

**ORDINANCE 2022-2
(as Amended by Ordinance 2022-3)**

**GARDEN TOWNSHIP INTERIM
ZONING ORDINANCE**

DELTA COUNTY, MICHIGAN

Garden Township Board

August 10, 2022

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**GARDEN TOWNSHIP INTERIM ZONING
ORDINANCE
Delta County, Michigan**

An ORDINANCE to establish zoning districts and regulations governing the development and use of land within Garden Township, Delta County, Michigan, in accordance with the provision of Act 110, Public Acts of 2006, as amended, to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this Ordinance and for the official whose duty it shall be to enforce the provision thereof; to provide penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances or regulations.

THE TOWNSHIP OF GARDEN ORDAINS:

Section 100 SHORT TITLE.

This Ordinance shall be known and may be cited as the Zoning Ordinance of Garden Township.

Section 101 DEFINITIONS.

For the purpose of this Ordinance, words used in this Ordinance pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

1. **ACCESSORY BUILDING:** A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
2. **ACCESSORY USE:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
3. **AGRICULTURE:** Any land or building use for pasturage, floriculture, dairying, viticulture, horticulture, forestry, and livestock or poultry husbandry.
4. **ALTERATIONS:** Any change, addition or modification in construction or type of occupancy; and change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as "altered" or "reconstructed".
5. **AMBIENT:** The sound pressure level exceeded 90% of the time or L90.
6. **ANEMOMETER TOWER:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a UTILITY GRID WIND ENERGY SYSTEM.
7. **ANSI:** the American National Standards Institute.
8. **APARTMENT:** A dwelling unit in a "multiple family dwelling" as defined herein.
9. **AUTOMOTIVE REPAIR GARAGE:** A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
10. **BERM:** A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
11. **BOARD:** The Garden Township Zoning Board of Appeals.

12. **BLUFFLINE:** The edge or crest of the elevated segment of the shoreline above the beach or beach terrace which may be subjected to wave attack, and normally presents a precipitous front and inclines steeply on the water side (Dunal terraces which accrete and erode depending on water levels are not considered blufflines).
13. **BREEZEWAY:** A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
14. **BUFFER YARD/PLANTING SCREEN:** A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
15. **BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced (fire) wall(s) extending from the ground up, each part is deemed a separate building, except for minimum side yard requirements as hereinafter provided.
16. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is located.
17. **CARPORY:** A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.
18. **CAR WASH:** A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.
19. **CHURCH:** A building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith.
20. **CLINIC:** A place where medical or dental care is furnished to persons on an out-patient basis by four or more doctors or dentists.
21. **CLUB:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
22. **COMMUNITY FACILITIES:** Utilities normally provided directly or by consent of local government including but not limited to water, sewer, electric, gas, and telephone.
23. **COMPREHENSIVE DEVELOPMENT PLAN or MASTER PLAN:** The statement of policy by the Township relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.
24. **dB(A):** The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
25. **DECIBEL:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
26. **DENSITY:** The number of dwelling units situated on or to be developed on a net acre of land.
27. **DISTRICT:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.
28. **DRIVEWAY:** A passage providing access to an individual's property along which normal two-wheel drive vehicles may be driven twelve months out of the year, comprised of suitable base as determined by the Zoning

Administrator or his designated agency or person. If these driveways cross an existing roadside ditch, the property owner shall obtain a permit from the Delta County Road Commission to install a culvert (minimum length is 24 feet) of sufficient size to carry, unimpeded, the flow of water in the ditch.

29. DWELLING, SINGLE-FAMILY: A building containing not more than one dwelling unit designed for residential use, complying with the following standards:
 - a. It complies with minimum square footage requirements of this Ordinance, in Section 401, General Requirements.
 - b. It has a minimum width across all front, side or rear elevations of 20 continuous feet of exterior wall and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provision of 1972, P.A. 230, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards for construction are different than those imposed by the County Building Code, then and in that event such federal or state standard or regulation shall apply. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
 - c. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972, P.A. 230, as amended, 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 single-family dwellings. In the event that a dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
 - d. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no mobile home shall have any exposed towing mechanism, undercarriage or chassis.
 - e. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
 - f. 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 said mobile home shall be of a type and promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.c
 - g. The foregoing 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 by applicable Ordinances pertaining to such parks.
30. DWELLING, TWO-FAMILY: A building containing two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of single-family dwelling.
31. DWELLING, MULTIPLE-FAMILY: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of single-family dwelling.

32. **DWELLING UNIT:** One or more rooms with a bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.
33. **EARTH SHELTERED HOME:** A building which is partially or entirely below grade.
34. **EFFICIENCY APARTMENT:** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes and having no separate designed bedroom.
35. **ERECTED:** The word "erected" includes built, constructed, reconstructed, move upon, or any physical operations on the premises required for a building. Excavations fill, drainage, and the like, shall be considered part of erection.
36. **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
37. **EXCAVATION:** Any breaking of ground, except common household gardening, general farming and ground care.
38. **FAMILY:** An individual or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
39. **FARM:** Any parcel of land containing at least 5 acres, which is used for agricultural purposes.
40. **FEEDLOT:** A place or area, including land and buildings, where livestock are placed on feed for the purpose of increasing the weight or grade of the livestock prior to being sold for slaughter.
41. **FENCE:** An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the enclosure of yard areas.
42. **FILLING:** The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
43. **FLAG LOT:** A lot which has minimum frontage on a public or private street, which is reached via a private drive or land and whose width some distance back from the street right-of-way, meets all ordinance requirements.
44. **FLOOR AREA, GROSS:** The sum of all gross horizontal areas of the several floors of a building or buildings measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered shall not be considered as part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.
45. **FLOOR AREA RATIO:** An intensity measured as a ratio, derived by dividing the total floor area of a building by the base site area.
46. **FLOOR AREA USABLE:** For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patron, clients or customers. Such floor area which is

used or intended to be used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation or "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

47. **GARAGE, PRIVATE:** An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.
48. **GASOLINE SERVICE STATIONS:** A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor- type car wash operations.
49. **GRADE:** A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.
50. **HEIGHT:** The vertical distance from the highest point of a structure excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.
51. **HOME BUSINESS:** A use conducted entirely within an enclosed building which is clearly incidental and secondary to residential occupancy and does not change the character thereof and employs only the inhabitants thereof and not more than one other person. There must be a minimum floor area of 100 square feet but cannot exceed 1,000 square feet in size. The following are specifically excluded when they can be viewed from off the lot: storage and display of merchandise, window display, or the storage of equipment or machinery. Signs are specifically excluded unless mounted flush with the building. Signs cannot exceed the size of 3 feet by 5 feet and cannot be illuminated or have working parts. The number of signs is restricted to two and if the sign is not visible from the road, it can be placed to the front of the lot or parcel, upon the determination of the Zoning Administrator.
52. **HOME BUSINESS EXPANDED:** A conditional use which is clearly incidental and secondary to residential occupancy, owned and operated by the inhabitants of the residence. The following, including but not limited to, shall be set forth in a Conditional Use Permit approved by the Township:
 - a. Minimum and maximum floor area and/or lot coverage;
 - b. Number of non-resident employees;
 - c. Number of patrons at a given time;
 - d. Hours of operation;
 - e. Storage and display of merchandise or the storage of equipment or machinery visible from an IMPROVED PUBLIC ROAD;
 - f. Buffering or screening, either fencing or planting;
 - g. Signage;
 - h. Lighting;
 - i. Number of parking spaces;
 - j. Permit time limit.

53. **IMPROVED PUBLIC ROAD:** Roads which are fully maintained and accessible to automobile traffic throughout the year including US 2 Hwy 183 and roads under the jurisdiction of the County Road Commission which are fully maintained and accessible throughout the year.
54. **KENNEL, COMMERCIAL:** Any lot or premises used for the commercial sale, boarding or treatment of dogs, cats, or other domestic pets.
55. **KENNEL, PRIVATE:** Any lot or premises used for the private maintenance of three (3) or more dogs, cats or other household pets, four (4) months of age or older, not involving any commercial activities. If animals are individually licensed, a kennel license is not needed for household pets.
56. **LAUNDROMAT:** A place where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.
57. **LEASE UNIT BOUNDARY:** Boundary around property leased for the purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of the setback, the Lease Unit Boundary shall not cross road right-of-ways.
58. **LOADING SPACE:** An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
59. **LOT:** Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces of yards as are required under this Ordinance and having its principal frontage upon a street.
60. **LOT AREA:** The total horizontal area within the lot lines of a lot.
61. **LOT, CORNER:** A lot which has at least two contiguous sides abutting upon a street for their full length.
62. **LOT, DEPTH OF:** The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lot lines of the lot.
63. **LOT, INTERIOR:** A lot other than a corner lot.
64. **LOT LINE(S):** Any of the lines bounding a lot as defined herein:
 - a. **Front Lot Line:** In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, in the case of both street lines being equal; the choice may be made at the discretion of the property owner. Where a front lot line is declared on a Subdivision Plat it may be used as the front line.
 - b. **Rear Lot Line:** That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
 - c. **Side lot line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
 - d. **Lot lines adjacent to a Lake, River or Stream:** The lot line shall be the ordinary high water mark which means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, and/or other appropriate means that consider the characteristics of the surrounding areas.

- e. **Lot lines adjacent to a recorded easement:** Measurements are from the lot line. Easements may be utilized as part of a setback, for the lot or parcel that the easement is on, so as not to be contrary to the recorded easement.
- 65. **LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Delta County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Delta County, Michigan, prior to the adoption of this Ordinance.
- 66. **LOT, THROUGH:** A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
- 67. **LOT, WIDTH:** The straight line horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.
- 68. **MAJOR THOROUGHFARE:** An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond.
- 69. **MARQUEE:** A roof-like structure of a permanent nature projecting from the wall of a building.
- 70. **MENTAL HEALTH CENTER:** A hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.
- 71. **MINIMUM LANDSCAPED OPEN SPACE:** The percentage of lot area which must be maintained in grass or other living vegetation.
- 72. **MOBILE HOME:** A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.
- 73. **MOBILE HOME PARK:** Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than one mobile home and including any accessory buildings, structures or enclosures comprising facilities used by park residents.
- 74. **MODULAR (PREMANUFACTURED) HOUSING UNIT:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modular's or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
- 75. **MOTEL:** A series of attached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the traveling public.
- 76. **NONCONFORMING BUILDING (NONCONFORMING STRUCTURE):** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
- 77. **NONCONFORMING USE:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.
- 78. **NUISANCE:** Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:

- a. Noise;
 - b. Dust;
 - c. Smoke;
 - d. Odor;
 - e. Glare;
 - f. Fumes;
 - g. Flashes;
 - h. Vibration;
 - i. Objectionable effluent;
 - j. Noise of a congregation of people, particularly at night;
 - k. Passing traffic; or
 - l. Invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.
79. **NUISANCE, ATTRACTIVE:** A use, practice, structure or condition that meets the criteria as contained in the "classic statement of the doctrine of attractive nuisance" (2 Restatement of Torts, 2d 339, p167; 76 Mich. App. 137 - June 1977).
80. **NURSERY SCHOOL (DAY CARE CENTER):** A public or private school, kindergarten or child care facility wherein day care, or day care and education is provided for five (5) or more minors.
81. **NURSING HOME:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
82. **ON-SITE WIND ENERGY SYSTEM:** A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at the site.
83. **OPEN SPACE REQUIRED:** The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by a structure or any part thereof, except as otherwise provided in this Ordinance.
84. **PARKING SPACE:** An area of not less than one hundred eighty (180) square feet in area, exclusive of drives, aisles, or entrance giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
85. **OUTDOOR EATING AREA:** An area specially designated for outdoor eating. It may contain tables, outdoor cooking facilities, and similar related equipment.
86. **PLANNED UNIT DEVELOPMENT:** A tract of land developed under single ownership or management as a separate neighborhood or community unit. The Development shall be passed on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses.
87. **PLANNING COMMISSION:** The Garden Township Planning Commission.
88. **PRINCIPAL USE:** The main use to which the premises are devoted and the principal use for which the premises exist.

89. **PUBLIC SERVICES:** Goods and services normally provided directly or by consent of local government including snowplowing, road patrol, emergency services, school bus service, and other like services.
90. **RESTAURANT, FAST FOOD:** An establishment whose principal business is the sale of food and/or beverage in a ready-to-consume state, for consumption:
- a. Within the restaurant, building;
 - b. Within a motor vehicle parked on the premises, picnic area or;
 - c. Off the premises as carry-out orders, and whose principal method of operation includes the following characteristics; food and/or beverage are usually served in edible containers or in paper, plastic or other disposable containers.
91. **RESTAURANT, STANDARD:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics:
- a. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
 - b. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building.
92. **RIGHT-OF-WAY:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
93. **ROADSIDE STAND:** A structure which is used seasonally for display and sale of agricultural produce. The operation of a roadside stand shall not constitute a commercial use and shall comply with the Michigan Department of Agriculture's rules and regulations for such stands.
94. **ROTOR:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
95. **SCREEN:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs, or other material.
96. **SEASONAL DWELLING:** A residential building, whether temporary or permanent, and may include mobile homes, which was not originally intended or constructed for year-round occupancy.
97. **SETBACK:** The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
98. **SETBACK, FRONT:** The minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.
99. **SETBACK, REAR:** The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
100. **SETBACK, SIDE:** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
101. **SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

102. **SHOPPING CENTER:** Is a business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.
103. **SIGN:** Any device including words, numerals, figures, designs, pictures, or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, so as to inform or attract attention, excluding the signs used in the Delta County Rural Emergency Numbering System.
104. **SITE PLAN:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
105. **SOUND PRESSURE:** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
106. **SOUND PRESSURE LEVEL:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
107. **SPECIAL USE PERMIT (CONDITIONAL USE):** Issued by the Township Board to a person or persons intending to undertake the operation of an activity upon land or within a structure and for those uses not specifically mentioned in this Ordinance which possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
108. **STABLE, RIDING OR BOARDING:** A facility where more than three (3) horses for hire, sale or boarding are kept.
109. **STORY:** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.
110. **STREET:** A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
111. **STRUCTURE:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, but not including fences, residential solar panels, outdoor wood burners, swimming pools, retaining walls, sidewalks, drives, patios, and utility poles.
112. **STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.
113. **SUBDIVISION:** The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.
114. **VARIANCE:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
115. **YARDS:**
 - a. **Yard, Front:** An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

- b. **Yard, Rear:** An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- c. **Yard, Side:** An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

116.ZONING COMPLIANCE PERMIT: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property in the Township.

Section 102 SEVERABILITY.

This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, grading permit, zoning compliance permit, certificate of occupancy, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer of body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 103 EFFECTIVE DATE.

This Ordinance shall take effect and be in force on the date following its publication in the newspaper of general circulation in the Township.

Section 104 RELATIONSHIP TO OTHER LAWS.

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of the Ordinance, no land shall be used and no structure erected or maintained in violation of any state of federal pollution control or environmental protection law or regulation.

Section 105 ADMINISTRATIVE STANDARDS.

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission shall:
 - 1. Base their decision upon facts presented at a public hearing preceded by notice of at least 8 but no more than 30 days;
 - 2. Notify, by personal service or by mail, all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly affected by a zoning decision;

3. Set forth in all notifications, the time, place, and nature of the meeting, the geographic area included in the zoning proposal, and where and when written comments will be received;
 4. Permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
 5. Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions;
 6. Set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 7. File the record, written testimony of documents submitted with regard to the hearing, and the decision with the Township Clerk to be open to public inspection;
 8. Comply with all other requirements under law.
- C. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.
- D. A Planning Commission approved complaint resolution process shall be enforced by the Zoning Administrator. This subsection does not include complaints covered under Section 701.5 of this Ordinance.

Section 106 APPLICATION OF THIS ORDINANCE.

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the Township, except as specifically, or by necessary implication, authorized by this Ordinance. Conditional uses are allowed only on permit granted by the Township Planning Commission upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

Section 107 ACCESSORY USES AND STRUCTURES.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A. Customary home occupations are permitted as an accessory to residential use or occupancy but only to the extent authorized by the definitions of these terms in this Ordinance.
- B. Accessory uses to a gas station are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, hand washing and polishing without automatic equipment, and replacement of light bulbs, windshield wiper blades and other small parts, and do not include steam cleaning, body repairs, painting, or transmission, or chassis repairs except as listed above.

Section 108-109 RESERVED FOR FUTURE USE.

Section 201 ESTABLISHMENT OF DISTRICTS.

The Township is hereby divided into zoning districts, as names and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the map in Section 901.

Section 202 RESERVED FOR FUTURE USE.

Section 203 DISTRICT R-2.

- A. Intent. To establish and preserve quiet single family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district. The District is designed to accommodate residential opportunities for those who desire exurban residential living and are willing to assume the cost of providing many of their own services.
- B. Permitted Principal Uses. Single family dwellings. Private garages for non commercial use. The keeping of domestic animals, such as cats or dogs, in a manner not constituting a nuisance to neighboring residents. Farm animals such as horses*, cows, or fowl, are not permitted.
- C. Permitted Accessory Uses. The following are permitted accessory uses:
 - 1. Accessory structures normally associated with single-family dwellings such as a private garage, shed for yard tools, playhouse, boathouse, woodshed, sauna, and the like.
 - 2. Pens and private kennels for household pets.
 - 3. Automobile parking.
 - 4. Swimming pools.
 - 5. Home Business by approval of the Zoning Administrator in accordance with the Home Business definition.
- D. Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district, by application for and the issuance of a Special Use permit:
 - 1. Schools.
 - 2. Churches.
 - 3. Private and public parks and similar recreational facilities.
 - 4. Recreational facilities such as swimming pools and unlighted golf courses.
 - 5. Two-family and/or multiple family dwelling.
 - 6. *Horses, specifically riding horses may be permitted if the owner has a recorded deed showing 7 acres or more of contiguous property with no more than one horse per four acres. Property must be fenced and cannot be within 200' of any residence other than their own regardless of ownership, and boarding of horses will not be allowed. There can be no accumulation of barnyard waste within 150' of any potable water supply. And any other conditions the Township may deem necessary to impose. Conditional uses in this district shall be permitted only on lots fronting on and with principal driveway access to an improved public road at least 24 feet in width, and so located, site planned, and designated as to avoid undue noise and other

nuisance and danger.

Section 204 DISTRICT R-3.

- A. Intent. To establish and preserve neighborhoods for medium density residential uses, free from other uses except those which are both compatible with and convenient to the residents of such a district.
- B. Permitted Principal Uses. Single and two-family dwellings, multiple dwellings, motels, and nursing homes. Private garages for non commercial use. The keeping of domestic animals such as cats or dogs, in a manner not constituting a nuisance to neighboring residents. Farm animals such as horses, cows, or fowl, are not permitted.
- C. Permitted Accessory Uses. The following are permitted accessory uses:
 - 1. Accessory structures normally associated with single-family dwellings, two family dwellings, multiple dwellings, motels and nursing homes such as a private garage, shed for yard tools, playhouse, boathouse, bath house, woodshed, sauna, and the like.
 - 2. Pens and private kennels for household pets.
 - 3. Automobile parking.
 - 4. Swimming pools.
 - 5. Home Business by approval of the Zoning Administrator in accordance with the Home Business definition.
- D. Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district, by application for and the issuance of a Special Use permit:
 - 1. Churches.
 - 2. Schools.
 - 3. Private and public parks and similar recreational facilities.

Conditional uses in this district shall be permitted only on lots fronting on and with principal driveway access to an improved public road at least 24 feet in width, and so located, site planned, and designed as to avoid undue noise and other nuisances and danger.

Section 205 RESERVED FOR FUTURE USE.

Section 206 DISTRICT C-1.

- A. Intent. To establish and preserve a compact business district suited to the needs of travelers, tourists, vacationers and nearby residents.
- B. Permitted Principal Uses. Retail establishments selling gifts, hardware, drugs, groceries, sporting goods, antiques and baked goods, art and crafts studios, barber and beauty shops, banks, restaurants, laundromats and gas stations.
- C. Permitted Accessory Uses. The following are permitted accessory uses:

1. Accessory uses or structures normally associated with and clearly incidental to the above permitted principal uses.

D. Conditional Uses. Campgrounds.

Section 207 DISTRICT C-2.

A. Intent. To establish and preserve general commercial areas consisting of shopping centers and commercial strips.

B. Permitted Principal Uses. Offices, car wash establishments, clinics, kennels, hospitals; mental health centers; retail establishments selling gifts, hardware, drugs, groceries, sporting goods, antiques, and baked goods; art and craft studios; barber and beauty shops; banks; restaurants; laundromats; gas stations; and all other retail and personal service establishments except those specifically listed in Section 208 (B).

C. Permitted Accessory Uses. The following are permitted accessory uses:

1. Accessory uses or structures normally associated with and clearly incidental to the above permitted principal uses.

D. Conditional Uses. Campgrounds.

Sections 208 - 210 RESERVED FOR FUTURE USE.

Section 211 DISTRICT RP.

A. Intent. To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry and recreational uses.

B. Permitted Principal Uses. Single family dwellings; mobile homes; churches; schools; parks; agricultural production operations including crop cultivation, pastures, orchards, and farmsteads, feedlots not to exceed 500 cows, 1,500 sheep, 1,000 hogs, as well as poultry farms; the growing and harvesting of timber under a scientific program of forest management and forest product yards which are incidental to

actual timber production; seasonal dwellings; and, in addition, campgrounds, day camps, stables, winter sports facilities, and trails.

C. Permitted Accessory Uses. The following are permitted accessory uses:

1. Accessory structures normally associated with single-family dwellings, mobile homes and seasonal dwellings such as a private garage, sheds for yard tools, playhouses, boathouses, woodsheds, saunas and the like.
2. Pens and private kennels for household pets.
3. Automobile parking.
4. Swimming pools.
5. Home Business by approval of the Zoning Administrator in accordance with the Home Business definition.
6. Accessory uses or structures clearly incidental to the operation of an existing farm, including barns, silos, sheds, equipment storage and similar structures customarily incidental to the permitted principal uses and structures.
7. Roadside stands for the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, provided it is raised on the property.
8. Accessory structures and uses normally associated with parks, trails, campgrounds, day camps, winter sports facilities and stables.
9. Single-family dwellings or mobile homes on lots of 2 acres or more if the Zoning Administrator determines that;
 - a. The residential home, mobile home was present prior to the effective date of this Ordinance; and
 - b. The creation of the new lot is incidental to a sale or lease of land that will not be contrary to the spirit of the RP District; and
 - c. The proposed lot is adjacent to an improved public road and is accessible to existing utilities, community facilities, and public services; and
 - d. The lot is of a size sufficient only to provide usable space incidental to the residential use, but may not of itself constitute a small farm of less than 20 acres. For example, garden space and nonproductive lands may be included in the lot, but it is not the intent to permit 10 or 15 acre "mini farms."
10. Single-family dwellings or mobile homes on lots of 10 acres or more if the Zoning Administrator determines that;
 - a. The proposed lot or lots are adjacent to improved public roads; and
 - b. The proposed lot or lots are accessible to existing utilities, community facilities, and public services; and
 - c. The proposed use will not lead to a substantial increase in the need for public utilities, facilities, or services in the surrounding area; and

d. The proposed use will not be contrary to the spirit or purpose of the RP District.

11. Accessory uses and structures normally associated with churches and schools.

D. Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit:

1. Resorts and lodges on lots of 20 acres or more.
2. Hunting and shooting preserves on lots of 40 acres or more.
3. Feedlots and poultry farms exceeding the number of animals listed under Permitted Principal uses.
4. Fur Farms provided that no such operation shall be established within ¼ mile of any existing residence not on the premise.
5. Private airports or landing fields.
6. Festivals not to exceed 7 continuous days of operation and complying with all State licensing regulations as to food, beverages, septic disposal, etc.
7. Commercial kennels on a minimum of 20 acres. Kennels could not be within 200 feet of any property line or residence, including their own. All kennels must be licensed by the Delta County Animal Control; and any other conditions the Township may deem necessary to impose.

Section 212 DISTRICT AP.

A. Intent. This district is intended to maintain for agricultural purposes those lands which because of their soil characteristics and other factors, are especially well suited for agricultural uses.

B. Permitted Principal Uses. Agricultural production operations including crop cultivation, pastures, orchards, farmstead, single family dwellings, or mobile homes, and feedlots not to exceed 500 cows, 1,500 sheep, 1,000 hogs as well as poultry farms.

C. Permitted Accessory Uses. The following are permitted accessory uses:

1. Accessory structures normally associated with single-family dwellings and mobile homes such as a private garage, sheds for yard tools, playhouses, boathouses, woodsheds, saunas and the like.
2. Accessory uses or structures clearly incidental to the operation of a farm including barns, silos, sheds, equipment storage and similar structures customarily incidental to the permitted principal use and structures.
3. Roadside stands for the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, provided it is raised on the property.
4. Automobile parking.
5. Home Business by approval of the Zoning Administrator in accordance with the Home Business definition.

6. Swimming pools.
7. Pens and private kennels for household pets.
8. Single-family dwellings or mobile homes on lots of 2 acres or more if the Zoning Administrator determines that:
 - a. The residential home/mobile home was present prior to the effective date of this Ordinance; and
 - b. The creation of the new lot is incidental to a sale or lease of land that will not be contrary to the spirit of the AP District; and
 - c. The proposed lot is adjacent to an improved public road and is accessible to existing utilities, community facilities and public services; and
 - d. The lot is of a size sufficient only to provide usable space incidental to the residential use, but may not of itself constitute a small farm of less than 20 acres. For example, garden space and nonproductive lands may be included in the lot, but it is not the intent to permit 10 or 15 acre "mini farms."

D. Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use:

1. Feedlots exceeding the number of animals listed under Permitted Principal Uses.
2. Poultry farms exceeding the number of animals listed under Permitted Principal Uses.
3. Fur farms, provided that no such operation shall be established within ¼ mile of any existing residence not on the premises.
4. Private airports or landing fields.
5. Hunting and shooting preserves on lots of 40 acres or more.
6. Festivals not to exceed 7 continuous days of operation and complying with all State licensing regulations as to food, beverages, septic disposal, etc.
7. Commercial kennels on a minimum of 20 acres. Kennels could not be within 200 feet of any property line or residence, including their own. All kennels must be licensed by the Delta County Animal Control; and any other conditions the Township may deem necessary to impose.

Section 213 RESERVED FOR FUTURE USE

Section 214 DISTRICT RR.

- A. Intent. To establish and maintain an alternative residential environment in accessible rural areas at very low densities.
- B. Permitted Principal Uses. Single family dwellings; mobile homes. Private garages for non commercial use. Churches; schools; parks; agricultural production operations including crop cultivation, pastures,

orchards, and farmsteads; and the growing and harvesting of timber under a scientific program of forest management and forest product yards which are incidental to actual timber production.

C. Permitted Accessory Uses. The following are permitted accessory uses:

1. Accessory structures normally associated with single family dwellings and mobile homes such as private garages, sheds for yard tools, playhouses, boathouses, woodsheds, saunas, swimming pools, automobile parking, and the like.
2. Accessory uses or structures clearly incidental to the operation of a farm, including barns, silos, sheds, equipment storage, and similar structures customarily incidental to the permitted principal use and structures.
3. Roadside stands for the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like provided it is raised on the property.
4. Pens and private kennels for household pets.
5. Home Business by approval of the Zoning Administrator in accordance with the Home Business definition.
6. Accessory uses or structures clearly incidental to the operation of churches and schools.
7. Accessory structures and uses normally associated with parks.

D. Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit:

1. Seasonal dwellings and accessory structures.
2. Single family homes or mobile homes on lots of 2 acres or more if the Township determines that:
 - a. The proposed lot or lots are adjacent to an improved public road and, if the front lot line borders such a road, a minimum lot frontage of 200 feet shall be provided; and
 - b. The proposed lot or lots are so located as to be reasonably accessible to existing power and public services; and
 - c. The proposed conditional use will not place demands on public utilities or services in excess of current capacity; and
 - d. The proposed lot or lots are capable of supporting medium density development due to favorable soils, topography, and other natural features. The developer shall contact the Zoning Administrator to have an on-site health department review prepared; and
 - e. The proposed conditional use will not be contrary to the spirit or purpose of the RR District.
3. Feedlots, poultry farms and fur farms.
4. Commercial kennels on a minimum of 20 acres. Kennels could not be within 200 feet of any property line or residence, including their own. All kennels must be licensed by the Delta County Animal Control; and any other conditions the Township may deem necessary to impose.

Section 215 DISTRICT OS.

- A. Intent. To preserve as open space those lands which because of their soil, drainage or topographic characteristics, their lack of accessibility, or because they are important wildlife habitats, such as deer yards are not suitable for development.
- B. Permitted Principal Uses. Growing and harvesting of timber and bush fruit, and agricultural produce and wildlife management.
- C. Permitted Accessory Uses:
- D. Conditional Uses Permitted by Special Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Special Use permit:
 - 1. Resorts, lodges.
 - 2. Seasonal dwellings and other recreational uses. Accessory structures normally associated with seasonal dwellings such as woodshed, sauna, boathouses, private garage and sheds for yard tools, on lots of 20 acres or more.
 - 3. Other recreational uses on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact.

Section 216 DISTRICT LS/R.

- A. Intent. This district is intended to establish and maintain for residential and recreational use those areas with frontage on inland lakes and rivers and the Lake Michigan shoreline which because of their natural characteristics and accessibility, are suitable for development.
- B. Permitted Principal Uses. Single family dwellings, mobile homes, and seasonal dwellings. Private garages for non commercial use. The keeping of domestic animals such as cats or dogs, in a manner not constituting a nuisance to neighboring residents. Farm animals such as horses, cows, or fowl, are not permitted.
- C. Permitted Accessory Uses. The following are permitted accessory uses:
 - 1. Accessory structures normally associated with single family dwellings and mobile homes such as a private garage, shed for yard tools, playhouse, boathouse, wood-shed, sauna and the like.
 - 2. Pens and private kennels for household pets.
 - 3. Automobile parking.
 - 4. Swimming pools.
 - 5. Homes Business upon approval by the Zoning Administrator in accordance with the Home Business definition.
- D. Conditional Uses Permitted by Special Permit. The following uses of land and structures may be permitted in this district by application for and the issuance of a Special Use Permit:
 - 1. Marinas, boat liveries, bathing facilities, fishing piers.
 - 2. Resorts, lodges and campgrounds.

3. Fish markets, commercial fishing docks.
4. Associated facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

Sections 217-218 RESERVED FOR FUTURE USE

Section 219 DISTRICT TD.

A. Intent. The TD, Town Development, District is established to preserve a district for residential, retail and service establishments, and certain governmental uses that are compatible with a small town setting serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.

B. Permitted Principal Uses:

1. Single-family dwellings.
2. Two-family dwellings.
3. Cemeteries.
4. Township halls.
5. Community centers.
6. Fire halls.
7. Elevated water storage tanks.
8. Post offices.
9. Personal services.
10. Offices.
11. General retail sales to the consumer, production may occur on the premises provided all goods produced on the premises must be sold on the premises.

C. Permitted Accessory Uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
3. Signs, as required and subject to the regulations established in Sec. 101 (10).

D. Conditional Uses Permitted by Special Permit. The following uses of land and structures may be

permitted in this District, by application for and issuance of a Conditional use Permit as provided for in Section 701.

1. Churches.
2. Schools.
3. Private and public parks and similar recreational facilities.
4. Multiple family dwellings.
5. Nursing homes and day care facilities.
6. Road Commission and public works buildings and maintenance/storage facilities.
7. Motor vehicles sales and service.
8. Mobile home, camper, recreational vehicle and boat sales and service.
9. Construction and farm equipment sales and service.
10. Hotels and motels.
11. Gas stations.
12. Automotive repair garage.
13. Laundromats.
14. Wastewater treatment facilities.
15. Home occupations, subject to the conditions of Section 101 (51)
16. Transfer stations, commercial and public, television, radio and microwave towers.
17. Sawmills, planing mills, woodworking and working with wood related products.

Section 220 RESERVED FOR FUTURE USE.

Section 300 HEIGHT AND PLACEMENT REGULATIONS.

Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained within 30 degrees of being parallel but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or side lot line. All distances are measured in feet. Measurements are from the lot line to the nearest projection of the structure including but not limited to overhangs, porches, and decks.

District	Front	Side	Rear	Height	Minimum Lot Size	Minimum Lot Width C
R-2	30	10B	30	30	20,000 sq. ft. D-E	100
R-3	30	10B	30	30	20,000 sq. ft. D-E	100
C-1	30	5	20	30	none	none
C-2	40	5	20	30	none	none
RP	30	30	30	30	20 acres D-E	none
OS	30	30	30	30	none D-E *20 acres Conditional Use	none
AP	30	30	30	30	20 acres D-E	none
RR	30	30	30	30	5 acres D-E *2 acres Conditional Use	300 200
LS/R	30	10B	30	30	20,000 sq. ft. D-E	100
TD	Established by Planning Commission					

- A. Height at any point on a structure shall not exceed the horizontal distance to any lot line.
- B. A detached garage not exceeding 14 feet in height may be located within four feet of a side lot line.
- C. Lot width shall be measured at front setback line.
- D. 12,000 sq. ft. where lot is served by public sewer and water supply,
15,000 sq. ft. where lot is served by public sewer or water supply.
- E. In Districts R-2, R-3, LS/R, RR, RP, OS, and AP the minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as lot in a recorded plat, or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance.
- F. Lots created by natural or manmade barriers such as lakes, rivers, streams, public roads, or railroads shall be considered to be the same as lots of nonconforming size that were in existence and recorded prior to the adoption of this Ordinance.

Any lot, before being utilized under this provision must be reviewed and approved by the Township Planning Commission at a public hearing and must meet the following requirements:

1. The proposed structure must meet height and set-backs requirements of the district in which they are located.
2. The proposed lot is accessible to an improved public road.
3. The proposed lot is accessible to existing community facilities and public services.

*Must be reviewed and approved by the Township Planning Commission at a public hearing.

There shall be a maximum floor area ration of 25 percent in District R-3 and 80 percent in Districts C-1 and C-2.

There shall be a maximum ground coverage ratio of 30 percent in District R-3 and 40 percent in Districts C-1, and C-2.

There shall be a minimum landscaped open space of 30 percent in District R-3 and 10 percent in Districts C-1,

and C-2.

Section 301 RESERVED FOR FUTURE USE.

Section 400 ZONING DISTRICT BOUNDARY SETBACK REGULATIONS.

On lots in Districts C-1 and C-2, no structure shall be erected or maintained within 30 feet of the boundary line of any R-2 or R-3 Districts. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of the Ordinance.

Section 401 GENERAL REGULATIONS.

- A. Every dwelling unit, except seasonal dwellings, shall have a floor area of not less than 600 square feet, provided, however, that not more than 120 square feet thereof may consist of storage space, at least six feet, six inches high in a fully enclosed accessory building on the same lot, but if such accessory building is a garage or carport, such space must be fully partitioned from the area usable for motor vehicle storage. No crawl space or area under a mobile home shall be used for any storage purpose whatsoever and every such crawl space or area under a mobile home which is less than five feet in height, shall be fully enclosed by weatherproof material and any ventilators shall be screened.
- B. In erosion control District 1, no structure except any erosion control structure shall be erected within 35 feet of the bluffline of Lake Michigan. Erosion control District 1 consists of the South 600 feet of the North 2,000 feet of Section 23, R37N, R24W.
- C. In erosion control District 2, no structure except any erosion control structure shall be erected within 35 feet of the bluffline of Lake Michigan. Erosion control District 2 consists of that part of Section 31, T38N, R23W, lying South of No-See-Um Creek.
- D. In erosion control District 3, no structure except any erosion control structure shall be erected within 40 feet of the bluffline of Lake Michigan. Erosion control District 3 consists of the North 400 feet of Section 13, T38N, R23W.
- E. In erosion control District 4, no structure except any erosion control structure shall be erected with 35 feet of the bluffline of Lake Michigan. Erosion control District 4 consists of the North 2,500 feet of Section 5, T39N, R22W and Section 32, T40N, R22W and, that part of Section 29, T40N, R22W, lying South of the Gladstone City limits.

Section 402 RESERVED FOR FUTURE USE.

Section 500 OFF-STREET PARKING REQUIREMENTS.

Except in Districts RP and OS, there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be as shown in the following list:

Use	Spaces Required
Single and two family dwellings	2 per dwelling unit

Rooming houses, fraternities, sororities, dormitories, convalescent homes	.4 times maximum lawful number of occupants
Hotels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit or floor area in sq. ft. divided by 440, whichever is greater
Mobile home subdivisions and parks	2 per mobile home
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Fast food take-out establishments and drive-in restaurants	.10 times floor area in square feet
Restaurants (except drive-ins)	1.2 per 100 sq. ft. of floor space
Furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft. of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Laundromats	.5 per machine
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor area

FOR USES NOT SPECIFICALLY LISTED ABOVE, THE REQUIREMENTS LISTED BELOW ARE APPLICABLE:

Use	Spaces Required
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other commercial and industrial uses	.75 times maximum number of employees on premises at any one time

Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than half shall be disregarded and any fraction of one half or more shall require one space.

Required off-street parking shall be provided on the lot to which it pertains.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.

The following minimum design standards shall be observed in laying out off-street parking facilities:

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0° to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16° to 37°	10 ft.	11 ft.	19 ft.	47 ft.
38° to 57°	10 ft.	13 ft.	19 ft.	54 ft.
58° to 74°	10 ft.	18 ft.	19 ft.	61 ft.

75° to 90°	10 ft.	24 ft.	19 ft.	63 ft.
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Section 501 REQUIRED OFF-STREET LOADING SPACES.

Loading spaces required under this Section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

Section 502 SITE PLAN APPROVAL REQUIREMENTS.

Except with respect to single family dwellings and mobile homes on individual lots and the expansion of existing structures involving an expenditure of less than \$40,000.00, no person shall commence any use or erect or enlarge any structure without first obtaining approval of a site plan by the Zoning Administrator as set forth in this Section, and no use shall be carried on, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved site plan.

Section 503 REQUIRED FORM OF AND INFORMATION ON SITE PLAN.

Every site plan shall be submitted to the Zoning Administrator in two identical copies on one or more sheets of paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 40 feet to the inch, certified by a registered land surveyor or professional engineer licensed by the State of Michigan, which shall show the following:

- A. The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- B. The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.
- C. A vicinity sketch showing the location of the site in relation to the surrounding street system.
- D. A legal description of the land included in the site plan and of the lot; the name, address, and telephone number of the owner, developer, and designer.
- E. Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.
- F. Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two feet.
- G. Natural features such as woodlots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.
- H. Proposed streets, driveways, parking spaces, landing spaces, and sidewalks with indication of direction of travel for one way streets and drives and inside radii of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
- I. The size and location of all existing and proposed public and private utilities and required landscaping.

Section 504 REVIEW PROCEDURE.

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this and all other ordinances of the Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten days, approve it in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Planning Commission.

Section 505 PLANNED UNIT DEVELOPMENT.

- A. Intent. To permit great flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur.
- B. Application and Modification Powers. The provisions of this Section may be applied, upon application of the owner, to any lot exceeding two acres in size. The owner shall file with Township Planning Commission a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, he shall furnish such other information as the Township Planning Commission may reasonably require.

In acting upon the application, the Township Planning Commission may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. However, uses not permitted in the district where the lot is located shall not be permitted to occupy more than ten percent of the lot area nor more than ten percent of the building floor area. Where the Commission determines that the application is consistent with subsection (A) of this Section and with the other requirements hereof, it shall enter an order authorizing development and use in accordance with the site plan and description contained in the application, modified as the Commission may require to carry out the intent and purpose of the Section and containing any conditions or restrictions which the Commission may consider necessary to carry out the intent and purpose of the Section and containing any conditions or restrictions which the Commission may consider necessary to carry out the purposes of this Ordinance and to protect the public health, safety, and welfare. The order shall recite the reasons and findings of the fact upon which it is based.

- C. Procedural Requirements. Prior to making any order authorizing development and use under a planned unit development application, the Township Planning Commission shall obtain the opinion and recommendation of a professional planning advisor. The Planning Commission shall proceed pursuant to Section 105 of this Ordinance and the opinion and recommendation of the professional planning advisor shall be made part of the written record.

Section 506 RESERVED FOR FUTURE USE.

Section 507 RESERVED FOR FUTURE USE.

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Section 510 APPLICABILITY OF LANDSCAPE REQUIREMENTS.

The provisions of the following five sections are applicable to every lot with respect to which a zoning compliance permit or a building permit for any new structure or enlargement of any existing structure is

hereafter required.

Section 511 REQUIRED PLANTING SCREENS.

In Districts C-1 and C-2 wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any R-2 or R-3 District, a planting screen of sufficient length to interfere with the view thereof from the adjoining district shall be required except where the view is blocked by change in grade or other natural or manmade features.

Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, an opaque wooden fence, a chain link fence with interwoven redwood or cedar slats, or a masonry wall may be substituted.

Section 512 PLANTING SCREEN SPECIFICATIONS.

All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

Plant	Distance Apart
Forsythia	3 feet
Lilac	3 feet
Privet	1 ½ feet
Arbor Vitae	4 feet
Pfitzer Juniper	4 feet
Scotch Pine	5 feet

Substitution of other plant materials shall be permitted only upon certification by the Zoning Administrator that the proposed planting can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

Section 513 PARKING LOT PLANTING.

Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least 12 feet high when planted or when this Ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American elms, seed-bearing locusts, and box elders. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet except where located so as to create no hazard to drivers or pedestrians.

Section 514 TIME OF COMPLETION.

All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay but no permanent certificate of occupancy shall be issued until completion of all required plantings. Any certificate of occupancy may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

Section 520 GRADING PERMITS.

No grading, including any act by which soil, rock, or mineral matter is cut into, dug, quarried, uncovered, removed, displaced, or relocated, and including the removal of vegetable cover, excavation, and land balancing, shall be undertaken without first obtaining a grading permit from the Zoning Administrator and upon payment of a fee of \$10 per acre or fraction thereof, but not exceeding \$200, and a performance bond or other security in the amount necessary to insure compliance with the requirements of Section 521. No grading permit shall be required for agricultural, horticultural and forestry activities, the construction of a driveway which does not at any point vary from the surrounding grade by more than one foot, the normal graveling or grading of a road or driveway, any project that does not involve, in any one year, an area exceeding 2,000 sq. feet or more than 1,000 cubic yards of material, or construction or maintenance of a septic tank or associated drain field. No grading permit for operations requiring more than one year for completion shall be issued except for lands in District I.

In addition, no grading permit shall be required for activities for which a permit has been issued pursuant to the provisions of the Soil Erosion and Sedimentation Control Act, Act 347, Public Acts of 1972.

Section 521 GRADING REQUIREMENTS.

Anyone engaged in grading shall at all times take all appropriate and reasonable steps to prevent erosion including the construction of silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of land exposed to erosion resulting from grading at any one time and the length of time that any area is exposed, and shall upon completion of operations, leave the area in a condition where further erosion will not take place and the land is at least as suitable for uses permitted under this Ordinance as when grading operations commenced.

Section 522 APPLICATION FOR GRADING PERMITS.

An application for a grading permit must contain sufficient information to enable the Zoning Administrator to determine that the applicant proposes to take such measures as are necessary to meet the requirements of the preceding section. Where necessary, the Zoning Administrator shall require the submission of topographic maps, soil boring reports, or other necessary technical information. Upon receiving an application meeting the requirements set forth in this section, and the fee required in Section 520, the Zoning Administrator shall issue a grading permit to the applicant. No grading permit shall be valid except for work described in the application. The Zoning Administrator shall impose such conditions or requirements in granting the permit as may be necessary to insure compliance with the requirements of the preceding section, and shall impose such limits on working hours and time limits for completion of operations and various stages thereof as may be necessary to

minimize incompatibility with nearby land uses, and failure to take any action or refrain from any action specified either in the application or on the face of the permit shall constitute a violation of this Ordinance.

Section 523 FINANCIAL SECURITY.

Pursuant to the provision of Section 521, the applicant shall provide financial security in one or a combination of the following arrangements:

- A. Performance bond. A performance or surety bond issued by an acceptable bonding company authorized to do business in the State of Michigan.
- B. Escrow fund. A cash deposit or by certified check.
- C. Irrevocable letter of credit. An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan.

The security shall be filed with the Township Treasurer and shall be for same time period as the grading permit and of an amount estimated by the Zoning Administrator as necessary to make the site as suitable for uses permitted in this Ordinance as before grading operations commenced.

Section 524 GRADING OPERATIONS.

Whenever, during or following grading operations, conditions arise which require the taking of any measures or precautions or the imposition of any limits or restraints to assure compliance with the requirements of Section 521, the Zoning Administrator shall make a written order requiring the taking or refraining from any such action and post such order on the premises, and any violation thereof shall constitute a violation of this Ordinance. Wherever it appears that measures or precautions previously required are unnecessary, the Zoning Administrator shall waive them in writing.

Section 601 DEFINITION AND CLASSIFICATION OF NONCONFORMING USES AND STRUCTURES.

Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses or structures are those which have been so designated by the Zoning Board of Appeals, after application by any interested person or the Zoning Administrator, upon findings that continuance thereof would not be contrary to the public health, safety, or welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures.

Section 602 PROCEDURE FOR OBTAINING CLASS A DESIGNATION, CONDITIONS.

A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be pursuant to Section 105 of this Ordinance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be

attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of the Ordinance. No vested interest shall arise out of a Class A designation.

Section 603 REVOCATION OF CLASS A DESIGNATION.

Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

Section 604 REGULATIONS PERTAINING TO CLASS A NONCONFORMING USES AND STRUCTURES.

No Class A nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 605 REGULATIONS PERTAINING TO CLASS B NONCONFORMING USES AND STRUCTURES.

It is a purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 606 RESERVED FOR FUTURE USE.

Section 700 ZONING BOARD OF APPEALS – POWER, DUTIES, RULES.

There is hereby established a Zoning Board of Appeals (to consist of 3 members) as provided for in Act 110, Public Act of 2006, which shall have all of the powers and duties provided by State law and no others except as specifically set forth in this or any other Ordinance of the Township. It may make any rules of procedure, consistent with law, which may be necessary or convenient for carrying out its functions. Copies of such rules shall be made available to the public by the Zoning Administrator at cost and be filed with the Township Clerk and be open to public.

Section 701 CONDITIONAL USE PERMITS.

No conditional use shall be established in any zoning district except upon permit issued by the Township Board with recommendation by the Planning Commission, which shall be guided in making a decision by the

standards set forth in this Ordinance. Any person seeking a conditional use permit shall provide to the Township such information as it may reasonably require to determine whether the grant of the requested permit is authorized by the law. Procedure shall be pursuant to Section 105 of this Ordinance.

Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all use to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provisions for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in the Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other sections, designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all conditional uses indicated. (also see Section 105)

Section 701-1 APPLICATION PROCEDURE.

- A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. Data Required in Application: Every application shall be accompanied by one copy of the following information and data:
 - 1. Conditional Use form supplied by the Zoning Administrator filled out by the applicant.
 - 2. Site plan drawn to a readable scale and containing that information specified in Section 503.
 - 3. A statement with supporting evidence regarding the required findings specified in Section 701-4.
 - 4. Information required for utility grid wind energy systems, on-site wind energy systems over 100 feet high and anemometer towers over 100 feet high as found in Section 701-5.
- D. Upon receipt of such materials by the Zoning Administrator, the Zoning Administrator shall transmit a copy of the site plan to the Planning Commission for their review and holding of a public hearing pursuant to the process set forth in the Michigan Zoning Enabling Act.

- E. Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- F. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- G. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Township Board, with recommendation of the Planning Commission can approve an extension for one additional year upon request by the applicant.

Section 701-2 REVIEW AND FINDINGS.

Planning Commission Action: The Planning Commission shall hold a public hearing on the application pursuant to the Michigan Zoning Enabling Act. Following the public hearing, the Planning Commission shall recommend to the Township Board approval, approval with conditions, or rejection of the application based upon materials received and testimony recorded at the public hearing.

Township Board Action: The Township Board, upon receiving the Planning Commission's recommendation shall approve, approve with conditions, or reject the application. No public hearing is required unless otherwise required under the Michigan Zoning Enabling Act. The Township Board shall set forth the reasons for approval, denial, or modification of the conditional use permit application. Following favorable action by the Township Board, the Zoning Administrator shall issue a Conditional Use Permit, in accordance with the site plan and any conditions as have been placed on such permit by the Township Board. All conditions shall be clearly specified in writing and the petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.

Section 701-3 GENERAL STANDARDS.

The Planning Commission and Township Board shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general policies or with any specific objectives of the Township's Master Plan;
- B. Will be designed constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not diminish the value of land, buildings, or structures in the District;
- E. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will

not be detrimental to the economic welfare of the community.

- G. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- H. Will protect the public health, safety and general welfare of the community; and
- I. Will be consistent with the intent and purpose of the specific zoning district in which it is located.

Section 701-4 CONDITIONS AND SAFEGUARDS.

- A. Prior to granting any Conditional Use Permit, the Township Board may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 701-3 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of development authorized by Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Township Board. Conditional Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Township may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of amply sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Township may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Revocation of a Conditional Use Permit by the Township shall be made at a public hearing following the same procedures as original approval to the effect that;
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Township are violations of this Zoning Ordinance.
- F. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Township Board, a part of the conditions of any Conditional Use permit issued thereto.
- G. No application for a Conditional Use Permit which had been denied wholly or in part by Township Board shall be resubmitted until the expiration of ninety (90) days or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Township.
- H. The foregoing general standards are basic to all conditional uses; and the specific requirements

accompanying the following sections relating to particular uses are in addition to and shall be required in all applicable situations.

Section 701-5 MORATORIUM ON WIND AND SOLAR

- A. "Large Solar Energy Facilities" means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.
- B. "Wind Energy Facilities" Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. Also refers to the terms "windmill," "wind turbine," or "wind generator".
- C. The purpose of this section is to provide sufficient time for Garden Township to fully explore, analyze, research, and make informed decisions regarding Large Solar Energy Facilities and Wind Energy Facilities. In support of this section, Hazelton Township has determined the following:

The Township has become aware that developers are interested in constructing Solar Energy Facilities and Wind Energy Facilities in the Township.

Prior to June 3, 2019, it was the policy of the state that property enrolled in the Farmland and Open Space Preservation program, commonly known as PA 116, would have precluded enrolled property to be used for Large Solar Energy Facilities.

On June 3, 2019, the Michigan Department of Agriculture and Rural Development announced a change to the state policy that would open PA 116 enrolled property to allow the development and use of farmland for commercial solar array purposes.

The integration of these Large Solar Energy Facilities and Wind Energy Facilities within the Township requires suitable regulations and controls to protect the health, safety and welfare of all of the Township's residents.

Imposing a moratorium, on a limited temporary basis, is reasonable and necessary to allow the Township Board time to fully explore, analyze, research and develop any regulations regarding the integration of Large Solar Energy Facilities and Wind Energy Facilities in the Township.

A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of Large Solar Energy Facilities and Wind Energy Facilities for 12 months, subject to further extension at the discretion of the Township Board.

A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment and use of Large Solar Energy Facilities and Wind Energy Facilities, so long as this Ordinance is in effect

The moratorium imposed by this Ordinance remains in effect for 12 months following the effective date of this Ordinance. Before this moratorium expires, the Township may, by resolution, extend the moratorium for up to 12 additional months, if necessary. If an extension is adopted, the Township will publish notice of the extension.

Section 702 FEES.

Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee as required, except that such fee shall not be required when the Township is the moving party. The amount of fees for the petition shall be set by the Zoning Administrator and are subject to review by the Planning Commission and approval by the Township Board.

Section 703 THE ZONING ADMINISTRATOR.

The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Township Board and shall serve at their pleasure. The Administrator shall receive such compensation as the Township Board may, from time to time, determine. The Administrator shall administer and enforce the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. The Administrator shall have no power to vary or waive Ordinance requirements.

Section 704 ZONING COMPLIANCE PERMITS.

Hereafter, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case, and payment of a permit fee in the amount of \$0 where the property involved is located in Districts R-1, R-2, RR, or LS/R or of \$0 when the property is located in any other zoning district. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provisions of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property. Any zoning compliance permit based on any material false statement in the application of supporting documents is absolutely void ab initio and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

Section 705 CERTIFICATE OF OCCUPANCY.

No permanent certificate of occupancy shall be issued under any building code applicable in the Township until all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

Section 706 SPECIAL ZONING ORDERS BOOK AND MAP.

The Zoning Administrator shall keep in his office a book, to be known as the Special Zoning Orders Book, in which he shall list, with a brief description, all variances, conditional use permits, authorizations for planned unit developments, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which he shall record the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 707 VIOLATIONS AND PENALTIES.

Any person who violates any provision of this Ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a municipal civil infraction. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this Ordinance is hereby declared to be a public nuisance per se.

Section 708 RESERVED FOR FUTURE USE.

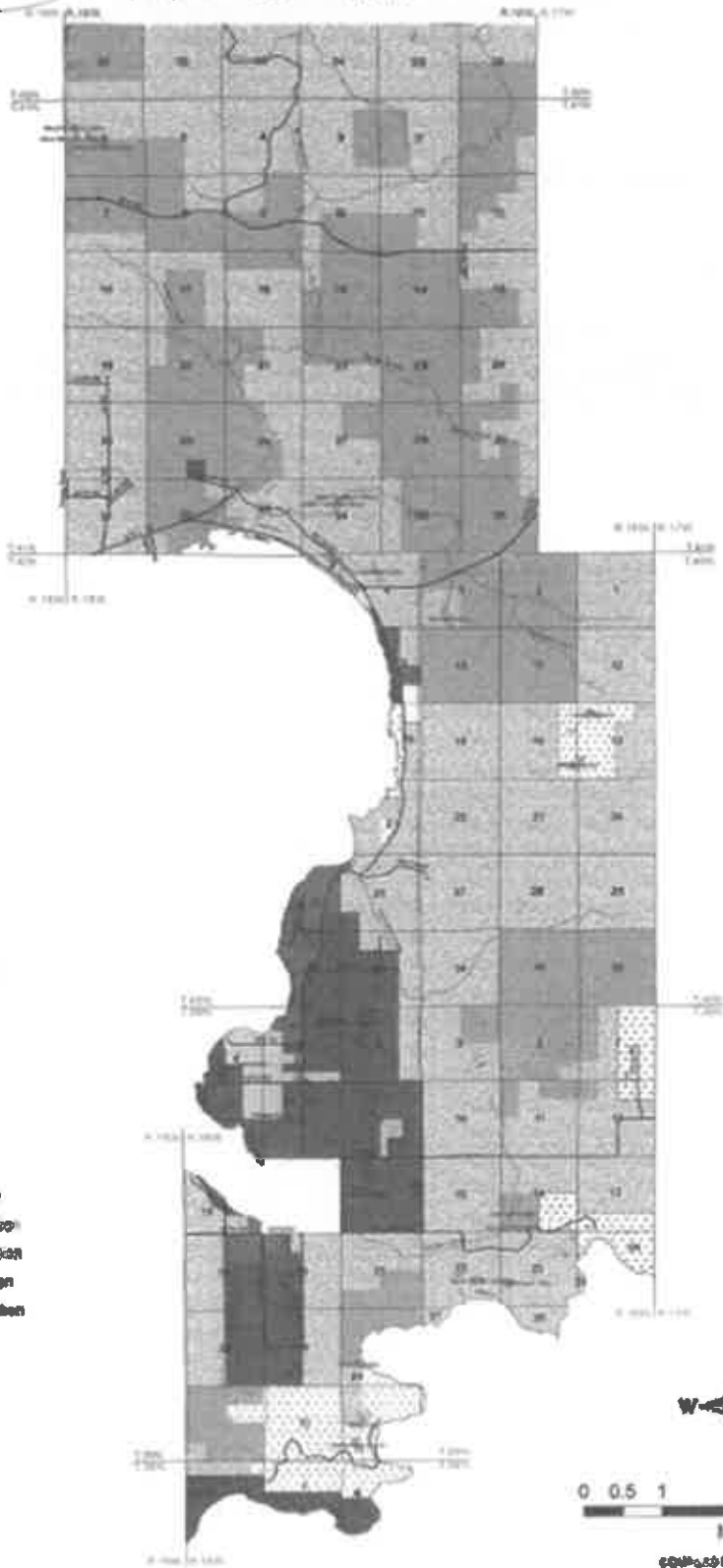
Section 900 ZONING MAPS.

The location and boundaries of the zoning districts established by this Ordinance are set forth on the zoning maps which accompany this Ordinance, and which maps, with all notions, references, and other information shown thereon, is incorporated herein and is as much a part of the Ordinance as if fully described and set forth herein.

Section 901A GARDEN TOWNSHIP ZONING MAP

DELTA COUNTY OFFICIAL ZONING MAP SECTION 909-A GARDEN TOWNSHIP

Southern



FOR OFFICIAL USE ONLY
OF THE ZONING MAP FOR SECTION 909-A

Legend

- Residential-2
- Residential-3
- Rural Residential
- Commercial-1
- Commercial-2
- Urban Development
- Resource Production
- Resource Production
- Resource Production
- Agricultural Production
- Public Land
- Open Space
- Lakeshore-Peak



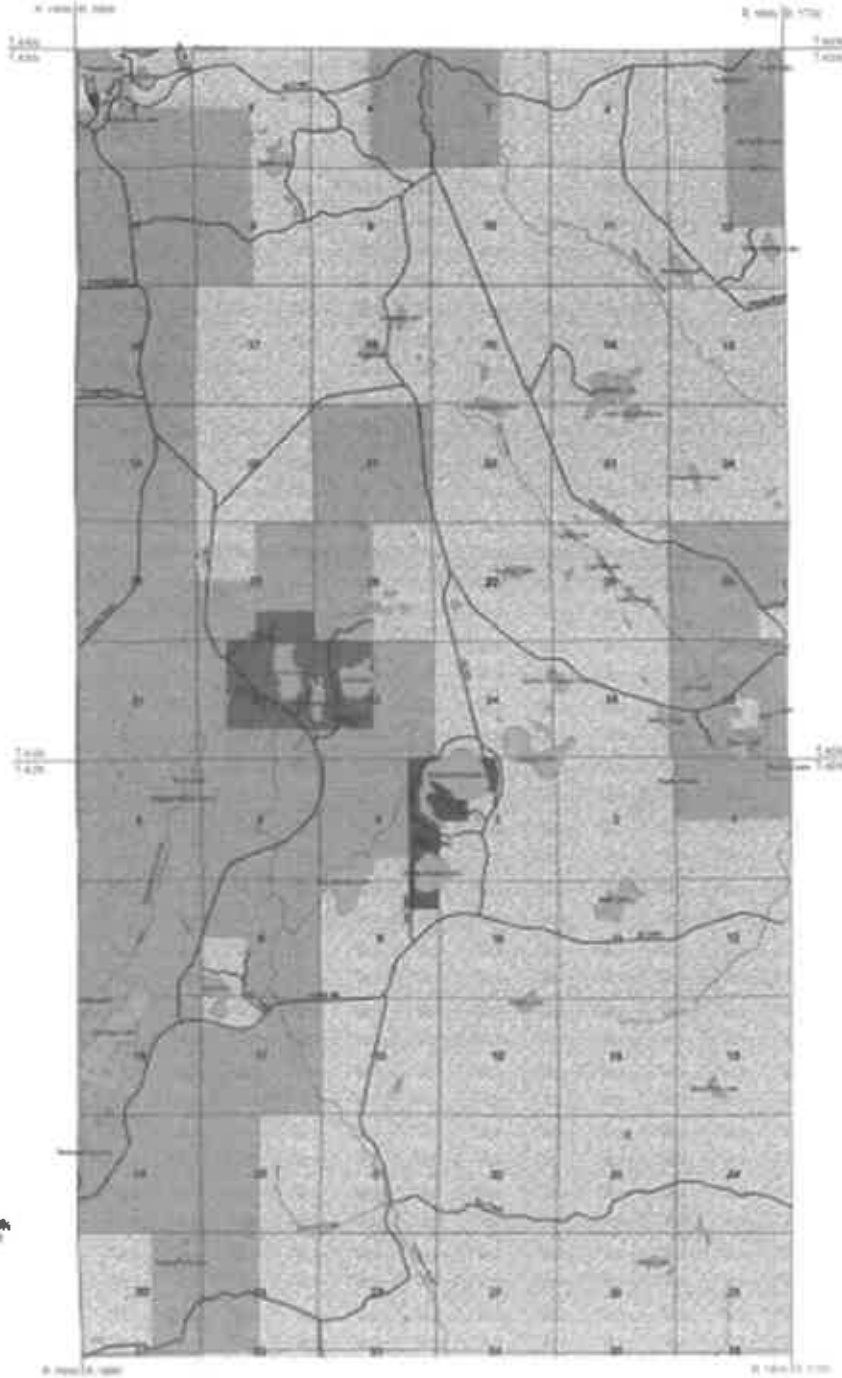
COMPOSED BY G.P.P. 2008

Section 901B GARDEN TOWNSHIP ZONING MAP



DELTA COUNTY OFFICIAL ZONING MAP SECTION 909-B GARDEN TOWNSHIP

Northern



FOR DETAILS OF ZONING
OF THIS MAP SEE SECTION 1

Legend

- Residential-2
- Residential-3
- Rural Residential
- Commercial-1
- Commercial-2
- Resource Production
- Resource Production
- Resource Production
- Agricultural Production
- Public Lane
- Open Space
- Unimproved Other



Section 915 INTERPRETATION OF THE ZONING MAP.


Where, due to the scale, lack of detail or illegibility of the zoning map in Section 901A and B, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Zoning Board of Appeals. The Zoning Administrator, and the Zoning Board of Appeals, in interpreting the zoning map or deciding any appeal, shall apply the following standards:

- A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, right-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
- B. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- D. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the Township as well as all other relevant facts

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CERTIFICATION

This true and complete copy of Ordinance 2022-2 as amended by Ordinance 2022-3 was declared as adopted at a Meeting of the Garden Township Board held on August 10, 2022.



Steven J. Freeman, Township Supervisor



Brenda Lee Lester, Township Clerk

