in a state of sexual stimulation or arousal. Acts of human masturbation, sexual intercourse or sodomy and fondling or other erotic touching of human genitals or human pubic region, buttocks or female breasts.

G. "Person(s)" shall mean an individual person(s) co-partnership, firm corporation, society, club, association or other business or private entity.

20.3 PROHIBITION

20.3.1 No person in the Township shall own, operate or maintain or permit to be owned, operated or maintained an adult bookstore or adult theater, as defined in this Ordinance.

20.3.2 No person shall present or allow to be presented or participate in any live acts or entertainment which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specific anatomical areas herein defined.

20.3.3 No person owning, operating, managing or employed by or within a cabaret shall dance, perform, or serve food, beverages or alcoholic beverages while displaying or allowing to be visible specified anatomical areas, as defined in this Ordinance, or allow any other person to do so.

20.3.4 No person owning, operating, managing or employed by or within a cabaret shall, by means of dancing, acting or otherwise moving about, perform specified sexual activity as defined in this ordinance, or allow any other person to do so.

20.3.5 No person owning a cabaret, or his or her agent or employee, shall knowingly permit any exhibition or advertising in connection with any establishment prohibited under this section, to be displayed in any manner which is visible from any public street or highway, which exhibition or advertising depicts, describes or relates to specified sexual activities or specified anatomical areas, as defined in this Ordinance.

20.4 ZONING COMPLIANCE

No person shall operate an adult bookstore or cabaret, or place of live entertainment until he shall have complied with the requirements of the Zoning Ordinance, the provisions of this ordinance and other applicable ordinances of the Township of Clark.

20.5 VIOLATIONS AND PENALTIES

20.5.1 Any person, member of a partnership, and/or officer and director of a corporation, violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars ($500) and be punished by imprisonment in the county jail for a period of not to exceed ninety (90) days for each offense.

20.5.2 A separate offense shall be deemed committed upon that day during or when the violation occurs or continues.

20.6 SEVERABILITY

Each section, subsection or provision thereof of this ordinance are declared to be separable and the holding of any section, subsection or provision thereof, to be invalid or unenforceable shall not affect the validity or enforceability of any other section, subsections or provisions.

20.7 REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

20.8 EFFECTIVE DATE

This ordinance will become effective thirty (30) days after the date of publication.
Public Hearing: December 12, 1996
Adopted: January 16, 1997
Effective: February 24, 1997

ARTICLE 21
LAND DIVISION ORDINANCE

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

21.1 TITLE

This ordinance shall be known and cited as the Clark Township Land Division Ordinance.

21.2 PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

21.3 DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

1. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
2. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. “Divide” and “Division” does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances.

3. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
4. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
5. "Governing body" - the Clark Township Board.

21.4 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

21.5 APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

A. A completed application form on such form as may be approved by the Township Board.
B. Proof of fee ownership of the land proposed to be divided.
C. A tentative survey map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
D. Proof that all standards of the State Land Division Act and this Ordinance have been met
E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
F. A fee is required to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

21.6 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

21.6.1 The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

21.6.2 Any person or entity aggrieved by the decision of the Assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

21.6.3 The Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

21.6.4 Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

21.6.5 The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

21.7 STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

A. All parcels created by the proposed division(s) have a minimum width as provided for in an applicable zoning ordinance.
B. All such parcels shall contain a minimum area as provided for in an applicable zoning ordinance.
C. The ratio of depth to width of any parcel created by the division does not exceed the average depth to width ratio of lots within 500 feet of either side of parent parcel. This being exclusive of access roads, easements, or non-development sites. The depth of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.
D. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.

E. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

F. All parcels created shall have access to a public right-of-way by either immediately abutting said public right-of-way or through a dedicated easement for ingress & egress. (See Table 6.20 A b for requirements)

21.8 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

21.8.1 Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

21.8.2 An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

21.9 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

21.10 REPEAL

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township, which shall remain in full force and effect notwithstanding any land division approval hereunder.

21.11 EFFECTIVE DATE

This ordinance shall take effect after adoption by the Township Board and 30 days after publication of the Ordinance.

Land division - Ordinance No. 87
Adopted: 1/15/98
Published 1/29/98

Effective: 3/01/98

ARTICLE 22
ADMINISTRATION AND ENFORCEMENT

22.1 ADMINISTRATION

22.1.1 Officials

A. Zoning Administrator

A Zoning Administrator shall be appointed by, for such term, and subject to such conditions, as shall be determined by the Township Board.

The provisions of this Ordinance shall be administered by the Zoning Administrator. The enforcement of this Ordinance shall be the responsibility of the Zoning Administrator.

B. Interim Administrator

In the event of the resignation, death, disability, vacation or disqualification of the Zoning Administrator, the Township Board shall appoint a temporary Administrator until the Zoning Administrator resumes his or her duties or a new Zoning Administrator is appointed by the Township Board.

22.1.2 Land Use Permits

A. Land Use Permits

It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny the same. No land shall be occupied or used and no building or structure shall be erected, structurally altered, or relocated under the provisions of this Ordinance until a land use permit authorizing the same has been issued by the Zoning Administrator.

B. Land Use Permit Applications

1. Any person owning an interest in a parcel may apply for a land use permit. A land use permit application shall be made on a form supplied by the Zoning Administrator.
2. The application shall include the completed form, copies of the building and site plans, a complete legal description of the parcel, specifications and other such information as may be necessary to determine that the use applied for complies with this Ordinance.
3. Such other information shall include, but not be limited to:
   a) Three (3) copies of the site plan, drawn to comply with the specifications of Section 14.6 of this Ordinance;
   b) The maximum seating and/or sleeping capacity of all buildings and structures, according to applicable governmental regulations;

c) A concise statement of all operations and uses which are proposed to be conducted on the premises;
d) A concise statement of the services, if any, to be offered to the public;
e) Any other information required by this Ordinance;
f) A non-refundable fee, the amount to be established from time to time by the Township Board.

4. The Application, and all the supporting documents, shall be kept by the Zoning Administrator and Clerk as part of the Township's permanent records.

5. The application and site plan shall describe the proposed use and each structure proposed to be constructed or altered and show that the same will be in compliance with this Ordinance.

6. Upon receipt of a land use permit application, the Zoning Administrator shall review the application to determine whether it is complete, shall coordinate its review by other interested governmental entities as may be required, and shall act on the application within ten **(10)** business days.

a) If the application is not complete, the Zoning Administrator shall return the application to the applicant with a letter that specifies what additional information or documents are required to make it complete.
b) If the application is complete but the proposed use does not conform to a permitted or special use for the parcel under this Ordinance, the permit shall be denied in writing, sent to the applicant, and list which section(s) of this Ordinance it does not conform with and what changes would be required to make the proposed use conform, if any simple changes could be made to achieve conformance of the proposed use.
c) If the application is complete and the proposed land use and structures are determined to meet the basic site plan, a land use permit shall be issued by the Zoning Administrator.
d) If the application is complete and the project calls for a medium or detailed site plan pursuant to Section 14.5 and policy adopted thereunder, the site plan may be forwarded by the Zoning Administrator to the Planning Commission for review and:
1) approval of the site plan, with or without conditions, before the permit is issued by the Zoning Administrator, or
2) denial, if found not to conform, in which case the Zoning Administrator shall send a written permit denial to the applicant which lists each violation of this Ordinance and what changes would be necessary to obtain a permit, if any simple changes made would make the proposed use conform.

7. A land use permit shall be required prior to the issuance of a Michigan State Construction Code permit, issued pursuant to the State Construction Code Act.

C. Permit Exemptions

Nothing in this section shall be construed to exempt or require construction permits, other than those required by the State Construction Code Act. Section 22.1.2.A notwithstanding, neither a land use permit nor a fee is required under this section for the following alteration or uses:

1. Exterior or interior repair and improvement that does not structurally alter the premises or change the exterior shape or form of any building or structure in any manner.
2. Relocation or replacement of machinery or equipment within a building which conforms to the provisions of this Ordinance and is used for a commercial or industrial purpose; and any modification to such building required in connection with said relocation or replacement, provided said modification does not structurally alter the premises or changes the exterior shape or form in any manner.
3. The erection, construction, alteration, or maintenance by public utilities or Township departments or commissions of over ground or underground gas, electrical, water, communications, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals, hydrants, towers, pools and accessories used in connection therewith and reasonably necessary for furnishing adequate service to their individual customers and clients, but not including regional, long distance, interstate distribution or collection systems.
4. Open space.
5. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.
6. Plowing and planting of cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation of one (1) or more parcels of land.
7. Harvesting of timber as part of a forest management activity when part of a forest management plan.
8. Sidewalks, driveways to dwellings and duplexes.
9. Domestic animal shelters used solely for an occupant's pet dog, rabbit or cat.
10. Personal property sales permitted by this Ordinance.

D. Start Work Deadline

A land use permit issued under this Article is void if the use is not commenced within one (1) year after the permit is issued and any construction diligently pursued to completion. A renewal may be granted by the Zoning Administrator after a re-study of the permit at no cost to the applicant, provided the applicant continues to meet all requirements for a permit.

E. Void Permits

1. A violation of any condition or specification in a land use permit issued under this Article shall void the permit.
2. Any improper or incorrect information contained in the application for a land use permit issued under this Article shall void the permit until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all requirements for a permit.

22.1.2 **Monthly Report**

The Zoning Administrator shall submit to the Planning Commission and Township Board a monthly report fully explaining the nature and extent of violations of this Ordinance and the resolution of such violations.

22.1.3 Other Duties

The Zoning Administrator shall have other duties and responsibilities as specified elsewhere in this Ordinance.

22.1.4 Required Fees

A. The fees for land use permits and other applications shall be established by the Township Board. Any required fee shall be paid to the Township Treasurer before any application is considered complete and before any action shall be taken on the application. Said fee shall be retained whether the requested relief or action is granted or not and shall be used as provided by law. The Township Board at any regular meeting may change fees which change shall be effective thirty (30) days from the date of publication of such change.

B. Any works initiated or completed prior to all required Township approvals having been granted are subject to such additional fees and penalties as may be determined by the Township Board.

C. In connection with any application for a special use permit, site plan approval, zoning amendment, planned residential development review, planned unit development review, appeal, or similar application, the reviewing board or official may determine that additional review fees are required to cover the reasonable costs of reviewing such application. Such costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. If determined to be required, the applicant shall pay such costs in advance into an escrow fund established by the Township for such application. No application shall be considered complete and no permit shall be issued until all costs have been paid. The Township shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within sixty (60) days of final action by

the reviewing board or official.

22.2 ENFORCEMENT

22.2.1 Removal of Hazards

a) When the Zoning Administrator finds a clear and present hazard that threatens the health and safety of persons and property he/she shall immediately contact the owner of such hazard in person or by phone, advising the owner of such hazard and shall determine with the owner what and when such remediation shall take place.
This discussion shall be confirmed by letter, certified mail, receipted.

b) If the owner fails to remedy the hazard as agreed, the Township Board may do so and charge all costs to the owner. Failure to pay said charges by the next tax due date shall require the Township to add these charges to the violators tax bill.

22.2.2 Violations and Penalties

22.2.2.1 Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to Clark Township Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions, for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the Clark Township Municipal Civil Infraction Ordinance, and other applicable laws.

22.2.2.2 Repeat offenses under this Ordinance shall be subject to increased fines, as provided by the Clark Township Municipal Civil Infraction Ordinance, as amended.

22.2.2.3 Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this Ordinance shall not exempt the offender from meeting the requirements of this Ordinance.

22.2.2.4 The Township Zoning Administrator, Planning Director, and the Township's Authorized Twp. Officials (as defined by the Municipal Civil Infraction Ordinance, as amended) are hereby designated as the Authorized Township Officials to issue municipal civil infraction citations for violations of this Ordinance.

22.2.2.5 A violation of this Ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

22.2.2.6 A schedule of civil fines, a copy of which shall be posted at the Bureau, payable to the Bureau for admissions of responsibility by the persons served with municipal ordinance violation notices, is hereby established. Unless otherwise provided by ordinance, the schedule of fees below shall apply to all municipal civil infractions.

Zoning Ordinance
1st Offense / $100.00 2nd Offense / $250.00 3rd Offense / $500.00

Police Power Ordinance4

1st Offense / $50.00 2nd Offense / $100.00 3rd Offense / $200.00

ARTICLE 23
LEGAL BASIS AND EFFECTIVE DATE

23.1 LEGAL BASIS

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act.

23.2 VALIDITY AND SEVERABILITY

If any clause, sentence or provision of this Ordinance is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the clause, section or provision so declared to be invalid. All the remaining clauses, sections and provisions of this Ordinance shall remain in full force and effect until repealed notwithstanding that one (1) or more provisions of this Ordinance shall have been declared to be invalid.

23.3 EFFECTIVE DATE

This Ordinance shall become effective from and after the date of passing hereof.

23.4 PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

ARTICLE 24
ALTERNATIVE ENERGY

WIND ENERGY SYSTEMS

24.1 PURPOSE

It has become increasingly desirable in time of rising energy costs and shortages to look to alternative energy sources, solar and wind, for both residential and commercial uses. While utilization of these sources may reduce greenhouse gas emissions, implementation without realistic standards can cause problems visually and operationally both on and off site. These regulations are designed to balance rights of all parties and assist in benefitting the end user and the community as a whole in minimizing visual impacts and the potential for nuisance.

24.2 DEFINITIONS

24.2.1 SMALL WIND ENERGY SYSTEMS (SWES)

A rooftop or tower mounted system which includes the roof mount, foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce residential on-site consumption of utility power. The nameplate capacity shall not exceed sixty (60) kilowatts and the tower height shall not exceed one hundred (100) feet. Rotor blade clearance shall be a minimum of twenty (20) feet above grade.

24.2.2 MEDIUM WIND ENERGY SYSTEMS (MWES)

A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce commercial, municipal, or industrial on-site consumption of utility power. The nameplate capacity is listed from more than sixty (60) kilowatts to three hundred (300) kilowatts and the tower height does not exceed one hundred sixty-four (164) feet. Rotor blade clearance shall be a minimum of thirty (30) feet above grade.

24.2.3 LARGE WIND ENERGY SYSTEM (LWES)

A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to supply electricity to a grid system for off-site customers. The nameplate capacity is listed above three hundred (300) kilowatts and the tower height will exceed one hundred sixty-four (164) feet. Rotor blade clearance shall be a minimum of fifty (50) feet above grade. Property may be owned or leased by the developer. NOTE: The construction of a LWES is preceded by an investigation of on-site wind characteristics to assess suitability for power generation. This typically involves wind monitoring over several months with the installation of a Met Tower, which due to its height, would necessitate an application for and receipt of special zoning approval.

24.2.4 AMBIENT SOUND LEVEL

The amount of background noise at a given location prior to the installation of a Wind Energy System which may include, but not be limited to, traffic, machinery, lawnmower, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute and is the sound pressure level exceeded 90% of the time (L90).

A. **Decibel (Db):** The unit of power ratio equal to one tenth of a bel.

B. **Noise:** Any activity which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property.

C. **Noise Contour:** The graphic depiction of the extent to which an average noise level affects the area surrounding a source of noise.

D. **Noise, Decibel (dB):** A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure of 20 micropascals. Practically defined – the loudness of sound is measured in decibels. Whispering is approximately 30 decibels; conversational speech, 60; a garbage disposal, 80. Sound above 85 decibels may damage delicate hearing cells in the inner ear.

24.2.5 METEOROLOGICAL TOWER (MET)

Includes the tower, base plate, anchors, guy cables and hardware, anemometer (wind speed indicators), wind direction vanes, booms to hold equipment to monitor or transmit wind speed and wind flow characteristics to record instantaneous wind information or to characterize the wind resource at a given location.
MET Towers shall be permitted for not more than 12 months for a SWES
MET Towers shall be permitted for not more than 24 months for a MWES
MET Towers shall be permitted for not more than 36 months for a LWES
These Towers are subject to all applicable requirements and application procedures as are any Wind Energy System.
MET Towers may be permitted for longer periods with approval of the Clark Township Planning Commission.

24.2.6 NON-PARTICIPATING PARCEL: a parcel of real estate that is neither a Project Parcel nor a Participating Parcel.

24.2.7 PARTICIPATING PARCEL: a parcel of real estate that is not a Project Parcel, but is subject to an agreement between the Owner and developer allowing the construction of all or part of a LWES closer to a Participating Parcel property line or habitable structure than would be permitted in the absence of such an agreement.

24.2.8 TOWER HEIGHT: The height above average grade of the fixed portion (hub) of the tower.

24.2.9 TOTAL EXTENDED HEIGHT

For a Horizontal Axis Wind Turbine it is the distance from the average grade to highest point of the rotor blade.

For a Vertical Axis Wind Turbine it is the distance from the average grade to the highest point of the wind turbine.

24.3 REQUIREMENTS FOR ALL WIND TURBINES

1. **All** wind turbines require a special land use permit.
2. **All** foundations need to be inspected by the Clark Township Building Inspector.
3. Electrical permits are required and all work needs to be inspected by the Electrical Inspector
4. **All** wind turbines are required to carry a UL Listing. (underwriter's label)
5. Every application shall be accompanied by the following informational requirements:
   A. A completed permit from Clark Township and a site plan.
   B. Evidence of compliance with a setback of 150% of the total extended height of all turbines from any public road right-of-way, any overhead utility line and all property lines. Guy wire anchors, if required, shall be placed at least fifteen (15) feet from any property line and shall be clearly visible to a height of six (6) feet above grade.
   C. All turbine specifications – including manufacturer and model specs; rotor diameter; tower height, type and drawings; tower foundation drawings.
   D. The method of restricting access to ground mounted electric/control equipment and tower access to a height of ten (10) feet above grade.
   E. Description of lightning protection and location of underground wiring.
   F. Confirmation that there will be no artificial lighting unless required by the Federal Aviation Administration. Lighting shall be a strobe light during daylight hours and red lights at night to reduce the negative effects of the flashing strobe light.
   G. Furnish copies of written utility notification and permission to interconnect with the electric grid, unless the system is to be installed off-grid.
   H. Provide evidence that turbine blade shadow flicker will not fall on public roadways or off-site habitable structures.
   I. Description of the automatic braking, governing or feathering system to prevent uncontrolled blade rotation or over speeding.
   J. Submission of a sound level analysis prepared by the turbine manufacturer or a qualified engineer indicating that noise emissions from any turbine will not exceed forty (40) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sound pressure level exceeds forty (40) dB(A), the standard shall be ambient plus 5 dB(A).

K. Any turbine that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of the turbine that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice. The Zoning Administrator shall withdraw the Notice and notify the Owner of such withdrawal if the Owner provides information that demonstrated the turbine has not been abandoned.

If the wind turbine is determined to be abandoned, the Owner shall remove the wind generator and the tower at the Owner's sole expense within three (3) months of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

NOTE:
The construction of a LWES is preceded by an investigation of on-site wind characteristics to assess suitability for power generation. This typically involves wind monitoring over several months with the installation of a MET Tower, which due to its height, would necessitate an application for and receipt of special zoning approval. Prospective applicants be apprised that Clark Township has initially adopted basic regulations for LWES to assist developers in site assessment and up-front planning to minimize potential problems. Upon granting a Conditional Use for a MET Tower, the Clark Township Planning Commission will commence work to complete this portion of the ordinance within seven (7) months. Topics to be addressed may include, but are not limited to, road use and restoration plan, design site plan, aircraft protection, blasting plan, avian and wildlife impact, microwave and electromagnetic interference, shadow flicker analysis, noise and testing parameters, lightning and stray voltage assessment, security and emergency response plan, emergency shutdown plan, decommission and site restoration plan and bonding/financial guarantee agreement, etc. At the same time progress within the wind industry is continuous with increasingly higher generating capacity available in individual wind turbines. More time is required to assess the impact of these industrial-sized systems on the health and safety of people residing, pursuing recreation and working in their vicinity.
Presently, due to industry evolution and unconfirmed scientific studies, Clark Township decides to err on the side of caution. Options presently available to reduce LWES noise emissions involve reducing the sound power at the source or increasing the distance between source and receiver.

24.4 SETBACKS FOR LWES

Each LWES shall be setback 150% of the total extended height of the LWES form any participating parcel or project parcel property boundary lines.
Each LWES shall be setback 200% of the total extended height of the LWES from any public road right-of-way and any overhead utility line.
Each LWES shall be located 1600 feet from any single family or seasonal dwelling located on a participating parcel.
Each LWES shall be located 3300 feet from any single family or seasonal dwelling located on a non-participating parcel.

24.5 SOUND EMISSION TESTING FOR ALL WIND TURBINES

In order to establish long-term background noise, the pre-construction La90 and Lc90 ambient sound levels are to be measured at the property lines of non-participating parcels at night time between the hours of 9:00 pm and 5:00 am.
Post-construction operating sound levels are to be measured within nine (9) months of a fully operational LWES installation at the property lines of non-participating parcels at night time between the hours of 9:00 pm and 5:00 am. The maximum noise emission at any non-participating parcels containing a single family or seasonal dwelling shall not be in excess of the following limits:

Maximum Emission Level – 40dB(A)
Maximum Emission Level – 55dB(c)
Maximum emission above preconstruction ambient level – La90+5dB
Maximum emission above preconstruction ambient level – Lc90+5dB
Emission Spectra Imbalance – Lc90+5dB -(La90-5dB) $\leq$ 20dB

*Each limit listed above is independent and exceeding <u>any</u> of the limits will be determined to be evidence of non-compliance. The Zoning Administrator shall immediately inform the operator of non-compliance with the Emission Limits and/or any other requirements set in this ordinance. The LWES shall be removed from operation until such time as compliance with noise levels is achieved.

24.6 EFFECTIVE DATE AND ADOPTION

This ordinance shall become effective thirty (30) days after its publication as required by law.
This ordinance was adopted by the Township Board of Trustees of the Township of Clark, Mackinac County, Michigan at a meeting held on August 18, 2011.

Effective Date:

ARTICLE 25
MOBILE VENDING

An ordinance to provide for regulation and a permitting process relating to the sale of goods from a non-permanent structure, including food sold – ready for consumption.

25.1 DEFINITIONS.

A. **Mobile Vending** – Mobile vending means the selling of food or goods for profit from outside of a structure or from within any non-permanent, portable, set-up and Take-down, structure, concession table, tent or trailer.
B. **Short-Term Mobile Vending** – short-term mobile vending means mobile vending lasting no more than three (3) days during a special event as recognized by the Township. The special events shall be determined by the Township annually.
C. **Long-Term Mobile Vending** – long-term mobile vending means mobile vending at any time for periods of more than three (3) days but less than 180 days.

25.2 PROHIBITED CONDUCT

Mobile vending, whether short-term or long-term, is prohibited without a permit to do so issued by Clark Township.

25.3 PERMIT PROCESS

A. **Application.** Applications for mobile vending are available at the Clark Township offices. In order to obtain a permit for mobile vending, an application form must be fully completed and submitted to the Township with the required application fee. The application for a permit for long-term mobile vending must be submitted by the owner of the land on which the vending is to occur.
B. **Standards of Approval.** Approval or denial of the application for mobile vending shall be based on the following standards:
   1. Applications for long-term mobile vending must be accompanied by a site plan depicting the location of any structures or equipment from which vending will occur, including adequate area for vehicle parking for all staff/employees together with four (4) additional parking spaces for customers.
   2. Applications for short-term *and* long-term mobile vending shall be accompanied by written proof of permission by the land owner to conduct the proposed vending activity.
   3. The vending activity proposed by the applicant is in conformity with all applicable state, federal, and local laws and regulation, including any required licensing.
   4. If the vending involves the sale of food for consumption, the Special Transitory Food Unit (STFU) license number must be provided in the application.
   5. Long-term mobile vending shall be permitted ***only*** in a commercial zoning district while short-term mobile vending will be permitted in ***any*** zoning district.

6. The applicant must agree to indemnify the Township against any claim for liability relating to property damage, personal injury, including death, that results or arises from the vending activity permitted and any other matter relevant to the health, safety, and welfare of the property owners, residents, and visitors to Clark Twp.

25.4 PENALTY

Any person who violates this ordinance shall be guilty of a civil infraction.

25.5 EFFECTIVE DATE AND ADOPTION

Adopted: 12-20-2017 Effective Date: 2-9-2018

CLARK TOWNSHIP
ORDINANCE NO. 01-2008

MUNICIPAL CIVIL INFRACTIONS

AN ORDINANCE TO PROVIDE FOR MUNICIPAL CIVIL INFRACTIONS AND TO IMPLEMENT THE PROCEDURES AND PENALTIES FOR VIOLATIONS OF SAME.

CLARK TOWNSHIP HEREBY ORDAINS:

1. **Definitions:** the following words, terms and phrases are defined as follows:
   a. *"Act"* means Public Act No. 236 of 1961, as amended. (See MCL 600.101 et seq., MSA 27A.101, et seq.
   b. *"Authorized Township official"* means the Township Supervisor or his/her designee who is authorized by this or any other ordinance to issue municipal civil infraction citations or municipal ordinance violation notices.
   c. *"Citation"* means a written complaint or notice to appear in court upon which an authorized Township official records the occurrence or existence of one or more municipal infractions by the person cited.
   d. *"Bureau"* means the Clark Township Municipal Ordinance Violations Bureau, as established herein.
   e. *"Municipal civil infraction action"* means a civil action in which the respondent is alleged to be responsible for a municipal civil infraction.
   f. *"Municipal ordinance violation notice"* means a written notice, other than a citation, directing a person to appear at the Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed by ordinance for the violation of the ordinance, as authorized by MCL 600.8396, 600.80707(6), M.S.A. 27A.8396, 27A.8707(6).
   g. *"Repeat offense"* means any second or subsequent municipal civil infraction violation of the same provision committed by a person within any six-month period, unless some other period is specifically provided in any other Township Ordinance or by any other ordinance, and for which the person admits responsibility or is determined to be responsible.

2. **Designation of Authorized Township Officials.** The Township Supervisor or his/her designee shall have the authority to issue municipal civil infraction citations and municipal civil infraction violation notices.

3. **Commence of Action.** An authorized Township official may commence the issuance of a municipal civil infraction by issuing:
   a. A municipal ordinance violation citation, directing the alleged violator to appear in court; or
   b. A municipal ordinance violation notice, directing the alleged violator to appear at the Township's Municipal Ordinance Violations Bureau.

4. **Establishment of Municipal Ordinance Violations Bureau.** A Municipal Ordinance Violations Bureau (hereinafter "the Bureau") is hereby established, pursuant to Section 8396 of the Act, to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized Township officials, and to collect and retain civil fines and costs as prescribed herein or by any other ordinance.

5. **Location of Bureau.** The Bureau shall be located at the Clark Township Hall, 207 N. Blindline Rd., Cedarville, Michigan and shall be under the supervision and control of the Township Treasurer.

6. **Disposition of Violations.** The Bureau may dispose only of municipal civil infraction violations for which fines have been scheduled and for which a municipal civil infraction violation notice, rather than a municipal infraction citation, has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing herein shall prevent or restrict the Township from issuing a municipal civil infraction for any violation or from prosecuting any violation in a court to competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection afforded by law.

7. **Bureau's Scope of Authority.** The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies responsibility of having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

8. **Municipal Ordinance Violation Notice.** Municipal ordinance violation notices shall be issued and served by authorized Township officials under the same circumstances and upon the same persons as provided in Section (12)(d) and (e) below. In addition to any other information required herein or in any other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

9. **Appearance; Payment of Fines and Costs.** An alleged violator receiving a municipal ordinance violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal ordinance violation notice. An appearance may be made by mail, in person, or by representation.

10. **Procedure Where Admission of Responsibility not Made or Fine Not Paid.** If an authorized Township official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the Mackinac County District Court, and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violators last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as

provided by MCL 600.8705, 600.8709, M.S.A. 27A.8705, 27A.8709, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

11. **Contents of Citation.** A municipal ordinance citation shall contain the following:

a. The name and address of the alleged violator;
b. The municipal civil infraction alleged to have been violated;
c. The address and telephone number of the court where the alleged violator must appear;
d. The time at or by which the appearance shall be made;
e. A notice informing the alleged violator that the alleged violator may do one of the following:
    1. Admit responsibility for the municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance.
    2. Admit responsibility for the municipal civil infraction, "with explanation", by mail by the time specified for appearance or in person or by representation.
    3. Deny responsibility for the municipal civil infraction by doing either of the following:
        - Appearing in person for an informal hearing before a Mackinac County District Court judge or magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
        - Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
f. A notice informing the alleged violator of all of the following:
    1. If the alleged violator desires to admit responsibility, "with explanation", in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

2. If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
3. A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
4. At an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
5. At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney

g. A notice in bold-faced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

12. **Numbering, Signing and Issuing of Citation.**

a. Each citation shall be numbered consecutively, be in a form approved by the State Court Administrator, and shall consist of the following parts:
   1. The original, which is a complaint and notice to appear by the authorized Township official and shall be filed with the Mackinac County District Court where the appearance is to be made.
   2. The first copy, which shall be retained by the Township.
   3. The second copy, which shall be issued to the alleged violator if the violation is a misdemeanor.
   4. The third copy, which shall be issued to the alleged violator if the violation is a municipal civil infraction.

b. A citation for a municipal civil infraction signed by an authorized Township official shall be treated as having been made under oath if the violation alleged in the citation occurred in the presence of the authorized Township official signing the complaint and if the citation contains the following statement immediate above the date and signature of the official: *"I*

declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."

c. An authorized Township official who witnesses a person violate an ordinance, a violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation, except as provided in Sections (4) through (10).

d. An authorized Township official may issue a citation to a person if:

    1. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
    2. Based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the Township Attorney approves in writing the issuance of the citation.

e. Municipal civil infraction citations shall be served by an authorized Township official as follows:
    1. Except as provided by Subsection (e)(2) of this section, an authorized Township official shall personally serve a copy of the citation upon the alleged violator
    2. If the municipal civil infraction action involves the use or occupancy of land, or a building or other structure, a copy of the citation need not be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the citation on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address. A citation served under this subsection shall be processed in the same manner as a citation served personally upon an alleged violator, pursuant to Sections (12)(c) and (12)(d).

13. **Failure to Appear; Penalty.** The failure of a person served with a municipal civil infraction citation, as provided in Section (12)(e), who fails to appear

within the time specified in the citation or at the time scheduled for a hearing or appearance, will result in the entry of a default judgement on the municipal civil infraction.

14. **Schedule of Civil Fines.** A schedule of civil fines, a copy of which shall be posted at the Bureau, payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices, is hereby established. Unless otherwise provided by ordinance, the following fee schedule shall apply to all municipal civil infractions:

a. Clark Township Zoning Ordinance

1. First offense municipal civil infraction violation: A civil fine of $100.
2. Second offense municipal civil infraction violation: A fine of $250.
3. Third or subsequent municipal civil infraction: A fine of $500.

b. Other Ordinances.

1. As specified in each ordinance.

15. **Effective Date.** This Ordinance shall take effect February 17, 2008, thirty (30) days following its enactment and shall be published as required by law.

Adopted, enacted and ordained by the Clark Township Board this 17th day of January, 2008.

CLARK TOWNSHIP ORDINANCE NO. 04-2011

AN ORDINANCE TO AMEND PORTIONS OF ORDINANCE NO. 01-2008: MUNICIPAL CIVIL INFRACTIONS

CLARK TOWNSHIP HEREBY ORDAINS:

1. That Ordinance No. 01-2008 of the Clark Township Ordinances shall be and the same hereby is amended as follows:

   A. Section 1.b of Ordinance No. 01-2008 is hereby repealed and replaced with the following revised Section 1.b.:
   (b) "Authorized City official" means the Township Supervisor, or his/her designee, Township Zoning Administrator, Mackinac County Sheriff and all deputized officers, are authorized by this or any other ordinance to issue municipal civil infraction citations or municipal ordinance violation notices.

   B. Section 14 of Ordinance No. 01-2008 is hereby repealed and replaced with the following revised Section 14:
   A schedule of civil fines, a copy of which shall be posted at the Clark Township Hall, payable to Clark Township for admissions of responsibility by the persons served with municipal ordinance violation notices, is hereby established. Unless otherwise provided by ordinance, the schedule of fees attached as Exhibit A shall apply to all municipal civil infractions.

2. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

EXHIBIT A

SCHEDULE OF FEES

Section	Ordinance	1st Offense	2nd Offense	3rd Offense
	Zoning Ordinance	$100.00	$250.00	$500.00
	Police Power Ordinance	$50.00	$100.00	$200.00

C E R T I F I C A T I O N

I, Michael R. Miller, the Township Clerk of Clark Township, Mackinac County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Clark Township Board held on Thursday, August 18, 2011, 7:00 PM Eastern Standard Time at the Clark Township Hall passed Ordinance No. 04-2011, to take effect thirty (30) days after publication and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

AYES: Miller, Lofdahl, Carpenter, Wellnitz

NAYS: Hill

ABSENT: None

I do further certify that said Ordinance No. 04-2011 was duly published in the St. Ignace News, a newspaper printed in Mackinac County, Michigan and circulated in Clark Township, on the 25th day of August 2011 and further that said Ordinance No. 04-2011 was recorded in the Ordinance Book on September 19, 2011.