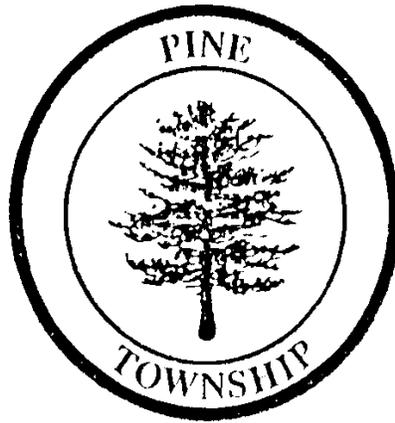


# PINE TOWNSHIP ZONING ORDINANCE



Updated 10/13/2016



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## Chapter 1 TITLE AND PURPOSE

### SECTION 1.01 SHORT TITLE

This Ordinance shall be known as the "Pine Township Zoning Ordinance."

### SECTION 1.02 PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to, among other things:

- to encourage the use of lands, waters and other natural resources in the Township in accordance with their character and most suitable use;
- to limit the improper use of land and resources;
- to provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued;
- to reduce hazards to life and property;
- to provide for orderly development within the Township;
- to avoid overcrowding of the population;
- to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered;
- to lessen congestion on the public roads and streets;
- to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses;
- to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements;
- to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

### SECTION 1.03 THE EFFECT OF ZONING

For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected,



## PINE TOWNSHIP ZONING ORDINANCE

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moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations of this Zoning Ordinance and the Zoning District in which it is located; these limitations being the minimum legislation necessary to promote and protect the general safety and welfare of the community.

In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to Law or to the provisions of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.

If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.



## Chapter 2 DEFINITIONS

### SECTION 2.01 RULES APPLYING TO TEXT

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the portion which can be given effect without the invalid portion or application, providing such remaining portions are not determined by the court to be inoperable, and to this end all portions of this Ordinance are declared to be severable.

If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.

The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.

A "building" or "structure" includes any part thereof.

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.

Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.

"And" indicates that all connected items, conditions, provisions, or events shall apply.

"Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.



## PINE TOWNSHIP ZONING ORDINANCE

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"Either..or" indicates that the connected items, conditions, provision or events shall apply singularly but not in combination.

In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

### SECTION 2.02 DEFINITIONS - A

#### *ACCESSORY BUILDING*

A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

#### *ACCESSORY USE*

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

#### *ADULT USES*

The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

##### A. Adult Book Store

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals, videotapes, movies, or adult-related novelties which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.



## PINE TOWNSHIP ZONING ORDINANCE

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### B. Adult Cabaret

An establishment including, but not limited to, a café, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.

### C. Adult Motion Picture Theater

An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

### D. Massage Establishment

Any establishment having a fixed place of business where massages are administered by pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A *Massage* is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

### E. Nude Artist and Photography Studio

Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

### F. Specified Anatomical Areas

Specified Anatomical areas are defined as less than completely and opaquely covered:

1. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

### G. Specified Sexual Activities

Specified Sexual Activities are defined as:



## PINE TOWNSHIP ZONING ORDINANCE

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1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

### *AGRICULTURE*

The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

### *ALLEY*

A public way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

### *ALTERATIONS*

Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

### *ARCHITECTURAL FEATURES*

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

### *AVERAGE GRADE*

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.



SECTION 2.03      DEFINITIONS - B

*BASEMENT OR CELLAR*

A portion of a building having more than one-half of its height below grade.

*BED AND BREAKFAST ESTABLISHMENT*

A use within a detached single dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

*BOARD, TOWNSHIP*

The words, "Township Board" shall mean the Pine Township Board.

*BOARD OF APPEALS, OR BOARD*

As used in this Ordinance, this term means the Pine Township Zoning Board of Appeals.

*BUILDABLE AREA*

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met.

*BUILDING*

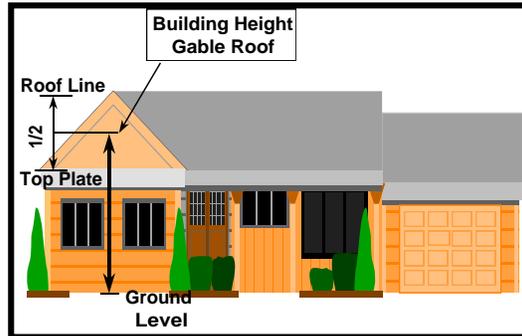
An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.



## PINE TOWNSHIP ZONING ORDINANCE

### *BUILDING HEIGHT*

The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.



### *BUILDING, MAIN*

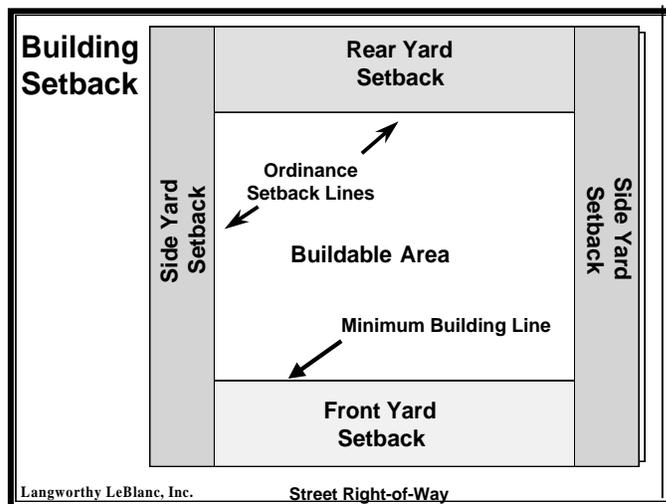
A building in which is conducted the principal use of the lot on which it is situated.

### *BUILDING PERMITS*

A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Township's Building Code.

### *BUILDING SETBACK LINES*

Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards.





## PINE TOWNSHIP ZONING ORDINANCE

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- A. *Front Building Setback Line* - The line marking the setback distance from the front lot line which establishes the minimum front yard setback area.
- B. *Rear Building Setback Line* - The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. *Side Building Setback Lines* - Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.

### SECTION 2.04      DEFINITIONS - C

#### *CLINIC*

A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

#### *COMMERCIAL*

This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) twelve (12) month period.

#### *COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES*

Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

#### *COMMISSION, PLANNING*

This term shall mean the Pine Township Planning Commission.

#### *COMMUNITY WASTEWATER DISPOSAL SYSTEM*



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All aspects of a complete system required to properly collect, treat, and dispose of wastewater from a number of individual dwelling units or other buildings, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.

### *COMMUNITY WASTEWATER SERVICE SYSTEM*

All aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water from a central location or water source to a number of individual dwelling units or other buildings.

### *CONVALESCENT OR NURSING HOME*

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable State law.

## SECTION 2.05      DEFINITIONS - D

### *DAY CARE*

A facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered a Day Care Center.

#### A. Day Care Home, Family

A single family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

#### B. Day Care Home, Group



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A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

### *DRIVE-IN ESTABLISHMENT*

A commercial establishment whose character is significantly dependent on providing a driveway approach and service windows or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

### *DWELLING, OR DWELLING UNIT*

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

### *DWELLING, MULTIPLE FAMILY*

A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes three (3) family buildings, four (4) family buildings, and apartment houses.

### *DWELLING, TWO-FAMILY*

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

### *DWELLING, SINGLE FAMILY (DETACHED)*

A detached building used or designed for use exclusively by one (1) family. It may also be termed a one (1) family unit.



## PINE TOWNSHIP ZONING ORDINANCE

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### SECTION 2.06      DEFINITIONS - E

#### *ERECTED*

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

#### *ESSENTIAL SERVICES*

The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including cellular telephone or communications towers or buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

#### *EXCAVATING*

Excavating shall be the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, except common household gardening.

### SECTION 2.07      DEFINITIONS - F

#### *FAMILY*

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or



**PINE TOWNSHIP ZONING ORDINANCE**

B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

*FARM*

The use of land for cultivation or for raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

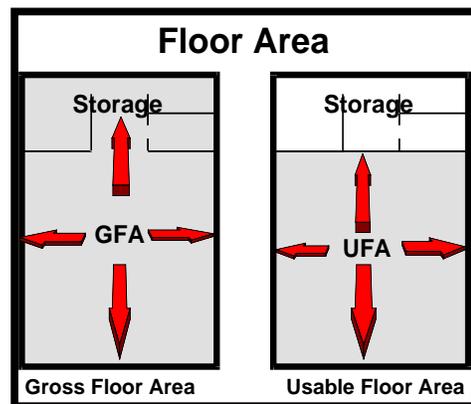
*FENCE*

Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

*FLOOR AREA, GROSS (GFA)*

The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above finish lot grade. (See Basement.)

Gross floor area shall not include attic space having headroom of seven and one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.





## PINE TOWNSHIP ZONING ORDINANCE

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### *FLOOR AREA, USABLE (UFA)*

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of 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.

### *FRONTAGE (SEE LOT WIDTH)*

## SECTION 2.08      DEFINITIONS - G

### *GARAGE*

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of commercial vehicles not exceeding a rated capacity of one (1) ton.

## SECTION 2.09      DEFINITIONS - H

### *HOME BASED BUSINESS*

A business use of a dwelling unit and/or accessory building that is clearly subordinate to the primary use of the premises as a residence or customary farming operations.

### *HOME OCCUPATION*

An occupation conducted solely within a dwelling unit or attached accessory building that is clearly an incidental and subordinate use of the dwelling. Examples include, but are not limited to, professional services such as music instruction, accounting or legal services.



## PINE TOWNSHIP ZONING ORDINANCE

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### *HOSPITAL*

An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

### *HOTEL*

A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

## SECTION 2.10 DEFINITIONS - I

### *INOPERATIVE VEHICLES*

Any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

## SECTION 2.11 DEFINITIONS - J

### *JUNK*

For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use of the purpose for which they were manufactured.

### *JUNK YARD*

The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.



SECTION 2.12      DEFINITIONS - K

*KENNEL*

Any lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

SECTION 2.13      DEFINITIONS - L

*LAWN*

Ground cover consisting of grass or sod kept closely mowed, commonly used as a primary ground cover

*LOADING SPACE*

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

*LOT*

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

*LOT AREA*

The total horizontal area within the lot lines of a lot excluding road right-of-way.

*LOT, CORNER*



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A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) cords of which form an angle of one hundred thirty-five (135) degrees or less.

### *LOT COVERAGE*

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

### *LOT, DEPTH*

The mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a through lot.

### *LOT, DOUBLE FRONTAGE (THROUGH)*

A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat in the request for zoning compliance permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

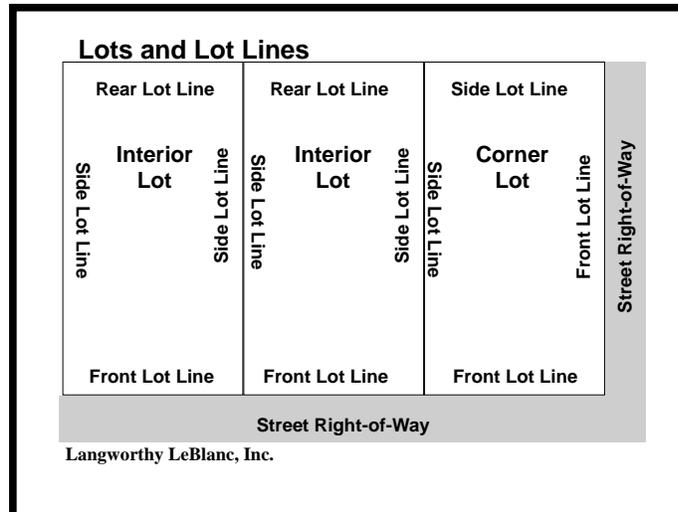
### *LOT, INTERIOR*

A lot other than a corner lot with only one (1) lot line fronting on a street.



## PINE TOWNSHIP ZONING ORDINANCE

### LOT LINES



The property lines bounding the lot.

- A. *Front Lot Line* - In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.
- B. *Rear Lot Line* - Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the real lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Double Frontage Lot).
- C. *Side Lot Line* - Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- D. *Street Lot Line* - A lot line separating the lot from the right-of-way of a street or an alley.

### LOT OF RECORD

A lot which lawfully exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lawful lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

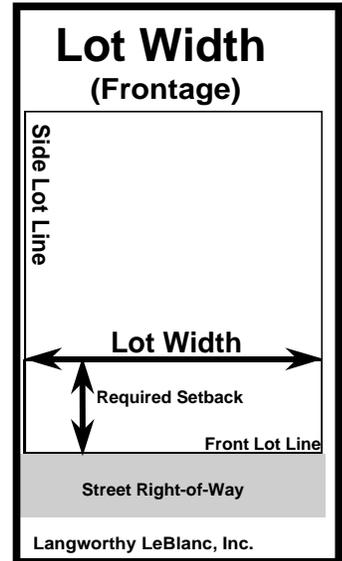


*LOT, WATERFRONT*

A lot having frontage directly upon a lake, river or other naturally formed impoundment of water.

*LOT WIDTH*

The horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines at all points between the front building setback line and the rear building setback line.



SECTION 2.14 DEFINITIONS - M

*MANUFACTURED HOME*

A residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected.

*MANUFACTURED HOME PARK*

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

*MANUFACTURED HOME SPACE*

A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

*MARIJUANA, ALSO KNOWN AS MARIJUANA, ALSO KNOWN AS CANNABIS*



## PINE TOWNSHIP ZONING ORDINANCE

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That term shall have the meaning given to in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marihuana used in this ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

### *MARIHUANA COLLECTIVE OR COOPERATIVE*

Any facility, structure, dwelling or other location where marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. (the “Act”), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term “collective” or cooperative” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Act or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A “marijuana collective or cooperative” shall not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan.

### *MARIHUANA DISPENSARY*

Any facility, structure, dwelling or other location where marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, give, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq. (the “Act”), or a person in possession of an identification card. The term “dispensary” shall not apply to a registered primary care giver that provides necessary care and marihuana for medical use exclusively for his/her five (5) or fewer designated qualifying patients in strict accordance with the Act or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 33.101 through R 333.133. A “marihuana dispensary” shall not include the following uses: a State licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice



## PINE TOWNSHIP ZONING ORDINANCE

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care facility. As long as any such use complies strictly with applicable laws and rules of the State of Michigan.

### *MEDICAL USE OF MARIHUANA*

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.* [Amended 12/20/2011]

### *MASTER PLAN*

The Master Plan, or Land Use Plan currently adopted by Pine Township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan and any amendment to such plan.

### *MOTEL*

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

### *MOTOR HOME*

A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

## SECTION 2.15 DEFINITIONS - N

### *NON-CONFORMING BUILDING*

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

### *NON-CONFORMING LOTS OF RECORD*



## PINE TOWNSHIP ZONING ORDINANCE

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A platted lot that conformed with all Township zoning requirements at the time of recording of said plat, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; or a lot outside a recorded plat that conformed with all Township zoning requirements at one (1) time, and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area, lot width, or both.

### *NON-CONFORMING USE*

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

### *NONRESIDENTIAL DISTRICT*

The Neighborhood Commercial, Commercial Resort, or Light Industrial Districts.

## SECTION 2.16 DEFINITIONS - O

### *OPEN AIR BUSINESS*

Uses operated for profit substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Tennis courts, archery ranges, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

### *ORDINARY HIGH WATER MARK*



## PINE TOWNSHIP ZONING ORDINANCE

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The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

### SECTION 2.17 DEFINITIONS - P

#### *PARKING LOT*

A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

#### *PARKING SPACE*

An off-street space of at least one hundred eighty (180) square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

#### *PERSONAL SERVICE ESTABLISHMENTS*

Any commercial business conducting services that are performed primarily on the premises.

#### *PLANNED UNIT DEVELOPMENT*

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

#### *PORCH, ENCLOSED*

A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a



## PINE TOWNSHIP ZONING ORDINANCE

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separate roof or an integral roof with the main building or structure to which it is attached.

### *PORCH, OPEN*

A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

### *PUBLIC UTILITY*

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

## SECTION 2.18 DEFINITIONS - R

### *RECREATION VEHICLE OR EQUIPMENT*

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

### *RESIDENTIAL DISTRICT*

Residential District shall refer to the Agricultural Residential, Low Density Residential, Waterfront, and Manufactured Home Park Districts, as described in this Ordinance.

### *RIVER, NATURAL*

That portion of the Flat River located in Pine Township and its tributaries, as designated by the Michigan Department of Natural Resources, including West Branch Creek from its source in Pine Township to its confluence with the Flat River near Dickinson Lake Road. The area included in the



## PINE TOWNSHIP ZONING ORDINANCE

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protection of the designated river segment and its tributaries shall include all lands that are within four-hundred (400) feet of the ordinary high water mark.

### *ROADSIDE STAND*

A farm building or separate structure used for the display or sale of agricultural products grown for human consumption.

## SECTION 2.19 DEFINITIONS - S

### *SALVAGE YARD*

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

### *SATELLITE DISH ANTENNA, OR DISH ANTENNA*

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

### *SECONDARY STREET*

The secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.

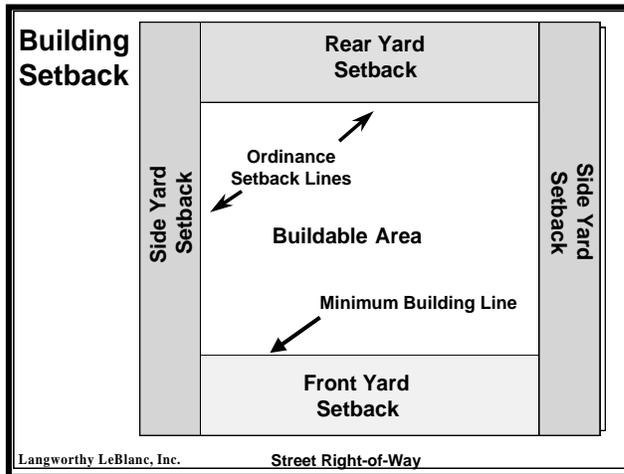
### *SETBACK*



## PINE TOWNSHIP ZONING ORDINANCE

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The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.



### *SHORELINE*

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

### *SIGNIFICANT NATURAL FEATURE*

Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources, or other appropriate governmental agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

### *STATE LICENSED RESIDENTIAL FACILITY*

A residential care facility licensed by the State of Michigan under Act 218 of 1979-of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities



## PINE TOWNSHIP ZONING ORDINANCE

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licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

- A. *Family Care Facility* - Includes a state licensed residential facility providing resident services to six (6) or fewer persons.
- B. *Group Home Care Facility* - Includes a state licensed residential facility providing resident services to more than six (6) persons.

### *STORY*

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

### *STORY, HALF*

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half ( $\frac{1}{2}$ ) the floor area of said full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven and one-half ( $7\frac{1}{2}$ ) feet, at its highest point.

### *STREET, PRIVATE*

A private street shall mean any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to three (3) or more existing parcels and/or main buildings or dwelling units, whether created by a private right-of-way, agreement, license, joint ownership, easement or description. Any and all extensions, additions, or branches of or to a private street shall be considered part of the primary private street which abuts the public street.

### *STREET, PUBLIC*

A public thoroughfare located within a public road right-of way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare.



## PINE TOWNSHIP ZONING ORDINANCE

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### *STRUCTURE*

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

### *SUBSTANTIAL IMPROVEMENT*

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

## SECTION 2.20      DEFINITIONS - T

### *TEMPORARY BUILDING OR USE*

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, which period may not exceed six (6) months.

### *TOWNSHIP*

The term "Township" shall refer to "Pine Township".

### *TOWNSHIP BUILDING INSPECTOR*

The Township Building Inspector shall refer to the person or agency appointed by the Township Board as the Building Inspector for Pine Township.



## PINE TOWNSHIP ZONING ORDINANCE

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### *TOWNSHIP ENGINEER*

The Township Engineer shall refer to the person or firm appointed by the Township Board as the Engineer for Pine Township.

### *TRAVEL TRAILER*

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

## SECTION 2.21 DEFINITIONS - U

### *USE, PRINCIPAL*

The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

## SECTION 2.22 DEFINITIONS - V

### *VEHICLE REPAIR*

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

### *VEHICLE SERVICE STATION*

A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

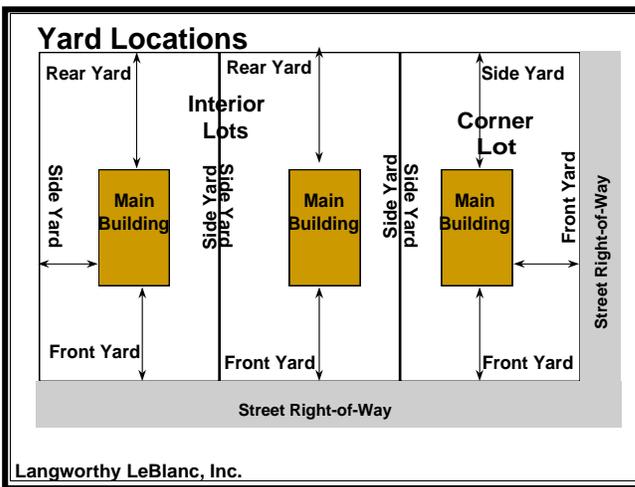


*VEHICLE WASH ESTABLISHMENT*

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

SECTION 2.23 DEFINITIONS - Y

*YARD*



A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. *Front Yard* - an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- B. *Rear Yard* - an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- C. *Side Yard* - an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



## PINE TOWNSHIP ZONING ORDINANCE

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### *YARD; FRONT, REAR, SIDE*

A general term describing the space on a lot or parcel containing a main building, lying between the main building and the respective front, rear and side property lines.

## SECTION 2.24      DEFINITIONS - Z

### *ZONING ACT & ZONING PERMITS*

The Michigan Zoning Enabling Act, Act 110 of 2006 of the Public Acts of Michigan, as amended.

A zoning permit is the written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of the Ordinance and the Township's Building Code.

### *ZONING ADMINISTRATOR*

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

### *ZONING BOARD OF APPEALS, OR BOARD*

The Zoning Board of Appeals of Pine Township





## Chapter 3 GENERAL PROVISIONS

### SECTION 3.01 REQUIRED AREA, SPACE, AND USE CONDITIONS AND EXCEPTIONS

- A. No lots or lots in common ownership and no yard, parking area or other space shall be so created, divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- B. A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District in which it is located, provided the lot conforms to the requirements of the Mid Michigan Health Department. The main building on such lot shall be located so that it meets at least eighty percent (80%) of the yard requirements of the District in which it is located.
- C. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, are:
  - 1. in common ownership;
  - 2. adjacent to each other or have continuous frontage; and
  - 3. individually do not meet the lot width or lot area requirements of this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. Such parcels shall be combined into such lot or lots meeting the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance.

### SECTION 3.02 HEIGHT EXCEPTIONS

- A. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generator, and television and radio reception and transmission



## PINE TOWNSHIP ZONING ORDINANCE

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antennas and towers which do not exceed one hundred (100) feet in height.

- B. Additions to existing buildings and structures which now exceed the height limitations of their District may be constructed to the height of the existing to which the addition is attached if the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

### SECTION 3.03 PRINCIPLE USE

- A. No lot or parcel of land shall contain more than (1) main building or one (1) principal use.
- B. Land and buildings may be considered a principal use collectively if the following conditions are met.
  - 1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
  - 2. All uses, if not the same, shall be similar in function and/or operation.

### SECTION 3.04 STREET ACCESS

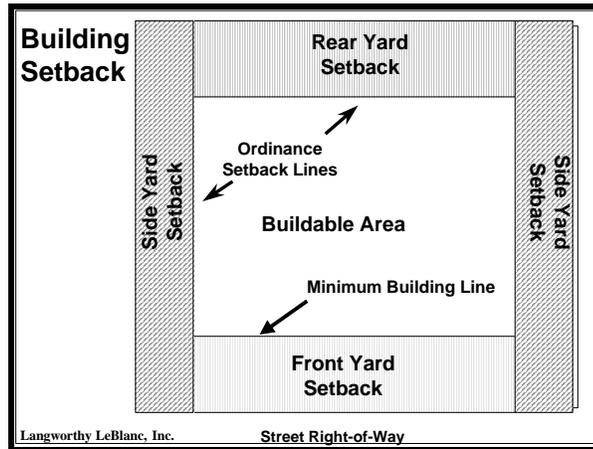
Any lot of record created after the effective date of this Ordinance shall front upon a public street or approved private street meeting the requirements of Section 3.26 and the minimum lot width required by this Ordinance.

### SECTION 3.05 BASIS OF DETERMINING FRONT YARD REQUIREMENTS

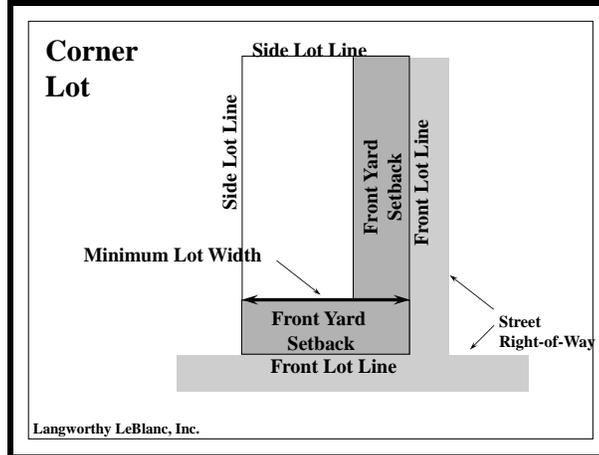
- A. The front yard setback line shall be measured from the right-of-way line or property line, to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district, and maintained across the entire length of the lot, excepted as noted in Section 3.05, B.



## PINE TOWNSHIP ZONING ORDINANCE



- B. Where an average setback line which is less than that required by this Ordinance has been established by existing buildings located within two hundred (200) feet of the proposed building, such average setback shall apply.
- C. On corner and through lots, the front yard requirements shall apply on both streets.



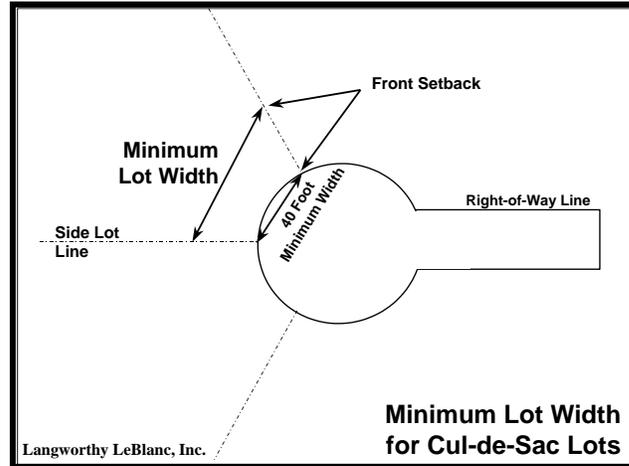
- D. On waterfront lots, the front yard requirements shall apply on the waterfront side of the lot. The street side, or lot line opposite the front lot line shall be considered the rear lot line. Waterfront lots are also subject to the requirements of Chapters 7 and 11.

### SECTION 3.06 MINIMUM LOT WIDTH FOR IRREGULARLY SHAPED LOTS

The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum lot width of forty (40) feet at the front property line.



## PINE TOWNSHIP ZONING ORDINANCE



### SECTION 3.07 PROJECTIONS INTO YARDS

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
1. may project a maximum of four (4) feet into a front or rear setback area; and
  2. shall not project into the side yard setback.
- B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered.
1. On non-waterfront lots such structures:
    - a. may project a maximum of ten (10) feet into a front yard setback area;
    - b. may project a maximum of fifteen (15) feet into a rear yard setback area;
    - c. shall not project into a side yard setback area.
    - d. shall not be placed closer than ten (10) feet to any front or rear lot line.
  2. On waterfront lots such structures:
    - a. shall meet the average front and rear yard setbacks established by existing similar structures on waterfront lots adjacent to the subject property;
    - b. shall not project into a side yard setback area; and
    - c. shall not be placed closer than ten (10) feet to any front or rear lot line.
    - d. Where there is no average front or rear yard setback, such structures may project a maximum of ten (10) feet into a



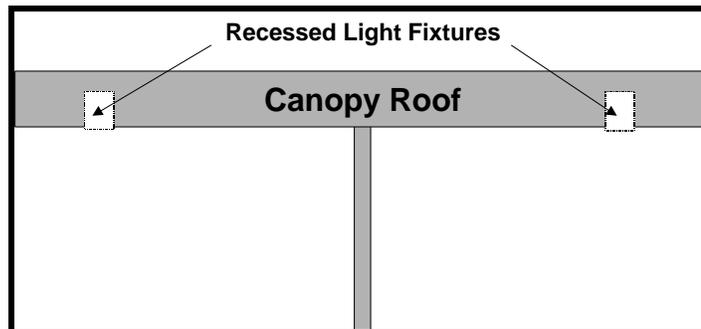
## PINE TOWNSHIP ZONING ORDINANCE

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- required front or rear yard.
- e. In no case shall such structures be placed closer than thirty (30) feet to the ordinary high watermark, or shoreline, as measured at the midpoint of the lot.
3. Waterfront lots are also subject to the requirements of Chapters 7 and 11. If such structures are permanently enclosed on any side or covered in any manner they shall be considered part of the main building.

### SECTION 3.08 ACCESSORY BUILDINGS, STRUCTURES, AND USES

- A. Accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of such buildings and must conform to all regulations of this Ordinance applicable to such main buildings. No manufactured home, tank, junk object, or salvage materials, trailer, vehicle, or similar item shall be considered or utilized as an accessory building or storage structure.



- B. Canopy roofs, such as those for gas pump islands accessory to vehicle service stations, restaurants with drive-through facilities, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of ten (10) feet is maintained from any property line. The height of the canopy roof shall not exceed fourteen (14) feet and be open on all sides. The colors and design of the canopy shall be compatible with the main building. Lighting on or within the canopy shall be flush mounted. Signs shall comply with the wall sign provisions of Chapter 15 of this Ordinance.
- C. On corner lots, where the side lot line is a continuation of the front lot line of the lot to its rear, accessory buildings or uses shall be located no nearer than the front yard setback line of the lot behind the corner lots.



## PINE TOWNSHIP ZONING ORDINANCE

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- D. An accessory building may be permitted on lot which does not contain a principal use or main building, however, the accessory building shall satisfy all district regulations for a principal use or main building in the district in which it is located.
- E. No part of an accessory building shall be used as a dwelling for residential purposes.
- F. Detached accessory buildings shall be located:
1. a minimum of ten (10) feet from any main building;
  2. no less than one-half the distance between the main building and the property line where the main building is set back a minimum of two hundred (200) feet from the front property line; in no case shall the accessory building be located within the required front yard setback. Where the main building is less than two hundred (200) feet from the front property line, accessory buildings shall not be permitted in the front yard;
  3. for buildings of less than one thousand two hundred (1,200) square feet GFA: a minimum of ten (10) feet to any side or rear lot line;
  4. for buildings of less than one thousand two hundred (1,200) square feet GFA: a minimum of ten (10) feet to any side or rear lot line;
  5. For buildings equal to or greater than one thousand two hundred (1,200) square feet GFA: a minimum of thirty (30) feet to any side or rear lot line. Side yard setbacks shall be measured to the eaves of the building.
- G. Detached accessory buildings - Maximum floor areas:
1. For single and two family dwellings, including a garage, the total number of square feet for any accessory building(s) located upon a parcel shall not exceed:
    - a. on lots of less than two (2) acres: one thousand six hundred (1,600) square feet;
    - b. on lots of two (2) to five (5) acres: two thousand five hundred (2,500) square feet; and
    - c. on lots of more than five (5) acres: three thousand five hundred (3,500) square feet.
  2. Other uses, the total number of square feet for any accessory building(s) located upon a parcel shall not exceed:
    - a. Multiple family developments: one thousand two hundred (1,200) square feet, excluding garages for the use of the residents, specifically, one (1) garage per dwelling unit.



## PINE TOWNSHIP ZONING ORDINANCE

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- b. Manufactured home parks: as required by Chapter 13.
  - c. Uses in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the floor area of the main building(s).
- H. No detached accessory building in a Residential District shall exceed eighteen (18) feet in height, or have a door opening greater than fourteen (14) feet in height.

### SECTION 3.09 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings placed in the Township, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be:
  - 1. new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended,
  - 2. or any similar successor or replacement standards which may be promulgated;
  - 3. or, used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.



## PINE TOWNSHIP ZONING ORDINANCE

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- D. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the Township.
- E. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- F. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of fourteen (14) feet at time of manufacture, placement or construction.
- G. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Mid Michigan Health Department.
- H. The foregoing standards shall not apply to a manufactured home located in a manufactured home park licensed by the Michigan Mobile Home Commission and approved by the Township according to the provisions contained in Chapter 13 of this Ordinance except to the extent required by state or federal law.

### SECTION 3.10            TEMPORARY USES OR BUILDINGS REQUIRING ZONING ADMINISTRATOR AUTHORIZATION

- A. Upon application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.
  - 1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
  - 2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, such temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
- B. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any Residential District.
  - 1. Prior to issuing such permit the Zoning Administrator shall make the following determinations:
    - a. The manufactured home will be used only as a temporary



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- use on the same lot while the individual is constructing a permanent residence.
- b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
  - c. The manufactured home dwelling meets the requirements of the Mid-Michigan Health Department and all applicable Township ordinances.
2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.
- C. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:
1. the use or structure will not have an unreasonable detrimental effect upon adjacent properties;
  2. the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
  3. the use or structure does not adversely impact the character of the surrounding neighborhood;
  4. access to the use area or structure is located at a safe location.

### SECTION 3.11 FENCES

- A. Fences shall not be constructed in any public right-of-way. Unless specifically provided for elsewhere in this Ordinance, a fence may not exceed a height of four (4) feet within any front yard setback area, or a maximum height of eight (8) feet in any other area, except as noted in Section 3.11, C, D and E.
- B. Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered as a fence when they have the effect or accomplish the purposes normally associated with fences.
- C. Unless specifically provided for elsewhere in this Ordinance, a fence may not be located within any front setback or in the rear setback of a waterfront lot unless such fence is a height of three (3) feet or less and of a type which is not more than twenty five percent (25%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.



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- D. No fence shall contain any barbed wire or electrification unless necessary for agricultural purposes or for security in a Nonresidential District, or for the protection of public utility buildings or improvements. The barbed portion of the fence shall be at least eight (8) feet from the ground, in which case the height of a fence may extend to a maximum of ten (10) feet.
- E. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard up to a height of eight (8) feet. Fences used in association with specialty farms which require the containment of wildlife, such as grouse and deer as approved by the Zoning Administrator, shall have a maximum height of sixteen (16) feet. Such fences shall be of an open type so as to not obstruct vision.
- F. An open style fence, less than twenty five percent (25%) solid may be constructed up to seven (7) feet in height in any yard.

### SECTION 3.12

### GREENBELTS AND LANDSCAPING

- A. In order to provide protective screening for Residential Districts or uses adjacent to or near Nonresidential Districts or uses, a landscaped greenbelt shall be required on any parcel proposed for development which borders a different zone district, as indicated in 3.12, E. Where the adjacent zone district is more intensive, e.g., NC bordering AP, the required buffer shall be installed only on the property which is in the more intensive district.
- B. The specified buffer shall be required on the subject parcel even if the adjacent parcel is unimproved land. A performance bond may be submitted in lieu of the required buffer where adjacent land is unimproved. The buffer shall be installed when the adjacent property begins development and completed prior to any occupancy of the adjoining use.
- C. When any developed parcel existing as of the date of this Ordinance, or amendment thereto, is changed to a less restrictive zone district, for example, AP to LDR, any required buffer shall be installed in compliance with this Section within six (6) months of the effective date of the rezoning. This provision shall not apply to rezonings initiated by the Township.
- D. If two (2) zoning districts requiring a buffer zone are separated by a street, the design of the required buffer zone shall be reduced by one (1) level; for example, a required Major Buffer shall be reduced to a Moderate Buffer. Notwithstanding the foregoing, the minimum buffer installed shall be a Minor Buffer.
- E. The following chart defines the required buffers between adjacent zone districts.



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BUFFER ZONE	ADJACENT DISTRICT					
	AP	LDR, LF, RF	PUD, MHP	NC	AGC	LI
AP				Moderate		Major
LDR, LF, RF	NR		Minor	Moderate		Major
PUD, MHP	Minor		NR	Moderate		Major
NC	Moderate			NR	Minor	
AGC	Moderate			Minor	NR	Minor
LI	Major			Minor		NR

NR = None Required

**F. Buffer Zone Development Standards**

Required buffer zones shall comply with and be maintained to the following standards:

Buffer Requirements	Major	Moderate	Minor
Minimum width	40 feet	20 feet	10 feet
Equivalent of two (2) rows of approved canopy trees staggered at a maximum of:	twenty (20) foot intervals	twenty (20) foot intervals	thirty (30) foot intervals
Six (6) foot high continuous obscuring screen	Required	Required	Not Required

1. The required six (6) foot high continuous obscuring screen may be comprised of plant material, berming, screen walls or fences, or any combination of these elements in addition to the required plant materials.
2. If berming is used for all or part of the obscuring screen, all required plant materials shall be placed on the top and both sides of the slope. Where necessary the minimum buffer width shall be increased to accommodate side slopes of a maximum of three (3) feet in width to one (1) foot in height.
3. If a screen wall or fence is used for all or part of the obscuring screen the equivalent of four (4) shrubs is required per twenty

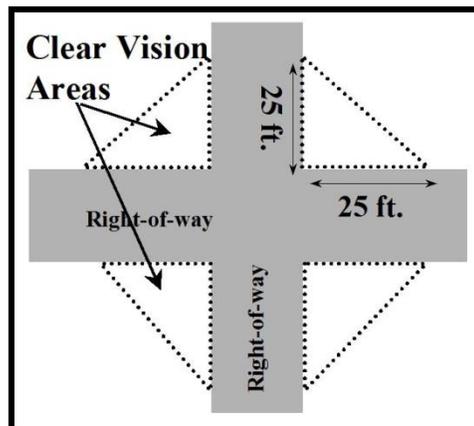


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- (20) linear feet on each side of the wall or fence.
4. The balance of the required buffer shall be covered with grass or approved ground cover in accordance with this Section.
  5. Any plant material, berm, obscuring screen or other landscape feature shall be installed in such a manner so as not to alter drainage patterns on the site or on adjacent properties; obstruct vision for reasons of safety, ingress or egress; or cause damage to utility lines (above and below ground) and public roadways.
  6. Plant materials shall include evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings and trees and plants required as part of the greenbelt shall be kept in a healthy growing condition, neat and orderly in appearance. Dead or diseased plant materials shall be promptly replaced.
  7. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

### SECTION 3.13 CLEAR VISION

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.



- B. No vegetation shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from vehicles entering or leaving the site from driveways or adjacent roadways.



SECTION 3.14 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any District. The intent of this is to exempt such actions regarding essential services from the application of this Ordinance.

SECTION 3.15 TEMPORARY STORAGE OF USED MATERIALS

The storage, collection, or placing of used or discarded material, such as lumber, scrap iron, ashes, slag or other commercial or industrial by-products or waste is prohibited without a Temporary Permit obtained from the Zoning Administrator, which shall be accompanied by a performance guarantee. In reviewing such request, the Zoning Administrator shall consider the length of time requested, the visibility of such storage area from surrounding properties, potential safety concerns, the ability to provide adequate security fencing and aesthetic screening, and other factors relevant to the specific location.

SECTION 3.16 ILLEGAL DWELLINGS

The use of any basement for dwelling purposes is forbidden in any Zoning District unless said basement meets the appropriate building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

SECTION 3.17 EXCAVATIONS, HOLES OR PONDS

- A. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued by the Building Inspector where such excavations are properly protected and warning signs posted in such manner as approved by the Building Inspector; and provided further, that this Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.



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- B. This Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- C. Ponds created by excavations shall be setback a minimum of fifteen (15) feet to any property line. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical run.

### SECTION 3.18 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS

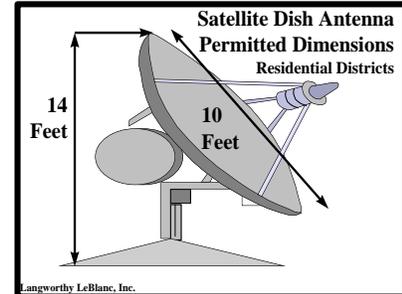
- A. The outdoor storage or parking of recreational vehicles shall be prohibited in all Residential Districts, unless the following minimum conditions are met:
  - 1. All such vehicles, if parked outside, shall not be located in any front yard, with the exception of those properties found within the WF or RF Districts.
  - 2. The parking of such vehicles shall be permitted within the side yard setback, but in no case shall the vehicle be located less than three (3) feet from the side property line.
  - 3. The commercial lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a Residential District.
- B. Travel trailers, tents, camper trailers, and other similar vehicles or equipment intended or adaptable for sleeping purposes shall require a temporary use permit, issued by the Zoning Administrator, to be placed on a lot within any Residential District, except that federal and state properties shall be exempt from the provisions of this subparagraph. Prior to issuing such permit the Zoning Administrator shall ensure that the following conditions are met.
  - 1. Temporary permits may only be issued for the period between and including May 1 through December 1 of the current calendar year.
  - 2. Vehicles granted a permit must be removed at the end of the permit period.
  - 3. No more than one (1) such vehicle may be permitted on any lot.
  - 4. Such vehicles must be provided with proper and approved safety and sanitary facilities.



SECTION 3.19 SATELLITE DISH ANTENNAS

A. In any Nonresidential District, the following restrictions shall apply:

1. The dish antenna shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.
2. The nearest part of the antenna shall be at least five (5) feet from any property line.
3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
5. A site plan shall be prepared and submitted to the Building Inspector for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.



B. In any Residential District, the following restrictions shall apply:

1. The dish antenna shall be permitted in the rear yard only.
2. The nearest part of the antenna shall be at least (5) feet from any property line.
3. The unit shall be securely anchored as determined by the Building Inspector.
4. The maximum height measured from the ground to the top edge of the dish shall be fourteen (14) feet.
5. The antenna shall be an unobtrusive color, as approved by the Building Inspector. Nor shall any portion of the dish antenna contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
6. A site plan shall be submitted to the Building Inspector for approval prior to the issuance of a building permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.

C. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in Nonresidential



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Districts.

- D. The Zoning Administrator shall permit waiver or modification of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing buildings, vegetation, topography, or other factors cause interference with reception.

### SECTION 3.20 EXTERIOR LIGHTING

- A. All lighting of a high intensity nature, intended to illuminate broad areas, shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent properties or roadways.
- B. Light poles for parking lots in Nonresidential Districts or multiple family and nonresidential uses in Residential Districts shall be limited to fifteen (15) feet in height.

### SECTION 3.21 HOME OCCUPATIONS

- A. No person other than the resident occupants and one (1) employee who need not be a resident shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling or attached accessory building, but shall not, in any case, exceed a total floor area equal to not more than one-third (33.3%) of the floor area of the dwelling unit.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign, not exceeding six (6) square feet in area.
- D. Any traffic generated by such home occupation shall not be so great as to cause serious adverse effects within or upon the surrounding neighborhood. Parking areas for such home occupation shall be located off the street and other than in a front yard setback area.
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or



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television receivers off the premises, or cause fluctuation in line voltage off the premises.

- F. The Zoning Act allows the Township to also regulate hours of operation.

### SECTION 3.22 SEASONAL USES

- A. The Zoning Administrator may issue a permit for the temporary sale of merchandise in any district, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.
- B. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
1. that the use does not have an unreasonable detrimental effect upon adjacent properties;
  2. that the use does not impact the nature of the surrounding neighborhood;
  3. that access to the area will not constitute a traffic hazard due to ingress or egress; and
  4. that adequate off-street parking is available to accommodate the use.
- C. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the Zoning Administrator for up to one (1) additional successive month, provided the season or event to which the use relates is continued.

### SECTION 3.23 NON-CONFORMING USES AND BUILDINGS

- A. General Conditions
1. Except where specifically provided to the contrary, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or any amendment thereto.
  2. Except where specifically provided to the contrary and subject to



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the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

3. Any building or structure shall be considered existing and lawful and for purposes of Section 3.24, A, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
4. Any structures or uses which fail to conform to the previous Pine Township Zoning Ordinance, were not permissible, nonconforming uses or structures thereunder, and which violate the Zoning Ordinance shall not be considered permissible nonconforming uses under this Ordinance but shall be considered impermissible nonconforming uses and subject to the enforcement provisions of this Ordinance.

### B. Nonconforming building or structures

1. May be extended, enlarged, altered, remodeled or modernized when the Planning Commission determines that the following conditions are met:
  - a. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.
  - b. Such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.
  - c. The enlargement or extension is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of the Ordinance.
  - d. The enlargement or extension will not interfere with the use of other properties in the vicinity.
  - e. The enlargement or extension shall not exceed fifty percent (50%) of the GFA of the original building or structure when it became nonconforming.
2. Any building or structure which is nonconforming by reason of parking or loading provisions and which thereafter provides additional parking and/or loading spaces shall not thereafter be permitted to use such additional spaces to meet requirements for any extension, enlargement, or change of use which requires additional parking and/or loading spaces.



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### 3. Restoration and Repair

- a. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
- b. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
- c. Nonconforming buildings or structures damaged by fire, wind, Act of God or public enemy:

- (1) Such buildings or structures may be rebuilt or restored if the cost thereof does not exceed sixty percent (60%) of the true cash value of the nonconforming building or structure prior to its damage or destruction.
- (2) If the cost of restoration or repair would exceed sixty percent (60%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
  - (a) Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.
  - (b) Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable District.
- (3) Reconstruction of such buildings shall begin within one (1) year of the date on which the structure was damaged. If such construction is not commenced and proceeding diligently at the end of one (1) year, the dwelling may be rebuilt or restored provided that all yard and requirements of the District in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.

### C. Nonconforming Uses

#### 1. Change or Discontinuance



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- a. Except as noted in Section G.2., below, the nonconforming use of a building, structure, land or premises shall not be:
  - (1) Re-established after it has been changed to a conforming use.
  - (2) Re-established after abandoned or discontinued for a continuous period of twelve (12) months. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
    - (a) Utilities, such as water, gas and electricity to the property, have been disconnected;
    - (b) The property, buildings, and grounds, have fallen into disrepair;
    - (c) Signs or other indications of the existence of the nonconforming use have been removed;
    - (d) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
    - (e) Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
2. A building, structure, land or premises used for a nonconforming use may be converted to a more conforming use which is less intensive or objectionable use, determined as follows:
  - a. The building or premises may be changed to a use permitted by right in the same district in which the existing nonconforming use would be permitted, if the new use is required by the Zoning Ordinance to have the same, or less, parking and if the new use will be totally enclosed within a building.
  - b. The use of the building or premises may be changed to another nonresidential use which would be permitted by right in a more restricted zoning district.

### SECTION 3.24 DEMOLITION PERMITS

No buildings shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in such amount according to a schedule as determined by the



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Township Board. Such bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with such requirements as to health and safety as the Zoning Administrator may prescribe, including, but not limited to, filling excavations and proper termination of utility connections.

### SECTION 3.25 PRIVATE STREETS

#### A. Purpose

The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. These provisions have been enacted to assure that private streets:

1. will not be detrimental to the public health, safety, or general welfare;
2. will not adversely affect the long term development policies of Pine Township;
3. will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
4. will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

#### B. Definitions

1. "Driveway" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to fewer than three (3) lots or parcels.
2. "Frontage" means the continuous linear distance of that portion of a lot or parcel abutting upon a public or private street right-of-way. Frontage is to be measured at the minimum required front yard setback of the District in which the lot or parcel is located.
3. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
4. "Private street" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to three (3) or more lots or parcels. The term "street" shall be synonymous with the terms road, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.



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5. "Road Commission" means the Montcalm County Road Commission.
6. "Safe and unimpeded route of travel" shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township.

### C. Frontage and Access

1. Any three (3) or more contiguous lots not having frontage on a public street shall have frontage upon a private street.
2. All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.
3. All private streets shall have direct access to a public street.
4. Any two (2) contiguous lots not having frontage on a public street shall be served by a driveway constructed within a minimum lot frontage of sixty-six (66) feet upon a public street.

### D. Permits

1. No individual, association, corporation, or entity, either public or private, shall construct or extend a private street without first having obtained a private street permit from the Township Board.
2. The Building Inspector shall not issue building permits for construction of any building or structure on lots served by a private street until construction of a private street meeting the requirements of this Section has been completed.
3. A driveway permit for access to any public street shall be obtained from the Road Commission.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Montcalm County Drain Commissioner, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. All other required State of Michigan permits shall be obtained.
6. The Township Board may elect to have all design and construction plans reviewed by the Township's attorney, engineer, or planner prior to consideration of the application for the private street permit.



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### E. Application;

An application for a private street permit shall contain the following:

1. A completed private street permit application provided by the Township.
2. A detailed written description of the development to be served by the private street.
3. Seven (7) copies of a site plan, drawn to scale, prepared by a registered engineer, or other individual determined by the Township Board to be qualified, showing the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private street is to intersect. Proposed street names shall also be provided, including a letter from the Montcalm County Road Commission approving such name(s).
4. A survey of the right-of-way by a registered land surveyor, together with lot dimensions and required setback lines for each parcel to be served by the private street.
5. The location of all public utility easements, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
6. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.
7. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.

### F. Design Requirements

1. Construction specifications and materials for newly established or reconstructed private streets.
  - a. The specifications for surface and base materials, longitudinal grade, method of construction, and signs shall conform to the Road Commission standards for local paved or gravel roads, as applicable.



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- b. Private streets shall have a minimum width of twenty (20) feet of traveled surface.
  - c. Private streets serving ten (10) or fewer parcels may be constructed as a gravel road.
  - d. Private streets serving more than ten (10) parcels shall be constructed as a paved road.
2. Length of private streets.
- a. No private street shall extend for a distance of more than four thousand (4,000) feet in length from the nearest public street right-of-way from which access is gained, as measured along the centerline of the private street to the furthest point of any private street, except as otherwise noted, without a private street access complying with this Section being provided to another public street.
  - b. The maximum length of a proposed private street may be exceeded if the Township Board, after recommendation of the Planning Commission, finds that at least one (1) of the following conditions exists:
    - (1) That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed private street plans.
    - (2) That not allowing a longer private street would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the Township Board prior to confirming this finding.
    - (3) That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the private street. Such access shall be reviewed by the Fire Chief and the recommendation forwarded to the Planning Commission.
  - c. The Township Board, upon a finding that at least one (1) of the above conditions exists, shall establish the maximum length of the proposed private street.
3. Right-of-way/easement width.
- a. All private streets constructed after the effective date of this amendment shall have a recorded permanent right-of-



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way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.

- b. Private streets in existence as of the effective date of this amendment whose right-of-way or easement width is less than sixty-six (66) feet need not provide additional right-of-way or easement width, but such width shall not be subsequently reduced so as to increase its noncompliance with these requirements.
- c. All setbacks required by this Ordinance shall be measured from the easement right-of-way. Minimum lot area and lot width requirements shall exclude any private street easements.
- d. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than one-hundred and fifty (150) feet, as measured along the right-of-way line thereof.

#### 4. Existing private streets

A private street existing on the effective date of this Section may continue in existence and be maintained and used, though it may not comply with the provisions of this Section. Such private streets shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

#### 5. Addition of lots or parcels of land to existing private streets.

- a. Any private street existing on the effective date of this Section equal to or exceeding two thousand (2,000) feet in length to which one (1) or more additional lots or parcels are created or otherwise permitted access, the entire length of the existing private street shall be upgraded to comply with the applicable requirements of Section 3.26, subsection F, Design Requirements.
- b. Any private street existing on the effective date of this Section which is less than two thousand (2,000) feet in length and to which one (1) or more additional lots or



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parcels are created or otherwise permitted access to the private street, then the entire length of the existing private street shall be constructed and maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, emergency vehicles in all weather conditions.

6. Existing portion of extended private streets.

- a. If a private street existing on the effective date of this Section is extended by the construction and use of an additional length of private street equaling or exceeding five-hundred (500) feet, the entire private street, including the existing portion and the additional portion, shall comply with the applicable requirements of subsection F.
- b. Private streets in existence at the time of the adoption of this amendment that are subsequently extended for a distance of less than five hundred (500) feet shall be constructed in the same manner as the existing portion of the private street, provided that the entire private street shall be maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

G. Review standards; modification of certain requirements.

1. Prior to approving a private street permit application, the Township Board shall determine the following:

- a. The proposed private street will not be detrimental to the public health, safety, or general welfare.
- b. The proposed private street will not adversely affect the use of land.
- c. That the private street is constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
- d. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.



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- e. The construction of the private street will conform to the requirements of this Section.
    2. The Township Board may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.
    3. Upon application the Township Board may modify any of the private street requirements of this Section after finding that all of the following conditions exist:
      - a. Topography, soils, and/or other significant natural features physically preclude or prevent compliance with the requirements of this Section without substantial alteration of such natural features. Such natural features shall be clearly identified and described in the application of any such modification.
      - b. The justification of any modification is not due solely to financial considerations which, upon approval of the requested modification would provide a financial benefit.
      - c. That no other reasonable private street design alternatives are available that would comply with the requirements of this Section.
      - d. That the request for modification was reviewed by the Fire Chief or Township Planner, or any other person or official designated by the Township Board.
- H. Maintenance and Repairs
1. Private streets shall be maintained in a manner that complies with the provisions of this Section.
  2. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All driveways and private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
  3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.
  4. Private street maintenance or restrictive covenant agreements.
    - a. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township



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Board with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township Board which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.

- b. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Township Board prior to the issuance of the private street permit.

### I. Performance Guarantee

The Township Board may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of the Zoning Act and Section 17.05 of this Ordinance.

### J. Inspections/Certificate of Compliance

1. Upon completion of construction of the private street, the Township Engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
2. The applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit and the Road Commission.
3. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in Section 17.03.

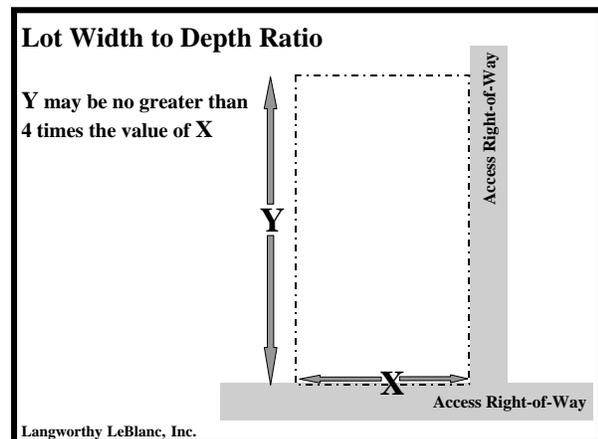


## PINE TOWNSHIP ZONING ORDINANCE

- K. Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.
- L. The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair, and replace the private street.

### SECTION 3.26 MAXIMUM WIDTH TO DEPTH RATIO

- A. In all Residential Districts, no lot shall be created whose lot depth exceeds four (4) times its width, except for residentially zoned lots or parcels that have more than one half ( $\frac{1}{2}$ ) of their street frontage on a cul-de-sac. For



- purposes of this Section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the street connected to the cul-de-sac.
- B. In the case of an unimproved corner lot or corner parcel, the depth of a lot or parcel shall be measured midway between the side lot lines and from the front lot line to the rear lot line along the dimension of the lot comprising the greatest distance.
- C. The Planning Commission may permit the creation of a lot or parcel to be used for the construction of a building which does not comply with this Section. In determining whether to grant such approval, the Planning Commission shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of such lot will not conflict with other Township ordinances and regulations, unless an appropriate variance is received from such other Ordinances or regulations.



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### SECTION 3.27 SITE CONDOMINIUMS

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 591 of 1996, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have such buildings constructed thereon and such uses conducted thereon as allowed in such zoning district provided such unit meets the District Regulations for the zoning district in which it is located.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with Chapter 14.

### SECTION 3.28 KEEPING OF ANIMALS

- A. The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses, subject to the requirements of this Section.
- B. The keeping of farm animals shall not be permitted within the LDR, Low Density Residential, District.
- C. No more than a total of three (3) adult (six (6) months of age or older) cats, dogs or other similar household pets shall be kept or housed for each dwelling unit.
- D. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:
  - 1. Any pen or building or structure housing these animals shall be a minimum of fifty (50) feet from any property line.
  - 2. On lots of one-half ( $\frac{1}{2}$ ) acre or less: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family;
  - 3. On lots of greater than one-half ( $\frac{1}{2}$ ) acre, but less than two (2) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly not exceeding a total of twenty-four (24) such animals in any combination;



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4. On lots of two (2) acres, but less than five (5) within the AP District, the uses permitted by paragraph 2, above, except that up to one hundred (100) fowl and other small animals are permitted; and one (1) horse, or one (1) cow, or one (1) pig for each acre, or part thereof, up to a maximum of five (5) such animals, in any combination,.
  5. For lots greater than five (5) acres within the AP District, no limit.
  6. A minimum of three (3) acres shall be required for any commercial kennel or riding stable, and further provided that animal hospitals or veterinary clinics need not provide more area than required in the District in which it is permitted.
- E. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

### SECTION 3.29 SWIMMING POOLS

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section; provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least five (5) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
- E. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.



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### SECTION 3.30 RIPARIAN ACCESS

The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the township.

- A. In all Districts there shall be at least one hundred (100) feet of lake frontage, except where a lesser amount is permitted by Section 7.04, C, and at least one hundred (100) feet of river or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family dwelling, two-family dwelling unit, or multiple-family dwelling unit utilizing or accessing the lake, river, or stream frontage. For example, a multiple family building with four (4) dwelling units would require four hundred (400) feet of lake frontage to gain access to the lake for all of the units.
- B. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

### SECTION 3.31 STORAGE AND REPAIR OF VEHICLES

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:

- A. Procedures or projects which require the vehicle to be immobile or inoperable in excess of sixty (60) days within any twelve (12) month period shall be carried out within an enclosed building.
- B. Inoperable vehicles and vehicle parts shall be stored inside a building, except for one (1) such vehicle which may be stored in the rear yard in a location not plainly visible from the street or adjoining properties.



## Chapter 4 ZONE DISTRICTS

### SECTION 4.01 ZONING DISTRICTS

In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Pine Township Master Plan, the Township is divided into Zoning Districts of such number, boundaries, shape, and area that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. For the purposes of this Ordinance, Pine Township is hereby divided into the following Zoning Districts:

AP	Agricultural Preservation District
LDR	Low Density Residential District
LF	Lakefront Residential District
NC	Neighborhood Commercial District
AGC	Agricultural Commercial District
LI	Light Industrial District
RF	Riverfront District (not mapped)
PUD	Planned Unit Development
MHP	Mobile Home Park District

### SECTION 4.02 THE ZONING MAP

The locations and boundaries of these descriptions are hereby established on a map entitled "Pine Township Zoning Map" which is hereby adopted and declared to be a part of this Ordinance.

- A. Regardless of the existence of copies of the zoning map which may be made or published, the Official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status in the Township. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map.
  
- B. The Official Zoning Map shall be identified by the signature of the Zoning Administrator, attested to by the Township Clerk.



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- C. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Pine Township which are subject to the provisions of this Ordinance.

### SECTION 4.03 DISTRICTS

Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply:

- A. Where the boundaries are indicated as approximately following the street, alleys, or highways, the centerlines of said streets, alleys, or highways, or such lines extended shall be construed to be such boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township boundary lines shall be construed as following such township lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- E. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distances therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- F. Boundaries following the shoreline of stream, lake, or other body of water shall be construed to follow such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the Zoning Administrator shall determine the appropriate district boundaries.
- H. A zoning permit shall be obtained before a building or structure is erected. There is no zoning permit fee required for Agricultural use in an AP district, but failure to obtain a permit prior to erecting a building or structure shall result in a penalty. See Chapter 18, Section 18.03.



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### SECTION 4.04 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the Township is vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands shall automatically be subjected to the same zoning regulations as are applicable to lands to the adjoining lands.

### SECTION 4.05 ZONING OF FILLED LAND

Whenever any fill is placed in any lake or stream, after all required permits are obtained, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

### SECTION 4.06 ZONING DISTRICT CHANGES

When District boundaries hereafter become changed, any use made nonconforming by such change may be continued, subject to the provisions of this Ordinance



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## CHAPTER 5 AP – AGRICULTURAL PRESERVATION DISTRICT

### SECTION 5.01 DESCRIPTION AND PURPOSE

The purpose of this District is to preserve the agricultural and rural residential character of lands within this District, maintain the integrity of agricultural areas, minimize public service costs, limit areas of urban influence, preserve a maximum of open space, and lessen conflicts between farm and non-farm residents. Although it is recognized that not all land within this classification will necessarily be prime farmland, the integrity of the area will be maintained to ensure that larger parcels of land remain available for farming.

This District is intended primarily for agricultural uses and associated agricultural activities. A limited number of nonfarm residences may be appropriate where land does not hold a great deal of agricultural value, will not conflict or interfere with existing agricultural operations, and where the property owner has found it desirable to sell a portion of his or her land for income or use by family members. Careful consideration will be given to environmental concerns related to groundwater quality and other related issues due to the limited ability of the community to provide public services. All uses permitted within this District shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with Public Act 94 of 1995, the Michigan Right to Farm Act.

### SECTION 5.02 PERMITTED USES

Land and/or buildings in the AP District may be used for the following purposes as Permitted By Right:

- A. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms.
- B. Roadside stands.
- C. Single family dwellings.
- D. Greenhouses and nurseries, not including retail operations. A residence may also be located on the same property as the greenhouses and nurseries. Greenhouses or other structures accessory



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to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings in Section 3.08.

- E. Kennels, not including commercial kennels. A residence may also be located on the same property.
- F. State licensed residential family care facilities.
- G. Family day care homes.
- H. Home occupations in accordance with the requirements of Section 3.21.
- I. Single family site condominium projects (Section 3.27), subject to Site Plan Review in accordance with the requirements of Chapter 14.
- J. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses or Special Land Uses, as regulated in Section 3.08
- K. Home based business, in accordance with the standards and requirements of Section 16.04 (Q).

### SECTION 5.03 SPECIAL LAND USES

- A. Land and/or buildings in the AP District allowed under **Section 5.03, B.**, shall meet the following requirements:
  - 1. The proposed use shall be sited upon lands which are less suitable for agricultural operations than other agricultural lands within the District.
  - 2. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.
  - 3. The proposed use shall be located in areas where groundwater quality and the general integrity of environmental resources; including but not limited to wetlands, floodplains, watersheds, and significant wildlife habitat and forest lands, will not be negatively affected.
- B. Land and/or buildings in the AP District may be used for the following purposes upon receiving recommendation from the Township Planning Commission and approval by the Township Board as a Special Land Use, as regulated by Chapter 16:
  - 1. Agricultural labor housing
  - 2. Airports.
  - 3. Bed and breakfast establishments.



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4. Commercial kennels. A residence may also be located on the same property.
5. Country clubs, golf courses, riding stables, and publicly owned athletic grounds and parks.
6. Greenhouses and nurseries, including retail operations. Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings in Section 3.08.
7. Group day care.
8. Public or private campgrounds.
9. Radio and television transmitting buildings and related towers exceeding one hundred (100) feet in height or towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.
10. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- 11.
12. Schools, churches, libraries, and community center building
- 13.
14. State licensed residential group care facilities.
- 15.
16. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

### SECTION 5.04 DISTRICT REGULATIONS

- A. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.



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- B. The maximum number of lots, in addition, to an existing principal dwelling that may be created, shall be based on the gross area of that tract which is to be subdivided, and which constitutes the lot of record as of the date of adoption of the original Ordinance April 10, 2000, as follows:

### Schedule of Density Table

Maximum # of Additional Lots Permitted	
Area of Lot of Record	Number of Lots
less than 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
over 160.1 acres	6

- C. Any lot created for residential, non-agricultural purposes shall be at least one (1) acre and no greater than two (2) acres in area, unless a larger parcel is required by the Mid Michigan Health Department to accommodate a drainage field for a septic system or adequate separation between septic and well systems. Lots which are created shall have a minimum of two-hundred and twenty (220) feet of public or private road frontage.
- D. All lots shall be contiguous unless the Zoning Administrator determines that for reasons of public health and safety it would be in the public interest to permit the creation of noncontiguous lots.
- E. Lots which are created shall be located on lands least suitable for agricultural production. In addition, lots shall be located in areas where groundwater quality and the general integrity of environmental resources; including but not limited to wetlands, floodplains, watersheds, and significant wildlife habitat and forest lands, will not be compromised.



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F. The following development standards shall be followed for all parcels, except in instances where differences have been noted.

<b>AP District Regulations</b>	
Front Yard Setback	50 feet
Side Yard Setback	Residential buildings - 25 feet
	Main buildings for non-residential uses - 60 feet
Rear Yard Setback	50 feet
Building Height	25 feet or 2 ½ stories; farm buildings/structures and TV and radio towers shall be permitted at their usual and customary heights.
Maximum Lot Coverage	20%
Minimum Lot Area	Farm unit: 40 acres
	Nonfarm dwelling unit: 1 acre
	Special land use: 2 acres
Maximum Lot Area	Nonfarm dwelling unit: 2 acres
Minimum Lot Width	330 feet (except as noted)
	Nonfarm dwelling unit: 180 feet



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### SECTION 5.05 PARCEL AND DENSITY BONUS

- A. On lots of record as defined by Section 5.04, B which are greater than forty (40) acres, existing as of the date of the adoption of this original Ordinance, **April 10, 2000**, excluding any amendment thereto, an additional lot may be established for each additional forty (40) acres of the original or contiguous parcel, with all newly created lots having a minimum required frontage of one hundred (100) feet, provided:
1. Driveway access to an existing public road for all parcels to be used for residential purposes is gained through a single access which meets township standards for private streets, or County Road Commission standards for the construction of a public street.
  2. The existing public road whereby access is to be gained is a paved surface.
  3. Each parcel is determined to be accessible to emergency vehicles by local Police and Fire Departments.
- B. Community System Bonus
1. On parcels of record in accordance with Section 5.04, B. that are greater than forty (40) acres existing as of the date of the adoption of this original Ordinance, April 10, 2000, excluding any amendment thereto, one (1) additional lot may be permitted for every three (3) parcels, including those created under Section 5.04, B. and the parent parcel. Lots which are created under this provision may have a minimum lot size of 21,780 square feet (.50 acres), provided:
    - a. A community sanitary sewer system is used that has been approved by the Michigan Department of Environmental Quality and the Mid Michigan Health Department.
    - b. An area equal in size to that required for the community system is set aside and protected by permanent easement for the purposes of expansion or replacement.
    - c. Driveway access to an existing public road for all parcels is gained through a single access which meets township standards for private streets, or County Road Commission standards for the construction of a public streets.
    - d. The existing public road whereby access is to be gained is a paved surface.
    - e. Each parcel is determined to be accessible to emergency vehicles by local Police and Fire Departments.



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2. If the above requirements are satisfied, then the following shall be permitted.

<b>Community System in AP District</b>	
Front Yard Setback	25 feet
Side Yard Setback	20 feet
Rear Yard Setback	25 feet
Lot Coverage	30%
Minimum Lot Width	75 feet

### SECTION 5.06 ENFORCEMENT OF LOT SPLITS

The following procedures will be applied to ensure proper enforcement and administration of farmland protection measures.

- A. Concurrent with the adoption of this Ordinance an official map indicating existing lots and land ownership shall be established in conformance with Section 5.04 B.
- B. An allotment of non-farm dwelling units possible under this Ordinance shall be made for each parcel in the district.
- C. As allotments are used, the official map shall be updated to reflect these changes.
- D. The official map shall be maintained by the Clerk and copies made available for inspection by the public.



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## CHAPTER 6 LDR - LOW DENSITY RESIDENTIAL DISTRICT

### SECTION 6.01 DESCRIPTION AND PURPOSE

This District is intended for residential uses, and related non-residential uses. The overall purpose of this District is to provide opportunities to live in Pine Township without compromising rural character and quality of living. The greatest potential for expanded public services within a centralized location in the township is found in the LDR District due to past development patterns in and around Langston, existing public streets, and the ability to provide proper access to emergency vehicles. Development in this area, however, must recognize important natural features such as the Flat River and its tributaries, and the lack of public water and sewer.

### SECTION 6.02 PERMITTED USES

Land and/or buildings in the LDR District may be used for the following purposes as Permitted By Right:

- A. Single family dwellings.
- B. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms.
- C. State licensed residential family care facilities.
- D. Family day care homes.
- E. Home occupations in accordance with the requirements of Section 3.21.
- F. Public parks, playgrounds, and cemeteries.
- G. Single family site condominium projects, subject to Site Plan Review in accordance with the requirements of Chapter 14.
- H. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses, or Special Land Uses.



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**SECTION 6.03 SPECIAL LAND USE**

Land and/or buildings in the LDR District may be used for the following purposes upon receiving recommendation from the Township Planning Commission and approval by the Township Board as a Special Land Use as regulated by Chapter 16:

- A. Two-family and multiple-family dwellings.
- B. Home based businesses.
- C. Public or private campgrounds.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Roadside stands less than two-hundred (200) square feet.
- F. Schools, churches, libraries, and community center buildings.
- G. Nursery school and group day care homes.
- H. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

**SECTION 6.04 DISTRICT REGULATIONS**

No lot, building, or structure, nor the enlargement of any building of structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure, or enlargement.

<b>LDR District Regulations</b>	
Front Yard	30 feet
Side Yard	30 feet
Rear Yard	30 feet
Building Height	25 feet or 2½ stories
Lot Coverage	15%
Minimum Lot Area	Single Family Dwellings - 1.0 acre



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	Two Family Dwellings - 1.5 acres
	Multiple Family Dwelling - 2 acres for first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed four (4) units per acre
	Nonresidential Uses - 2.0 acres
Minimum Lot Width	Single Family Dwellings - 200 feet
	Two Family Dwellings - 250 feet
Minimum Floor Area	Single and Two Family Dwellings - 840 square feet GFA/600 square feet GFA on ground floor
	Multiple Family Dwellings - 800 square feet UFA per unit plus 400 square feet per bedroom for each bedroom over 2



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## CHAPTER 7 LF – LAKEFRONT DISTRICT

### SECTION 7.01 DESCRIPTION AND PURPOSE

The purpose of the Lakefront District is to acknowledge the high density development pattern that has occurred along many of the township's inland lakes. There are many unique physical, economic, and social attributes of waterfront and shoreline properties that are not present anywhere else in the township. Unfortunately, if additional concentrated development around many of the lakes, combined with general residential and recreational use continues, water resource contamination is likely. The following regulations attempt to ensure that the structures and uses in this District are compatible with the unique attributes of waterfront properties and to minimize public expense resulting from the need for costly infrastructure improvements.

### SECTION 7.02 PERMITTED USES

Land and/or buildings in the LF District may be used for the following purposes as Permitted Uses:

- A. Single family dwellings.
- B. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms.
- C. Home occupations in accordance with the requirements of Section 3.21.
- D. Private boat docks, accessory to residential and non-residential uses, subject to the following provisions:
  1. One (1) private boat dock shall be permitted for each waterfront lot or parcel. For lots exceeding fifty (50) feet in width, one (1) additional boat dock shall be permitted for each full fifty (50) feet of lot width exceeding the first fifty (50) feet along a body of water.
  2. Docks may not extend further than twenty-four (24) feet from and perpendicular to the shoreline of any lake. No dock shall extend for more than twelve (12) feet along any shoreline.
  3. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, or by patrons of the premises



## PINE TOWNSHIP ZONING ORDINANCE

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and their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to the requirements of this Ordinance and other state and federal regulations.

- E. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses, or Special Land Uses as regulated in Section 3.08.
- F. Family Day Care homes.
- G. State licensed residential family care facilities

### SECTION 7.03 SPECIAL LAND USES

Land and/or buildings in the LF Lakefront District may be used for the following purposes upon receiving recommendation from the Township Planning Commission and approval by the Township Board as a Special Land Use as regulated by Chapter 16:

- A. Marinas.
- B. Private resorts and rental cabins.
- C. Public or private boat launches.
- D. Public or private campgrounds.
- E. Two-family dwellings.

### SECTION 7.04 DISTRICT REGULATIONS

No lot, building, or structure, nor the enlargement of any building of structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure, or enlargement. This District applies to all properties within four hundred (400) feet of the ordinary high water mark.

- A. Developments within the Lakefront District shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways.
- B. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and the ordinary high water mark. Land may be filled to meet the minimum requirement of four (4) feet between the



**PINE TOWNSHIP ZONING ORDINANCE**

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finished grade level and the ordinary high water mark only under the following conditions:

1. No material is allowed to enter the water either by erosion or mechanical means.
2. Fill material is of a pervious material such as gravel or sand.
3. Any and all permits have been acquired as required by the State of Michigan and the rules and regulations of the Department of Natural Resources and the Department of Environmental Quality of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any lake, river or creek in the community by soil removal or fill.
4. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

**C. Lot Requirements**

LF District Regulations	Residential Uses		Non-Residential Uses
	Septic	Community System	
Minimum Lot Width	100 feet	70 feet	130 feet
Maximum Height	2 stories; or 25 feet, whichever is higher		
Front Yard Setback	30 feet to the ordinary high watermark, or shoreline		
Side Yard Setback	20 feet	15 feet	35 feet
Rear Yard Setback	20 feet	20 feet	35 feet
Minimum Lot Area	20,000 square feet	10,890 square feet (.25 acres)	1 acre
Maximum Impervious Surface Coverage	30%	45%	30%
Septic Fields	Septic fields shall meet the front yard setback requirements of this Ordinance for main buildings		



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## CHAPTER 8 NC – NEIGHBORHOOD COMMERCIAL DISTRICT

### SECTION 8.01 DESCRIPTION AND PURPOSE

This District is intended to permit local retail business and service uses to serve the residential areas of the township. The uses of the district are not intended to serve a large, regional population. Expansion of this District will be reviewed with consideration for traffic, impact on adjacent areas, size and access to the lot, and whether or not proposed uses serve the local population and support the rural character of the community. Generally, square footage of Neighborhood Commercial uses should not exceed eight-thousand (8,000) square feet of building area.

### SECTION 8.02 PERMITTED USES

Land and/or buildings in the NC District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Office buildings for any of the following occupations:
  - 1. Executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
  - 2. Medical and dental offices, including clinics, but not including a Marihuana Collective or Cooperative and not including a Marihuana Dispensary as described in Section 2.14 under Definitions-M. [Amended 12/20/2011]
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.
- D. Retail stores, providing goods within a completely enclosed building less than 8,000 square feet.



## PINE TOWNSHIP ZONING ORDINANCE

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- E. Nursery school and group day care homes.
- F. Drug stores and pharmacies.
- G. Restaurants, excluding drive-through facilities.
- H. Private clubs, fraternal organizations, and lodge halls.
- I. Commercial child care centers.
- J. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems
- K. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses, or Special Land Uses.

### SECTION 8.03 SPECIAL LAND USES

Land and/or buildings in the NC District may be used for the following purposes upon receiving recommendation from the Township Planning Commission and approval by the Township Board as a Special Land Use as regulated by Chapter 16:

- A. Auto wash establishments.
- B. Automobile service stations and automobile repair (minor) facilities, including the selling of convenience goods, but not including body shops.
- C. Bowling alleys.
- D. Commercial storage warehouses.
- E. Funeral homes and mortuary establishments.
- F. Multiple-family dwellings.
- G. Open air businesses.
- H. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- I. Restaurants, including drive-through facilities.
- J. Retail stores, providing goods within a completely enclosed building greater than 8,000 square feet.
- K. Veterinary hospitals, animal clinics, and kennels



SECTION 8.04      DISTRICT REGULATIONS

No lot, building, or structure, nor the enlargement of any building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure, or enlargement.

- A. Developments within the NC District shall maintain open and unobstructed views within the front yard, particularly near points of egress and ingress.
- B. Parking in the required front yard shall be prohibited.
- C. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.
- D. The required front yard area, except for necessary entrance drives, shall be landscaped.



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### E. Lot Requirements

<b>NC District Regulations</b>	
Front Yard	25 feet
Side Yard	Side abutting Residential Districts or uses - 50 feet
	Side abutting other Districts - 10 feet Street side of a corner lot - 25 feet
Rear Yard	35 feet
Maximum Lot Coverage	40 %
Building Height	25 feet or 2½ stories
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet



## **CHAPTER 9 AGC – AGRICULTURAL COMMERCIAL DISTRICT**

### **SECTION 9.01 DESCRIPTION AND PURPOSE**

This District is intended to accommodate uses which can provide a variety of commercial goods and services for the agricultural community. The needs of an agricultural operation can be very different from a regular household. For example, vehicles used for agricultural purposes can be cumbersome and tend to slow other types of traffic. The potential presence of fertilizers and other chemicals distributed by agriculturally related businesses is a concern as well. Due to the number of agricultural and home based businesses in the area, this District is located north of Langston, away from the more concentrated residential areas of the township.

### **SECTION 9.02 PERMITTED USES**

Land and/or buildings in the AGC District may be used for the following purposes as Permitted By Right:

- A. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- B. Greenhouses and nurseries, not including retail operations. A residence may also be located on the same property as the greenhouses and nurseries. Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings.
- C. Home occupations.
- D. Kennels, including commercial kennels.
- E. Roadside stands.
- F. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- G. Veterinary hospitals and animal clinics.



## PINE TOWNSHIP ZONING ORDINANCE

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- H. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses, or Special Land Uses.

### SECTION 9.03 SPECIAL LAND USES

Land and/or buildings in the AGC District may be used for the following purposes upon receiving recommendation from the Township Planning Commission and approval by the Township Board as a Special Land Use as regulated by Chapter 16:

- A. Automobile service stations and automobile repair (minor) facilities, including the selling of convenience goods.
- B. Auto wash establishments, either self-serve or automatic.
- C. Body shop, automobile repair (major).
- D. Chemical or fertilizer distribution, for agricultural purposes.
- E. Commercial storage warehouses.
- F. Greenhouses and nurseries, including retail operations. Greenhouses or other structures accessory to the greenhouse or nursery operation shall be located no nearer than the setbacks required for accessory buildings.
- G. Open air businesses.
- H. Sawmills.
- I. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.
- J. Transfer stations, agricultural.
- K. Wholesale businesses.
- L. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

### SECTION 9.04 DISTRICT REGULATIONS

No lot, building, or structure, nor the enlargement of any building of structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard



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shall be screened from the view from the street or from abutting properties. The required front yard area, except for necessary entrance drives, shall be landscaped.

B. Lot Requirements

<b>AGC District Regulations</b>	
Front Yard	25 feet
Side Yard	30 feet
Rear Yard	40 feet
Maximum Lot Coverage	40%
Building Height	25 feet or 2½ stories, whichever is lower
Minimum Lot Area	30,000 square feet
Minimum Lot Width	200 feet



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## CHAPTER 10 LI - LIGHT INDUSTRIAL DISTRICT

### SECTION 10.01 DESCRIPTION AND PURPOSE

This Zoning District is intended to provide opportunities for the development of light industrial and manufacturing uses, wholesale businesses, warehouses, and other compatible uses in areas served by adequate infrastructure. Industrial development should recognize the rural nature of Pine Township, its lack of public services, important natural features, and the vulnerability of groundwater resources.

### SECTION 10.02 PERMITTED USES

Land and/or buildings in the LI District may be used for the following purposes by right:

- A. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
- B. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood and yarn.
- C. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
- D. Auction houses.
- E. Auto wash.
- F. Automobile service stations and automobile repair (minor) facilities, including the selling of convenience goods, but not including body shops.
- G. Bottling plants and dairies.



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- H. Crating and packing service.
- I. Dry cleaning and laundry.
- J. Kennels, including commercial kennels.
- K. Printing shops.
- L. Taxidermist.
- M. Warehouses and storage.
- N. Wholesale sales.
- O. Accessory buildings as regulated in Section 3.08.

### SECTION 10.03 SPECIAL LAND USES

Land and/or buildings in the LI District may be used for the following purposes upon receiving recommendation from the Township Planning Commission and approval by the Township Board as a Special Land Use as regulated by Chapter 16:

- A. Adult uses.
- B. Body shop, automobile repair (major).
- C. Bulk oil, propane, and gasoline storage and distribution.
- D. Junkyards.
- E. Machine shop.
- F. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- G. Sawmill.
- H. Truck and freight terminals.

### SECTION 10.04 DISTRICT REGULATIONS

No lot, building, or structure, nor the enlargement of any building of structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure, or enlargement.

- A. The first thirty-five (35) feet of the front yard area, except for necessary entrance drives, shall be landscaped.



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- B. All Permitted Uses and Special Land Uses shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, and the on-site parking of vehicles, or as otherwise permitted by this ordinance.
- C. Outside storage of materials, equipment, or vehicles is permitted, subject to the following restrictions:
  - 1. Materials may be stored only in the side or rear yards, except that materials may not be stored on the street side of the corner lot. In no case shall materials be stored in any required yard.
  - 2. All storage of materials shall be visually screened to a height of at least six (6) feet above the elevation of the nearest adjacent road or property. Such screening shall consist of either a decorative fence, wall, or greenbelt, or a combination of these materials.
  - 3. In no case shall the outside storage of material be stacked higher than the height of the visual screen.
  - 4. One (1) nongated opening, no greater than twelve (12) feet in width, shall be permitted in the screen for each two-hundred (200) feet of property frontage on a public street.
- D. Lot requirements:

<b>LI District Regulations</b>	
Front Yard	50 feet
Side Yard	50 feet
Rear Yard	35 feet
Lot Coverage	60%
Building Height	40 feet
Minimum Lot Area	5 acres
Minimum Lot Width	330 feet



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# CHAPTER 11 RF – RIVERFRONT DISTRICT

## SECTION 11.01 DESCRIPTION AND PURPOSE

The Riverfront District is a supplementary District which applies to designated lands, as described in this Chapter, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the "underlying" Zoning District. Lands included in the Riverfront District are all such lands located along the shoreline areas which border the Flat River and West Branch Creek within four-hundred (400) feet from the rivers' edge.

It is the intent of the Riverfront District to provide regulations in addition to those contained in the underlying Zoning District pertaining to lands located along the shoreline of these two water bodies. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of these state-designated Natural Rivers and to ensure that the structures and uses in this District are compatible with, and protect, these unique attributes. Where specific requirements of the Riverfront District vary or conflict with the regulations contained in the underlying zoning district, the more strict requirement shall govern.

## SECTION 11.02 PERMITTED USES

The following Permitted Uses supersede those in the underlying District in which the property is located:

- A. Single family dwellings.
- B. Farms.
- C. Public parks, playgrounds, and cemeteries.
- D. Home occupations in accordance with the requirements of Section 3.21.
- E. Private boat docks, accessory to residential and non-residential uses, subject to the following provisions:



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1. One (1) private boat dock shall be permitted for each waterfront lot or parcel. For lots exceeding one hundred (100) feet in width, one (1) additional boat dock shall be permitted for each full one hundred (100) feet of lot width exceeding the first one hundred (100) feet along a body of water.
2. Docks may not extend further than four (4) feet from and perpendicular to the shoreline of any river or creek. No dock shall extend for more than twelve (12) feet along any shoreline.
3. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, or by patrons of the premises and their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to the requirements of this Ordinance and other state and federal regulations.
- F. One private river access stairway is allowed per parcel. A stairway is not permitted unless no other reasonable and safe access to the river exists. A stairway shall be low-profile, not more than four (4) feet wide, and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate. A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building codes. Not more than one (1) handrail shall be associated with a stairway. A stairway shall be constructed using natural materials. A stairway shall be located and maintained to blend with the natural surroundings and where removal of vegetation in the natural vegetation strip can be minimized.
- G. A boardwalk associated with a footpath to the river's edge is permitted and shall conform to all the following: A boardwalk shall be placed only in an area that is generally too wet to be traversed without significant disturbance of the soils. A boardwalk and all supports shall be constructed of natural materials. A boardwalk shall not be more than three (3) feet wide. A boardwalk shall not include any railing. The top of a boardwalk shall not be more than twelve (12) inches above grade.
- H. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses, or Special Land Uses as regulated in Section 3.08.



**SECTION 11.03 SPECIAL LAND USES**

The following Special Land Uses may be permitted in the Riverfront District upon receiving recommendation from the Township Planning Commission and approval by the Township Board:

- A. Canoe liveries.
- B. Private resorts and rental cabins.
- C. Public or private boat launches.
- D. Public or private campgrounds.
- E. Two-family dwellings.

**SECTION 11.04 DISTRICT REGULATIONS**

- A. In all cases the lot requirements of the underlying District shall be satisfied, unless the following regulations are more stringent, then the Riverfront District Regulations shall prevail.
- B. A minimum lot width of one-hundred (100) feet shall be required. The minimum parcel size will contain at least 30,000 square feet. The parcel must have sufficient depth and upland area to accommodate the required building setbacks.
- C. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of one-hundred fifty (150) feet (as measured from the shoreline or ordinary high water mark) from a Natural River or of any tributary thereof, except that for every one (1) foot of bank height above a minimum of seven (7) feet above the ordinary high water mark new structures may be placed five (5) feet closer to the River, except that no structure shall be located closer than one hundred (100) feet to the shoreline or ordinary high water mark.
- D. A septic tank and disposal field must meet the local health department standards. The disposal field shall be located not less than one hundred (100) feet from the ordinary high-water mark on the mainstream and all designated tributaries and not less than one hundred (100) feet from any surface or subsurface drain that discharges into the river or its designated tributaries and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip. The septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.



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- E. New structures must be set back at least fifty (50) feet from the top of the bluff of the River or its tributaries. The natural contour of the face and crest of the bluff shall not be altered. The land between the crest of the bluff and the minimum building setback shall not be altered except for minor landscaping activities.
- F. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and ordinary high water mark cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and the ordinary high water mark only under the following conditions:
1. No material is allowed to enter the water either by erosion or mechanical means.
  2. Fill material is of a pervious material such as gravel or sand.
  3. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the Department of Natural Resources of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any river or creek in the Township by soil removal or fill
  4. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
- G. Vegetative Strip.
1. A strip fifty (50) feet bordering each bank of the Flat River or of any tributary thereof, including West Branch Creek, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.
  2. Within this strip a space of no greater than fifty (50) feet in width may be selectively trimmed and pruned to allow for the placement of private boat docks (subject to the requirements of Section 110.2, E) and/or for a view of the waterway, with the approval of the Zoning Administrator. Ten (10) feet of the allowed fifty (50) foot strip may be cleared to permit access to the water's edge.
  3. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.



## **CHAPTER 12 PUD - PLANNED UNIT DEVELOPMENT**

### **SECTION 12.01 DESCRIPTION AND PURPOSE**

Traditional zoning, with its rigid separation of uses into different zones under very restricted placement controls, has now been recognized as being inappropriate to many medium and large scale developments. Planned developments, which modify the traditional forms of zoning, permit a developer to secure advantages which can be passed on to the general public by virtue of more desirable and more economical development. This Chapter provides a controlled degree of flexibility in the placement of structures and lot sizes and types of uses, while maintaining adequate planning and development standards. The Planned Unit Development (PUD) provisions shall be applied as a separate zoning district, in accordance with the following additional regulations.

### **SECTION 12.02 OBJECTIVES**

The objectives, principles, and standards are intended to guide the applicant in the preparation of the land use and development plan and they shall be used as the basis for the evaluation of the plan by the Planning Commission and Township Board. The following objectives shall be considered in reviewing an application for PUD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range, planning and development of such PUD.

- A. To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- B. To encourage with regard to residential use the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- C. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- D. To provide more efficient and aesthetic use of open areas.
- E. To encourage innovation in the physical development pattern of the Township by providing a variety of housing arrangements with well designed access and circulation.



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### SECTION 12.03 APPLICATION PROCEDURE

#### A. *PRELIMINARY SKETCH PLAN.*

Before submitting an application for a rezoning to the PUD District, the applicant shall submit a preliminary sketch plan including maps and written statement, in ten (10) copies, to the Planning Commission. Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission. The Planning Commission shall review the preliminary sketch plan to determine its conformance with the Purpose and Objectives of this Chapter and the Township Master Plan.

1. The Preliminary Sketch Plan shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The preliminary sketch plan may be in general, schematic form and must contain the following, unless the Planning Commission determines that some of the required information is not reasonably necessary:
  - a. A legal description of the site, reflecting area size and boundary line dimensions. A current, properly notated surveyor's map may be acceptable.
  - b. Existing and proposed land uses and their approximate location.
  - c. Existing topographic character of the site.
  - d. The character and approximate net residential density being proposed.
  - e. Circulation patterns including arterial, collector, and pedestrian.
  - f. Public uses including schools, parks, open space, etc.
  - g. Existing flood plains, bodies of water and other unbuildable areas.
2. The written statement to be included in the preliminary sketch plan must contain the following information:
  - a. An explanation of the character of the PUD, the manner in which it has been planned to take advantage of the PUD regulations, and the manner in which it reflects the Objectives of the PUD as stated in this Chapter.
  - b. A statement of ownership of all land within the proposed PUD.
  - c. A general indication of the expected schedule of development.



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- d. A general indication of the expected public interest to be served by the PUD and conformance of the PUD to the Township Master Plan.
- e. A general statement regarding conformance to the Qualifying Conditions for the PUD as stated in this Chapter.
- f. The estimated population and bedroom distribution.
- g. An indication of any contemplated private deed restrictions or covenants.
- h. A description of how the PUD meets the requirements of Section 12.03 C.

### ***B. FINAL PUD.***

Within one (1) year from the preliminary sketch plan approval the applicant shall submit a final PUD application and a petition for PUD rezoning to the Township Clerk on a form supplied by the Township. Such application shall be submitted to the Township Clerk at least thirty (30) days prior to the date of first consideration by the Planning Commission and shall be accompanied by the following:

- 1. An application fee as established by the Township Board.
- 2. A final site plan as specified in Chapter 14. If the PUD is to be developed in phases, the final site plan may be prepared for one (1) or more phases. All phases must be consistent with the PUD as approved in the preliminary sketch plan.
- 3. A development schedule indicating:
  - a. Approximate date for commencement of construction.
  - b. Stages or phases in which the project will be built including the expected starting and completion dates of each phase.
  - c. Size and location of each area of common use for recreation or open space purposes which will be complete at each phase.
- 4. Agreements, provisions, or other covenants which will govern use, maintenance, and continued protection of the PUD and any of its common use or open space areas.
- 5. A general grading plan reflecting the slope and drainage characteristics before and after development, with explanation of any potential impact on the environment, such as loss of natural resources, increased erosion and sedimentation potential, increased flood hazard or other impacts.
- 6. The PUD shall not cause significant adverse effects upon nearby or adjacent lands.



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### *C. PLANNING COMMISSION REVIEW.*

Upon receipt of the application for the PUD rezoning and accompanying materials, the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the Zoning Act. In formulating its recommendation to the Township Board, the Planning Commission shall consider the following:

1. Conformance of the PUD request with the Township Master Plan.
2. The overall Objectives of PUD as stated in Section 12.02.
3. The Qualifying Conditions and Permitted Uses for the PUD.
4. The Site Plan Review standards of Section 14.04.
5. Compatibility of the proposed PUD and its specific uses with existing and proposed development in the surrounding area.

### *D. TOWNSHIP BOARD DECISION.*

After receiving the recommendation of the Planning Commission, the Township Board shall review the application for PUD rezoning and the Planning Commission recommendation. The Township Board shall then, make its findings as to denial or approval of the rezoning in accordance with the proposed PUD plan, using the standards noted in subparagraph C of this Section.

1. An approval shall not be considered final until the applicant submits a written acceptance of the approved PUD plan to the Township Board. No building permits may be issued until such final approval is granted. After final approval, the following requirements shall be met, if applicable:
  - a. Where the provisions of Act 288, Michigan Public Acts of 1967, as amended (Land Division Act) shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations.
  - b. The Township Board shall cause to have legal documents or contracts prepared which involve Pine Township and are required as a result of the conditions contained in the final approval. All contracts shall be executed and recorded in the office of the Montcalm County Register of Deeds.
2. The Zoning Administrator shall inspect the development at each stage to insure reasonable compliance with the conditions of final approval, the final site plan and the approved schedule of improvements.

### *E. CHANGES TO AN APPROVED PUD.*

Changes to an approved Planned Unit Development shall be permitted only under the following circumstances:



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1. The holder of an approved PUD plan shall notify the Zoning Administrator of any desired change to the approved PUD.
2. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include those as described in Chapter 14, Section 14.08, C.
3. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be reviewed in the same manner as the original PUD application.

### SECTION 12.04 PERMITTED USES

- A. The following uses of land and structures may be permitted within a PUD.
  1. Single-family detached dwellings.
  2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
  3. Multiple family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.
  4. Golf courses, indoor tennis clubs, athletic clubs, and marinas, including ancillary commercial activities such as pro shops, restaurants (excluding drive-through facilities), and similar uses open only to members and their guests.
  5. Any "Permitted Use" within the NC District, provided that:
    - a. the total site of the PUD is at least eighty (80) contiguous acres;
    - b. the gross area designated for commercial use including parking, access ways, and yards or open space shall not exceed five percent (5%) of the gross site area of the PUD;
    - c. all such uses are integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.;
    - d. such uses shall not materially alter the residential character of the neighborhood and/or the PUD;



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- e. all merchandise for display, sale or lease shall be entirely within an enclosed building(s); and
  - f. buildings designed for nonresidential uses are constructed according to the following schedule:
    - (1) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
    - (2) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
  - g. No commercial uses shall be established without the construction and occupancy of at least twenty (20) residential dwelling units.
6. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses.

### B. Development Requirements

- 1. Density: The maximum permitted density for any residential development within a PUD shall not exceed the average gross density established in the Pine Township Master Plan for that area. The total permitted density shall be determined through the submission of a plan indicating the general design based on the requirements of the existing zone district.
- 2. Open Space: Open space shall be provided in the PUD and shall meet the following considerations and requirements:
  - a. Open space may be established to separate use areas within the PUD.
  - b. Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
  - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
  - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
  - e. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for



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agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.

- f. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.<sup>3</sup>

The following minimum lot and yard requirements shall be met:

<b>PUD District Regulations</b>	
Front Yard	30 feet
Side Yard	Single and Two Family Dwellings - 10 feet
	Multiple Family Dwellings and Non-Residential Buildings - 30 feet
Rear Yard	30 feet
Building Height	25 feet or 2½ stories
Required Open Space	10%
Lot Coverage (required open space not included)	30%
Average Minimum Lot Area	Single and Two Family Dwellings - 1 acre
	Multiple Family Dwellings - 2 acres for first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed four (4) units per acre
Average Minimum Lot Width	200 feet
Minimum Floor Area	Single and Two Family Dwellings - 800 square feet GFA/600 square feet GFA on ground floor
	Multiple Family Dwellings - 800 square feet UFA per unit

- 4. Signs shall be as permitted in the most restrictive zone district in which the use requiring the sign is permitted, except as may be permitted otherwise by the Planning Commission and Township Board as part of the PUD approval process.
- 5. Parking requirements shall be as required in Chapter 15.
- 6. Utilities shall be installed underground, whenever reasonably possible.



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**SECTION 12.05 RESIDENTIAL CLUSTER DEVELOPMENT REGULATIONS**

The PUD may be approved as a residential cluster development in accordance with the following regulations. Residential cluster developments are not intended simply as a means to reduce lot sizes. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed.

**A. Qualifying Conditions**

In addition to the provisions of Section 12.04, residential cluster developments shall also comply with the following:

1. The minimum development size shall be forty (40) acres.
2. The applicant must demonstrate that the property proposed for such cluster development contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but which is preserved as a result of the residential cluster development.
3. Development Regulations
  - a. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission and Township Board, but in no case shall be less than the following:

<b>Cluster Regulations</b>	
Lot size	1 acre
Front yard	25 feet
Side yard	20 feet total/10 feet minimum
Rear yard	20 feet
Lot coverage	25%
Lot width	150 feet

- b. Land not proposed for development, but used for the calculation of overall density, shall be designated on the PUD plan and considered open space and shall be deed restricted or otherwise held as open space in perpetuity. Open space shall be subject to the requirements of this Chapter.



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- c. Minimum floor area and height regulations for dwelling units shall conform to the LDR Low Density Residential District requirements.
- d. No two-family, multiple family, or commercial uses shall be permitted as part of the residential cluster development.

### B. Review Standards

The following review standards will be used by the Planning Commission and Township Board in their consideration of a residential cluster development. Before such developments may be approved the Township Board shall find:

1. That the residential cluster development does not substantially alter the character of the general neighborhood in which the development is proposed;
2. That the location of the buildings of the residential cluster development do not unduly impact other single family uses in the vicinity of the proposed development;
3. That the residential cluster development preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate that the land preserved would otherwise be capable of development under the existing zoning;
4. That the residential cluster development can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
  - a. The Planning Commission and/or Township Board may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. Approval of the Mid Michigan Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
  - b. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the township prior to approval of the PUD. Such additional studies may be required by the Planning Commission and/or Township Board where one (1) or more of the following conditions are present:
    - (1) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the PUD is to be placed, or on lots or parcels within a one (1) mile radius of the PUD site;



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- (2) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the PUD site;
- (3) Existing licensed landfills (active or inactive) within a three (3) mile radius of the PUD site.
- (4) Industrially used or zoned sites within a one (1) mile radius of the PUD site.
- (5) Existing residential development within a one (1) mile radius of the PUD site that equals or exceeds a gross density (total acres divided by number of dwelling units) of one unit for every one and one-half (1.5) acres.
- (6) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the PUD site.

### SECTION 12.06 CONDITIONS OF APPROVAL

- A. As part of an approval to any PUD, the Planning Commission and Township Board may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter and the requirements of the Zoning Act are met.
- C. The conditions imposed shall be included in the Ordinance approving the PUD. The conditions shall remain unchanged unless an amendment to the PUD is approved in accordance with this Ordinance.



## CHAPTER 13 MHP – MANUFACTURED HOME PARKS

### SECTION 13.01 SCOPE

- A. For the preservation of the interests of various types of residential developments which should be permitted in every community and for the protection of the residents of any manufactured home park development, these regulations are considered to be minimum standards to be applied to all manufactured home park developments in Pine Township.
- B. All manufactured home parks shall comply with the applicable requirements of Act 419, P.A. 1976 as amended PROVIDED further that said developments meet the standards and conditions and all other provisions as herein established.
- C. Family day care homes and state licensed residential family care facilities shall be permitted uses in accordance with the Zoning Act.

### SECTION 13.02 INSTALLATION AND OCCUPATION OF MANUFACTURED HOMES

- A. No manufactured home shall be placed or parked or installed in a manufactured home park until such time as a building permit is obtained from the Township Zoning Administrator. Such permit shall be issued by the Building Inspector after making a finding that said manufactured home meets construction standards as approved by the Department of Housing and Urban Development (HUD) Code, or has been certified by a manufacturer as constructed according to the requirements of the HUD code.
- B. No manufactured home shall be occupied by any person as a residence or for any other purpose until such time as said manufactured home is placed or situated on a specific lot in the manufactured home park and has been inspected by the County Building Inspector and issued an Occupancy Permit. Such inspection shall include the placement, connection to utilities, and compliance with all necessary State, Township or other ordinances and regulations. Such permit shall be issued by the Building Inspector. In the event said manufactured home is moved to another lot or another manufactured home is placed on the specific lot, a new Occupancy Permit must be obtained by the owner or resident from the County Building Inspector.



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### SECTION 13.03 APPLICATION PROCEDURES

Preliminary approval shall not be issued by the Township until application for the manufactured home park has been approved by the Township Board in accordance with the provisions of this Chapter.

- A. **Site Plan:** Any application for the extension, alteration, or construction of a manufactured home park shall be accompanied by a site plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said site plan shall be conformance with the provisions and requirements of Chapter 14 of this Ordinance.
- B. **Approval:** The application for the manufactured home park development requires the approval of the Township Board upon recommendation from the Planning Commission. The Township Board shall approve, modify, or disapprove the proposed manufactured home park. In reviewing the proposed development's acceptability the following shall be among the major considerations of both bodies prior to official action being taken:
1. Whether the proposal is in accordance with the Master plan.
  2. Whether the proposal meets all the design standards of this Ordinance and other applicable local codes, regulations, or ordinances.
  3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
  4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate and inadequate sanitation and/or drainage facilities.
  5. Whether the proposed development produces an extreme or undue demand on available fire and police protection.
  6. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.

### SECTION 13.04 STANDARDS AND REGULATIONS

All manufactured home parks shall be designed and developed in accordance with the following standards and regulations.



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- A. Minimum site size for a manufactured home park shall be ten (10) acres.
- B. The minimum number of manufactured home spaces shall be twenty-five (25). Required streets and utilities shall be completed for at least twenty-five (25) manufactured home spaces along with related improvements before first occupancy.
- C. Each manufactured home park shall have direct access to a County Primary Road or State Trunkline street as defined in the Township Master Plan.
- D. No access to the site shall be located closer than two hundred (200) feet from the intersection of any two (2) arterial streets. Minimum street widths within the manufactured home park shall be accordance with the following schedule:

<b>Parking</b>	<b>Direction</b>	<b>Minimum Street Width</b>
No on-street parking	one (1) way	14 feet
	two (2) way	21 feet
Parallel parking one (1) side	one (1) way	24 feet
	two (2) way	31 feet
Parallel parking both sides	one (1) way	34 feet
	two (2) way	41 feet

- E. No manufactured home or other building or structure for residential purposes shall be in excess of two and one-half (2½) stories, or in excess of a maximum height of thirty five (35) feet.
- F. Each manufactured home lot, exclusive of streets, shall have a minimum size of five thousand (5,000) square feet and a minimum width of forty (40) feet, as measured at the minimum building setback line. No more than one (1) manufactured home shall be parked on any one (1) lot, and no manufactured home shall be occupied by more than one (1) family.
- G. The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not by way of limitation, storage sheds, cabanas, and porches:
  - 1. fifteen (15) feet from the inside of the sidewalk;
  - 2. ten (10) feet from any rear lot line;
  - 3. ten (10) feet from the side lot line on the entry side, and five (5) feet from the side yard on the non-entry side.



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- 4. A manufactured home may be placed on the side lot line, provided there is minimum of fifteen (15) feet open space between said lot line and any other structure or manufactured home, including but not by way of limitation storage sheds, cabanas or porches.
- H. Each lot shall front on sidewalks at least four (4) feet in width, located directly next to and parallel to the street.
- I. Each lot shall provide a minimum of four hundred (400) square feet of paved off-street parking.
- J. The front, back and side yards of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be one (1) shade tree provided for every two (2) lots.
- K. The manufactured home park shall provide a buffer zone strip separating the manufactured home park from adjacent property. The buffer zone shall be properly planted with trees or shrubbery or other nursery stock of varying height, so as to provide a density sufficient to block the view of the manufactured home park and buildings up to a minimum of five (5) feet in height. No part of the buffer zone shall be used for any structure, board fences, right-of-way, or parking purposes. The buffer zone shall be maintained by the owner of the park.
  - 1. In the event the back yard of any lot or lots within a manufactured home abuts adjacent property, the rear ten (10) feet of each back yard may be used as part of the buffer strip, provided further that no buildings, houses or other structure may be constructed with said strip.
  - 2. The width of the buffer strip shall be in accordance with the following schedule:

Zoning of Adjacent Property	Width of Buffer
Agricultural	15 feet
Residential	15 feet
Commercial	25 feet
Industrial	25 feet

- L. The manufactured home park shall have minimum setback from any public street of forty (40) feet, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park
- M. All streets within the manufactured home park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications, and provided with proper curbing.



- N. The manufactured home park shall contain one (1) or more open space areas intended primarily for the use of park residents on a minimum ratio of two hundred and fifty (250) square feet for every manufactured home lot provided that buffer zone areas shall not be included as part of such requirement
- O. The manufactured home park shall provide one (1) or more storm shelters of size and capacity so as to accommodate all the residents of the park.
- P. All street intersections and designated pedestrian crosswalks shall be illuminated by not less than .25 foot candles. All roads, parking bays and pedestrian walkways shall be illuminated by not less than .5 foot candles .

### SECTION 13.05 UTILITY STANDARDS

The following utility standards shall apply to all manufactured home parks.

- A. All utilities shall be underground.
- B. All lots shall be provided with a public water and sanitary sewer service, or such water and sanitary services that may be approved by the Montcalm County Health Department and other applicable agencies. All manufactured homes shall be connected thereto. All expenses of installation and connection shall be borne by the owner or operator of the manufactured home park. No costs shall be applied or taxed against owners of any adjacent property or along any main extended from the manufactured home park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.
- C. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the Michigan Department of Health. All storm drainage and surface drainage facilities flowing from the park to adjacent areas shall be approved by the Montcalm County Drain Commissioner.

### SECITON 13.06 MANUFACTURED HOME STANDARDS

- A. Every manufactured home shall be supported on a permanent concrete pad or foundation at least twelve (12) feet in width with a minimum of six hundred (600) square feet, and four (4) inches thick; and all areas between the trailer and ground shall be



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- enclosed by a skirt, providing said skirting is constructed or installed and is fire resistant.
- B. In the event the soil or topographic conditions of the proposed manufactured home park are such that other foundations or support are appropriate, and the developer provides to the Township Building Inspector a report by a certified engineer that piers are equal to or superior to the specifications as set forth in this Chapter, such foundations may be approved by the Building Inspector, provided such construction includes provisions for proper drainage and covering ground under each manufactured home.
  - C. Every manufactured home shall be at least twelve (12) feet in width and have a minimum of eight hundred (800) square feet of living area exclusive of porches and cabanas.

### SECTION 13.07 INSPECTION AND PERMITS

- A. The Building Inspector or such other person designated by the Township Board shall have the right to inspect the manufactured home park to determine whether or not the park owners or operators, or any owners or person occupying manufactured homes within the park are in violation of this ordinance, or any other state ordinance or state or governmental regulations covering manufactured home parks affecting the health, safety and welfare of inhabitants, under the following conditions:
  - 1. He has reasonable reason to believe that the owner, operator or resident or owner of manufactured home in the park is in violation of any part of this or other Township ordinance.
  - 2. That notice has been sent to the owner or operator of the manufactured home park at its last known address, and to the owner or resident of the manufactured home park at their last known address as shown on the occupancy permit for said manufactured home, and that the Township has not received satisfactory proof or indication that the purported violation is not a violation, or that the violation has been corrected within fifteen (15) days from the date of mailing said notice.
- B. All persons, including but not by limitation, Township or County officials, whose entry upon the manufactured home park property is necessary, proper or advisable in the execution of their duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times.



**SECTION 13.08 MANUFACTURED HOME SALES**

- A. No person desiring to rent a dwelling unit site shall be required, as a condition to such rental, to purchase a manufactured home from the owner or operator of the park as long as the manufactured home intended to be located on such rented site conforms in size, style, shape, price, etc. as may be required by any reasonable rules and regulations governing the operation of the manufactured home park.
  
- B. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home lot by the individual owner or his agent, or those home occupations as permitted in the Zoning Ordinance. Provided such sales and occupations are permitted by the park regulations; provided further that a commercial manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.



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## CHAPTER 14 SITE PLAN REVIEW

### SECTION 14.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

### SECTION 14.02 SITE PLANS REVIEWED

In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:

- A. All Permitted Uses within any District which includes the construction of a building addition with an enclosed floor area greater than 25 percent (25%) of the existing enclosed building floor area, and/or construction of a new building or structure with an enclosed floor area of three thousand (3,000) square feet or greater, except for single family detached dwellings (unless part of C, below), farms, including roadside stands in the AP District, state licensed residential family care facilities, family day care homes, and home occupations.
- B. Special Land Uses in all Zoning Districts.
- C. Developments or land divisions including site condominiums containing six (6) or more lots in any district.



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### SECTION 14.03 APPLICATION

- A. Site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator by the petitioner or his designated agent at least fourteen (14) days prior to the next regular Planning Commission meeting. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. An application for either a Preliminary or Final Site Plan Review shall consist of the following:
  - 1. Ten (10) copies of the Preliminary or Final Site Plan.
  - 2. A completed application form, as provided by the Township.
  - 3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Chapter and the processing and review of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. No part of such fee shall be returnable.
  - 4. A legal description, including permanent parcel number, of the entire property which is the subject of the Site Plan Review.
  - 5. Other materials as required in this Chapter.

### SECTION 14.04 SITE PLAN REVIEW REQUIREMENTS

#### A. Preliminary Site Plan Review

If desired by the applicant, a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

- 1. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator.
  - a. Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area, including the zoning of



surrounding property.

2. Ten (10) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:
  - a. Existing adjacent streets and proposed streets.
  - b. Lot lines and approximate dimensions.
  - c. Parking lots and access points.
  - d. Proposed buffer strips or screening.
  - e. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
  - f. Areas of active agricultural activity.
  - g. Location of any signs not attached to the building.
  - h. Existing and proposed buildings.
  - i. General topographical features including contour intervals no greater than ten (10) feet.
  - j. All buildings and driveways within one hundred (100) feet of all property lines.

3. A narrative (shown on the site plan or submitted separately) describing in general terms:
  - a. The overall objectives of the proposed development.
  - b. Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
  - c. Dwelling unit densities by type, if applicable.
  - d. Proposed method of providing sewer and water service, as well as other public and private utilities
  - e. Proposed method of providing storm drainage.

B. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this article. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

C. Final Site Plan Review

If desired by the applicant, ten (10) copies of a final site plan prepared by a professional competent in such matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the Zoning Administrator:



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1. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property under three (3) acres and at least 1"=100' for those three (3) acres or more.
2. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan, if required by the Planning Commission.
3. The name and address of the property owner or petitioner.
4. A location sketch.
5. Legal description of the subject property.
6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
7. Property lines and required setbacks shown and dimensioned.
8. The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.
9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.
11. The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.
12. The existing zoning and use of all properties abutting the subject property.
13. The location, type, and size of all proposed landscaping or buffer areas, and the location, height and type of existing and proposed fences and walls.
14. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
15. Areas of active agricultural activity within one-hundred (100) feet of the subject property.
16. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
17. The location and size of all surface water drainage facilities.
18. Existing and proposed topographic contours at a minimum of five (5) foot intervals.



19. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

## SECTION 14.05 FINAL SITE PLAN REVIEW PROCEDURES

- A. Public Information Meeting
  1. Upon receipt of a valid application for a Final Site Plan Review, the Planning Commission shall hold a public information meeting for the purpose of receiving comments relative to the Site Plan Review application.
  2. Notice of the public information meeting for the Final Site Plan Review shall be given in accordance with the following requirements:
    - a. A written notice of the public information meeting shall be sent by mail or personal delivery to the owners of property for which approval is being considered and to all persons to whom real property is assessed within three-hundred (300) feet of the boundary of the property in question.
    - b. Such notice shall be given not less than fifteen (15) days before the application will be considered.
    - c. The notice shall describe the nature of the site plan review request, indicate the property which is the subject of the site plan review request, state when and where the site plan review request will be considered, and indicate where and when written comments will be received concerning the request.
- B. The Planning Commission, prior to granting approval of a Final Site Plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.
- C. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter and the purposes of this Ordinance. Where a site plan for a Special Land Use is under consideration, the Planning Commission shall recommend approval, denial, or approval with conditions of the Final Site Plan to the Township Board. The Township Board shall review the Final Site Plan and approve, approve with conditions, or



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deny the Final Site Plan based on the purposes, objectives and requirements of this Ordinance, and specifically, the standards of Section 14.08.

- D. Any conditions or modifications desired by the Planning Commission or the Township Board shall be recorded in the minutes.
- E. Three (3) copies of the final approved site plan shall be signed and dated by the Secretary of the Planning Commission or Township Board and the applicant. One (1) of these approved copies shall be kept on file by the Township Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or his designated representative.
- F. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted below.
  - 1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - 3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.

### SECTION 14.06 REVIEW STANDARDS

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.



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- B. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Pine Township.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. In addition, The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. The uses proposed shall be sensitive to the activities of agricultural production in the Township. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from agricultural activities.
- F. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- G. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- H. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access.
- I. All streets and driveways shall be developed in accordance with the Township Subdivision Control Ordinance, the Montcalm County Road Commission, or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. The Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.



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- J. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- K. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
- L. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- M. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
- N. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before final site plan approval or an occupancy permit is granted.
- O. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent land.
- P. The general purposes and spirit of this Ordinance and the Master Plan of Pine Township shall be maintained.

### SECTION 14.07      CONDITIONS OF APPROVAL



## PINE TOWNSHIP ZONING ORDINANCE

- A. As part of an approval to any site plan, the Planning Commission or in the case of a Special Land Use, the Township Board, as applicable, may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- E. A record of the decision of the Planning Commission or the Township Board, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission and the Township Board.
- F. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

### SECTION 14.08 APPROVED SITE PLANS

- A. Upon approval of the Preliminary and Final Site Plans, the Chairman of the Planning Commission shall sign two (2) copies thereof. One (1) signed copy shall be made a part of the Commission's files and one (1) copy shall be returned to the applicant. Upon approval of the Final Site Plan by the Township Board, the Township Supervisor, or the Township Board member acting as Chairman for the meeting, shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) shall be forwarded to the Building Inspector for issuance of a building permit; and one (1) copy shall be returned to the applicant. (10-19-93)
- B. Each development shall be under construction within one (1) year after the date of approval of the Final Site Plan by the Township Board, except as noted below.
  - 1. The Planning Commission may grant one (1) six (6) month extension provided the applicant applies for such extension prior to the date of the expiration of the Final Site Plan.



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2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
  3. Should neither of the aforementioned provisions be fulfilled or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.
- C. Amendments to an approved Final Site Plan may occur only under the following circumstances:
1. The holder of a valid Final Site Plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
  2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Township Board that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Township Board. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
    - a. Reduction of the size of any building and/or sign.
    - b. Movement of buildings and/or signs by no more than ten (10) feet.
    - c. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
    - d. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
    - e. Changes in floor plans which do not alter the character of the use.
    - f. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
    - g. Changes required or requested by the Township for safety reasons shall be considered a minor change.
  3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.



## SECTION 14.09 CHANGES IN THE APPROVED SITE PLAN

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. Change in the building size, up to five percent (5%) in total floor area.
  - 2. Movement of buildings or other structures by no more than ten (10) feet.
  - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  - 4. Changes in building materials to a comparable or higher quality.
  - 5. Changes in floor plans which do not alter the character of the use.
  - 6. Changes required or requested by the Township, the Montcalm County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

## SECTION 14.10 PLAT REQUIREMENTS

In those instances in which Act 288 of 1967 including any amendments thereto, the Land Division Act (also referred to as the Subdivision Control Act), is involved, the owner shall, after Site Plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved Site Plan.

## SECTION 14.11 APPEAL



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If any person shall be aggrieved by an action of the Planning Commission or Township Board, appeal in writing to the Township Board of Appeals may be taken within twenty-one (21) days after the date of such action. The Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After such hearing, the Board of Appeals shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.



# CHAPTER 15 PARKING AND SIGN REQUIREMENTS

## SECTION 15.01 PARKING – GENERAL REQUIREMENTS

The off-street parking required by this Chapter shall be provided in accordance with the following requirements.

- A. Single and Two Family Dwellings. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be constructed with an asphalt or concrete binder, gravel, or compacted earth so as to provide a durable and dustless service, and shall occupy no greater than thirty-three percent (33%) of the required front yard.
- B. Multiple Dwellings. The off-street parking facilities for multiple family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this Chapter.
- C. Manufactured Home Parks. The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements, as required in Chapter 13.
- D. Other Land Uses. Off-street parking for all non-residential Districts and uses shall be either on the same lot or within three-hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- E. Unless otherwise permitted in this Ordinance, off-street parking shall not be located within the required front yard.
- F. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- G. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere, in compliance with this Chapter.



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- H. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- I. Two (2) or more buildings or uses may collectively provide the required off-street parking in a shared parking area. Where two (2) or more uses have differing hours of operation which do not conflict with one another, the number of off-street parking spaces may be shared to satisfy the requirements of this Ordinance; provided that in no case shall the number of parking spaces be less than that required for any use and it has been demonstrated that additional room for parking can be made available should the hours of operation change for one (1) or more of the uses.
- J. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
  - 1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  - 2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
- K. Parking of semi-truck tractors and trailers, and commercial vehicles exceeding one and one-half (1½) tons shall be prohibited in the LDR, LF, and RF Districts.

**SECTION 15.02      PARKING LOT DESIGN STANDARDS**

- A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

<b>Parking Pattern</b>	<b>Two-Way Aisle Width</b>	<b>One-Way Aisle Width</b>	<b>Parking Space Width</b>	<b>Parking Space Length</b>
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 Ft.	18 Ft.



- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be provided with an asphalt, concrete binder, or gravel surface so as to provide permanent, durable and dustless service.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Pine Township and the Montcalm County Drain Commissioner.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent Residential Districts, uses, or roadways.

### SECTION 15.03 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the NC District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements, a minimum of one (1) loading space shall be provided.
- D. LI District
  - 1. In the LI District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
  - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with an asphalt,



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concrete binder, or gravel surface so as to provide permanent, durable and dustless service.

SECTION 15.04 OFF-STREET PARKING REQUIREMENTS

- A. Required off-street parking spaces are noted in the table on the following page for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.
B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

Table with 2 columns: USE and PARKING SPACE PER UNIT OF MEASUREMENT. Rows include Residential (Single family dwellings, Two family dwellings, Multiple family dwellings), Institutional (Group day care homes, Churches, Schools), and Commercial.



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<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT</b>
Vehicle wash establishments (self service or automatic)	One (1) space for each five (5) stalls
Beauty/barber shop	Two (2) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
<b>Commercial</b>	
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus one (1) space for each of the maximum number of employees on the premises at any one time
Personal service establishments not otherwise specified	One (1) space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet of usable floor area
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Open air businesses	One (1) space for each two hundred (200) square feet of indoor usable floor area plus one



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<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT</b>
	(1) space for each one thousand (1000) square feet of outdoor display area
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred (100) square feet of usable floor area plus one (1) space for the maximum number of employees on the premises at any one time
<b>Offices</b>	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each two hundred (200) square feet of usable floor area plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (300) square feet of usable floor area
Medical and dental offices and clinics	One (1) space for each seventy five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area
<b>Industrial</b>	
Manufacturing, processing, and research establishments and industrial uses not otherwise specified	One (1) space for each one thousand (1000) square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand (2000) square feet of gross floor area plus those spaces required for offices located on the premises

**SECTION 15.05      SIGNS – INTENT**

- A. The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of Pine Township; to maintain and improve the appearance of Pine Township;



to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

## SECTION 15.06 SIGNS – DEFINITIONS

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. Awning sign: A sign affixed flat against the surface of an awning.
- C. Balloon sign: A sign composed of a non-porous bag of material filled with air.
- D. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. Billboard: A sign which advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- F. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- G. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- H. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- I. Government Sign: A temporary or permanent sign erected by Pine Township, Montcalm County, or the state or federal government.
- J. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- K. Incidental Sign: A sign that identifies street address, entrances and exits, safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement.
- L. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- M. Marquee Sign: A sign affixed flat against the surface of a marquee.



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- N. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- O. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- P. Political Sign: A temporary sign used in connection with an official Pine Township, school district, county, state, or federal election or referendum.
- Q. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- R. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
- S. Reader Board: A portion of a sign on which copy is changed manually.
- T. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- U. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- V. Roof Sign: A sign erected above the roof line of a building.
- W. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- X. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- Y. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- Z. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

### SECTION 15.07 GENERAL SIGN PROVISIONS

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, provided the following signs shall not require a building permit:
  - 1. Directional signs of six (6) square feet in size or less.



2. Government signs.
3. Placards.
4. Temporary sale signs of four (4) square feet in size or less.
5. Window signs.
6. Political signs.
- B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
- C. Sign supports, braces, guides and anchors shall be maintained in such a manner as not to cause a hazard.
- D. Signs may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- E. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Chapter.
- F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- H. No commercial vehicles, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- I. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
- J. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- K. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) used to draw attention to a business or its merchandise on display shall be prohibited.



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- L. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- M. No sign attached to a building shall be erected above the roof line of that building.
- N. All signs shall pertain only to the business or activity conducted on the premises, with the exception of political signs and special event signs.

### SECTION 15.08 EXEMPTED SIGNS

- A. The following signs shall be exempt from the provisions of the Pine Township Zoning Ordinance, except for the provisions of Section 13.07:
  - 1. Government signs.
  - 2. Historical markers.
  - 3. Window signs.
  - 4. Memorial signs or tablets.
  - 5. Murals.
  - 6. Signs not visible from any street.
  - 7. Signs for essential services.
  - 8. Placards of less than two (2) square feet.
  - 9. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
  - 10. Flags or insignia of any nation, state, Township, community organization, or educational institution.

### SECTION 15.09 NONCONFORMING, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.

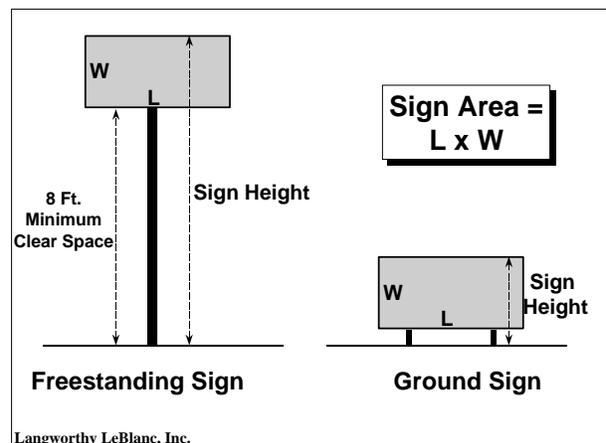


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- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For the purposes of this Chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the nonconforming nature of such sign.
- D. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss, as determined by the Zoning Administrator.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.

### SECTION 15.10 SIGNS – UNITS OF MEASUREMENT

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
- C. The height of a sign shall be measured as the vertical distance from the highest





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point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

- D. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

### SECTION 15.11 SIGN REGULATIONS APPLICABLE TO ALL SIGN DISTRICTS

- A. The following sign regulations are applicable to all Districts:
1. Portable signs, billboards, and balloon signs are not permitted, except as permitted in Section 15.11, A. 7.
  2. All ground, wall, and freestanding signs may include reader boards, which shall be counted in the square footage permitted for such sign.
  3. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
  4. Political signs shall be removed within ten (10) days after the official election or referendum to which such sign pertains.
  5. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
  6. Construction signs are permitted within any District, subject to the following restrictions:
    - a. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
    - b. Construction signs shall be setback a minimum of ten (10) feet from all property lines.
    - c. Construction signs not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
    - d. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
  7. Special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
    - a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.



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- b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
  - c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
  - d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
8. Directional signs are permitted subject to the following restrictions:
- a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
  - b. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
  - c. Directional signs shall be limited to traffic control functions only.
9. Garage, estate sale, and roadside stand signs are permitted subject to the following restrictions:
- a. One (1) sign per premises is permitted, located on the premises on which such sale is being conducted, and set back a minimum of fifteen (15) feet from any side or rear property line.
  - b. Such sign shall not exceed six (6) square feet in area.
  - c. Such sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.
10. Incidental signs pertaining to any conforming accessory activity being conducted on the premises are permitted in any District, subject to the following restrictions:
- a. No individual sign shall exceed six (6) square feet in area.
  - b. Only those signs which, in the opinion of the Zoning Administrator, are necessary to indicate entrances, exits, safety precautions, including identifying logos without text, and other such incidental language shall be permitted.



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SECTION 15.12 DISTRICT SIGN REGULATIONS

A. Signs in each District shall be subject to the following regulations:

<b>AP, LDR, LF, RF, AND MHP DISTRICTS - PERMITTED SIGNS</b>	
<b>Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, or other non-residential uses allowed in the District</b>	
Number	One (1) per major entrance
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet
<b>Wall signs for home occupations and home businesses</b>	
Number	One (1) per lot or parcel
Size	No greater than four (4) square feet
Location	On wall of house facing street, un-illuminated
<b>Wall signs for non-residential uses</b>	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed.
Location	On wall of building facing street
<b>Political signs</b>	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet



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<b>Real estate signs</b>	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for unoccupied properties or lots; sixteen (16) square feet for vacant lots or parcels over one (1) acre in size.
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet

<b>NC - COMMERCIAL DISTRICT - PERMITTED SIGNS</b>	
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<b>Ground signs</b>	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than fifty (50) square feet for each sign allowed
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet

<b>Wall signs</b>	
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Number	One (1) per street frontage
Size	No greater than ten percent (10%) of the wall area to which the sign is affixed.
Location	On wall of building facing street

<b>Political signs</b>	
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Number	One (1) per issue or candidate
Size	No greater than thirty-two (32) square feet
Location	



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	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
<b>NC - COMMERCIAL DISTRICT - PERMITTED SIGNS (continued)</b>	
Height	No higher than six (6) feet
<b>Real estate signs</b>	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
<b>Freestanding signs</b>	
Number	One (1) per lot or parcel, except for parcels with two (2) or more public street frontages equaling or exceeding three hundred (300) feet shall be permitted two (2) signs, which may be either freestanding or ground signs, or a combination, each of which must meet the other regulations applicable to the sign.
Size	One and one-half (1½) square feet for each one (1) foot of lot frontage up to a maximum of fifty (50) square feet, for each sign allowed
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than twenty (20) feet
<b>LI - LIGHT INDUSTRIAL DISTRICT - PERMITTED SIGNS</b>	
<b>Ground signs</b>	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet



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	from the side or rear property line
Height	No higher than six (6) feet

<b>LI - LIGHT INDUSTRIAL DISTRICT - PERMITTED SIGNS (continued)</b>	
<b>Wall signs</b>	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed
Location	On wall of building facing street
<b>Political signs</b>	
Number	One (1) per issue or candidate
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
<b>Real estate signs</b>	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet



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## CHAPTER 16 SPECIAL LAND USES

### SECTION 16.01 SCOPE

This section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Pine Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 16.04, as applicable.

### SECTION 16.02 APPLICATION AND REVIEW PROCEDURES

- A. An application shall be submitted through the Township Clerk, accompanied by:
  - 1. the payment of a fee as established by the Township Board;
  - 2. a completed application form, as provided by the Township;
  - 3. a complete site plan as specified in Chapter 14.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting.
- C. The application, along with the required site plan, shall be forwarded to the Planning Commission at its next regular meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing the notice of such hearing in accordance with the Zoning Act. The Planning Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township planner, engineer, or other party, and shall recommend to the Township Board to approve, approve with conditions, or deny the request.
- E. A public hearing shall be noticed not less than fifteen (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within 300 feet of the subject parcel, regardless



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of whether the noticed property or occupants are located in the Township. The notice shall include:

1. The nature of the request.
  2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
  3. Location and time of the hearing.
  4. Where and when written comments may be received.
- F. The Township Board shall then review the Special Land Use Request and all pertinent information. The Board shall then approve, approve with conditions, or deny the request. The basis for the decision and any conditions which should be imposed shall be incorporated into the record.
- G. No petition for Special Land Use approval which has been disapproved shall be resubmitted for one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- H. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.
1. The Township Board may grant one (1) six (6) month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- I. The Board shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing with the notification procedures for the original approval.



## SECTION 16.03      GENERAL STANDARDS

In addition to the standards established for specific uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans in Section 14.06 thereof, and conditions, as authorized in Section 14.07 may be placed upon a Special Land Use.

- A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:
1. be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
  2. be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
  3. not create excessive additional requirements at public cost for public facilities and services; and
  4. not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- B. The Township Board may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the Special Land Use approval, pursuant to Section 16.02, G.

Conditions imposed shall be those necessary to:

1. meet the intent and purpose of the Zoning Ordinance,
2. relate to the standards established in the Ordinance for the land use or activity under consideration,
3. insure compliance with those standards,
4. protect the general welfare,
5. protect individual property rights, and
6. ensure that the intent and objectives of this Ordinance will be observed.



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### SECTION 16.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of Section 16.03, A, are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

- A. Adult uses
- B. Agricultural labor housing
- C. Airports
- D. Auto wash establishments
- E. Automobile service stations and automobile repair (minor) facilities, including the selling of convenience goods, but not including body shops
- F. Bed and breakfast establishments
- G. Body shop, automobile repair (major)
- H. Bowling alleys
- I. Bulk oil, propane, and gasoline storage and distribution
- J. Chemical or fertilizer distribution, for agricultural purposes
- K. Commercial kennels
- L. Commercial storage warehouses
- M. Country clubs, golf courses, riding stables, and publicly owned athletic grounds and parks
- N. Funeral homes and mortuary establishments
- O. Greenhouses and nurseries, including retail operations
- P. Group and Commercial Day Care Homes and Facilities
- Q. Home Based Businesses
- R. Junk yards
- S. Machine shop
- T. Marinas
- U. Multiple family dwellings
- V. Open air businesses
- W. Private resorts and rental cabins
- X. Public or private boat launches
- Y. Public or private campgrounds
- Z. Radio and television transmitting buildings and related towers exceeding one-hundred (100) feet in height or Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services
- AA. Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources
- BB. Restaurants, including drive-through facilities
- CC. Retail building supplies
- DD. Retail stores, providing goods within a completely enclosed building greater than 8,000 square feet.
- EE. Roadside stands.
- FF. Sawmills.
- GG. Schools, churches, libraries, and community center buildings.
- HH. Transfer stations.



- II. Truck and freight terminals.
- JJ. Two-family dwellings.
- KK. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- LL. Veterinary hospitals and animal clinics.
- MM. Wholesale sales.

**A. Adult Uses**

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
2. Adult uses shall comply with the following requirements:
  - a. The use shall not be located within a 1,000 foot radius of any other such use or public library, public or private school, playground, play field, park, church, or hospital.
  - b. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Township Board. All massage clinics are subject to inspection from time to time by the Building Inspector and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulder.



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- c. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Township Board, as provided herein.
  - d. Any sign or signs proposed for the adult use business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
  - e. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
3. "Persons under the age of 18 years are not permitted to enter the premises."
  4. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
    - a. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
    - b. No adult use shall be open for business prior to ten o'clock a.m., nor after ten o'clock p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean-up, preparation, record keeping, and similar purposes.

### **B. Agricultural Labor Housing**

1. Seasonal Farm Labor Dwellings.
  - a. Such dwellings shall be for farm laborers, and their immediate families. The dwellings may not be used for members of the immediate family of the owner/operator of the farm.
  - b. Each dwelling must be at least seven hundred twenty (720) square feet in area, and a minimum of twenty (20) feet in width across any front, side, or rear elevation. Each sleeping room must comply with any applicable County Building Codes.
  - c. Each additional Seasonal Farm Labor Dwelling, after the first three (3), must be applied for separately.
  - d. The dwellings may not be located closer than fifty (50) feet to any property line, and no closer than ten (10) feet to any other building on the parcel.



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- e. Off-street parking is required, and shall comply with the requirements for dwellings in this Ordinance.
- f. Such dwellings shall be occupied no longer than seven (7) months in any one (1) calendar year.

### **2. Permanent Farm Labor Dwellings.**

- a. Such dwellings shall be for farm laborers, and their immediate families.
- b. Each dwelling must be at least eight (800) square feet in area. Each sleeping room must comply with any applicable County Building Codes.
- c. Each Permanent Farm Labor Dwelling must be applied for separately.
- d. The dwelling may not be located closer than fifty (50) feet to any property line, and no closer than twenty (20) feet to any other building on the parcel.
- e. Off-street parking is required, and shall comply with the requirements for dwellings in this Ordinance.

### **C. Airports**

- 1. No more than four (4) aircraft may be regularly used, stored, sheltered, or supplied by owner or owners at the airport, and no more than two (2) visiting aircraft may be used, stored, sheltered, or supplied during any twenty-four (24) hour period.
- 2. The site plan, as required in Chapter 14, shall contain the following additional information:
  - a. The location of any homes within two thousand (2,000) feet of the boundaries of the property on which the airport or airport expansion would be located.
  - b. The location and height of any trees, groups of trees, mounds of earth, buildings, or other structures within one thousand (1,000) feet of the proposed airport.

### **D. Auto Wash Establishments**

- 1. All washing activities must be carried on within a building.
- 2. Vacuuming activities may not be conducted in any required yard and shall take place a minimum of fifty (50) feet from any Residential District or use property line.
- 3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

### **E. Automobile Service Stations and Auto Repair (Minor) Facilities, excluding body shops**



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1. Minimum lot width shall be two hundred (200) feet.
2. All buildings, structures, and equipment shall be located not less than one hundred (100) feet from any right of way line and not less than fifty (50) feet from adjacent residential structures. If the adjacent properties do not contain residential structures, said use shall have side and rear yards of one hundred (100) feet each.
3. No more than one (1) curb opening shall be permitted for every seventy five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and one (1) for any other street.
4. No drive or curb opening shall be located nearer than seventy five (75) feet to any intersection nor more than twenty five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Township Board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
5. The entire lot, excluding the area occupied by a building, shall be hard surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
6. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over hanging any public sidewalk, street or right of way.
7. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.
9. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Township Board. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Township Board.
10. The lot shall be located such that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a



public library, public or private school, playground, play field, park, church or hospital.

11. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
12. On a corner lot, both street frontages shall be subject to all the applicable front yard provisions of this Ordinance.
13. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

**F. Bed and Breakfast Establishments**

1. The establishment shall be serviced by approved water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a paved public road.
3. Such uses shall only be established in a detached single family dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties.
5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
6. The total number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of none (9) guest rooms.
7. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
8. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one half (½) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
9. The establishment shall contain the principal residence of the operator.



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10. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
11. Meals may be served only to the operator's family, employees, and overnight guests.

### **G. Body Shop, Automobile Repair (Major)**

1. The site shall be provided with suitable access to a paved County Primary road.
2. No portion of any storage area shall be located within fifty (50) feet of any Residential District or use property line.
3. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material/vehicles are not visible from outside the storage area. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
4. Materials stored outdoors shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights of way. In no case shall material be stored at a height exceeding the height of the storage area fence or wall.
5. The fence or wall enclosing the storage area shall meet the setback requirements applicable to a main building.
6. Conditions within the facility shall be controlled to minimize the hazards of fire and other threats to health and safety.
7. All portions of the facility shall be accessible to emergency vehicles.
8. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the storage area.
9. The Township Board and Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township.

### **H. Bowling Alley**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. Main buildings shall be set back a minimum of one hundred (100) feet from any Residential District or use property line.



3. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

**I. Bulk Oil, Propane, and Gasoline Storage and Distribution**

1. The minimum lot size shall be two (2) acres.
2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
3. The main and accessory buildings and any storage facilities shall not be located nearer than one hundred (100) feet to any adjacent residential district or use.
4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.

**J. Chemical or fertilizer distribution, for agricultural purposes**

1. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
2. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to any adjacent residential district or use.
3. Proper containment facilities shall be construed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater resource.

**K. Commercial Kennels**

1. No kennel shall be approved or operated on a parcel of less than one (1) acre.
2. No more than five (5) animals per acre.
3. Areas housing or exercising animals outdoors shall be located at least one hundred (100) feet from any property line or any adjacent Residential District or use.

**L. Commercial Storage Warehouses**

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on site operator. The residence shall conform to the minimum requirements for a single family detached dwelling in the LDR District.



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3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
4. Two (2) parking spaces shall also be required for the residence of security personnel or on site operator employed on the premises.
5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

### **M. Country clubs, golf courses, riding stables, and athletic grounds**

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use property line.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.

### **N. Funeral Homes and Mortuary Establishments**

1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
2. A well designed and landscaped off street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.
4. The proposed site shall front upon a paved state trunkline, County Primary, or County Local street. All ingress and egress shall be from said thoroughfare.



**O. Greenhouses and Nurseries, including Retail Operations**

1. Minimum lot width shall be two hundred (200) feet.
2. The Zoning Administrator may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. All such businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. The lot area used for parking for customers shall be hard surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
5. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from the nearest part of any street intersection.
6. All lighting shall be shielded from adjacent residential areas.
7. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
8. All loading activities and parking areas shall be provided on the same premises (off street).
9. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
10. No display area shall be located within ten (10) feet of a road right of way line.

**P. Group and Commercial Day Care Homes and Facilities**

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.
2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
3. .Required off street parking, as well as off street pick up and drop off areas shall be provided.
4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.
5. The group day care home shall not be located closer than 1,500 feet to any of the following.
  - a. Another licensed group day care home.



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- b. Another foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218 MCL 400.701 to 400.737
  - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 TO 333.6523.
  - d. Community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
6. The operator shall maintain the property consistent with the visible characteristics of the neighborhood.
- e. The group day care home shall not exceed 16 hours of operation during any 24 hour period. The Planning Commission may limit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.
7. The group day care home may have a sign in accordance with Section 15.12 A for home occupations in residential districts.

**Q. Home Based Businesses (Home Based Business are permitted uses, in the AP District, Special Land Uses otherwise)**

1. The primary use of the property shall remain as a resident or customary farming operation. If the primary use ceases, the Home based Business shall also cease.
2. A maximum of two persons who do not reside on the premises may be employed on site in connection with the Home Based Business . This does not preclude the use of additional employees who may be employed by the business but who work in locations off site.
3. No more than 33.3% of the total square footage of the residence may be converted to the home based business.
4. There shall be no visible evidence of the conduct of such home based business except as permitted by this section.
5. One non-illuminated sign of six square feet or less shall be allowed on the premises.
6. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference at levels detectable at the property line in excess of those generally associated with a residence or customary farming operation.
7. The home based business shall not generate motor vehicle traffic in excess of that generally associated with a residence or customary farming operation.
8. The number of motor vehicles dedicated exclusively for use in connection with the home based business shall be limited to one.



9. The outdoor storage or display of inventory, goods, materials, supplies, or equipment is permitted, as long as such items are sufficiently screened or located in an area so as not to be visible from other properties or public right of way. Only the outdoor display of a representative sample of products shall be allowed.
10. Only those goods or products produced by the home based business or related products shall be sold on the premises.
11. Off street parking shall be available for all visitors and employee(s).

**R. Junk Yards**

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a County Primary or State Trunkline to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within twenty (20) feet of any Residential District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non transparent gates not exceeding forty eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights of way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.



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9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum site size for such facilities shall be six (6) acres.
14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
15. The Township Board and Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

### **S. Machine Shop**

1. There shall be a minimum lot width of two hundred (200) feet.
2. Any main building shall be a minimum of one hundred (100) feet from a road/street right of way and a minimum of one hundred (100) feet from adjacent residential structures. If the adjacent properties do not contain residential structures, said use shall have side and rear yards of twenty-five (25) feet each.
3. Any outside storage area shall not exceed two thousand (2,000) square feet in area and shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall, or landscaped equivalent.
4. Any portion of a building containing such use shall not have loading doors, windows, or other such openings facing an abutting Residential District or use. If such openings are present, they shall remain closed at all times while any part of the business is in operation.

### **T. Marinas**

1. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.



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2. No building, structure, dock, or parking area which is part of marina or boat launch area shall be located closer than thirty five (35) feet to any residential lot line
3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.

### **U. Multiple Family Dwellings**

1. All dwelling units shall have a minimum of eight-hundred (800) square feet per unit, or as required by Section 6.04.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
4. Buildings shall not be constructed closer than a distance equal to one and one-half (1½) times the height of the taller building.
5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

### **V. Open Air Businesses**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. Except in the Agricultural Preservation District, the Township Board may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
5. The Township Board and Planning Commission may require the permittee to furnish a Surety Bond in accordance with this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of special land use approval.
6. The lot area used for parking shall be hard surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.



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7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
8. All lighting shall be shielded from adjacent residential areas.
9. In the case of a plant materials nursery:
  - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
  - b. All loading activities and parking areas shall be provided on the same premises (off street).
  - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
10. No display area shall be located within ten (10) feet of a road right of way line.

### **W. Private Resorts and Rental Cabins**

1. Minimum lot area shall be two (2) acres and minimum lot width shall be two hundred (200) feet.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

### **X. Public or Private Boat Launches**

1. The boat launch site shall contain no more than one (1) ramp and be at least one (1) acre in size.
2. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.
3. No building, structure, dock, or parking area which is part of a boat launch area shall be located closer than thirty five (35) feet to any Residential District or use property line.
4. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
5. A minimum of ten (10) parking spaces shall be provided. If, after evaluation of the site, it is found by the Township Board or Planning Commission that parking will be inadequate to satisfy user demand, the Township Board or Planning Commission shall reserve the right to require additional parking.
6. A seventy-five (75) - foot vehicle turn-around shall be provided.

### **Y. Public or Private Campgrounds**

1. Minimum lot size shall be three (3) acres. Vehicular access to the campground must be provided directly from a public street. The term lot shall mean a campground or travel trailer park.



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2. Public stations, housed in all weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet.
4. Each lot shall provide hard surfaced, dust free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right of way or property line.
6. Each travel trailer site shall have direct access to a hard surfaced, dust free roadway of at least twenty four (24) feet in width for two way traffic and twelve (12) feet in width for one way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
7. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Montcalm County.
8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

**Z. Radio and Television Transmitting Buildings and Related Towers exceeding one-hundred (100) feet in height or Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services**

1. Antennas shall be required to locate on any existing approved tower within a three (3) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
  - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or



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- replaced to accommodate planned or equivalent equipment at a reasonable cost.
- b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
  - c. Existing or approved towers and buildings within a three (3) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
  - d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
2. Any proposed tower shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
  3. Towers shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.
  4. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
    - a. Residential Districts: The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services located such that any part of which is located within two hundred (200) feet of any Residential District lot line.
    - b. Nonresidential Districts: Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line.
    - c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
  5. The Township Board and Planning Commission may require such structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.



6. Towers shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
7. Towers which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.

**AA. Removal and Processing of Topsoil, Stone, Rock, Sand, Gravel, Lime or Other Soil or Mineral Resources.**

1. No soil, sand, gravel, or other earth material shall be removed from any land within the township without special land use approval, with the following exceptions:
  - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township;
  - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
  - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
  - d. The earth removal involves less than five hundred (500) cubic yards;
  - e. The earth removal is for the purpose of construction of a swimming pool.
  - f. The soil removal will not be in violation of any other section of this ordinance, other Township ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.
2. In addition to the materials required by this Chapter, the application for Special Land Use Approval shall include the following:
  - a. A written legal description of all of the lands proposed for the use.
  - b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
    1. A north arrow, scale, and date;



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2. shading indicating the extent of land area on which mineral removal operations and activities will take place;
  3. the location, width, and grade of all easements or rights-of-way on or abutting the lands;
  4. the location and nature of all structures on the lands;
  5. the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
  6. existing elevations of the lands at intervals of not more than five (5) feet;
  7. typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
  8. mineral processing and storage areas;
  9. proposed fencing, gates, parking areas, and signs;
  10. roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
  11. a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
  12. areas to be used for ponding.
- c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- d. A site rehabilitation plan including the following:
1. description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
  2. a plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and planting; areas of cut and fill; and all of the components of the proposed end-use(s); and
  3. a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
3. The Township Board and Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an



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adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.

4. Each site rehabilitation plan shall be reviewed by the Township Board and shall comply with all of the following standards and requirements:
  - a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
5. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The Township Board may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential or Commercial District.
6. The Township Board and Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Township Board to minimize dust, mud, and debris being carried onto the public street.
7. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
8. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as



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- to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Township Board and Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
9. The Township Board or Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
  10. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Township of Pine as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
    - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Township Board or Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
    - b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Township Board need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.



**BB. Restaurants, including Drive-Through Facilities.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall be set back a minimum of twenty-five (25) feet from any Residential District or use property line.
4. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
5. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**CC. Retail Building Supplies.**

1. Minimum lot width shall be two hundred (200) feet.
2. The Township Board or Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
4. All lighting shall be shielded from adjacent Districts or uses.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any principal building in the District.

**DD. Retail Businesses of eight thousand (8,000) square feet gross floor area or greater conducting business entirely within an enclosed building.**



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1. Public access to the site shall be located at least one hundred (100) feet from any public or private street intersection and not less than fifty (50) feet from the nearest part of any other driveway, as measured from the nearest right-of-way line to the nearest edge of said access.
2. Any principal building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
4. No mechanical rooms or loading area shall be located nearer than fifty (50) feet to any Residential District or use property line.

### **EE. Roadside Stands.**

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
2. All such businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
4. No lighting shall be provided for any such use.
5. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
6. The area used for parking for customers shall be off-street.

### **FF. Sawmills**

1. Hours of operation shall be established by the Township Board or Planning Commission in order to minimize adverse effects on surrounding properties.
2. Outdoor storage of material may be permitted, but shall not be located within the front yard, and shall be effectively screened from view on all sides by an opaque fence or evergreen planting. No material shall be stacked higher than the height of the screen, but in no case higher than eight (8) feet.
3. No building housing any part of the operation; no outdoor storage area; and no parking, loading, or maneuvering area shall be located within fifty (50) feet of any property line.
4. The Township Board and Planning Commission may specify appropriate routes for truck traffic to and from the site where there is a potential for adverse effects on nearby residential uses.



**GG. Schools, Churches, Libraries, and Community Center Buildings.**

1. Minimum lot width shall be two-hundred (200) feet.
2. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one-hundred (100) seating capacity or fraction thereof in excess of one-hundred (100) seats.
3. The property location shall be such that at least one (1) property line abuts and has access to a collector, major arterial, or minor arterial street.

**HH. Transfer Station, agricultural.**

1. The property location shall be such that at least one (1) property line abuts and has access to a collector, major arterial, or minor arterial streets.
2. There shall be no overnight storage of materials or use of lighting on the site.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway. No parking, loading, or maneuvering area shall be located within fifty (50) feet of any property line.
4. The Township Board and Planning Commission may specify appropriate routes for truck traffic to and from the site where there is a potential for adverse effects on nearby residential uses.

**II. Truck and Freight Terminals.**

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a paved state trunkline or County Primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

**JJ. Two-Family Dwellings.**

1. All dwelling units shall have a minimum of eight-hundred (800) square feet per unit, or as required by Section 6.04.



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2. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
3. Two (2) off-street parking spaces shall be provided for each dwelling unit.
4. Buildings shall be of substantially similar appearance as other residential buildings an adjacent properties and in the neighborhood.

**KK. Utility and Public Service Buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.**

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the District in which it is located.

**LL. Veterinary Hospitals and Animal Clinics.**

1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

**MM. Wholesale Businesses.**

1. Minimum lot size shall be one and one-half (1 ½) acres, and the minimum lot width shall be at least two hundred (200) feet.
2. The lot location shall be such that at least one (1) property line abuts a paved County Primary Road. The ingress and egress for all vehicles shall be directly from said road.
3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines. If such use abuts residentially zoned property or a residential use, then the setback shall be seventy-five (75) feet from any such lot line.
4. The shipping and receiving areas shall be screened from the view of any abutting use, as outlined in Section 3.12 (Landscaping Requirements).
5. Access driveways shall be located at least one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.
6. All outdoor lighting shall be directed away from, and shielded from adjacent parcels and be arranged so as to not be visible from adjacent public roads or highways.



## CHAPTER 17 ZONING BOARD OF APPEALS

### SECTION 17.01 AUTHORIZATION

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Township Board of Appeals.

### SECTION 17.02 MEMBERSHIP – TERMS OF OFFICE

- A. The Township Board of Appeals shall consist of three (3) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission; the additional members shall be selected from the electors residing in the Township, one member may be a member of the Township Board. All members shall be appointed by the Township Board. Additional members shall not be elected officers of the Township or employees of the Township Board. The Planning Commission representative, and optional Township Board representative, shall only serve while holding membership on the respective body, and the term shall be limited to the period stated in the resolution appointing him/her. Additional members shall be appointed for three (3) year terms. A Township Board member shall not serve as chair of the Board of Appeals.
- B. The Township Board may appoint up to two (2) alternate members for the same terms as the regular members. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member.



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### SECTION 17.03 DUTIES AND POWERS

The Township Board of Appeals shall have the following specified duties and powers:

- A. *Appeals*- The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Township in the administration of this Ordinance.
- B. *Interpretation* - The Board of Appeals shall have the power to:
  - 1. Hear and decide upon request for the interpretation of the provisions of this Ordinance;
  - 2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator.
- C. *Variances* - The Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.
- D. The Board of Appeals shall not have the authority to approve any sign type within any zoning district which is not permitted by this Ordinance.

### SECTION 17.04 MEETINGS

Meetings shall be open to the public, and shall be held at the call of the Chairman and at such other times as the Board of Appeals shall specify in its rules of procedure.

### SECTION 17.05 APPLICATIONS AND HEARINGS

- A. An application to the Board of Appeals shall consist of a completed application form, provided by the Township, a fee as established by the Township Board, which shall be paid to the Township Clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Board of Appeals may request additional detail on the drawing or other information which they deem necessary to make a decision on the application.
- B. Upon receipt of a complete application the Secretary shall cause notices to be given in accordance with the Zoning Act, A public hearing shall be noticed not less than fifteen (15) days prior to the meeting and



mailing of notice shall be sent to all property owners and occupants within 300 feet of the subject parcel, regardless of whether the noticed property or occupants are located in the Township. The notice shall include:

1. The nature of the request.
  2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
  3. Location and time of the hearing.
  4. Where and when written comments may be received.
- C. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

## SECTION 17.06 DECISIONS

- A. The concurring vote of two (2) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; to effect any variance in this Ordinance.
- B. The Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held, unless an extension of time is agreed upon with the applicant and the Board.
- C. Any decision of the Board shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Board of Appeals, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- D. The decision of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact. An appeal under this section shall be filed within thirty (30) days after the Board of Appeals certifies its decision in writing or approves the minutes of its decision.
- E. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by such decision has been started within one (1) year after



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the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.

- F. F. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

### SECTION 17.07 APPEALS

- A. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. Applications for appeals shall be filed within twenty-one (21) days after the date of the decision which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown. Notwithstanding the preceding, the Township may pursue appropriate lawsuits, enforcement proceedings, and similar matters despite the stay provision mentioned above.
- C. The Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision which is being appealed. No additional information or evidence shall be submitted by the appellant which was not otherwise available to the person or body making the decision from which the appeal was taken.

### SECTION 17.08 REVIEW STANDARDS FOR VARIANCES



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- A. Non-Use Variance: A non-use or dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:
1. Granting the variance will not be contrary to the public interest and will ensure that the intent and purpose of this Ordinance is observed.
  2. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.
  3. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.
  4. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
    - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
    - b. exceptional topographic conditions;
    - c. by reason of the use or development of the property immediately adjoining the property in question; or
    - d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.
  5. That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
  6. That the variance is not necessitated as a result of any action or inaction of the applicant.
- B. Use Variance: A use variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that ALL of the following conditions are met:
1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located;
  2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same



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- zoning district. Exceptional or extraordinary circumstances or conditions include:
- a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
  - b. exceptional topographic conditions;
  - c. by reason of the use or development of the property immediately adjoining the property in question; or
  - d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.
3. That the proposed use will not alter the essential character of the neighborhood.
  4. That the variance is not necessitated as a result of any action or inaction of the applicant.
- C. Prior to a Board of Appeals hearing on a request for a use variance, the Board of Appeals may request that the Planning Commission consider such request and that the Commission forward a report to the Board of Appeals as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.



## CHAPTER 18 ADMINISTRATION AND ENFORCEMENT

### SECTION 18.01 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Township on October 17, 1977, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### SECTION 18.02 INTERPRETATION

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.



### SECTION 18.03 REMEDIES AND ENFORCEMENT

Any building or structure which is erected, moved, placed reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

### SECTION 18.04 PUBLIC NUISANCE, PER SE

Any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

### SECTION 18.05 PERFORMANCE GUARANTEES

- A. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project which is the subject of such guarantee.
- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If said improvements are not completed such security shall be forfeited, either in whole or in part.



- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the requirement improvements. The balance if any shall be returned to the depositor.

## SECTION 18.06 FEES

- A. The Township Board shall, by resolution, establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during regular Township office hours at the Township Hall. Such fees may be changed from time to time by resolution of the Township Board.
- B. The applicant shall pay all applicable fees upon the filing of any application, proposed site plan, or any other request or application under this Ordinance for which a fee is required.
- C. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may incurred by the Township in reviewing and acting upon any such application or related matters. Such estimated fee and costs shall be submitted prior to any Township review of an application or request.
- D. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except as authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part.
- E. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, engineering fees, costs and fees for services or outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question,



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special meeting costs, and other reasonable costs and expenses.

- F. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded to the applicant.

### SECTION 18.07 STOP WORK ORDERS

- A. *Notice to Owner*- Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- B. *Unlawful Continuance* - Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

### SECTION 18.08 PROPERTY SURVEYS

If the Zoning Administrator in the performance of his duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, and Township Board pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to insure that all requirements of this Ordinance will be met, such survey and related information may be required by the Township and shall be paid for and provided by the property owner or applicant and no building permit or other Township permit(s) shall be issued or approved until and unless such survey and related information has been provided to the Township.

### SECTION 18.09 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.



## SECTION 18.10 SEVERABILITY

The Ordinance and various Chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any Chapter, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

This Zoning Ordinance may be amended at any time pursuant to the procedures of the of the Zoning Act or its successor legislation.

### A. Initiation

1. An amendment to the Zoning Map, which is a part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed, by a person authorized in writing by the property owner to submit such application.
2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

### B. Procedure for Changes

1. Applications for Zoning Ordinance map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials.
  - a. Map Amendment - A legal description of the property to be affected by a proposed change to the Zoning Map and a drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within three hundred (300) feet of the property affected by such amendment.
  - b. Text Amendment - A typewritten copy of the proposed text amendment including specific reference(s) to the portion(s) of the existing Ordinance for which a change is being requested.
  - c. Payment of a fee, in accordance with the fee schedule, as determined by the Township Board from time to time.



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2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing, with notice to be given in a newspaper of general circulation in the Township (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed. The notice shall include:
  - a. The nature of the request.
  - b. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
  - c. Location and time of hearing.
  - d. Where and when written comment may be received.
3. The Planning Commission following the public hearing shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the County Planning Commission for review in accordance with the Zoning Act. The County shall within thirty (30) days of receiving the request make a recommendation to the Township Board.
4. The Planning Commission following the review by the County Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission and County Planning Commission to the Township Board. The Township Board may hold additional hearings if it considers it necessary in accordance with the Zoning Act. The Township Board shall review the application and make their decision in accordance with the Zoning Act.
5. Amendments shall be effective 7 days after publication, or at such later date after publication as may be specified by the Township Board.
6. A notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption, and shall be mailed to the airport manager of an airport entitled to notice. Said notice shall include the following:
  - a. In the case of a newly adopted Zoning Ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the Pine Township Board."
  - b. In the case of an amendment to an existing Zoning Ordinance either a summary of the regulatory effect of the amendment,



- including the geographic area affected or the text of the amendment.
  - c. The effective date of the Ordinance.
  - d. The place and time where a copy of the Ordinance may be purchased or inspected.
7. Re-Submission: Whenever a proposed zoning map or text change has been approved by the Township Board, the Planning Commission shall not reconsider such map or text change for at least one (1) year following the date of the original application unless the Planning Commission finds that at least one of the following conditions exist.
- a. That the conditions involving all of the reasons for the original denial have been significantly altered.
  - b. That new conditions or circumstance exist which change the nature of the original request.

## **SECTION 18.11 GENERAL RESPONSIBILITY**

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of Pine Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Montcalm County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

## **SECTION 18.12 ENACTMENT**

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Pine Township. The effective date of this Zoning Ordinance is **April 10, 2000.**



**PINE TOWNSHIP ZONING ORDINANCE**

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## Chapter 5 ENERGY SYSTEMS

### SECTION 19.01 PURPOSE AND INTENT

The purpose of this chapter is to establish guidelines for installing Wind Energy Systems (WES) in Pine Township. The intended goals are as follows:

- A. To promote the safe, effective and efficient use of a WES to reduce the consumption of fossil fuels in producing electricity.
- B. To preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WES.
- C. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WES shall be governed.

### SECTION 19.02 DEFINITIONS

- A. **Ambient Sound Level:** The amount of background noise at a given location prior to the installation of a WES which may include, but is not limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB (a) weighted scaled as defined by the American National Standards Institute.
- B. **Anemometer:** A wind speed indicator constructed at a given site including the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring and any telemetry devices that are used to monitor or transmit wind speed and wind flow or to characterize the wind resource at a given location. Typically Anemometers are used to analyze the potential for generating electrical energy by measuring wind speed, direction, and duration.
- C. **Anemometer Tower:** A freestanding tower containing instrumentation such as anemometers 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 WES.
- D. **Decibel:** Unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB (A) weighted scaled as defined by the American National Standards Institute.



- E. **Decommissioning:** The process of terminating operation and completely removing a WES and all related buildings, structures, foundations, access roads and equipment.
- F. **IEC:** The International Electrotechnical Commission.
- G. **ISO:** the International Organization for Standardization.
- H. **Large Wind Energy System (LWES):** Tower-mounted WES that converts wind energy into electricity. The LWES has a nameplate capacity that identifies the maximum kilowatts as exceeding 100 kilowatts. The total height exceeds 60 feet. Its primary use is to provide on-grid electrical production.
- I. **Lease Unit Boundary:** A boundary around property leased for purposes of a WES including parcels adjacent to the parcel on which the WES tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road right of ways.
- J. **Nacelle:** The encasement that houses all of the generating components, gearbox, drive train and other equipment.
- K. **Net-Metering:** A special metering and billing agreement between utility companies and their customers which facilitates the connection of renewable energy generating systems to the power grid.
- L. **Occupied Building:** A residence, school, hospital, church, public library, business or other building used for public gatherings.
- M. **Operator:** The individual or entity responsible for day-to-day operation and maintenance of a WES.
- N. **Owner:** The individual or entity, including respective successors and assigns, which has an equity interest or owns the WES.
- O. **Rotor:** An element of a WES that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- P. **Shadow Flicker:** The moving shadow created by the sun shining through the rotating blades of the WES.
- Q. **Small Wind Energy System (SWES):** Structure or tower-mounted SWES has nameplate capacity that does not exceed 100 kilowatts and total height that does not exceed 60 feet.
- R. **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.
- S. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- T. **Structure:** Any building or other structure, such as a municipal water tower, that is a minimum of 12 feet high at its highest point or roof and is secured to frost footings or a concrete slab.
- U. **Total Height:** The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WES or Anemometer.



- V. **Tower:** A freestanding support on which a WES is mounted.
- W. **Wind Energy System (WES):** Any WES that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, battery or other component used in the system.

### SECTION 19.03 APPLICABILITY

- A. This chapter applies to all WESs proposed to be constructed after the effective date of adoption.
- B. All WESs constructed prior to the adoption of the chapter shall not be required to meet the requirements herein; however, any physical modification to an existing WES that materially alters the size, type, equipment or location shall require a permit under this ordinance.

### SECTION 19.04 TEMPORARY ANEMOMETER USAGE

Anemometers shall be permitted in all zoning districts as a temporary use, subject to the following:

- A. An anemometer shall be permitted for no more than 18 months for a SWES and no more than three months for a LWES.
- B. The construction, installation or modification of an anemometer tower shall require zoning, building and electrical permits and shall conform to all applicable local, state and federal safety, construction, environmental, electrical, communications and Federal Aviation Administration requirements.
- C. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements and decommissioning that correspond to the size of the WES that is proposed to be constructed on the site.

### SECTION 19.05 GENERAL CONSIDERATIONS FOR ALL WES

The following are general considerations required for all WES constructed in Pine Township.

- A. **APPEARANCE:** A WES, including accessory buildings and related structures, shall be a non-reflective, non-obtrusive color (white, grey,



black).

- B. **SITING:** A Zoning Permit is required for siting all WES installations and all LWESs shall obtain a Special Use Permit from the Pine Township Planning Commission.
- C. **PERMITS AND APPROVALS:** If a Zoning Permit is obtained for a WES, a building permit is required for the structure and tower, and an electrical permit is required for installation of the WES.
- D. **LIGHTING:** WES shall not be artificially lighted except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
- E. **ADVERTISING, ADORNMENT, OR DECORATION:** WES shall not be used for displaying any advertising including flags, streamers or decorative items except for identification of the turbine manufacturer.
- F. **NOISE:** The sound pressure level shall not exceed 55 dB (A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceed 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
- G. **VIBRATION:** Vibrations shall not be produced that are humanly perceptible beyond the property lines or Lease Unit Boundary where the WES is located.
- H. **QUANTITY:** No more than one WES tower shall be installed on a primary residence. Commercial and Industrial buildings in excess of 10,000 square feet may have more than one WES tower installed on the building if all setback requirements are met. The number of roof-mounted systems shall be based on manufacturer recommendations and industry and building code standards.
- I. **SEPARATION:** If more than one WES is installed on a parcel, a distance equal to the height of the highest WES must be maintained between the bases of each WES, and all other setback requirements shall be met.
- J. **ELECTRICAL SYSTEM:** All electrical controls, control wiring, grounding wires, power lines and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wire necessary to connect the wind generator to the tower wiring are exempt from this requirement. The electrical system must meet current electrical codes.
- K. **PUBLIC UTILITY CONNECTION:** If the WES is connected to a public utility it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
- L. **SAFETY:** All WES shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding. All wind towers shall have lighting protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a WES employing a horizontal



axis rotor.

- M. **SIGNAGE:** A clearly visible warning sign regarding voltage shall be placed at the base of the WES.
- N. **STRUCTURAL INTEGRITY:** The structural integrity of each WES shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1 “Wind Turbine Safety and Design,” and/or IEC 614000-2 “Small Wind Turbine Safety,” IEC 614000-22 “Wind Turbine Certification,” and IEC 614000-23 “Blade Structural Testing” or any similar successor standards.
- O. **SIGNAL INTERFERENCE:** The WES Owner(s) or Operator(s) shall complete decommissioning within one year (12 months) of the end of the useful life. Upon request of the Owner(s) or assign of, and for good cause, the Pine Township Board may grant a reasonable extension of time. The WES will presume to be at the end of its useful life if no electricity is generated for a continuous period of one year (12 months). All decommissioning expenses are the responsibility of the Owners(s) and/or Operator(s).

## **SECTION 19.06 SMALL WIND ENERGY SYSTEM REQUIREMENTS (SWES)**

The following are required for installation of a SWES designed to primarily serve the needs of a home, farm, or small business.

- A. **SETBACKS:**
  - 1. Each Anemometer and SWES Tower shall comply with the follower setback requirements:
    - a. The minimum setback for each Anemometer and SWES Tower to each existing structure, road right of way, property line or utility line (except those utility lines servicing the SWES), shall be specified in the Pine Township Zoning Ordinance or the Total height of the Tower plus 20 feet, whichever is greater.
    - b. No Anemometer or SWES Tower shall be constructed closer to a Lease Unit Boundary than the total height of the tower.
    - c. Setbacks from common property lines within a Lease Unit Boundary shall be waived.
  - 2. Exterior structures and equipment part of the SWES shall comply with accessory structure setback requirements for each zoning district.
- B. **ZONING DISTRICTS:**



SWES are allowed in all zoning districts except Manufactured Home Park Districts (MHP), Lakefront District (LF), Riverfront District (RF), Neighborhood Commercial District (NC) and Planned Unit Development (PUD).

C. TOWER HEIGHT:

Small WES and Anemometer installations shall have a tower height of 60 feet or less measuring from grade to the highest vertical point of the turbine blade.

D. ELECTRICAL CAPACITY:

Small WES shall have a rated nameplate capacity of 100 Kilowatts or less.

E. ACCESS:

1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
2. The tower shall be designed and installed without step bolts, a ladder, etc. to prevent ready access to the public for a minimum height of 8 feet above the ground.

F. CONSTRUCTION CODES, TOWERS, AND INTERCONNECTION STANDARDS:

SWES, including towers, shall obtain all required permits and comply with all applicable state and local construction, electrical building, and zoning requirements and standards.

G. INTERCONNECTION:

An interconnected SWES shall comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

## SECTION 19.7 LARGE WIND ENERGY SYSTEMS (LWES)

On site WES over 60 feet high or with an electrical capacity exceeding 100 kilowatts of power shall meet the following additional standards:

A. SETBACKS:

1. Each Anemometer and LWES Tower shall comply with the following setback requirements:
  - a. The minimum setback for each Anemometer and LWES



Tower to each existing structure, road right of way, property line or utility line (except those utility lines servicing the LWES), shall be specified in the Pine Township Zoning Ordinance or the Total height of the Tower plus 20 feet, whichever is greater.

- b. No Anemometer or LWES Tower shall be constructed closer to a Lease Unit Boundary than the total height of the tower.
  - c. Setbacks from common property lines within a Lease Unit Boundary shall be waived.
- 2. All operations and maintenance buildings, sub-stations, and ancillary equipment shall comply with setback requirements as specified in the Pine Township Zoning Ordinance.
  - 3. Overhead transmission lines and power poles shall be constructed in compliance with the setback and placement requirements applicable to public utilities.

**B. ZONING DISTRICTS**

LWES are allowed in Agricultural Preservation District (AP), Low Density Residential District (LDR), Agricultural Commercial District (AC), and Light Industrial District (LI).

**C. SPECIAL USE PERMIT:**

A Special Land Use Permit application shall be filed with the Zoning Administrator and approved prior to any physical activity to install a LWES.

- 1. All LWES projects shall comply with all requirements of Chapter 16 "Special Land Uses" of the Pine Township Zoning Ordinance with the following additional requirements:
  - a. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
  - b. Proof of the applicant's public liability insurance for the project.
  - c. A copy of the portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of the property(ies), Lease Unit(s); and a site plan that shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
  - d. The phases or parts of construction with a construction schedule.
  - e. The project area boundaries.
  - f. The location, height and dimensions of all existing and proposed structures and fencing.
  - g. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest



- county or state maintained road.
- h. All new infrastructures above ground related to the project.
  - i. A copy of the Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including but not limited to all lubricants and coolants.
  - j. Lease unit boundaries encompassing more than one parcel must be approved by the Planning Commission.
  - k. For utility grid WES only:
    - 1. A copy of a noise modeling and analysis report with the site plan showing location of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18 at the owner or operator's expense. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the Zoning Administrator within 60 days of the commercial operation of the project.
    - 2. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
    - 3. A copy of an Environmental Analysis by a third party qualified licensed professional to identify and assess any potential impacts on the natural environment including but limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects of concerns that will remain after mitigation efforts.
    - 4. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. (Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.) (At minimum, the analysis shall include a thorough review of existing information reading species and potential habitats in the vicinity of



the project area. Where appropriate, surveys for bats, raptors and general avian use should be conducted. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

5. A copy of a shadow flicker analysis at occupied structures to identify the location of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problem.
6. A second site plan which shows the restoration plan for the site after completion of the project which includes the following supporting documentation:
  - a. The anticipated life of the project.
  - b. The estimated decommissioning cost net of salvage value in current dollars.
  - c. The method of ensuring that funds will be available for decommissioning and restoration.
  - d. The anticipated manner in which the project will be decommissioned and the site restored.
7. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
8. The applicant is responsible for any and all repair costs associate with damage to public roads as the result of the installation, maintenance and/or decommissioning of the LWES, pursuant to Section 18.05 of the Pine Township Zoning Ordinance.

## SECTION 19.8 SEVERABILITY CLAUSE

This Ordinance and each Section, subsection, sentence and provision thereof are hereby declared to be severable. If any part is adjudged by a court of competent jurisdiction to be invalid for any reason, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.





# APPENDIX A      ZONING MAP

