

CHARTER TOWNSHIP OF HARING

ZONING ORDINANCE



Long Lake

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HARING CHARTER TOWNSHIP, WEXFORD COUNTY, MICHIGAN

ORDINANCE NO. 45

An Ordinance Adopting a New Zoning Ordinance,
Repealing the Current Zoning Ordinance (Ordinance No. 3)
and all amendments thereto.

ZONING ORDINANCE

THE CHARTER TOWNSHIP OF HARING ORDAINS:

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CHAPTER 1 - MISCELLANEOUS PROVISIONS**SECTION 101. TITLE**

This Ordinance shall be known and may be cited as the "Zoning Ordinance of Haring Charter Township" and may be referred to as "this Ordinance".

SECTION 102. PURPOSE

This Ordinance is based on the Haring Township Master Plan (and as amended) adopted by the Planning Commission and Township Board and is intended and designed to regulate the use of land and structures, and to accomplish all of the following objectives:

1. To promote the public health, safety, and welfare;
2. To ensure that the use of land shall be situated in appropriate locations and relationships
3. To limit the overcrowding of land and congestion of population, transportation, and other public facilities;
4. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;
5. To encourage the use of lands and natural resources in accordance with their character and adaptability;
6. To limit the improper use of land;
7. To provide for the orderly development of the Township;
8. To provide each property owner with reasonable opportunity to use of their land;
9. To accomplish the objectives of the Township's Master Plan;
10. To reduce potential hazards to life and property; and
11. To encourage the development of land and structures in an attractive manner.

In order to effectively meet these objectives, Haring Township is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district and the Township as

a whole, preserve the property owners right to use their land, and to promote quality of life and business vitality. The regulations of this Ordinance accomplish the purpose and objectives as outlined above by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures, defining maximum residential density, specifying the percentage of a site available for a building, providing for basic site design standards to ensure that land is developed in a functional and attractive manner, and requiring building and parking setbacks from property lines and public street right-of-way.

SECTION 102.5 PURPOSE: Sexually Oriented Business Regulation

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of township residents. The provisions of the Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinance state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

SECTION 103. SCOPE

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more

restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance or regulation adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.

2. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
3. Zoning applies to every building, structure, or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with this Ordinance.
4. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
5. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may be subject to a change in ownership.
6. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety, and welfare.

SECTION 104. AUTHORITY

This Ordinance is enacted in accordance with Act 184 of the Public Acts of 1943, as amended.

SECTION 105. VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

SECTION 106. EFFECTIVE DATE

This Ordinance was adopted by the Haring Charter Township Board on ____
May 12, 1997, and shall take effect of May 23, 1997.

SECTION 107. REPEAL OF PRIOR ORDINANCE

The Haring Charter Township Zoning Ordinance, Ordinance No. 3, all amendments thereto, and any prior zoning ordinances of the Township are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of such ordinances and amendments shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under said ordinance or amendment, or any part thereof, and said ordinance or amendment shall be treated as still remaining in force for the purpose instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

SECTION 108. REZONING OF CERTAIN PARCELS

CHAPTER 2 - GENERAL REQUIREMENTS

SECTION 201. NON-CONFORMING USES

It is the intent of this Ordinance to permit lawful use of a dwelling, building or structure and of land or a premise as existing and lawful at the time of enactment of this Ordinance, or of amendments to this Ordinance, although the use does not conform with the Ordinance or amendment.

Such non-conforming lots, uses of land, structures, and uses of structures and premises are declared by this Ordinance to be incompatible permitted uses in the areas involved. It is further the intent of this Ordinance that non-conforming uses and structures not be enlarged upon, expanded or extended, nor be used as grounds for other structures or uses prohibited elsewhere in the same district.

1. NON-CONFORMING LOTS.

- a) Any lot created and recorded prior to the effective date of the Ordinance may be used even though such lot fails to satisfy requirements for lot area, or width, or both.
 - 1) The use of the lot is a use permitted by right in the district in which the lot is located.
 - 2) All other provisions of the Ordinance have been satisfied.
- b) Lots or combinations of lots of record which were held in single ownership at the time when this Ordinance became effective shall be considered an undivided parcel. This provision shall not apply to divisions or splits that satisfy the requirements of this Ordinance.

2. NON-CONFORMING USES OF LAND.

Where, at the effective date of adoption of this Ordinance, or amendment to this Ordinance, a lawful use of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

- b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

3. NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way which increases it's non-conformity.
- b) Should such structure be destroyed by any means except intentional demolition, it may be reconstructed as a non-conforming structure, provided that the reconstruction begins within **12 months of the date** of destruction. A structure which is intentionally demolished to any extent shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c) Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area in which it is located after it is moved.

4. NON-CONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed under the terms of this Ordinance, the lawful use may be continue so long as it remains otherwise lawful, subject to the following provisions.

- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, or structurally altered which increases the area of the structure, except when changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of a structure, or structure and premises, if authorized by the Zoning Board of Appeals. In permitting such change the Board of Appeals may require appropriate conditions

and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land or land with structure is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

5. REPAIR AND REPLACEMENT OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement on non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official

6. CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses.

SECTION 202. ACCESSORY BUILDINGS.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulation:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to, all regulations of this Ordinance applicable to main building.
2. Building accessory to residential buildings shall not be erected in any required front yard.
3. No detached building accessory to a residential building shall be located closer than ten (10) feet to any side or rear lot line.
 - a) In the case of corner lots, all yards having frontage on a street or road shall be considered front yards for the purpose of satisfying dimensional requirements.
 - b) In those instances where the rear lot line coincides with an alley right-of-way, the accessory building shall not be closer than three (3) feet to such rear lot line. In no

instance shall an accessory building be located within a dedicated easement or right-of-way.

4. No detached accessory building in R-1, FR, or RL districts shall exceed thirty-five (35) feet in height, except that farm accessory buildings are exempt from this provision.

SECTION 203. PERFORMANCE STANDARDS.

Standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained for all land uses:

1. OPEN STORAGE

In the "I" Industrial District the Open Storage of any industrial equipment, unlicensed vehicles used for industrial purposes, and all industrial materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.

2. WASTE MANAGEMENT AND DISPOAL

- (a) No waste materials shall be kept, stored, placed, piled, or dumped on any land within the Township in a manner, which constitutes a nuisance or creates a hazard to the health, safety, or general welfare of the citizens of the Township. All waste materials shall be removed from the site of generation frequently enough to protect the public health.
- (b) All waste materials shall be managed or disposed of in accordance with the Soil Waste Management Act. P.A. 641 of 1978 as amended, the Wexford County Solid Waste Management Plan, and all other applicable local regulations.
- (c) All animal wastes (manures) must be managed in accordance with a waste utilization plan, which complies with the guidelines for generally accepted and recommended livestock waste management practices, as approved by the Michigan Department of Agriculture.

SECTION 204. LOT AREA ALLOCATION RESTRICTION.

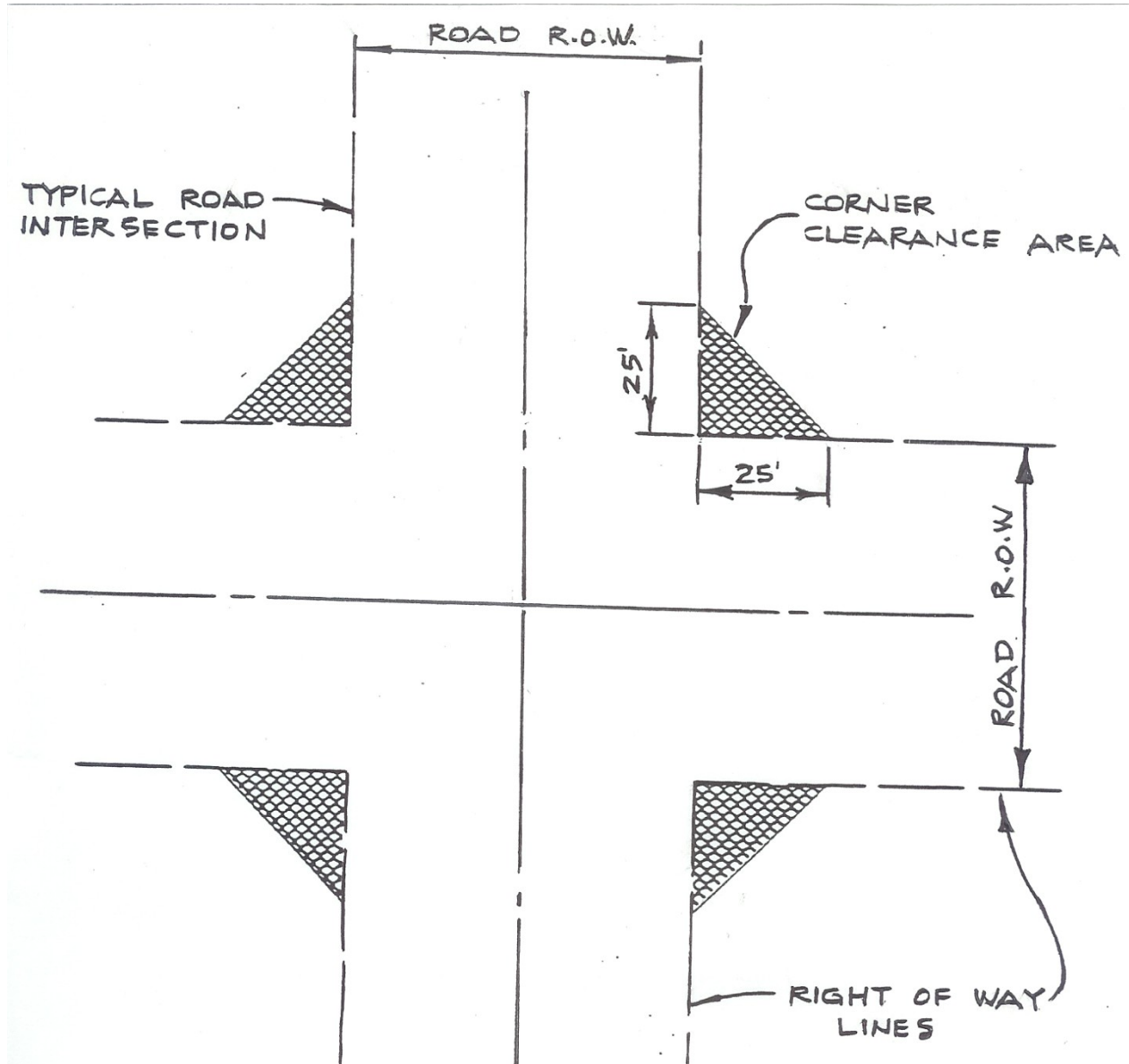
No portion of a lot or parcel can be used more than once in complying with the provisions for lot area and yard dimensions for the construction as proposed, or the alteration of any existing building.

SECTION 205. CORNER CLEARANCE.

No fence, wall, shrubbery, crops, signs, or other visual obstructions shall be permitted above a height of thirty inches from the established street grades in any district within a triangular area formed by the intersection of any street right-of-way lines at a distance along each such line of 25 feet from their point of intersection. See figure 1. Next Page

Figure 1. REQUIRED CORNER CLEARANCE AREAS

SEE SECTION 205



SECTION 206. SITE PLAN REVIEW. (Amended by Ordinance #73)

1. **Site Plan Required.** A site plan shall be submitted to the Zoning Administrator for review by the Site Plan Review Officer or Planning Commission of:
 - a) Any use or development, including but not limited to residential subdivisions and commercial or industrial developments of any type, for which a submission of a site plan is required by any provision of this Ordinance.
 - b) Any use or development that is contiguous to a major street or collector street. Individual single-family residential construction is exempt from this requirement.
 - c) All non-residential uses permitted in residential areas, such as but not limited to: churches, schools, and public facilities.
2. **Required Information.** Every site plan submitted shall be in accordance with the requirements of this Ordinance and shall include the following information:
 - a) A scale of not less than 1" equals 50' if the subject property is less than 3 acres and 1" equals 100' if 3 acres or more.
 - b) Date, North point and scale.
 - c) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
 - d) The location of existing and proposed structures on the subject property and all existing structures within 100' of the property.
 - e) The location of all existing and proposed drives and parking areas.
 - f) The location and right-of-way widths of all abutting streets and alleys.
 - g) The names and addresses of the person(s) responsible for the preparation of the site plan.
3. **Considerations on Review.** In the process of reviewing site plans the Planning Commission or Site Plan Review Officer appointed pursuant to this section shall consider:

- a) Overall design to achieve harmonious relationships with adjacent property and the surrounding area.
- b) The location and design of driveways providing vehicular ingress and egress from the site shall be made in relationship to the streets giving access to the site and in relationship to pedestrian traffic.
- c) The traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matter as will assure:
 - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - ii. Satisfactory and harmonious relationships between the development of contiguous land and adjacent neighborhoods.
- d) The Planning Commission or Site Plan Review Officer may require landscaping, fences, walls, and other modifications of the site plan in pursuance of the objectives of this Ordinance. All such requirements shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.
- e) Whenever landscaping or a landscaping plan is required as part of the site plan review for any use (including a planned unit development), it shall be a condition of approval that all landscaping plants shall be healthy when planted and thereafter maintained, in perpetuity, in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but not longer than one growing season. *(Amended by Ordinance #13-84)*

4. **Site Plan Review Officer.** The Planning Commission may appoint a Site Plan Review Officer and delegate authority to conduct Site Plan Reviews pursuant to this Section to said Officer, with Township Board approval. The Site Plan Review Officer shall serve at the pleasure of the Planning Commission and the Township Board. The Site Plan Review Officer's authority shall be limited to review and approval or disapproval of site plans for proposed uses allowed by right in the zoning district in which the proposed development is to be located. Delegation of site plan review authority under this subsection shall not

preclude the Planning Commission from exercising its authority under this Section.

5. **Written Decision.** Following site plan review under this Section, the Planning Commission or the Site Plan Review Officer shall render a written decision on a form developed for that purpose. The decision shall include findings of fact for each of the criteria set forth in this section as well as for any other applicable regulations and standards contained in this Ordinance, other Township Planning Documents and other applicable Township Ordinances. The decision shall state conditions, if any, to which approval may be subject. The written decision shall be a part of the official record and shall constitute the decision of the Planning Commission for purposes of Section 703.2(a).
6. **Issuance of Permits** - Provided that all other requirements of this Ordinance have been met, the Zoning Administrator may issue Zoning Permits immediately upon approval of Site Plans under this Section.

SECTION 207. RESIDENTIAL ENTRANCEWAY.

In areas zoned for residential uses, so-called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided by Section 205, Corner Clearance, provided that such entranceway structures shall comply to all codes and ordinances of the Township and be approved by the Zoning Administrator and zoning permit issued.

SECTION 208. GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE.

The regulations of this Ordinance shall not apply to the following:

1. Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township, it being the intent to exempt such essential services from the application of this Ordinance.
2. Voting Place. The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SECTION 209. MULTIPLE DWELLING SIDE YARD.

For the purpose of side yard regulations, a multiple family dwelling shall be considered as one building occupying one lot.

SECTION 210. FENCES (ORDINANCE #60) also see Section 205.

- (a) General Requirements. Unless otherwise provided in this section, fences in all districts shall be subject to the following requirements.
- (1) Unless specifically exempted by this section, any person desiring to construct a fence upon property in the Township shall first apply to the Zoning Administrator for a permit. A written application shall be submitted containing such information as may be required by the Zoning Administrator, necessary to determine that the proposed fence will not violate any ordinance of the Township.
 - (2) Fees for fence permits may be established from time to time by resolution of the Haring Township board.
 - (3) Fences shall be of such construction, design and location so that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises enclosed by the proposed fence.
 - (4) No fence shall be constructed of waste or scrap materials such as, but not limited to, pallets, tree trunks or stumps, trash, tires, junk or other similar items.
 - (5) Fences may touch the property line of the parcel to be enclosed thereby but may not extend over said line nor onto any right-of-way or across alleys which have not been vacated.
 - (6) Fences shall not exceed six (6) feet in height, measured from the ground immediately below the location of the fence.
 - (7) Fences situated in the front yard shall be 3 feet or less in height OR, no more than 25% solid.
 - (8) No "privacy fence," i.e. any fence greater than 3 feet in height AND greater than 25% solid, may be constructed within the front yard setback distance established for the district in which the fence is to be located.
 - (9) Electrified fences shall not exceed 24 volts.
 - (10) No fence, wall, shrubbery, crops, signs, or other visual obstructions shall be permitted above a height of thirty-six inches from the established street grades in any district, within a triangular area formed by the

intersection of any street right-of-way lines at a distance along each line of 25 feet from their point of intersection.

- (11) Interior fences, i.e., fences located entirely within the setback distances established for the district in which the fence is to be located, require no permit under this section.
- (12) Fence posts must face interior of property
- (b) Fences in Commercial and Industrial Districts. The following additional provisions shall apply to fences in the Commercial and Industrial Districts:
 - (1) All required fences shall be no less than six (6) feet but no more than eight (8) feet in height.
 - (2) Chain link protective fences shall be permitted in all yards.
 - (3) No electrified fences shall be permitted in the Commercial District.
- (c) Fences in the Forest Recreational and Agricultural Districts. The following additional provisions shall apply to fences in the Forest Recreational and Agricultural Districts:
 - (1) Electrified fences exceeding 34 volts may be constructed in the Forest Recreation and Agricultural Districts without a permit, provided that such fencing is undertaken pursuant to farm operations conforming to generally accepted agricultural and management practices as contemplated by the Michigan Right to Farm Act, MCL 286.471, et seq.
- (d) Parks, Playgrounds and/or Public Areas. The following additional provisions shall apply to fences around parks, playgrounds and/or public areas:
 - (1) Fences enclosing public or private parks, playgrounds, fields, and similar recreation or athletic use areas shall not exceed eight (8) feet in height. Such fencing may be installed upon a finding that the proposed fencing is needed for reasons of public safety, protection of property from vandalism, or to prohibit unwanted trespassing. Such fencing shall be constructed of boards, non-barbed wire or other suitable material as approved by the Charter Township of Haring Zoning Administrator.

- (2) Backstops and similar barriers used in connection with athletic fields, courts or similar recreation facilities are exempted from this subsection, but must comply with the general requirements of subsection (a).

SECTION 211. ACCESS THROUGH YARDS.

Access drives may be placed in the required front and/or side yards so as to provide access to rear yards and/or accessory structures.

SECTION 212. MOBILE HOME PARKS.

Mobile home parks shall meet the following minimum standards:

1. All developments shall conform with the Michigan Mobile Home Commission Act as amended, and all rules established under this Act. All provisions of the Act and its rules shall supersede the provisions of this Ordinance if the Ordinance provisions are found to be in conflict with the Act or its rules.
2. There shall not be less than nine hundred eighty (980) square feet of floor space within each mobile home.
3. There shall be provided for each mobile home a recreation area equal in size to at least two hundred (200) square feet per mobile home site. The recreation area shall be no longer than one and one-half (1 & ½) times its width. The area shall be graded, developed, sodded, and maintained by the management, so as to provide recreation for the residents of the mobile home park.
4. The front yard, and any side yard adjacent to a street shall be landscaped within one (1) year of construction and entire mobile home park shall be maintained in a good, clean, presentable condition at all times.
5. All mobile homes must be skirted with fireproof material. Adequate ventilation and access must also be provided.
6. All fences, other than the greenbelt surrounding the park, shall be uniform in height, shall not exceed thirty (30) inches in height, and shall be constructed in such a manner as to provide firemen access to all sides of each mobile home.

SECTION 213. DISH ANTENNAS AND SIMILAR STRUCTURES.

Dish antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following condition:

Any such structure shall meet the minimum front and side yard setback requirement for the zoning district in which it is located, as specified in Chapter 3 of this Ordinance. Any height restrictions imposed by the Wexford County Airport Zoning Regulations shall also apply

SECTION 214. ACCESS ROAD REQUIREMENTS.

Every parcel created after the effective date of this Ordinance shall have access by one of the following means:

1. The parcel shall have access to a public road, and it shall have continuous, permanent frontage on the public road for not less than the minimum lot width required for the Zoning District in which the parcel is located.
2. The parcel shall have access to a recorded easement which runs with the land, which is dedicated for ingress and egress, and which is a minimum width of thirty-three (33) feet. A parcel utilizing a recorded easement for access shall have continuous frontage on the easement for not less than the minimum lot width required for the Zoning District in which the parcel is located.

SECTION 215. ROADSIDE STANDS.

Roadside stands are permitted in the agricultural zoning district, subject to the following requirements:

1. One parking space off the road right-of-way shall be provided for each fifteen (15) square feet of space in the stand.
2. The stand may have no more than two (2) signs. The sign size shall not exceed 16 square feet.

SECTION 216. TEMPORARY OUTDOOR USES.

A Zoning Permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by the event sponsor. The Zoning Administrator shall determine the off-street parking requirements for the event.

SECTION 217. ZONING AND BUILDING PERMITS.

No building permits of any kind, or authorization for any construction activity requiring a building permit shall be given or considered given unless a zoning permit issued by the Zoning Administrator has been granted.

SECTION 218. REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.

No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry, or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Wexford County Health Department and applicable State agencies. Additionally, the following shall govern water and sewage supplies:

1. In areas of the Township where public water and/or sewer lines have been constructed, all new structures or uses shall be required to hook up with the public system before they may be occupied.
2. Accessory building shall not be required to connect to public water and sewer, unless the County Health Department, Building Inspector, or Zoning Administrator believes the connection is necessary.

SECTION 219. OFF-STREET PARKING REGULATIONS.

1. INTENT This section is intended to balance the need for efficient performance of streets with the need for efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.
2. TABLE OF OFF-STREET PARKING REQUIREMENTS This table appears on the following pages. It identifies the number of parking spaces required for specific uses based upon measures of activity intensity.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Total parking required is the sum of spaces for all uses proposed on the site, plus employee parking, as defined below.

THE FOLLOWING USES MAY HAVE GRAVEL SURFACED PARKING

<u>LAND USE</u>	<u># SPACES</u>	<u>PER ACTIVITY UNIT</u>
-1&2 Family Homes	2	Dwelling Unit
-Campground/RV Park	1	Campsite
-Animal Boarding	1	5 Animals Boarded
-Riding Stable	1	2 Horses Housed on site
-Produce Stand	5	Stand
-Grain Elevator	4	Business
-Cemetery	2	Acres
-Game Area, Nature Preserve	1	10 Acres
-Fishing Site	1	20 Ft. Dock or Waterfront
-Boat Launch	10*	Ramp (10'x45'/car & Trailer)
-Picnic Area	1	Picnic Table
-Tennis	2	Court
-Team Sport	12	Court or Field
-Park, Golf Course	1	2 Acres
-Driving Range	1	Tee
-Gun Club	4	Range, skeet or Trap House
-General Aviation	1	Tie Down of Hangar Space
-Day Nursery	1	4 Children, per License
-Vehicle Sales	1	500 Sq. Ft. of Indoor Sales Area
-Barber Shop or Beauty Salon	2	Chair
-Meeting or Bingo Hall, Skating Rink	1	4 persons allowed in Building. Based on Fire Code Rules
-Church	1	3 Seats or 6 feet of Bench of Pew Seating
-Nursing Home	1	6 Beds
-Private Club	1	2 Member Families
-Sexually Oriented Business	1	4 persons allowed in building based upon fire code

-Any Employment Site: 1** Employee on Peak Shift

* Spaces must be sized as noted.

TABLE OF OFF-STREET PARKING REQUIREMENTS (CONTINUED)

<u>LAND USE</u>	<u>#SPACES</u>	<u>PER ACTIVITY UNIT</u>
-Mobile Home Park, Apartments	2	Dwelling Unit
-Senior Citizen Housing	1	3 Dwelling Units
-Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
-Retail, office, Service, Financial	1	150 sq. ft. of Public Area
-Vehicle Service/Wash, Gas Station	3	Wash, Stall, or Fuel Pump
-Truck Stop	5*	Fuel Pump (12'x70'/Truck)
-Bar or Restaurant (Not Drive-In)	1	2 Seats
-Drive-In Restaurant	1	20 sq. ft. Gross Floor Area
-Hotel or Motel	1	Guest Room
-Community Center, Gymnasium	1	4 persons allowed in bldg. Based on Fire Code rules
-Bowling Alley	4	Lane
-Wholesale, Industrial	1	900 sq. ft. Gross Floor Area
-Theater, Arena, Stadium, Auditorium	1	3 seats or 6 feet of Bench or Pew
-Grade School	1	10 Students
-High School	1	5 Students
-College, Technical School	1	3 Students
-Hospital, Visitor Parking	1	3 Beds
-Hospital, Doctors Parking	1	2 Medical Staff Members
-Library, Museum, Gallery, Post Office	1	600 sq. ft. Gross Floor Area
-Transitional/Sheltered Housing: (Amendatory Ordinance #12-1008)	Applicant shall provide one (1) space per employee/ volunteer of the largest shift and one (1) space per bedroom, unless approved otherwise by the Planning Commission. However, in all cases, there shall be parking for no less than one (1) space per four (4) bedrooms plus one (1) space per employee/ volunteer of the largest shift. A parking plan must be provided and approved for anticipated needs for off-street parking	
<hr/>		
-Any Employment Site: 1** Employee on Peak Shift		
<hr/>		
* Spaces must be sized as noted.		

3. CALCULATIONS. The TABLE OF OFF-STREET PARKING REQUIREMENTS is used to compute the required number of off-street parking spaces for a parcel. Calculate the total number of spaces to be provided by adding the requirements for each existing or proposed activity. Read down the "Land Use" column, identifying all situations which apply to parcel under consideration. For each line identified, calculate the number or activity units involved and the required number of parking spaces to serve that many units. Finally, add the total number of spaces required.
- (a) USES NOT LISTED. Requirements for a use not mentioned shall be the same as for that use which is most similar to the use not listed as determined by the Zoning Administrator whose decision may be reviewed by the Zoning Board of Appeals (see Interpretation-Section 703).
 - (b) ADDITIONS. Additional parking shall be provided in proportion to any increase in floor area, change in use or expansion of a building's use capacity.
 - (c) AVAILABILITY OF SPACES. Parking spaces are counted toward the requirement for an activity if they are located on the same parcel or an adjoining parcel with the farthest space not over five hundred feet (500') from the nearest public entrance to the principal building and a continuous paved walkway between said lot and entrance.
4. REDUCTIONS IN PARKING REQUIREMENTS. Parking requirements calculated as noted above may be reduced in the following situations.
- (a) MIXED USED. In the case of mixed uses, each of which occupies at least twenty percent (20%) of the floor area of a building, the total off-street parking requirement for the building shall be reduced to ninety percent (90%) of the sum of parking spaces required for the individual uses computed separately.
 - (b) JOINT PROVISIONS OF OFF-STREET PARKING. Where two or more abutting parcels in any Commercial Zoning District provide paved vehicular and pedestrian access between hard surfaced parking areas, allowing travel from one parcel to another without use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%) in addition to reductions allowed by other provisions of this section.
 - (c) REDUCTIONS FOR FURTHER PUBLIC BENEFITS. In any Commercial or Industrial Zoning District, uses on parcels fronting on

County Primary Roads or State Highways, except limited access expressways, and meeting and three (3) of the following conditions, may reduce the number of parking spaces required by ten percent (10%) in addition to reductions allowed by other provisions of this section.

- (1) The parcel has no driveway openings onto the major road.
- (2) No freestanding signs are located in the required front yard setback area for the building.
- (3) A portion of the parcel equivalent to at least thirty five percent (35%) of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.
- (4) Sidewalks are provided along the full length of the major road frontage of the parcel, with curb cuts to provide barrier free non-motorized travel.

5. SITE DEVELOPMENT AND CONSTRUCTION REQUIREMENTS.

- (a) DRAINAGE. Storm water collection, drainage and retention structures meeting all requirements of the Wexford County Road Commission and the Wexford County Drain Commissioner shall be installed for all off-street parking areas, if required.
- (b) DRIVEWAY AND AISLE CONFIGURATION. Driveways and aisles for any off-street parking area shall be clearly marked meeting the following requirements:
 - (1) WIDTH. Each driveway shall be a minimum of fifteen feet (15') and a maximum of twenty feet (20') in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement.
 - (2) STACKING AREA. The driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to five percent (5%) of the total number of spaces on the parking area.
 - (3) ANGLE. The driveway shall intersect the abutting street at a ninety (90) degree angle.
 - (4) AISLES. Aisles shall be at least twenty feet (20') wide.

- (c) LIGHTING. Off-street parking provided for multiple family housing, or for any business, industrial or institutional use shall be so arranged that light is not directed at adjacent properties or public thoroughfares.
- (d) SCREENING FOR RESIDENTIAL AREAS. Any parking area larger than ten (10) spaces must have a visual screen not less than five feet high on any side which abuts a parcel which is zoned for residential use.
- (e) PERMIT. A Zoning Permit shall be required for construction of any parking lot.

SECTION 220. OFF-STREET LOADING REGULATIONS.

1. UNLOADING SPACES. Provide off right-of-way unloading.
2. LOCATION. A Loading space must be located within or adjacent to the building it serves and arranged so that trucks entering or using the space do not block any portion of a public street or alley.

SECTION 221. SUPPLEMENTARY STANDARDS FOR SINGLE-FAMILY DWELLINGS

All single-family dwellings shall comply with the following standards:

1. If the dwelling is a mobile home, the mobile home must be 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, as amended, or any similar successor or replacement standards which may be promulgated.
2. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, mechanical, energy, and other similar codes which are or may be adopted by the Township; provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards are different than those imposed by Township codes, then the federal or state regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the County Building Official.
3. The dwelling unit shall comply with all requirements of this Ordinance.
4. If the dwelling unit is a mobile home, the mobile home shall be installed with the wheels removed.

5. The dwelling unit shall be attached to a permanent continuous foundation constructed on the building site. The foundation shall have a wall of the same perimeter dimensions as the dwelling unit and shall be constructed of such materials and type as required by the County Building Code for on-site constructed single-family dwellings. If the dwelling is a mobile home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism. The skirting shall be constructed of a fireproof material and shall be adequately ventilated.
6. If the dwelling unit is a mobile home, it shall be installed on the foundation referenced by Item 6 above pursuant to the manufacturer's setup instructions and shall be secured to the building site by a anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, as adopted or responsibility for mobile home parks.
7. The dwelling shall be connected to public sewer and water supply, or to private facilities approved by the Wexford County Health Department.

SECTION 222. TELECOMMUNICATION TOWERS

Telecommunication towers and their attendant facilities shall be permitted in accordance with current FCC regulations, provided that any tower structure must be centrally located on a parcel having dimensions of not less than one and one-half (1 ½) times the height of the tower, as measured from the base of the tower to all points on each property line.

SECTION 223. LAND DIVISIONS (Ordinance #67)

Except as otherwise provided in Section 421 of this Ordinance, no parcel or lot hereafter created by the division of a tract of land, shall be less than the minimum required square footage and lot width for the zoning district wherein situated. The provisions of the Land Division Act, 1967 PA 288, as amended, shall also govern the procedure of land division.

SECTION 224. HOME OCCUPATIONS.

Home occupations are permitted in the Agricultural (A), Residential (R), Forest Recreation (FR), and Lake Resort (RL) Zoning District. Prior to establishing any home occupation, a zoning permit must be obtained from the Township Zoning Administrator.

Home occupations must meet the following standards:

1. The activity must be operated in its entirety within the principal dwelling, and accessory building.
2. The activity must not involve alteration or construction not normally found in a residential dwelling.
3. The activity must not display or create outside the structure any external evidence of the operation of the home occupation except for one sign which is not more than four (4) square feet in area.

SECTION 225. TEMPORARY SITE REMEDIATION PERMITS.

1. A Temporary Special Site Remediation Permit may be granted by the Planning Commission, *subject to* the procedures and standards set forth in sections 502 and 503 of this Ordinance, for on-site remediation of parcels that are found to be contaminated or contain waste materials. Special Site Remediation Permits shall only be granted for remediation of conditions existing prior to the adoption of this amendment and shall not establish a *permanent* use not otherwise permitted in the Zoning District in which the parcel is located.
2. Conditional Approval - In approving an application for a Temporary Special Site Remediation Permit, the Planning Commission may impose reasonable and necessary conditions to ensure that the use will be in compliance with this Ordinance and the findings required by section 503 of this Ordinance. The conditions may address any pertinent factors affecting the establishment or operation of the temporary use, and may include, but are not limited to the following:
 - a) Time limits. Provision for fixed periods of time as specified by the permit for completion of remediation activities, site restoration and removal of temporary facilities, equipment or structures. Where not specified, such time limits shall not exceed 90 days for a temporary clean-up;
 - b) Nuisance mitigation. Regulation of nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration;
 - c) Hours of operation. Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection a), above;

- d) Parking. Provision for adequate temporary parking facilities, pedestrian, and vehicular circulation, including vehicular ingress and egress, and public transportation, if applicable, in compliance with Section 219 (Off-Street Parking Regulations);
- e) Performance guarantees. Submission of a performance bond, irrevocable letter of credit, or other surety measures, in compliance with Section 702 (4) (Performance Guarantees), to ensure:
 - (1) Removal of temporary facilities, equipment or structures from the site following completion of site remediation, expiration or revocation of the temporary permit,
 - (2) That upon completion of the temporarily permitted activity, the property will be cleaned of debris, litter, or any other evidence of the temporary use, and
 - (3) That the property shall otherwise be brought into compliance with the requirements of this Ordinance;

CHAPTER 3 - DISTRICT REGULATIONS**SECTION 301. DIVISION OF THE TOWNSHIP (Ordinance #67)**

For the purpose of this ordinance, all land within Haring Charter Township, excepting the streets and alleys, is divided into the following Zoning Districts;

R	Residential
A	Agricultural
FR	Forest Recreation
RL	Lake Resort
C	Commercial
CI	Commercial (Goode Subdivision)
L/I	Light Industrial
I	Industrial
PUD	Planned Unit Development
O/R	Office/Residential
FI	Freeway Interchange

SECTION 302. OFFICIAL ZONING MAP.

The boundaries of zoning districts are defined and established as shown on a map entitled the "Haring Charter Township Zoning Map." This map, with a explanatory matter thereon, is hereby made a part of this ordinance. The official Zoning Map shall be kept and maintained by the Township Clerk.

SECTION 303. INTERPRETATION OF BOUNDARIES.

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

1. Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of these roadways.
2. Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow these lines
3. Boundaries indicated as approximately parallel to the center lines of streets or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.

SECTION 304. SCOPE OF REGULATIONS

1. APPLICABILITY. No Building or structure, or part thereof shall be hereafter erected, moved, constructed, or altered; and no new use or change in use of a parcel shall be made unless it conforms with the provision of this Ordinance, including the regulations for the Zoning District in which it is located.
2. CLASSIFICATION OF USES NOT LISTED. The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in **Section 703**. The use shall be treated in a like manner with comparable uses permitted or prohibited by the District Regulations for each Zoning District.

SECTION 305. DISTRICT REGULATION TABLES

The following tables identify the intent and purpose, uses permitted by right and by special land use permit, and the dimensional requirements for the Zoning District of Haring Charter Township as identified in Section 301.

"R" RESIDENTIAL ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To encourage attractive residential neighborhoods and compatible uses. To create residential areas that will maintain their quality of life for future inhabitants.

<u>DIMENSIONAL REQUIREMENTS</u>					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
R RESIDENTIAL	25,000 S.F.	125'	30'	35'	25'
<u>Other requirements:</u>		Maximum height of 35', 2.5 stories			
		Maximum lot coverage of 20%			
		Maximum lot width-to depth ratio of 1:4			
		Minimum floor area for SF dwelling 980 S.F.			

USES PERMITTED BY RIGHT

- * Single-family and two-family dwellings.
- * Home occupations.
- * Accessory uses and structures.

USES PERMITTED BY SPECIAL LAND USE PERMIT

- * Multiple-family dwellings.
- * Public and private schools.
- * Churches and religious institutions.
- * Group day care homes.
- * Child care centers.
- * Bed and breakfast establishments.
- * Clinics.
- * Family day care homes.
- * State licensed residential facilities.
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"A" AGRICULTURAL ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To provide a controlled mixture of farms and dispersed rural residences. To permit a gradual transition from rural portions of the Township to more intensively developed areas without giving way to urban sprawl.

<u>DIMENSIONAL REQUIREMENTS</u>					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
A AGRICULTURAL	1 Acre	150'	50'	35'	35'
<u>Other requirements:</u>		Maximum height of 35', 2.5 stories			
		Maximum lot coverage of 20%			
		Maximum lot width-to depth ratio of 1:4			
		Minimum floor area for SF dwelling 980 S.F.			

USES PERMITTED BY RIGHT

- * Farms and general farming operations.
- * Tree farms, not including the storage or sale of trees not grown on the property.
- * Greenhouses and plant nurseries.
- * Single-family dwellings.
- * Home occupations.
- * Seasonal roadside stands, not exceeding six (6) months of continuous operation.
- * Accessory uses and structures.

USES PERMITTED BY SPECIAL LAND USE PERMIT

- * State-licensed residential facilities.
- * Churches and religious institutions.
- * Public and private schools.
- * Veterinary clinics.
- * Kennels.
- * Riding Stables, including boarding of horses.
- * Cemeteries.
- * Clubs, lodges, and community centers
- * Multiple-family dwellings.
- * Mobile home parks.
- * Public and private parks and recreational facilities.
- * Health care institutions.
- * Two-family dwellings (duplexes)
- * Family day care homes.
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"FR" FOREST RECREATION ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To retain the Township's forested and scenic natural areas. To permit the controlled development of appropriate uses which require large tracts of land, such as forest products industries and outdoor recreation uses. To permit limited, dispersed residential development on large lots.

<u>DIMENSIONAL REQUIREMENTS</u>					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
FR FOREST RECREATION	5 ACRE	150'	50'	35'	35'
<u>Other requirements:</u>		Maximum height of 35', 2.5 stories			
		Maximum lot coverage of 5%			
		Maximum lot width-to depth ratio of 1:4			
		Minimum floor area for SF dwelling 980 SF			

USES PERMITTED BY RIGHT

- * Single-family dwellings.
- * Commercial forestry, including tree farms, sawmills, and forest products industries
- * Public and private parks and outdoor recreation uses.
- * Home occupations.
- * Accessory uses and structures.

USES PERMITTED BY SPECIAL LAND USE PERMIT

- * Resorts motels, lodges, cottages, and other tourist lodging.
- * Public and private campgrounds.
- * Hunting and fishing clubs and camps.
- * Riding Stables.
- * Retail businesses intended primarily for tourists and visitors, such as boat rentals, fishing equipment sales, and convenient stores.
- * Cemeteries.
- * Mobile home parks.
- * Churches and religious institutions.
- * Two-family dwellings (duplexes)
- * State-licensed residential facilities.
- * Family day care homes
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"RL" LAKE RESORT ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To provide for appropriate uses in the area adjacent to the Township's lakes, including both permanent and seasonal dwellings, tourist-oriented facilities, and water-based recreation uses.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
RL LAKE RESORT	25,000'	150'	50'	50'	25'
Other requirements:		Maximum height of 35', 2.5 stories			
		Maximum lot coverage of 20%			
		Maximum lot width-to depth ratio of 1:4			
		Minimum floor area for SF dwelling 980 S.F.			

USES PERMITTED BY RIGHT

- * Single-family dwellings.
- * State licensed residential facilities.
- * Public and private parks and outdoor recreation uses.
- * Home occupations.
- * Accessory uses and structures.

USES PERMITTED BY SPECIAL LAND USE PERMIT

- * Resorts motels, lodges, cottages, and other tourist lodging.
- * Public and private campgrounds.
- * Hunting and fishing clubs and camps.
- * Retail businesses intended primarily for tourists and visitors, including water-based businesses such as boat sales and rentals, and fishing equipment sales.
- * Bed and breakfast establishments.
- * Family day care homes
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"C" GENERAL COMMERCIAL ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To accommodate general commercial activities that serve both local and regional markets. To permit a wide range of businesses to be conveniently located near each other.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
C GENERAL COMMERCIAL	25,000 S.F. (15,000 S.F. in areas served by public sewer)	150'	40'	30'	20'

Other Requirements:

- * Maximum height of 50' (35' if adjacent to A, R, FR or RL District.
- * Maximum lot coverage of 50%.
- * 6' high obscuring fence required if adjacent to A, R, FR or RL District.
- * Property located on US 131, Boon Road and Plett Road, within the Downtown Development District boundaries, will include an area a minimum of the first 20 (twenty) feet from the front property line for landscape/streetscape which is not to be used for parking. (Ordinance #59)
- * Landscape improvements will consist of such improvements as referenced by the Cadillac Corridor Study or the Grand Traverse Bay Region Development Guidebook. (Ordinance #59)

USES PERMITTED BY RIGHT

- * General retail, office, financial, and service businesses.
- * Hotels and motels.
- * Restaurants.
- * Commercial recreation, such as bowling alleys, skating rinks, and arcades.
- * Theaters.
- * Clinics.
- * Clubs, lodges, and community centers.
- * Mortuaries.
- * Retail greenhouses and nurseries.
- * Building supply yard, warehouses, and wholesale businesses.
- * Drive-thru businesses.

USES PERMITTED BY RIGHT ("C" DISTRICT CONTINUED)

- * Motor vehicle sales and/or repair facilities.
- * Self-service storage facilities; (may include caretaker's quarters.)
- * Contractors and builders establishments.
- * Coin-operated laundries.

USES PERMITTED BY SPECIAL LAND USE PERMIT ("C" DISTRICT)

- * Churches and religious institutions.
- * Veterinary clinics and kennels.
- * Bars and night clubs (not including "sexually oriented businesses").
- * Arenas and stadiums.
- * Single family dwellings (which existed prior to Zoning Ordinances).
- * Motor freight terminals.
- * Motor vehicle service facilities, including gas stations and car washes.
- * Sexually oriented business.
- * Recycling drop-off center.
- * Tool and Die Shops *(Added by Ordinance # 69)*
- * Manufacturing, processing, assembling, packaging, treatment, or use of previously prepared materials (must be conducted in a completely enclosed building) *(Added by Ordinance #11-78)*
- * Transitional/Sheltered Housing *(Amendatory Ordinance #12-1008)*

"C1" GENERAL COMMERCIAL ZONING DISTRICT FOR GOODE SUBDIVISION**INTENT AND PURPOSE**

To accommodate general commercial activities that serve both local and regional markets. To permit a range of businesses to be conveniently located near each other.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
C1 GENERAL COMMERCIAL	10,000 S.F.	100'	40'	15'	15'
Only in areas of subdivision served by public sewer.					

Other Requirements:

- * Maximum height of 35'.
- * 6' high obscuring fence required if adjacent to A, R, FR or RL District.

USES PERMITTED BY RIGHT

- * General retail, office, financial, and service businesses.
- * Mortuaries.
- * Retail greenhouses and nurseries.
- * Building supply yard, warehouses, and wholesale businesses.
- * Drive-thru businesses.
- * Motor vehicle sales and/or repair facilities.
- * Self-service storage facilities.
- * Contractors and builders establishments.

USES PERMITTED BY SPECIAL LAND USE PERMIT

- * Hotels and motels
- * Restaurants
- * Commercial recreation, such as bowling alleys, skating rinks and arcades.
- * Theaters
- * Clinics.
- * Clubs, lodges, and community centers.
- * Coin-operated laundries.
- * Churches and religious institutions.
- * Veterinary clinics and kennels.
- * Bars and night clubs (not including "sexually oriented businesses").
- * Arenas and stadiums.
- * Single family dwellings (which existed prior to Zoning Ordinances).
- * Motor freight terminals.
- * Motor vehicle service facilities, including gas stations and car washes.
- * Sexually oriented business.
- * Recycling drop-off center.
- * Tool and Die Shops (Added by Ordinance # 69)
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"I" INDUSTRIAL ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To encourage attractive industrial development that is in keeping with the Township's rural and suburban character. To permit limited manufacturing, assembly, packaging, warehousing, and related uses which are mainly confined within enclosed buildings. To encourage the development of planned industrial parks and research centers.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
I INDUSTRIAL	1 ACRE	150'	50'	50'	50' *

Other Requirements:

- * Maximum height of 50' (35' if adjacent any district other than I)
- * Maximum lot coverage of 60%.
- * 6' high obscuring fence required if adjacent to A, R, FR or RL District.
- * Property located on US 131, Boon Road and Plett Road, within the Downtown Development District boundaries, will include an area a minimum of the first 20 (twenty) feet from the front property line for landscape/streetscape which is not to be used for parking. (Ordinance #59)
- * Landscape improvements will consist of such improvements as referenced by the Cadillac Corridor Study or the Grand Traverse Bay Region Development Guidebook. (Ordinance #59)
- * Side yard may be reduced to 25' if adjacent to another industrial use.

USES PERMITTED BY RIGHT

- * Manufacturing, processing, assembling, packaging, treatment, or use of previously prepared materials (must be conducted in a completely enclosed building).
- * Building supply, warehouses, and wholesale business.
- * Motor freight terminals.
- * Bottling Plants.
- * Tool and die shops and machine shops.
- * Motor vehicle sales and/or repair facilities.

USES PERMITTED BY SPECIAL LAND USE PERMIT ("I" DISTRICT)

- * Industrial parks and research facilities.
- * Motor vehicle service facilities.
- * Drive-thru businesses.
- * Bulk storage and/or sales of fuel and petroleum products.
- * Salvage operations.
- * Solid waste transfer stations and processing facilities as defined in Act 641.
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"L/I" LIGHT INDUSTRIAL ZONING DISTRICT (Ordinance #67)**INTENT AND PURPOSE**

To encourage development of light industrial uses, compatible with neighboring use and in keeping with the Township's rural and suburban character. To permit light manufacturing, assembly, packaging, warehousing and other related uses which are mainly confined within enclosed buildings, being of a less intensive nature than those permissible in the Industrial District (I).

DIMENSIONAL REQUIREMENTS

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
L/I LIGHT INDUSTRIAL	30,000 S.F.	150'	50'	40'	50' *

Other Requirements:

- * Maximum height of 50 ft (35 ft if adjacent to any district other than L/I)
- * Maximum lot coverage of 60%,
- * 6 ft high obscuring fence required if adjacent to any district other than L/I or I.
- * Side yard may be reduced to 20' if side is adjacent to another light industrial or industrial use.

USES PERMITTED BY RIGHT

- * Manufacturing, processing, assembling, packaging, treatment (excluding heat treating and plating), or use of previously prepared materials (must be conducted in a completely enclosed building).
- * Building supply, warehouses, and wholesale businesses.
- * Tool and die shops and machine shops.

USES PERMITTED BY A SPECIAL LAND USE PERMIT

- * Industrial parks and research facilities
- * Drive-thru businesses.
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)
- * Other light industrial uses compatible with adjacent land uses, as determined by the Planning Commission.

"PUD" PLANNED UNIT DEVELOPMENT ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To provide a controlled degree of flexibility in meeting the requirements of this Ordinance by permitting certain pre-planned developments. To encourage innovation in design. To provide for the controlled development of site condominium subdivisions.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
PUD PLANNED UNIT DEVELOPMENT	20 Acres for industrial parks 10 Acres for all others				

Other Requirements: As specified in Chapter 4.

USES PERMITTED BY RIGHT

* All uses permitted by right or by Special Use Permit by this Ordinance, with the following exceptions.

1. **PUD's located in residential areas shall not contain an industrial use.**
2. **PUD's located in industrial areas shall not contain a residential use.**
3. **Site Condominium Subdivisions shall meet all use and other requirements of the Underlying Zoning District in which they are located.**
4. **Mixed-use commercial/residential PUDs may contain only those uses specified by Section 422.3(b).**

SEE CHAPTER 4 FOR DETAILED REQUIREMENTS.

"OR" OFFICE/RESIDENTIAL ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To establish a transitional district which will serve as a buffer between more intensive commercial areas and residential areas. To provide an area for low-intensity office uses and related non-retail uses which are compatible with adjacent areas. To encourage infill development and redevelopment of specified areas.

DIMENSIONAL REQUIREMENTS

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
OR OFFICE/RESIDENTIAL	25,000 S.F.	125'	30'	35'	25'

Other requirements: Maximum height of 35', 2.5 stories
Maximum lot coverage of 35%
Minimum floor area for SF dwelling 980 S.F.

USES PERMITTED BY RIGHT

- * Single family and two-family dwellings.
- * Professional offices, financial services, and business services **not** involving any retail sales and **not** involving the storage or display of products.
- * Family day care homes.
- * State-licensed residential facilities.

USES PERMITTED BY A SPECIAL LAND USE PERMIT

- * Medical offices and clinics.
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"FI" FREEWAY INTERCHANGE ZONING DISTRICT REGULATIONS**INTENT AND PURPOSE**

To provide for appropriate development of the area surrounding freeway interchanges. To provide for servicing the needs of automobile highway traffic at the interchange areas of feeder roads and expressway facilities. To avoid undue congestion on feeder roads, to promote smooth traffic flow at the interchange area and on the expressway. To protect adjacent properties from adverse impacts of high volumes of traffic.

<u>DIMENSIONAL REQUIREMENTS</u>					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
FI FREEWAY INTERCHANGE	25,000 S.F.	150'	40'	30'	20'
<u>Other requirements:</u>		Maximum height of 50' (35' if adjacent to A, R, FR or RL District). Maximum lot coverage of 50% 6' high obscuring fence required if adjacent to A, R, FR, or RL District.			

USES PERMITTED BY RIGHT

- * General retail, office, financial, and service businesses.
- * Hotels and motels.
- * Restaurants.
- * Commercial recreation, such as bowling alleys, skating rinks, and arcades.
- * Theaters.
- * Motor vehicle sales and/or repair facilities.

USES PERMITTED BY SPECIAL LAND USE PERMIT

- * Drive-thru businesses.
- * Building supply yard, warehouses, and wholesale businesses.
- * Self-service storage facilities.
- * Motor vehicle service facilities, including gas stations and car washes.
- * Contractors and builders establishments.
- * Motor freight terminals.
- * Industrial parks and research facilities
- * Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

CHAPTER 4

PLANNED UNIT DEVELOPMENT AND OPEN SPACE DEVELOPMENT OPTION

SECTION 401. DESCRIPTION AND PURPOSE

The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) principal building per lot. In certain larger or unusual developments these requirements result in a less desirable development for the achievement of the purposes of this Ordinance than if a controlled degree of flexibility is allowed. For example, a large scale residential development might better achieve the purposes of this Ordinance if a portion of the open space requirements were consolidated into small community parks rather than on an individual, lot-for-lot basis.

A development may be of such large size or unusual nature as to justify permitting certain incidental uses not normally permitted in the zoning district. As an example, a multiple-family development might include a coffee shop, food store, or barber shop primarily for the residents of the development. Permitting these uses within the development can, in certain cases, increase convenience, be compatible with the overall character of the development, and not be injurious to adjoining properties.

The Planned Unit Development (PUD) Zoning District is intended to permit and control the development of preplanned areas as planned developments (PUDs) for various compatible uses permitted by this Ordinance in other zoning districts and for other special uses not so permitted. In so doing, a degree of flexibility is allowed in the use, area, height, bulk, and placement regulations for PUD developments. However, it is also the intent of a PUD district to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to the PUD zoning district.

Note that the provisions of this Charter are not intended as a device for ignoring the Zoning Ordinance or the Master Plan on which they are based. Instead, the provisions of this Chapter are intended to result in land use and development that are substantially consistent with the underlying zoning.

All zoning pursuant to this Chapter shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on surrounding property values, light and air, overcrowding of persons, sanitation, surface and

groundwater quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations having an effect on the achievement of the purposes of this Ordinance.

SECTION 402. REZONING REQUIRED

The granting of a Planned Unit Development (PUD) application shall require an amendment of the Zoning Ordinance and Zoning Map, which is part of this Ordinance. An approval granted under the provision of this Chapter, including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

SECTION 403. PERMITTED USES

Land in the PUD Zoning District may be used for any use permitted by this Ordinance as a use by right except that PUD's located in residential districts shall not contain an industrial use.

SECTION 404. PROCEDURES

Any land in the Township may be zoned or rezoned as PUD Zoning District in accordance with the procedures and requirements specified in the remainder of this Chapter.

SECTION 405. PRE-APPLICATION CONFERENCE

Prior to the submission of an application for a PUD, the applicant shall meet with the Zoning Administrator, and other Township staff and/or consultants as deemed appropriate. At the pre-application conference (or conferences), the applicant shall present a sketch plan of the proposed PUD and the following information:

1. A legal description of the property in question;
2. The total number of acres to be included in the project;
3. A statement of the approximate number, type, and square footage of both residential units and non-residential units;
4. The approximate number of acres to be occupied by or devoted to each type of use;
5. Departures from the minimum underlying zoning district regulations which may be requested;
6. The number of acres to be preserved as open space or recreation space; and

7. All known natural resources and natural features on the site.

SECTION 406. PRELIMINARY PLAN

Submissions and Content: Applicants for PUD zoning district shall prepare and submit to the Zoning Administrator, three (3) copies of a preliminary plan for the PUD. The Zoning Administrator shall promptly transmit two (2) copies of this plan to the Planning Commission and one (1) copy to the Township Board. This plan shall set forth, in general terms, the proposed uses to be developed in the PUD and the following specific information.

1. A legal description of the land included in the PUD.
2. Small-scale vicinity map indicating the location of the PUD in relationship to the general area.
3. A map, to scale, showing any existing or proposed arrangement of; (1) street, (2) lots and buildings, (3) access points, (4) other transportation arrangements, and (5) buffer strips.
4. A narrative describing: (1) the overall objectives of the PUD, (2) number of acres allocated to each use, (3) gross densities, (4) proposed methods of providing sewer and water service as well as other necessary public and private utilities, and (5) proposed method of providing storm drainage.

SECTION 407. PLANNING COMMISSION REVIEW OF PRELIMINARY PLAN

The Planning Commission shall review the preliminary plan and make recommendations to the applicant based on (1) requirements of this Ordinance and (2) the standards described in Section 408.

1. Minimum Area; In order to be rezoned as a PUD, the proposed land area shall be at least ten (10) acres; provided, however, that the proposed area to be zoned as a PUD industrial park or research park shall be at least twenty (20) acres.
2. Maximum Residential Density; The density of a residential PUD shall not exceed ten (10) dwelling units per acre.
3. Minimum Single-Family Residential Floor Area; All single-family residential dwellings proposed as part of a PUD shall have a minimum floor area of 980 square feet.
4. MINIMUM OPEN SPACE REQUIREMENTS; Each PUD project must devote a minimum of ten (10) percent of the project site to permanent open space. Sites which include woodlands, wetlands, or other natural features may leave these areas in a natural state as part of the site's open space. The required open space must be

set aside for use either by all residents of the PUD or by the public at large. Yard areas of individual residential lots may not be included as part of the required open space, but yard areas for multi-family or non-residential uses may be included.

5. MINIMUM STANDARDS-UNDERLYING ZONING DISTRICTS AND WAIVER:

Unless **specifically waived** by the Township Board with the recommendation of the Planning Commission, **all regulations of the underlying zoning district prior to the PUD request shall apply.** This includes regulations pertaining to lot size, lot width, yard area, structure height, setbacks, accessory uses, signs, off-street parking and loading areas, general provisions, and all other applicable regulations. In projects within an underlying residential district which contain mixed used, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply. These regulations **MAY** be waived **ONLY** if it is demonstrated by the applicant that the purposes of this Ordinance would be achieved by alternate means.

6. DESIGN CONSIDERATION: A proposed PUD shall adequately address the following design considerations. These considerations are necessary to ensure compliance with all applicable regulations, and to ensure the compatibility of the project with adjoining properties and the general area where the project is located:

- (a) Ingress and egress to the property and proposed buildings and structures thereon, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (b) Off-street parking and loading areas where required, with particular reference to the items in subparagraph 1 above and the economic, noise, glare, or odor effects for each use in the proposed PUD.
- (c) Refuse and service area, with particular reference to the item in subparagraphs 1 and 2 above.
- (d) Utilities, with reference to locations, availability and compatibility.
- (e) Screening and buffering with reference to type, dimension, and character.
- (f) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and

compatibility and harmony with adjoining properties and properties in a proposed PUD.

- (g) Required yards and other open spaces.
- (h) General compatibility with adjoining properties and properties in the proposed PUD.
- (i) General compatibility with the purposes of this Ordinance, as well as compatibility with other ordinances and statutes which regulate land development.
- (j) General compatibility with the Township Master Plan.

SECTION 408. (reserved for future use)

SECTION 409. TRANSMITTAL OF PLANNING COMMISSION'S RECOMMENDATION

The Planning Commission shall transmit its recommendations pertaining to the preliminary plan to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In the course of its consideration of the preliminary plan, the Planning Commission may call an advisory public hearing and give such notice there of as it shall deem appropriate.

SECTION 410. FINAL PLAN SUBMISSION

1. After receiving the recommendations to the Planning Commission on the preliminary plan, the applicant for PUD district zoning shall submit four (4) copies of a final development plan to the Zoning Administrator. The Zoning Administrator shall promptly transmit two (2) copies to the Planning Commission, One (1) copy to the Township Board, and retain one (1) copy.
2. Simultaneously with the submission of a final development plan, the applicant shall submit to the Zoning Administrator, an application for rezoning requesting that the land included in the final plan for the PUD be zoned a PUD Zoning District. Consideration of the requested zoning amendment shall then proceed in accordance with the Ordinance amendment chapter thereof, and Public Act 184 of 1943, being the Township Rural Zoning Act, as amended.

SECTION 411. FINAL PLAN CONTENT

The final plan shall include all the following information, unless the same is not reasonably necessary for the consideration of the PUD:

1. A plot plan based on an accurate certified land survey showing:
2. Location, size, and type of present buildings or structures to be retained or removed;
 - a) Location of existing and proposed buildings, structures, or other improvements;
 - b) Location of existing and proposed street, easements, right-of-way, drives, and parking lots;
 - c) Location of water and sewer lines;
 - d) Storm drainage;
 - e) Topographical features including contour intervals no greater than five (5) feet;
 - f) Bodies of water;
 - g) Ditches and water courses;
 - h) Ground cover and other pertinent physical features of the site such as trees;
 - i) Proposed landscaping;
 - j) Location of existing improvements;
 - k) Location of lot lines;
 - l) Loading and unloading facilities;
 - m) Wetlands; and
 - n) Exterior lighting and signs.
3. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
4. The period of time within which the project will be completed.
5. Proposed staging of the project, if any.
6. Gross areas of building and parking.
7. Delineation of the one hundred (100) year flood plain, if applicable and any proposed uses therein.

8. A description of all aspects of such plan which might have an adverse effect on public health, safety, and welfare.
9. An environmental impact statement or report, if requested by the Planning Commission.
10. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase contract.
11. Such other data or information as required by the Planning Commission.

SECTION 412. PUBLIC HEARING

The Planning Commission shall hold a public hearing pursuant to the provisions of Public Act 184 of 1943, as amended, and the provisions of this Ordinance for the purpose of receiving comments relative to the final development plan and the proposed rezoning.

SECTION 413. FINAL PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall transmit its recommendations concerning the final development plan and the proposed zone change along with any recommended changes, conditions, or modifications to the Township Board.

SECTION 414. FINAL APPROVAL BY TOWNSHIP BOARD

Final approval (together with conditions of approval) or disapproval of the zone change shall be by the Township Board. A copy of the final zone change, if finally approved, shall be forwarded to the Township Clerk for filing with the Township Zoning Ordinance and shall be an official amendment to that Ordinance by the procedures required therein. If all conditions and requirements of this Chapter are fulfilled, the Township Board shall approve the planned unit development. The Township Board may attach conditions to any PUD approval.

SECTION 415. TIME LIMITATIONS ON DEVELOPMENT

Each development shall be under construction within one (1) year after the date of rezoning by the Township Board. If this requirement is not met, the Township Board may grant an extension provided the developers present reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year final approval by the Township Board, any building permit issued for said development shall be invalid and void, and the Township Board may initiate

proceedings to hold a public hearing for the purpose of rezoning said property.

SECTION 416. PERFORMANCE BONDS

The Township Board, in connection with reviewing any application for a final development plan, will require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond, such bond shall be in the amount of ten percent (10%) of the total cost of the development. The bond shall be posted with the filing of the application. The bond is required in order to ensure that the development will be executed in accordance with the approved plan. Bond non-refundable for non-performance. Performance Bonds to include PUDs, Site Condominium Plans, Mobile home, Condominium Project. This bond would be non-refundable for non-performance.

SECTION 417. REQUIRED IMPROVEMENTS PRIOR TO ISSUANCE OF OCCUPANCY PERMIT

The Township Board is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of the residents, but are not fully completed, the Building Inspector may, upon the recommendation of the Township Board, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one (1) year of the date of the occupancy permit. This bond would be non-refundable for non-performance.

SECTION 418. ADDITIONAL PROVISIONS

All provisions of this Ordinance and other ordinances of the Township shall apply to the PUD district except where they are inconsistent. In such cases, the provisions of this Chapter shall control.

SECTION 419. SITE CONDOMINIUM SUBDIVISION APPROVAL *This section repealed by Ordinance # 67, 7-05-2003 - Site Condominiums now covered under Section 505 - Table of Special Use Permit Standards*

SECTION 420. MODIFICATION OF PUD PLANS

Minor changes to a PUD site plan may be approved administratively in writing by the Zoning Administrator provided the changes comply with all applicable requirements of this Ordinance and all other Township

regulations and state laws. Any other changes shall require a formal amendment to the developers' PUD Ordinance for approval.

SECTION 421. OPEN SPACE PRESERVATION (Ordinance #67, 7/5/2003)

1. **Open Space Development Option.** Any parcel of land in Haring Township which is zoned to allow for residential development, may be developed at the option of the landowner with the same number of dwelling units that could otherwise be developed on the entire land area on a portion of the land not to exceed fifty percent of the entire land area if all of the following apply:
 - a) The land is zoned at a density equivalent to two or fewer dwelling units per acre, or if the land is served by a public sewer system, three or fewer dwelling units per acre;
 - b) At least fifty percent of the entire land is set aside as open space to remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Unbuildable areas such as wetlands do not count towards the 50% open space minimum.
 - c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without exercise of the option provided by this section would also depend upon such and extension; and
 - d) The option provided by this Section has not been previously exercised with respect to the land.
2. **Re-zoning.** After a landowner exercises the option provided by this Section, the land may be re-zoned accordingly.
3. **Other Regulations Applicable.** Except as otherwise provided in this Section, the development of land under the open space option provided herein is subject to all other provisions of the Haring Township zoning ordinance as well as other applicable ordinances, laws and rules including rules relating to suitability of groundwater for on-site water supply for land not served by public water, and rules relating to suitability of soils for on-site disposal for land not served by public sewers.
4. **Required Procedures**

- (a) **Site Plan Review.** Development under this Section shall be subject to the plan review process set forth in Section 206 of this Ordinance. Where a landowner elects to proceed under this Section, in addition to an open space site plan, a "parallel" site plan shall be prepared showing a feasible development under the requirements of the specific zoning district in which the development is to be located and the requirements of any and all State, County and Township regulations. It must be determined by the Planning Commission that the parallel plan or conventional can meet all current zoning and subdivision regulations if developed without reliance upon the open space provisions of this section. The Planning Commission may waive the submission of a parallel plan if it is determined that the number of housing units proposed for open space development is clearly below what would otherwise be allowable for the site.
- (b) **Special Use Permit.** Development under this Section shall also be subject to the Special Use Permitting process set forth in Chapter 5 of this Ordinance.

SECTION 422. MIXED-USE COMMERCIAL/RESIDENTIAL PUDs (Ordinance #13-84)

1. **Purpose.** The purposes of the regulations stated in this Section 422 are as follows:
 - a) To allow for limited commercial development in areas where, because of the nearby presence of federal or state highways, or major thoroughfares, there is a demand for commercial use, but due to the close proximity of established residential areas, there is a need to ensure that the commercial development is designed and constructed in a manner that is protective of surrounding residential populations.
 - b) To provide architectural and site design standards in order to promote harmonious development in the Township.
 - c) To preserve woodlands, view sheds and other natural features within the Township, to the extent practicable.
2. **Findings.** The Township finds that the standards of this Section 422 are necessary to promote the health, safety and welfare of the Township and its residents, based on the following findings:
 - a) Design standards are important safety and aesthetic considerations for the Township's future image and the citizens' quality of life.

- b) Architectural guidelines are necessary to ensure building design is consistent with the intended character of the area.
- c) Commercial growth and development put an increased demand upon natural resources. The protection of natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the State of Michigan Constitution and the Michigan Environmental Protection Act of 1970, MCL 324.1701, et seq.

3. **Mixed-Use Commercial/Residential PUD Regulations.**

- a) Mixed-use commercial/residential PUDs are permitted in the Township only in accordance with the provisions of this Section 422.
- b) Permitted Uses. Uses that may be approved within a mixed-use commercial/residential PUD shall include the following:
 - 1) Any use permitted by right in the "C" General Commercial Zoning District.
 - 2) The following uses that are permitted by special land use in the "C" General Commercial Zoning District:
 - i) Churches and religious institutions.
 - ii) Veterinary clinics and kennels.
 - iii) Bars and nightclubs (not including "sexually oriented businesses").
 - 3) Any use permitted by right or by special land use permit in the "R" Residential Zoning District, except that "transitional/shelter housing" shall not be permitted.
- c) General Requirements.
 - 1) Commercial uses shall comprise not more than 60% of the developed land area, exclusive of open space.
 - 2) The density of development in the residential phase of the PUD shall not be more than 4 units/acre. Multifamily buildings shall be designed and constructed to avoid excessive length and box-like appearance and to have varied architectural features.
 - 3) Commercial uses shall be physically separated from adjacent residential uses (both existing residential

uses and those included within the PUD) by means of a berm and buffer zone of undeveloped or landscaped open space that is of significant size, width and height, so as to visibly screen the commercial uses from the residential uses, and so as to ensure that noises from the commercial phase do not interfere with the peace, quiet and enjoyment of the residential uses. The open space used to buffer the commercial and residential uses shall comprise not less than 10% of the total land area included in the PUD plan.

- 4) The development shall be served by public wastewater and public water supply systems.

d) Architecture.

- 1) All proposed commercial buildings shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.
- 2) The applicant is required to submit and present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the architectural guidelines prior to preparations of detailed design drawings.
- 3) Building designs shall be reviewed by the Planning Commission as a part of final plan review under the following criteria:
 - i) Commercial buildings shall possess architectural variety.
 - ii) Commercial buildings shall be consistent with the scale and proportion of existing structures in the surrounding area.
 - iii) For commercial buildings, a minimum of eighty percent (80%) of the exterior finish material of all front building facades (excluding the roof) visible from the public street, private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of facing brick, cut stone, split face block, fluted block, scored block, native, field stone, cast stone or wood with an opaque or semi-transparent stain, or bleaching oil.

Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.

- iv) Exterior Insulation and Finishing Systems (EIFS) material shall not be the primary building material. The remaining maximum twenty (20) percent of the facade may utilize other material for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.
- v) Front building facades for commercial buildings shall provide a minimum 15% glass window but shall not exceed 80% glass. Calculations are exclusive of the roof area. The Planning Commission may allow a lower percentage of glass windows where it has been demonstrated that industry-recognized safety or security practices for the use being proposed mandate a lower percentage of glass windows.
- vi) Building materials and colors shall be related to and harmonious with the surrounding area.
- vii) Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.
- viii) Commercial buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked rooflines or towers.
- ix) Building walls (both commercial and residential) over 100 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades,

windows, architectural accents, bands of complementary building materials and trees.

- x) Commercial building entrances shall utilize windows, canopies, and/or awnings, provide unity of scale, texture, and color and provide a sense of place.
- xi) Rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.
- xii) Commercial building rear facades shall be constructed to a finished quality that is comparable to the front facade where visible to a public street or residential district or use, but strict adherence to the percentage requirements for finish materials and window glass, as stated in subsections (iii) and (v), shall not be required. This subsection shall not apply to a building rear façade that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.
- xiii) Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.
- xiv) Exterior neon, LCD or LED lights (including such interior lights that are clearly visible from the exterior) are generally prohibited, except that they may be used only as architectural detail, they must be complementary to the overall design of the building, and they must be specifically found by the Planning Commission to be compatible with surrounding properties. Such lighting shall be indicated on the building elevation and allowed only as part of site plan approval. The provisions of this subsection do not apply to small interior neon, LCD or LED signs that are used to communicate directional or operational information such as "exit", "open" and "closed."
- xv) The commercial portion of the mixed-use PUD shall complement the overall PUD plan and the commercial

buildings therein shall have an architecture and appearance that are reasonably compatible with the buildings in the residential portion of the PUD.

- xvi) Loading docks, refuse accumulation areas, truck maneuvering area and other utility or service areas shall be appropriately screened from view by landscaping, berms or other effective means.
- e) Landscaping and Overall Site Design. Landscaping and design elements of the PUD plan shall comply with the following requirements:
- 1) Plants that have been identified as invasive or potentially invasive plants in the region shall not be used for any landscaping purposes.
 - 2) The overall design shall promote the impression of a natural landscape.
 - 3) Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.
 - 4) Retention, detention and the overall stormwater system shall be designed to use "best management practices" and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.
 - 5) *Parking Lots.* The following landscaping requirements shall apply to parking lots:
 - i) Parking lots, or any parts thereof, which are located in the front yard or which are adjacent to or visible from within 20 feet of any public right-of-way (excepting the highway U.S.-131 right-of-way) shall have perimeter landscaping, between the parking lot and right-of-way, as follows:
 - A. The perimeter landscaping shall include a landscaped area measuring at least ten feet in width.
 - B. The landscaped area shall include at least one tree, measuring at least eight feet in height at

the time of planting, for every 30 feet, or fraction thereof, of street frontage of the parking lot.

- C. The landscaped area shall also include a continuous screen, measuring at least thirty-six inches in height above the street grade, consisting of a hedge, berm, brick wall, or combination thereof. The Planning Commission may determine the location of the screen so that it does not cause a traffic hazard, vision obstruction or other hazard to public safety.
- ii) For parking lots of over 100 spaces or 30,000 square feet, the interior of the parking lot shall have one square foot of landscaped area for each 15 square feet of paved area. The following requirements shall apply to the interior landscaped areas:
- A. Traffic islands shall be located to improve traffic flow and views.
 - B. Traffic islands shall have a minimum width of 18 feet and a minimum area of 150 square feet.
 - C. Details on traffic islands shall be provided on the PUD site plan, including radii, dimensions, adjacent parking space depth, ground cover and any lighting or irrigation.
 - D. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Around each tree, there shall be an open land area of at least 75 square feet, with a minimum diameter of four feet at the tree trunk.
 - E. All interior landscaped areas of a parking lot shall be designed as "bio-retention" areas, to facilitate the treatment and ground absorption of stormwater runoff using a combination of microbial soil process, infiltration, evaporation, and appropriate plantings.
- 6) Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize

the negative visual impact. This subsection shall not apply to a loading or service bay door that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.

- 7) Generally, curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception upon finding that overall stormwater disposition will be enhanced, that snow removal will be facilitated, or that there will be other beneficial improvements to the overall site design.
- 8) *Outdoor Storage.* The following requirements shall apply to outdoor storage:
 - i) The outdoor display of items for sale, whether a few items or on a large-scale basis, such as motor vehicle sales establishments, shall be arranged in a neat and orderly fashion of rows and columns. All outdoor display items for sale shall be setback from the frontage road right-of-way so as to be located, at a minimum, inside of the greenbelt required by subsection (11), below, and a minimum of twenty (20) feet from any side property line.
 - ii) The outdoor storage of other items, such as vehicles, equipment and extra supplies, shall be performed by placing the items in a fenced and screened area, to the side or rear of the principal building on the premises.
- 9) Fences, if proposed, must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.
- 10) A minimum 35 foot greenbelt is required along state highways and other major thoroughfares (excluding highway U.S.-131), as measured from the edge of the highway or road right-of-way. Said greenbelt shall be landscaped and planted in accordance with Section 422.3(e) (6) (i) B and C, except for approved driveways.
- 11) Buildings shall be set back a minimum of 100 feet from the right-of-way for state highways and other major

thoroughfares, excepting the highway U.S.-131 right-of-way.

f) Commercial Lighting.

- 1) All exterior lighting shall be within fully-shielded fixtures, so that no light may escape above the horizontal plane. The wattage of any single lamp fixture shall not exceed 320 watts.
- 2) Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height of 30 feet, whichever is lower.
- 3) No lighting on any site shall cause or create obtrusive light, or light which protrudes onto any adjacent or nearby residential property.

g) Other.

The PUD plan for a mixed-use commercial/residential PUD shall be reviewed in accordance with, and shall otherwise comply with, the PUD regulations of this Ordinance, as stated in Sections 401 through 420, to the extent that those regulations are not inconsistent with the above minimum requirements. Where the regulations of this Section 422 are more stringent, the more stringent regulations shall apply.

CHAPTER 5 - SPECIAL USE PERMIT REQUIREMENTS**SECTION 501. INTENT, PURPOSE, AND PROCESS.**

1. INTENT. The formulation and enactment of this Ordinance is based upon the division of the Township into districts. Each district allows for uses that have been deemed compatible, and those uses are permitted by right. Other use, however, may also be compatible in these districts based on their particular location and anticipated impact. These uses have been deemed special uses and should be permitted only after it has been found that they are in conformance with the standards and requirements of this Chapter.
2. PURPOSE. (Amended by Ordinance #67) This Chapter provides procedures and standards for regulating activities identified as uses permitted by Special Use Permit in Chapter 3 of this Ordinance or developments undertaken pursuant to the Open Space Preservation Options of Section 421. The purpose of designating a special use is to allow practical latitude for a property owner or developer to use a parcel of land while also maintaining protection of the health, safety, comfort, convenience and general welfare of the community at large.
3. PROCESS. The regulation of Special Uses includes two separate steps. The first step is the review of the Site Plan for the proposed use. The second step is the decision of whether a Special Land Use Permit will be granted.
 - a) STANDARDS. During the Special Use Permit process, various considerations must be explored before the Site Plan or the Special Use Permit may be approved. Some of these considerations are defined in this Chapter as additional review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. These are minimum requirements which must always be met.
 - b) CONDITIONS. The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
 - c) PRECAUTION. No person should think that any provision of this Ordinance automatically grants them the right to establish a Special Use in any given Zoning District. Instead, the privilege of establishing a Special Use is granted or denied by the Planning Commission in accordance

with the procedures and standards identified in this Chapter.

- d) PERMANENCE. Once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that is transferred when a parcel is rented or sold. Therefore, This Ordinance does not provide for the placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked as specified in Section 502.

SECTION 502. PERMIT PROCEDURES.

- 1. SUBMISSION OF APPLICATION. The application package is to be submitted to the Haring Township Zoning Administrator.

- a) CONTENTS. The Application package consists of a Special Use Permit application form completed in full by the applicant, accompanied by a fee as established by the Township Board and site plan meeting the requirements of Section 206.

In addition to the above, a completed application package for a Special Use Permit must contain individual statements addressing each of the Special Use Permit standards and any additional standards listed in that table of Special Use Permit standards from Section 505. Licenses, permits, and other documents or items which evidence compliance with said standards and additional requirements shall be attached.

- b) APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which the application will be considered.

2. SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.

In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements:

- a) SEPARATE. The rezoning shall be considered separately from the Special Use Permit.
- b) PROCEDURES. The ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of proposed rezoning by the Township Board.
- c) STANDARDS. All standards required by this Ordinance shall be observed for each action .
- d) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and the Special Use decisions. Therefore, two (2) separate public hearings shall be held at the same meeting.

3. PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission, if the applicant wishes to have the Site Plan Review and the Special Use Permit considered at a single Planning Commission meeting. In the case of an application for a Special Use Permit for a sexually oriented business, the Site Plan Review and the issuance of a Special Use Permit shall be initially considered at a single Planning Commission meeting.

- a) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedures and standards presented in Section 206 and other specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date. In the case of a Site Plan Review for a sexually oriented business, if the Planning Commission has not made and adopted findings of fact and either approved, approved with conditions or denied the proposed site plan within sixty (60) days of its initial review of the site plan, then the site plan shall be deemed to have been approved.

- 1) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of

granting the Special Use Permit. There are no provisions for holding a public hearing concerning a site plan. However, the Planning Commission may, at its discretion, choose to accept public comments or questions relating only to design considerations of a site plan.

- 2) IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- b) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting at which the Special Use Permit is considered.
- 1) NOTICE. Notices of the public hearing, in accordance with the requirements of Section 166(2) of the Township Rural Zoning Act (Act 184 of 1943) shall be made.
 - 2) DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that consideration of the Special Use Permit, including the public hearing, be postponed. However, postponement of the public hearing requires additional notification of neighboring property owners and newspaper publication of another notice. The applicant will be required to reimburse the Township for any additional costs incurred.
- c) CONSIDERATION OF SPECIAL USE PERMIT. Following the public hearing, the Planning Commission shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. The Planning Commission members shall then discuss the motion and vote upon it.
- 1) OPEN MEETING. Note that the Open Meeting Act requires this vote to take place in an open public meeting.
 - 2) PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting at which the public hearing is held, unless further

information must be obtained before a decision can be made. In such cases, action on the Special Use Permit may be tabled to a public hearing of the Planning Commission to be held on a specific date which is identified in the motion to table.

PROMPT DECISION REGARDING SEXUALLY ORIENTED BUSINESSES. In addition to the requirements of this subsection (2) above, if the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved, approved with conditions, or denied the issuance of a Special Use Permit for that business within sixty (60) days of its public hearing on same, then a Special Use Permit shall be deemed to have been approved.

- 3) ISSUANCE OF ZONING PERMIT. Only upon approval of a Special Use Permit by the Planning Commission may a Zoning Permit for the proposed use be issued by the Zoning Administrator.
4. TERMS OF PERMIT. A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Zoning Permit, and consequences of any voiding of this permit, are described by Section 702. If a use established under a Special Use Permit is discontinued for a period of one year, the Special Use Permit shall expire. To re-establish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.
5. REVOCATION. The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process previously described. Except as noted in item (5), the permit remains valid as long as all of the conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proved that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit. Revocation of the Special Use Permit shall also void the Zoning Permit.
 - a) FIRST NOTICE. The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within 30 days or the Planning Commission will revoke the Special Use Permit and order the use to cease.

- b) CONSIDERED NON-CONFORMING. From the time the Zoning Administrator's notice of violation is issued and until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as a non-conforming use. Actions specified in Section 201 pertaining to the regulation of non-conformities shall be taken whenever they apply.
- c) PLANNING COMMISSION ACTION. The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered at that time. The Planning Commission's meeting will usually occur before the 30 day period for the first notice of violation as expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. The resolution shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violation(s) are not corrected by the end of the first notice period.
- d) SECOND NOTICE AND ORDER. After expiration of the 30 day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within 60 days from the date of the second notice.
- e) ENFORCEMENT OF ORDER. Failure to comply with the order to cease any activity for which a Special Use Permit has been revoked is a violation of this Ordinance and is subject to all penalties thereof.

SECTION 503. PERMIT STANDARDS AND BASIS FOR DETERMINATIONS

Prior to the approval of a required site plan and Special Use Permit, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied.

1. GENERAL STANDARDS. The Planning Commission shall review the particular circumstances of the special use request in terms of the following standards, and shall approve a Special Use Permit only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Ordinance:
 - a) The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - b) The special use shall not inappropriately change the essential character of the surrounding area.
 - c) The special use shall not interfere with the general enjoyment of surrounding property.
 - d) The special use shall represent an improvement to the use or character of property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
 - e) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, or glare.
 - f) The special use shall be adequately served by essential public services and facilities, or it shall be demonstrated that the person responsible for the proposed special use shall be able to provide for the services and facilities deemed essential to the special use under consideration. Such public services and facilities include, but are not limited to, highways, streets, fire and police protection, drainage structures, water and sewage disposal facilities, and schools.
 - g) The special use shall not place demands on public services and facilities in excess of current capacity.

- h) The special use shall be consistent with the intent and purpose of this Ordinance, and with the objectives of the Township Comprehensive Master Plan.
- 2. STANDARDS ATTACHED TO SITE PLAN REVIEW. Before approving or denying a Special Use Permit application, the Planning Commission reviews the site plan for the proposed use to establish that all applicable standards are satisfied. The Site Plan Review shall determine compliance with the applicable Zoning District regulations from Chapter 3, the Site Plan Review Standards from Chapter 2, Section 206, and any applicable standards from this Chapter.
- 3. ADDITIONAL CONDITIONS. The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit itself. These conditions and the reasoning behind them, must be documented in the Planning Commission's minutes and communicated to the applicant in writing.
- 4. ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit as described in Section 502 (6).

SECTION 504. PERFORMANCE GUARANTEE

In authorizing a Special Use Permit, the Planning Commission may require a sum of money to be deposited with the Township Treasurer in cash as a guarantee of performance for any conditions attached to approval of Special Use Permits. The procedures for performance guarantees are specified in Chapter 7, **Administration and enforcement, Section 702 (4)**. Non-refundable for non-performance.

SECTION 505. APPEALS.

- 1. APPEAL TO ZONING BOARD OF APPEALS. Within 15 days following the date of a decision on any Special Use Permit, an applicant or any aggrieved party, including any governmental body or agency, may appeal the decision of the Township Planning Commission to the Zoning Board of Appeals. Upon the filling of an appeal, the application and all relevant documents and testimony, and the findings and decision of the Township Planning Commission, shall be transmitted to the Zoning Board of Appeals.
- 2. APPEAL TO ZONING BOARD OF APPEALS - SEXUALLY ORIENTED BUSINESS. If the Planning Commission denies a site plan, application for

a Special Use Permit, or both, for a sexually oriented business, the applicant shall be entitled to prompt review by the township Zoning Board of Appeals upon written request to the Zoning Administrator. The Zoning Board of Appeals shall convene a meeting within (7) business days of the Zoning Administrator's receipt of the applicants request for review of the Planning Commission decision. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission and determine whether: 1) the Planning Commission's decision was based upon competent, material and substantial evidence, and 2) the Planning Commission's decision complies with the procedural requirements of the Zoning Ordinance and with Michigan and federal law. The Zoning Board of Appeals shall have all powers of the Planning Commission in reviewing the decision.

Within thirty (30) days of the initial hearing on the applicant's request for review of the Planning Commission decision, the Zoning Board of Appeals shall issue a written decision either wholly or partially affirming, reversing, or modifying the Planning Commission's denial and stating the grounds thereof. Failure to issue a decision within said period shall result in the approval of the matter appealed. If the Zoning Board of Appeals affirms the Planning Commission's denial of a special use permit application to operate a sexually oriented business, then, upon written request from the applicant to the Zoning Administrator, the Township shall within three (3) business days of its receipt of such written notice do the following:

- a) File a petition in the Circuit Court for the County of Wexford seeking a judicial determination with respect to the validity of such denial and, in connection therewith, file a motion for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
- b) Request that the motion for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its motion for preliminary injunction and shall

join in such request.

In the event that applicant does not waive notice and/or does not request an early hearing on the Township's motion for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Zoning Board of Appeal's denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application or site plan automatically approved if within five (5) business days of the filing of Township's petition, a show-cause hearing has not been scheduled.

The Zoning Board of Appeals shall determine whether the party filing the appeal is aggrieved by judging the merits of the application.

**HARING CHARTER TOWNSHIP ZONING ORDINANCE
TABLE OF SPECIAL USE PERMIT STANDARDS**

IMPORTANT NOTES;

- * Granting of a Special Use Permit requires Site Plan Review and a public hearing.
 - * A Special Use Permit is a privilege granted by the Township, not a right.
 - * THE TOWNSHIP WILL REVOKE A SPECIAL USE PERMIT FOR FAILURE TO MAINTAIN COMPLIANCE.
 - * Each Special Use must meet the minimum requirements for the Zoning District in which it is located, EXCEPT AS SPECIFICALLY NOTED IN THIS SECTION.
 - * This section lists the standards and additional requirements for uses which may be permitted by Special Use Permit. These standards supersede the District Regulations.
-

SPECIAL USE: Bed and Breakfast Establishments**STANDARD AND ADDITIONAL REQUIREMENTS:**

- * Not more than 25% of the total floor area may be used for sleeping room for guests.
 - * No separate cooking facilities may be provided for guest.
 - * One non-illuminated wall sign of not more than 4 square feet shall be permitted
-

SPECIAL USE(S): Group Child Day Care Homes and Child Care Centers.**STANDARDS AND ADDITIONAL REQUIREMENTS:**

- * Shall provide on-site parking for all employees in addition to the parking required for the residence itself.
 - * Must be licensed or certified by Michigan Dept. of Social Services.
-

SPECIAL USE: Clinics.**STANDARDS AND ADDITIONAL REQUIREMENTS:**

- * Minimum lot area of 25,000 S.A. required.
 - * Minimum building setbacks of 50' on all sides.
 - * Must provide an obscuring fence or Berm 6' high on all sides adjacent to parcels zoned R, FR, or RL.
-

SPECIAL USE: Health Care Institutions

Churches

Public and Private Schools

Clubs, lodges, and community centers.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Minimum lot area shall be 4 acres unless the building is less than 20,000 s.f., site shall be a minimum of 2 acres.
- * No building shall be closer than 50' to an adjacent property line or street R.O.W. line.

- * Structures over 30' high shall be set back one additional foot for each additional foot in height.

SPECIAL USE: Campgrounds.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * The site shall be a minimum of 20 acres in area.
- * The site shall be no closer than 200' to a R zone.
- * There shall be at least 750 S.A. of area provided within each campsite.
- * Must maintain compliance with all regulations of the County Health Department and all other state and local regulation which apply to such facilities.

SPECIAL USE: Multiple-family dwellings.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Shall be located on an improved County road.
- * Site shall be at least one acre in size.
- * No structure shall be closer than 50' to any adjacent property line or street R.O.W. line.
- * Must be served by public water and sewer, or must provide suitable project-wide water and sewer service.
- * Shall not exceed a density of 10 dwelling units per acre.

SPECIAL USE: Public and private parks and outdoor recreation facilities.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * These uses require only Site Plan Review and compliance with the appropriate Zoning District Regulation.

SPECIAL USE: Riding stables, including boarding of horses.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Minimum parcel size of 10 acres.
- * Buildings and enclosures housing horses shall be at least 100' from adjacent property lines. This shall be increased to 200' if any part of the site is adjacent to an R district.
- * Shall provide proper control of animal wastes, odor, and noise.

SPECIAL USE: Veterinary Clinics and Kennels.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Site shall be at least one acre if animals are kept entirely within enclosed building; 5 acres required if outdoor exercise areas are included.
- * No building, fence, or wall shall be closer than 50' to any adjacent property line or street R.O.W. line.
- * Outdoor exercise area shall be enclosed by a solid wall or by a chain link fence at least 4" high.
- * Shall provide proper control of animal wastes, odor, and noise.

SPECIAL USE: Mobile home park.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Site shall be a minimum of 10 acres in a area.
 - * Site shall have its principal access from a county primary road or state highway.
 - * No building or mobile home within the park shall be closer than 50' to any adjacent property line or street R.O.W. line.
 - * All development shall conform to the Michigan Mobile Home Commission Act.
-

SPECIAL USE: Arenas and stadiums.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Minimum area shall be 10 acres.
 - * Building setbacks shall be 100' from all adjacent property lines and street R.O.W. lines; setbacks shall be increased to 200' on any side adjacent to an R,FR, or RL District.
 - * All traffic ingress and egress shall be from a county primary road or state highway.
 - * All points of entrance and exit for motor vehicles shall be no closer than 200' from the intersection of any two streets or highways.
 - * All vehicles shall have a clear vertical and horizontal sight distance approaching a public street within 100' of the street for a sight distance of 500' in either direction along the street.
 - * Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site.
-

SPECIAL USE: Industrial parks and research facilities.

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * These uses require only general Site Plan Review and compliance with the applicable District Regulations.
-

SPECIAL USE: Salvage operations

Transfer stations and solid waste processing facilities

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Site shall be a minimum of 10 acres in area.
 - * Active area shall be at least 250' from all street or property lines.
 - * Site shall be completely surrounded by a solid fence or wall at least 8' high. Shall be approved by Township Planning Commission.
 - * All activities shall be confined within the fenced area.
 - * Solid waste facilities must be licensed by the State of Michigan in accordance with Act 641.
 - * Must have obtained all required state licenses
-

SPECIAL USE: Bulk fuel dealer

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Site shall be a minimum of 10 acres in size.
- * All buildings and storage areas shall be set back at least 100' from all adjacent property lines or street R.O.W. lines; these setbacks shall be increased to 200' on any side adjacent to an R, FR, or RL zone.

- * Applicant shall consult with State Fire Marshall, MDNR, and the local fire department when preparing site plan.
 - * Must maintain compliance with all applicable state and local regulations.
-

SPECIAL USE: Single family residence

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Purpose is to allow repair, replacement, reconstruction, to allow expansion and additions of existing dwelling which would otherwise be non-conforming under this Ordinance.
 - * Dwelling must have existed prior to effective date of Ordinance.
 - * Must meet all dimensional requirements for the R District, unless variances are obtained through the ZBA.
 - * Site Plan Review required.
 - * Residential accessory buildings are also permitted, as specified in Section 202.
-

SPECIAL USE: Sexually Oriented Business

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand five hundred feet (1,500) of any principal or accessory structure of another sexually oriented business.
- * No adult-only businesses shall be established on a parcel which is within one thousand feet (1,000') of any parcel zoned A, R, FR, or RL.
- * No sexually oriented business shall be established on a parcel within one thousand feet (1,000') of any public park, school, child care facility, church or place of worship. The distance between a proposed sexually oriented business and any public park, school, child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to nearest property line of the public park, school, child care facility, church or place of worship.
- * The proposed use shall conform to all standards of the zoning district in which it is located.
- * The proposed use must meet all applicable written and duly promulgated standards of Haring Charter Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- * The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
- * Any sign or signs proposed for the sexually oriented business must comply with the provisions of Chapter 6 of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified sexual activities or specified anatomical areas, or include animated or flashing illumination.
- * Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to

those entering and exiting the business, and using lettering no less than (2) inches in height: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "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."

- * No product or service for sale or gift, or any picture or other representation of any product or services for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- * Hours of operation shall be limited to 8:00 AM to 12:00 AM.
- * All off-street parking areas shall comply with Section 219 of this Ordinance and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- * Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 1. Is handicap accessible to the extent required by the Americans With Disabilities Act;
 2. Is unobstructed by any door, lock or other entrance and exit control devices;
 3. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 4. Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance can clearly determine the number of people within;
 5. Has no holes or openings in any side or rear walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

SPECIAL USE: Motor Freight (Truck) Terminals

STANDARDS AND ADDITIONAL REQUIREMENTS:

- * Site Plan Review required.
- * Planning Commission may determine truck routes.
- * Planning Commission shall consult with the Wexford County Road Commission and determine any necessary road upgrading which will be required.
- * All buildings shall be set back at least 50' from road right-of-way; 100' from any property that is not zoned Commercial or Industrial.

SPECIAL USE: Recycling Drop-off Center

STANDARDS AND ADDITIONAL REQUIREMENTS:

Facility must be consistent with the County Act 641 Solid Waste Management Plan, as documented by the designated County Solid Waste Management Agency.

Planning Commission shall request review by the Michigan Department of Natural Resources and the District Health Department.

Facility may accept only clean, source-separated recyclable materials. Must provide means of controlling access to site to prevent entry and/or drop off of materials when facility is unattended.

SPECIAL USE: SITE CONDOMINIUM SUBDIVISIONS (*Ordinance #67, 7/05/2003*)

STANDARDS AND ADDITIONAL REQUIREMENTS:

Pursuant to authority conferred by Section 141 of the Condominium Act (MCL 559.241), Public Act 59 of 1978, as amended, all site condominium subdivisions must be approved by the Haring Township Planning Commission pursuant to the requirements applicable to uses allowable by Special Use Permit. Except as provided herein, all of the procedures for reviewing and approving or denying a site condominium project shall be the same as for a special use permit.

In determining whether to approve a site condominium subdivision, the Planning Commission shall consult with the Township Attorney, Township Engineer and Fire Department regarding the adequacy of the site condominium plans, deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act.

A. Zoning Compliance Required. All site condominium subdivisions and structures therein shall comply with all of the use, size, sign, height, frontage, and area (setback) regulations of the underlying zoning district in which the subdivision is located.

B. Site Condominium Subdivision Review Procedures.

1. At least thirty (30) days before the first meeting of the Planning Commission at which the proposal is to be considered, the developer shall submit to the Township Zoning Administrator all the materials required herein (hereafter referred to as "site condominium plans") together with a fee in accordance with the schedule adopted by the Township Board.
2. Simultaneously with the submission of the site condominium plans, the applicant shall also submit to the Zoning Administrator an application for a special use permit. Consideration of the proposal shall then proceed in accordance with Chapter 5 (Special Use Permit Requirements) and the requirements of the Township Rural Zoning Act (1943 PA 184), as amended.

C. Site Condominium Plans - Required Content. In addition to the materials required by Sections 206 and 502, all site condominium plans shall require the following;

1. A project description, describing the nature and intent of the proposed development.

2. A survey of the site condominium subdivision.
3. A floodplain plan, if the site lies within or abuts a floodplain area.
4. A site plan showing the location, size, area, and dimensions of all condominium units.
5. A utility plan as required.
6. A street construction, paving and maintenance plan for all private streets within the proposed site condominium subdivision.
7. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
8. A soil erosion and sedimentation control plan.
9. A description of the common elements of the project as will be established in the condominium Master Deed.
10. The use and occupancy restrictions as will be specified in the Master Deed.
11. A "Consent to Submission of Real Property to Condominium Project," stating all parties having ownership interest in the proposed site condominium subdivision, or evidence of the developers legal authority, right or option to purchase the subject property from the owner(s) of record.

D. Utilities.

1. **Easements.** The site condominium plan shall include all necessary easements (e.g., sewer, water, sidewalks, bike paths, etc.) granted to Haring Charter Township and Wexford County for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character (hereafter collectively called "public structures") for the purpose of providing any and all public utilities through and under the property subject to said easements.
2. **Special Assessments.** As a condition of granting a Special Use Permit for a Site Condominium Subdivision, the Planning Commission may require a developer to underwrite the costs of construction of sewer and water lines within all easements and/or rights of way within the site condominium subdivision. Under such circumstances, the Planning Commission may recommend to the Township Board the establishment of a special assessment district pursuant to 1954 PA 188, as amended.

- E. Private Streets.** If a site condominium subdivision is proposed to have private streets, the Planning Commission shall require

that such streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Haring Township Zoning Ordinance or as otherwise specified by the Wexford County Road Commission.

- F. **Subdivision of Condominium Units.** All subdivision of individual condominium units shall conform to the requirements of the Haring Township Zoning Ordinance and the particular underlying zoning district standards as previously approved, including but not limited to minimum lot dimensions, lot area and building setback requirements. Said requirements shall be made a part of the condominium by-laws and recorded as part of the Master Deed.
- G. **Mobile Home Condominium Projects.** Mobile home condominium projects shall conform to all requirements of the Haring Township Zoning Ordinance.
- H. **Master Deed - Contents.** The provisions of site condominium plans, as approved by the Planning Commission, shall be incorporated in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Planning Commission pursuant to the procedures set forth herein for approval of site condominium plans. A copy of the Master Deed as filed for recording with the Wexford County Register of Deeds shall be submitted to the Township Zoning Administrator within ten (10) days after such filing.

SPECIAL USE: Transitional/Sheltered Housing (*Amendatory Ordinance #12-1008; adopted 10/8/2012*)

STANDARDS AND ADDITIONAL REQUIREMENTS:

- 1) To be approved, the applicant shall present a facility management plan which shall outline (i) the specific social services to be provided at the facility, (ii) the particular needs of anticipated clientele, (iii) the expected length of stay for the persons offered temporary housing, and (iv) other information required by the Planning Commission to gain a complete understanding of the facility and any potential impacts on the neighboring community.
- 2) The applicant shall demonstrate that outdoor site amenities (benches, tables, gardens, fencing, other visual impediments, etc.) be provided to maintain privacy and prevent loitering on public and private property in the surrounding neighborhood.
- 3) The use shall be compatible with other allowed uses in the vicinity. The impact of the facility shall be no greater than that of other uses allowed in the District. The facility generally shall not be sited on lots designed or platted specifically for single-family housing (i.e.: subdivisions, site condominiums), unless the facility is found by the Planning

Commission to be an appropriate use due to unique characteristics of the lot and/or the plat.

- 4) The applicant shall provide a description of the structured program that will be offered by the facility including the days and hours of program operation.
- 5) When occupied, the Transitional/Sheltered Housing facility shall have 24-hour supervision by a shift manager who is familiar with the facility's operational procedures, emergency management plan and have access to and knowledge of the persons staying at the shelter.
- 6) Residents may not be housed for more than 120 consecutive nights. Upon spending the 120th consecutive night, the resident is required to leave the shelter for a period of 30 days. Under no circumstances shall a resident spend more than a total of 240 nights in the center during a 365-day period.
- 7) The center must be a governmental agency or bona fide charitable association, such as a 501 (c) organization.
- 8) Site shall be at least one-half (1/2) acre in size.
- 9) Site shall not be exclusively served by a seasonal road.
- 10) The Planning Commission may require further conditions or safeguards, in accordance with Section 501(3), (b) and Section 503(3).
- 11) Must be located within the Urban Growth Area, as shown on the current Charter Township of Haring Future Land Use Map, found in the current Charter Township of Haring Comprehensive Master Plan.
- 12) The Planning Commission may require an exclusionary zone or isolation distance from schools or child care facilities in cases where the Commission finds that the type of facility may cause a land use conflict.

CHAPTER 6 - SIGNS AND BILLBOARDS (Ordinance #62)**SECTION 601. INTENT AND PURPOSE**

The intent of this section is to regulate the type, number, physical dimensions, erection and placement of signs in Haring Charter Township. The purpose of these regulations is to:

1. Promote the health, safety and welfare of residents and visitors;
2. Reduce hazardous distractions to motorists, pedestrians, and air traffic;
3. Protect commercial districts from visual clutter and chaos;
4. Protect property values;
5. Provide consistency with the commercial corridor development efforts of neighboring communities; and,
6. Protect the rural character and natural beauty of Haring Charter Township.

SECTION 602. DEFINITIONS

1. Billboard - A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premises signs" and "outdoor advertising."
2. Sign - A sign is any graphic display affixed or applied either directly or indirectly upon a building, structure, or lot, intended to direct attention to any activity, organization or business.
3. Sign Area - The area of a sign shall be computed as the entire area circumscribed by the display surface of the sign, whatever its shape, including frames surrounding the display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as a background and no added decoration or border, the sign area shall be computed as the area of the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a "back to back" sign shall be used.
4. Canopy Sign - A sign which is incorporated into the fabric or material of a canopy which is attached to the exterior wall or

surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining sign area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.

5. Directional Sign - A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" identifying the associated business.
6. Flashing Sign - Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
7. Freestanding Sign - A sign or billboard supported by one or more uprights, braces or pylons located in or upon the ground or to something requiring location on the ground.
8. Ground Sign - A freestanding sign of limited height firmly attached to the ground throughout its base or supported by one or more uprights or braces which are typically less than two (2) feet in height when measured from the ground surface to the base of the sign. Ground signs are also called monument signs.
9. Illuminated Sign - Any sign designed to emit artificial light, or designed to reflect artificial light from any source.
10. Political Sign - Any sign displaying a message and/or image associated with an election, referendum, election campaign or similar event.
11. Portable Sign - Any sign designed to be readily movable and not permanently affixed to a building or the ground. Portable signs include "trailer signs."
12. Real Estate Sign - A sign advertising that the premises upon which the sign is located is for sale, lease or rent.
13. Pylon Sign - A freestanding sign attached to the ground by one or more posts.
14. Wall Sign - A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall, but which may or may not project above the roof or parapet. (See also canopy sign).

SECTION 603. BILLBOARDS

Billboards are permitted only in those areas of the Township which are adjacent to state and/or interstate highways, and which are zoned commercial or industrial. Billboards erected in these areas shall conform to all requirements of the Highway Advertising Act (1972 PA 106; MCL 252.301, et seq.) and the requirements of this Ordinance. The following standards shall apply to all billboards except those located or proposed to be located along the four-lane limited access portions of U.S. Highway 131, within the Township:

1. Maximum Sign Area: A single sided billboard shall have a sign area of no greater than 330 square feet. Double sided billboards shall have a total combined sign area of no greater than 600 square feet.
2. Maximum Height: A billboard shall have a height of no greater than 25 feet, as measured from the ground surface to the lowest point of the sign, including any borders or trim.
3. Minimum Clearance: A billboard shall have a minimum clearance of to (10) feet between the ground surface and the lowest point of the sign.
4. Minimum Setback: A billboard shall have a minimum setback of 25 feet from a public street right of way.
5. Minimum Spacing Standard: A billboard shall not be established within 1,000 feet of another billboard in any direction.

SECTION 604. ZONING PERMIT REQUIRED

Unless a sign is exempt from permit requirements as specified in Section 605, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.

SECTION 605. SIGNS AND ACTIVITIES EXEMPT FROM PERMIT

Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Chapter.

1. Temporary Construction Signs - One (1) construction sign for each street frontage at a construction project, not to exceed thirty-two (32) square feet in sign area per sign. Such signs may be erected no more than thirty (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.

2. Directional Signs - On-premise directional signs, not to exceed five (5) square feet per sign, shall be permitted as a means of directing traffic to parking, loading, customer service or related areas.
3. Political Signs - Political signs shall not exceed twenty (20) square feet in area per sign. Such signs shall be placed only on private property and only with permission of the property owner. Signs must be removed within fourteen (14) days following the election or referendum.
4. Public Signs or Notices - Public signs or notices of Haring Charter Township, Wexford County, the State of Michigan or the United States government may be erected as deemed necessary and appropriate by the unit of government.
5. Real Estate Signs -
 - a) Parcels less than two (2) acres - One (1) non-illuminated real estate sign not to exceed eight (8) square feet in area.
 - b) Non-residential parcels are allowed one (1) non-illuminated real estate sign not to exceed eight (8) square feet in area or one non-illuminated sign per two hundred feet of lot frontage.
 - c) Commercial property over one acre may erect a sign no larger than 32 square feet.
6. Name Plates - One name plate sign per premises not to exceed four (4) square feet in sign area.
7. Home Occupation Signs - One sign per dwelling unit not to exceed five (5) square feet in sign area.
8. Garage or Yard Sale Signs - Two signs not to exceed six (6) square feet in sign area per sign. Signs shall be removed within twenty-four (24) hours after the close of the sale.
9. Retail Fuel Pricing Signs - Retail fuel pricing signs typically displayed by service stations and convenience stores with fuel sales, which indicate the price of fuel. The number of such signs shall be limited to one per street frontage.
10. Corporate Logo Signs - One (1) Corporation logo signs per street frontage, of less than five (5) square feet per sign and independent of other advertising of or messages.

11. Replacing Copy - The replacement or changing of copy on an approved sign does not require a zoning permit. However, if the replacement creates a sign which violates the provisions of this Chapter, it shall be deemed a violation of this Zoning Ordinance and any permit issued for the sign shall be invalidated.
12. Maintenance - Painting, cleaning, light bulb replacement and other normal maintenance or repair of a sign or its supporting structure does not require a zoning permit. However, any structural change or relocation of a sign or its supporting structure **does** require a zoning permit.

SECTION 606. PROHIBITED SIGNS

The following signs are prohibited within Haring Charter Township:

1. Abandoned signs or signs in gross disrepair.
2. Flashing and intermittently illuminated signs, provided however, time and temperature signs and similar signs displaying a bona-fide, non-commercial, public message may be permitted subject to Planning Commission approval.
3. Portable Signs, except on a temporary basis, not to exceed sixty (60) days per calendar year. (See Section 608).
4. Signs, that by their location, construction, configuration or illumination, cause a hazard to pedestrian or vehicular traffic by depriving the pedestrian or driver of a clear and unobstructed view of an approaching intersection or merging traffic.
5. Signs which do not comply with the Building and Safety Codes of Haring Charter Township.
6. Signs, other than public signs or notices, placed in a designated public right of way, unless such placement has been authorized in writing by the public agency having jurisdiction over said right of way. A copy of such written authorization shall be provided to the Township prior to placement of any such sign. Such signs are subject to all other provisions of this Ordinance.
7. Signs imitating or resembling official traffic or government signs or signals.

SECTION 607. GENERAL SIGN STANDARDS

The following standards shall apply to all signs within Haring Charter Township:

1. Illumination, if permitted, shall be by a non-flashing reflective light. Said source of illumination shall be shielded from direct view of adjacent properties.
2. All signs shall be subject to the Building and Safety Codes of Wexford County.
3. All signs shall be set back a minimum of ten (10) feet from all lot lines, except as otherwise required by this Ordinance.
4. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this ordinance, provided however, ground mounted signs shall not exceed ten (10) feet in height.
5. Freestanding signs shall have a minimum clearance of ten (10) feet between the ground surface and lowest point of the sign.
6. No signs shall be placed in required clear vision areas.
7. Excepted as may be allowed under Section 605, no person shall alter, or cause to be altered, any sign or billboard without obtaining a zoning permit.

SECTION 608. PERMITTED DISTRICT SIGNS

1. Agricultural Districts

a) Sign Types

- 1) One (1) on-premise, non-illuminated identification sign per road entrance for subdivision, condominium, or residential planned unit developments. Said signs shall not exceed forty (40) square feet in sign area per sign nor shall the total number of such signs exceed two (2).
- 2) One (1) on-premise, non-illuminated sign displayed on a seasonal basis advertising the sale of produce or Christmas trees to the general public. Said sign shall not exceed sixteen square feet in area and shall be displayed only during the seasonal period of time during which sales occur. The signs shall be removed within fourteen (14) days of the closure of said public sales.

3) Other permitted non-residential uses may have one of the following:

(a) One (1) freestanding sign not to exceed sixteen (16) square feet in sign area per premises; OR,

(b) One wall-mounted sign not to exceed thirty-two (32) square feet.

b) Sign Standards: In addition to the above limitations on sign size, the following standards shall apply to all signs in the Agricultural Districts:

1) Freestanding signs shall be placed a minimum of twenty (20) feet from all lot lines.

2. Residential Districts

a) Sign Types

1) One (1) on-premise, non-illuminated sign per road entrance for subdivision, condominium, or residential planned unit developments. Said signs shall not exceed twenty four (24) square feet in sign area per sign nor shall the total number of such signs exceed two (2).

2) Other permitted non-residential uses may have one of the following:

(a) One (1) freestanding sign not to exceed sixteen (16) square feet in sign area per premises; OR,

(b) One wall-mounted sign not to exceed thirty-two (32) square feet.

b) Sign Standards

1) Signs shall be placed a minimum of twenty (20) feet from all lot lines.

3. Office, Commercial and Industrial Districts

a) Sign Types

1) One (1) freestanding sign per lot or parcel not to exceed one hundred fifty two (152) square feet in area per sign. For lots or parcels that have frontage adjoining more than one public roadway, one sign not to exceed one hundred fifty two (152) square feet in area is permitted along each frontage/public roadway.

- 2) Individual business signs shall not exceed twenty-five (25) percent of the wall area per side of the business to which the sign will be attached.
 - 3) A ground mounted sign may be substituted for a freestanding sign provided said sign shall not exceed ninety (90) square feet in sign area nor more than five (5) feet in height as measured from ground level. In no case shall a ground mounted sign be placed in such a location or fashion as to negatively impact the safety of pedestrians or motorists.
 - 4) One portable sign, subject to Section 606, not to exceed forty (40) square feet provided:
 - (a) The sign must meet required setbacks;
 - (b) The sign shall be properly anchored and wired and shall meet all Wexford County building and safety codes.
 - 5) Pennants and banners may be displayed on commercial property of a retail sales nature provided they are securely anchored to a structure and meet required setbacks.
 - 6) Businesses that use shared parking must use multi-business pylon signs only.
 - (a) Each business within a multi-business area may construct one additional wall sign.
 - (b) Maximum allowable height of pylon sign is 35 feet.
 - (c) Maximum allowable width of pylon sign is 16 feet.
 - (d) Maximum height of individual business pylon sign is 30 feet.
- b) Sign Standards applicable to all signs exempt from permit:
- 1) Freestanding signs shall be placed a minimum of ten feet from all lot lines.

SECTION 609. NON-CONFORMING SIGNS/BILLBOARDS

A non-conforming sign or sign structure existing and in place as of the date of the original enactment of this Chapter may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign

existing on the date of original enactment of this Chapter **SHALL NOT:**

1. Be changed to another non-conforming sign;
2. Be structurally altered so as to prolong the life of the sign or changes its shape, size, location, type or design.

CHAPTER 7 - ADMINISTRATION AND ENFORCEMENT**SECTION 701. RESPONSIBILITIES IN THE ZONING PROCESS**

The provision of this Ordinance shall be carried out by the Haring Charter Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in accordance with the Township Rural Zoning Act (P.A. 184 of 1943, as amended).

1. ZONING ADMINISTRATOR. The Haring Charter Township Board, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

- a) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of them and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant regarding a further course of action. The Zoning Administrator shall maintain a record of all applications, related documentation and resulting Zoning Permits.
- b) **ISSUE WRITTEN DENIAL.** When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant a written denial, stating the reasons for the denial.
- c) **NOTICE OF HEARINGS.** Whenever a Zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare and disseminate hearing notices as required by this Ordinance.
- d) **INSPECTIONS.** For purposes of this Ordinance, the Zoning Administrator shall have the power to make inspections of

any building or parcel as necessary to enforce this Ordinance.

- e) RECORD NONCONFORMING USES. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 2, Section 201.
- f) RECORD SPECIAL USES. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 5.
- g) RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals under Section 703(3). This record shall be consulted whenever interpretation questions arise to determine whether any applicable precedents have been set.
- h) PUBLIC INFORMATION. The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to help the public understand the provisions of this Ordinance. Public awareness and acceptance of this Ordinance should help to maintain compliance with it.
- i) RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five (5) business days, whenever possible, to any complaint alleging a violation of the terms or conditions of this Ordinance or of any permit issued pursuant to it. The Zoning Administrator shall summarize the nature and disposition of recent complaints at each regular Planning Commission meeting.
- j) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in the Ordinance or to vary the terms of this Ordinance.
- k) The Zoning Administrator is authorized to issue notices of violation and/or municipal civil infraction citations for violations of this Ordinance. *(Added by Ordinance #67, 7/5/2003)*

2. PLANNING COMMISSION. The Haring Charter Township Board has previously designated the Township's Planning Commission as the organization to function in the capacity of the Zoning Commission identified in Act 184 of 1943, the Township Rural Zoning Act. The Planning Commission shall be responsible for

the following administrative and enforcement activities under this Ordinance.

- a) SITE PLAN. The Planning Commission shall review Site Plans and issue it's approval, conditional approval or denial of same as provided by Chapter 2, Section 206.
- b) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided by Section 502(6).
- c) REZONING OR AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 703. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.
- d) REVIEW. The Planning Commission shall review Future Land Use Map periodically and update as necessary.

3. ZONING BOARD OF APPEALS

- a) CONTINUATION OF CURRENT BOARD. The Township Board, under the authority of Act 184 of the Public Acts of 1943, as amended, has previously established the Township Zoning Board of Appeals. Upon adoption of this Ordinance, the Zoning Board of Appeals previously created shall continue to function and remain in office, including all members thereof. However, the membership of the Board of Appeals may be increased from three (3) regular members to five (5) regular members upon appointment by the Township Board of new members to the Board of Appeals.
- b) MEMBERSHIP.
 - 1) REGULAR MEMBERS. The Haring Charter Township Zoning Board of Appeals shall consist of three (3) or five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member may be a member of the Township Board, the remaining member shall be

selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

- 2) ALTERNATE MEMBERS. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meeting of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. 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 of the Zoning Board of Appeals.
- c) TERMS OF OFFICE. The terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- d) PER DIEM OR EXPENSES. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- e) RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules function. The Board shall choose its

chairperson, and in the chairperson's absence, an acting chair. **SEE APPENDIX A**

- f) MEETINGS. Meetings shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. Any three (3) members of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- g) RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and are public records.
- h) MAJORITY VOTE REQUIRED. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- i) DECISIONS. The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the date the case was heard by the Board unless a further time is agreed upon by the parties concerned. The Board shall state its reasons for making any decisions, and such reasons shall be made part of the meeting's record. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.
- j) CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. However, if a board member suspects they are in conflict with a issue, the conflict will be brought before the remaining board members at the public meeting. The board members will decide by vote, by using standards of conduct for Township Officials, to determine if a conflict is present.
- k) DUTIES. The Haring Charter Township Board of Appeals shall have the power to act on appeals from administrative actions, requests for variances, and request for interpretation of this Ordinance as provided in Section 703.

4. TOWNSHIP BOARD. On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. Likewise, the Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Board may also act to waive any fee required under the Ordinance.

SECTION 702. ADMINISTRATIVE PROCESSES

1. ZONING PERMIT REQUIRED. The issuance of a Zoning Permit signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place.
 - a) Occupancy and use of vacant land (including parking lot construction).
 - b) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building. (A Zoning Permit must be obtained before a Building Permit may be issued.) When erected at the same time as the principal building, accessory buildings shall not require a separate Zoning Permit. A change in use of a parcel or existing building from one Use by Right in the applicable Zoning District to another Use by Right does not require a Zoning Permit.
 - c) Any use of land or a building which would be identified as a Use by Special Use Permit by the Table of District Regulations in Chapter 3, District Regulations, for the Zoning District in which the parcel is located.
 - d) Any change of nonconforming use or building.
2. APPLICATION FOR ZONING PERMIT. Application for a Zoning Permit shall be made ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.
 - a) APPLICATION FORM. Applicants for a Zoning Permit shall submit a Zoning Application Form with all requested information completely filled in.
 - b) PROPERTY INFORMATION. The Zoning Application form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel

in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.

- c) PLOT PLAN. The Zoning Application form must also be accompanied by a plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed building or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.

- 3. APPLICATION REVIEW PROCESS. On submission of an application for a Zoning Permit, the Zoning Administrator will review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.

- 4. PERFORMANCE GUARANTEE

- a) AUTHORIZATION AND INTENT. The Planning Commission and Zoning Board of Appeals are hereby authorized to require a sum of money by deposited with the Township Treasurer in cash as a guarantee of performance for any conditions attached to approval of Zoning Permits which come before either group. It is intended that a cash deposit will not be required for trivial items, but will be uniformly imposed when items vital to the protection of the health, safety and welfare of the public are concerned.
- b) AMOUNT. The Planning Commission or Zoning Board of Appeals shall specify the amount of any cash deposit when a deposit is to be required. The conditions for which a deposit is required, and the amount of deposit required for each shall be specified in the resolution. The amount should be sufficient to enforce compliance with the specified condition.
- c) FORM OF DEPOSIT. Said deposit may be made by check or money order, payable to the Haring Charter Township

Treasurer. The Treasurer shall hold said sum in escrow in the name of the Township and of the maker of the check.

- d) **USE OF ESCROWEE FUNDS.** If the Zoning Administrator determines that a condition of a Zoning Permit has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Planning Commission that funds escrowed as a performance guarantee for that condition be used to bring about compliance with said condition. At its first meeting after such a recommendation is made, the Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Planning Commissions' review. **ESCROWEE FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE HARING CHARTER TOWNSHIP BOARD.** Said resolution shall direct the Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance with said condition.
 - e) **RETURN OF CASH DEPOSIT.** The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which a cash deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.
- 5. **RECORD MAINTAINED.** The Zoning Administrator shall keep a record of each application for a Zoning Permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.
 - 6. **VALIDITY OF ZONING PERMIT.** A Zoning Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced.
 - 7. **VOIDING OF ZONING PERMIT.** If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of one (1) year from the date the permit was issued, the Zoning Permit is automatically null and void. Any additional

rights associated with the Zoning Permit which have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Zoning Permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township which were to be covered by the guarantee. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

Re-issuance of a Zoning Permit which has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and processed in accordance with Section 702(3).

SECTION 703. AUTHORITY OF THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals may grant variances, hear appeals from administrative actions, and make interpretations of this Ordinance as follows:

1. VARIANCE. Upon a showing of practical difficulty, the Board may grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be considered for a variance. In passing upon variances, the Board may vary or modify the provisions of the Ordinance as authorized above so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done.

1a. PRACTICAL DIFFICULTY STANDARDS. (Added by Ordinance #64)

To determine Practical Difficulty the following standards will be used and a finding for each standard shall be made and so stated in the motion for final variance approval or denial.

- A. Will the strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose? (Whether strict compliance with the restrictions governing setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome).

- B. Will granting the variance be fair to the applicant, or would a lesser variance work just as well? (Whether a grant of variance would do substantial justice to the applicant, as well as other property owners in the district, or whether a lesser relaxation, other than the one applied for, would give substantial relief to the owner of the property and be more consistent with justice to other property owners),
- C. Is the need for the variance due to a situation that is unique to the property and not generally found elsewhere in the same zoning district? (Whether the plight of the owner is due to unique circumstance to the property and not general conditions in the area. Uniqueness includes but is not limited to parcels which are odd in shape, small in size, possess areas of wetlands or other water bodies, contain natural features like bedrock or threatened plant species, or similar circumstances).
- D. If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties?
- E. Has the need for the variance been created by some action of the applicant? (Whether the problem is self-created).

2. APPEALS OF ADMINISTRATIVE ACTIONS. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator. The Board is also empowered to review decisions of the Planning Commission regarding Special Use Permits and Site Plan Review.

- a) REQUESTS FOR APPEALS. An appeal may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than fifteen (15) days after the date of the Zoning Administrator's or Planning Commission's written decision. The request shall be filed with the Zoning Administrator and shall specify the grounds for the review. The Zoning Administrator or Planning Commission shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken. Requests for appeals pursuant to site plan or Special Use Permit denials by the Planning Commission relating to sexually oriented businesses shall be handled in the manner set forth in Section 505.2 of this Ordinance.
- b) STAY. An appeal shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning

Board of Appeals, after an appeal has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

3. INTERPRETATIONS. The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.
 - a) The Board may determine the precise location of the boundary lines between zoning districts
 - b) The Board may classify any activity which is not specifically mentioned in the **Table of District Regulations in Chapter 3** for any Zoning District as a Use by Right or Special Use within at least one Zoning District, providing that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
 - c) The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.
 - d) The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
4. FEES. A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals for the appeal.
5. RULES FOR ZONING BOARD OF APPEALS ACTION.
 - a) PUBLIC MEETING. All meetings of the Zoning Board of Appeals shall be in accordance with the Open Meetings Act

(Act 267 of 1976). At the meeting, a party may appear in person or may be represented by agent or attorney.

- b) INTENT. Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
- c) USE VARIANCE PROHIBITED. No variance, site plan approval, or administrative review may be construed to allow the establishment any use which is not permitted by right or by Special Use Permit in the applicable Zoning District. The Zoning Board of Appeals may only **classify** a use which is not specifically mentioned along with a **comparable** permitted use for the purpose of the use regulations of a zoning district. In exercising the power of administrative review, the Zoning Board of Appeals must **apply, and not vary,** the terms of the Zoning Ordinance.
- d) CONSIDER PROPERTY VALUES. In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.
- e) SINGLE PARCEL. Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
- f) RESUBMISSION. Any request which has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or change conditions are found, the Board may elect to rehear a case.
- g) CONDITIONS. The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Zoning Permit granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed, as specified by Section 702(4).

- h) **ISSUANCE OF PERMIT.** A variance or site plan approval granted under the provisions of this Section becomes a condition of the Zoning Permit granted pursuant to such action. If the Zoning Permit expires as defined by Section 702(6), any rights granted by the Zoning Board of Appeals expire together with the Zoning Permit.
- i) **REQUIRED RECORDS.** The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, appeal, or interpretation must specify the reasoning used by the Board in making the decision, and any condition that may be attached to issuance of a Zoning Permit.
- j) **RECURRENT ISSUES.** If certain conditions are so widespread as to make similar variances a frequent issue for the Zoning Board of Appeals, the Board shall suggest a general regulation for such conditions to be considered by the Planning Commission.

SECTION 704. ENFORCEMENT

1. **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
2. **VIOLATIONS AND PENALTIES.** Violations of any provisions of the Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator.
 - a) **INSPECTION OF VIOLATION.** The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
 - b) **CORRECTION PERIOD.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine necessary and appropriate.
 - c) **ACTION BY TOWNSHIP ATTORNEY.** A violation not corrected within this period shall be reported to the Township Attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Township Attorney, any legal action which the Attorney

deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.

- d) **PENALTIES (Ordinance #60).** Every person, whether as principal or agent, servant, employee or otherwise, including the owner(s), lessee(s) or occupant(s) of any building, structure or premises or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be responsible for a municipal civil infraction, punishable by a civil fine. Each and every day the violation continues beyond the correction period identified by Section 704(2)(b) shall be deemed a separate offense. Additionally, the proper court shall have the power and authority to issue an injunctive order in connection with any violation of this Ordinance.
 - 1) **VIOLATION NOTICES.** A person who, as a result of violating any provision of this Ordinance, receives a municipal civil infraction notice, upon an admission of responsibility thereon, shall pay a civil fine at the Haring Charter Township Municipal Violations Bureau, in the amount provided in Section 5 of Ordinance No. 47, the Haring Charter Township Municipal Ordinance Violations Bureau Ordinance, plus any costs as specified in said Section 5 of Ordinance No. 47.
 - 2) **CITATION/COMPLAINT.** A person who, as a result of violating any provision of this Ordinance, receives a municipal civil infraction citation/complaint, upon an admission or adjudication of responsibility thereon, shall pay a civil fine for each infraction of not less than \$50 nor more than \$500, plus costs, damages, expenses and other sanctions as authorized under Public Acts No. 12, 13 and 14 of 1994, as amended, and other applicable laws.
 - e) **CUMULATIVE RIGHTS AND REMEDIES.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
3. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by the Ordinance are more stringent than any other law or Ordinance, then the provisions of the Ordinance shall govern, **PROVIDED** also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required

by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 705. AMENDMENT.

1. TOWNSHIP BOARD MAY AMEND. The regulations and provisions stated in the text of this Ordinance and boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State.
2. INITIATION OF AMENDMENTS. Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or by option to purchase, in property to be affected by the proposed amendment.
3. AMENDMENT PROCEDURE.
 - a) PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
 - b) RECOMMENDATION. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - c) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Zoning Administrator as specified by Sections 706(1) and (2) and by the following paragraphs.
 - (1) PUBLISHED NOTICE. Notice shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days and

second not more than eight (8) days before the date of the hearing.

- (2) MAILED OR DELIVERED NOTICE. In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change which will affect use of that parcel, notice of the proposed amendment shall be mailed as specified by Section 706(3) and (4).
- d) WEXFORD COUNTY PLANNING COMMISSION. Following the conclusion of the Public Hearing and approval by the Township Planning Commission, the proposed amendment and any applicable zoning district map shall be submitted to the Wexford County Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless such Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.
- e) TOWNSHIP BOARD ADOPTION. Upon receipt of the Wexford County Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission.

The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. Said request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission may be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing, including all information required by Section 706(1), shall be published in a newspaper which circulates in the Township not more than fifteen (15) days nor less than five (5) days before the hearing. Mailed notice of said hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report thereon within thirty (30) days.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

- f) AMENDMENT TO CONFORM WITH COURT DECREE. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.

SECTION 706. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

1. CONTENT. Each notice for any public hearing required by this Ordinance shall include in following information.
 - a) Identification of the applicant, if any.
 - b) Identification of the property which is the subject of the request.
 - c) Nature of the matter to be considered.
 - d) Identification of the public body which will be conduction the public hearing and will decide upon the matter.
 - e) Date, time and place of the public hearing.
 - f) The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.
 - g) Statement of where and when written comments will be received concerning the request.
2. AFFIDAVIT OF MAILING. An affidavit of mailing, identifying all parties to whom notice had been sent, shall be prepared and filed with other material relating to any public hearing prior to the meeting at which the hearing is to be conducted.
3. NOTIFICATION OF RESIDENTS, BUSINESSES OR PROPERTY OWNERS WITHIN 300 FEET. Whenever provisions of this Ordinance require mailing or delivery of public hearing notices to persons who reside, operate a business, or own property within three hundred (300) feet of a certain parcel, the notification list shall be compiled from the last assessment roll and sent and delivered to the following:
 - a) The owner(s) of property for which approval is being considered.
 - b) All persons to whom real property is assessed where any part of their parcel lies within three hundred (300) feet of the boundary of the property in question.

- c) Occupants of all structures where any part of the structure lies within three hundred (300) feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300) foot distance. IF the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.
- 4. NOTIFICATION OF RAILROADS AND PUBLIC UTILITIES. Not less than twenty (20) days notice of any Planning Commission hearing regarding amendment of this Ordinance shall be given by certified mail or delivered to each public utility company servicing the community, at the mailing address identified by each company for the purpose of receiving such notice.

SECTION 707. REVIEW OF SUBDIVISION PLATS.

- 1. ZONING. All plats shall be subject to the use provisions of the Zoning District in which they are located.
- 2. LOT STANDARDS. No proposed plat of a new or redesigned subdivision shall be approved unless the lots within the plat equal or exceed the minimum area, dimension requirements, and all other applicable provisions of this Zoning Ordinance.
- 3. PLAT APPROVAL PROCESS.
 - a) SUBMISSION OF PLAT AND TIMING OF MEETING. When a preliminary or final plat has been submitted to the Haring Charter Township Board for its approval, the Township Clerk shall forward a copy of the plat to the Zoning Administrator. Since the Township Board must act on the final plat within sixty (60) days of submission, the Zoning Administrator must decide if a special meeting of the Planning Commission is necessary to provide a recommendation to the Township Board. If a special meeting is necessary, the Zoning Administrator and Planning Commission Chairperson shall convene such a meeting.
 - b) PLANNING COMMISSION REVIEW AND RECOMMENDATION. The Planning Commission shall review the plat to determine if it complies with all provisions of this Ordinance at an

open public meeting. A public hearing is not required. However, any member of the public wishing to address the Planning Commission regarding the proposed plat shall be permitted to do so. The Planning Commission shall recommend approval of the plat if all requirements of the Zoning Ordinance are met. If any requirements are not met, the Planning Commission shall recommend denial of the plat, and it shall note which requirements were not met.

CHAPTER 8 - DEFINITIONS**SECTION 801. RULES APPLYING TO THE TEXT.**

The following rules of construction shall apply to the text of this Ordinance:

1. The headings which title a chapter, section or subsection of this Ordinance are for the purpose of convenience only and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting any of its terms and provisions in any respect.
2. The illustrations contained within this ordinance are intended to illustrate hypothetical applications of the provisions which refer to them, and shall not have the effect of enlarging or restricting the terms and provisions which refer to them. In the event of any conflict between the provisions of the written text of this Ordinance and the illustrations, the text shall govern.
3. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number and words in the plural number shall include the singular number.
4. The word "shall" is always mandatory and not merely discretionary. The word "may" is permissive.
5. A "building" or "structure" includes any part thereof.
6. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
7. The words "used" and "occupied", as applied to any land, building or structure, shall be construed to include the phrases "intended to be", "arranged to be", or "designed to be" uses or occupied.
8. The words "erected" or "erection" as applied to by building or structure shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
9. The particular shall control the general.

10. Terms not herein defined shall have the meanings customarily accepted.

SECTION 802. DEFINITIONS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

Abutting (lot or parcel) is a lot or parcel which shares a common border with the subject lot or parcel.

Access management (access control) is a technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to property, reasonable is a property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operation.

Accessory building, structure, or use is a building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related including, but not limited to a private garage.

Adjacent (lot or parcel) is a lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store means a commercial establishment that as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video

reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Adult Cabaret means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of audience or customers.

Adult Foster Care Home See "State Licensed Residential Facility".

Adult Motel means a hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture means a commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture is farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

Aisles is the traveled way by which cars and other motor vehicles enter and depart parking spaces.

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

Animal, Wild is any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

Arenas (and Stadiums) are facilities which are used for holding both indoor and outdoor events which are attended by both participants and spectators. Typical activities include exhibitors, sporting events, performances, and fairs and carnivals. Facilities include those intended to accommodate large numbers of spectators, such as bleachers and grandstands. Civic arenas and fairgrounds fit this definition.

Automobile Service Station See "Motor Vehicle Service Facility".

Basement is that portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade

to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 2).

Bed and Breakfast Establishment is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment. Bed and breakfast establishments are not home occupations under this Ordinance, but are rather treated as special uses.

Berm is a mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Billboard is an outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

Board of Appeals refers to the Haring Charter Township Zoning Board of Appeals.

Buffer zone is a strip of land often required between certain zoning districts reserved for plant material, berm, walls, or fencing to serve as a visual barrier.

Building is any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses. This shall include tents or vehicles situated on private property and used for purposes of a building.

Building height is the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 3).

Building line is a horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building, Main (also referred to as Building, Principal) is a building in which the principal or main use of the lot on which it is situated occurs.

Building Setback Line is a line indicating the minimum distance required to be maintained between a street right-of-way and nearest supporting member of any structure on the lot.

Building Supply is a business which may sell any type of materials for use in the construction, maintenance, or repair of buildings. It is characterized by the outdoor storage of products which will not deteriorate as a result of exposure to the elements.

Certificate of zoning compliance is a document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Ordinance.

Child Care Facilities include the following:

1. Family day care home: A private home in which one to six unrelated children are received for care and supervision. There must be at least 400 square feet of outdoor space on the premises or within walking distance. Family day care homes must be registered by the State of Michigan.
2. Group day care home: A private home where from seven to twelve unrelated children are received for care and supervision. There must be at least 400 square feet of outdoor space on the premises or within walking distance. Group day care homes must be licensed by the State of Michigan.
3. Child care center: A facility other than a private home where one or more unrelated children are received for care and supervision. There must be at least 1200 square feet of outdoor play area either on the premises or easily accessible by walking or transportation. Child care centers must be licensed by the State of Michigan. Preschools and nurseries also fit this definition.

Church or Place of Worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary buildings, but shall not include an undertaker's chapel or funeral building. *Churches may include a Child Care Center as an incidental use, provided that the Child Care Center meets the requirements of Chapter 5, Section 505, Table of Special Use Permit Standards. *(Amended by Ordinance #12-79)

Clinic is an establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical

procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

Club is a nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Common land is a parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

Common open space is an unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Comprehensive Master Plan is the Haring Charter Township Comprehensive Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof, as adopted by the Haring Charter Township Planning Commission.

Condominium Act refers to Michigan Act 59 of 1978, as amended.

Condominium, consolidating master deed, is the final amended Master Deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended Master Deed fully describes the condominium project as completed-see also condominium, master deed.

Condominium, contractible is a condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, conversion is a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

Condominium, expandable is a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, general common element means the common elements other than the limited common elements, general common elements are for the use of the co-owners.

Condominium, limited common element means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, master deed is the condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project - see also condominium, consolidating master deed.

Condominium project is equivalent to "Subdivision" as used in this Ordinance and Subdivision Regulations.

Condominium project, mobile home is a condominium project which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium setbacks shall be measured as follows:

Front Yard Setback: The distance between the street centerline and the unit site.

Side Yard Setback: The distance between the limits of the development and the side of a unit or the distance between the sides of any adjacent units.

Rear Yard Setback: The distance between the limit of the development and the rear of the unit or the distance between the rear of any two adjacent units.

Condominium subdivision plan is the site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

Condominium unit is that portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium unit site is the area designating the perimeter within which the condominium unit be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site"

shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Conservation Easement - Conservation easement means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being MCL 324.2140 (*Added by Ordinance #67*).

Construction is the building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

Convenience store with gasoline sales is an establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

Convertible area is a unit or a portion of the condominium referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with the Condominium Act.

Cul-de-sac is a dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

Day care home, family See "Child Care Facilities."

Day care home, group See "Child Care Facilities."

Deceleration lane is an added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Density is the number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments overall maximum unit density calculations shall include MDNR regulated wetland areas and non-MDNR regulated wetland areas, but shall not include floodplain or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

Detention facility is a facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

Development is any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other

structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Drainage ways and streams are existing permanent or intermittent water courses.

Drive through business is a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

Dwelling, multiple family is a building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

Dwelling, single family is a building designed for exclusive use and occupancy as a dwelling unit by one(1) family.

Dwelling, two family is a building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

Dwelling unit is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

Dwelling unit, attached is a dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling unit, detached is a dwelling unit which is not attached to any other dwelling unit by any means.

Easement is a grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

Endangered species habitat is an area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

Erected includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage and the like shall be considered a part of erection.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees

or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential public services is the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

Essential public service building is a building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

Essential public service building storage yard is an outdoor storage area principal or accessory to an essential public service.

Excavation is any breaking of ground, except common household gardening and ground care.

Family

- a) An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or
- b) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transit, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal

nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

Farm A tract of land which is directly devoted to agricultural purposes for growing of cash crops, for greenhouses, for plant nurseries, orchards, aviaries, raising farm animals or farm fowl and having at least ten (10) acres in land area.

Fence is an accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

Filling is the depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

Financial Business is any institution which manages funds on deposit for its customers and/or lends funds to borrowers. This definition includes, but is not limited to, banks, savings and loan institutions, credit unions, stock and bond brokerages, and insurance agencies.

Financial services are establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

Flood or flooding is a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) the overflow of inland waters
- b) the unusual and rapid accumulation or runoff of surface waters from any source

Flood Hazard area is land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM) is an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary-Floodway Map.

Floodplain is any land area susceptible to being inundated by water from any source **(see definition of flood)**.

Floodway in the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

Floor area, usable shall be considered for the purposes of computing parking requirements as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Floor area, gross shall be considered for the purpose of computing the required number of parking spaces, the sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerline of interior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

Floor area, residential shall be considered for the purpose of computing the floor area of a residential dwelling unit, the sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

Foster care home, family is a single-family dwelling occupied as such in which one (1) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Foster care home, group is a single-family dwelling occupied as such in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Frontage is the total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

Frontage road is a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Garage is the part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

Garden center is an establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

General Retail Business is an enterprise which offers products for sale directly to the users of those products for use or consumption elsewhere. Products are not generally made or processed on the premises, but are made and displayed there. Sales are generally transacted within an enclosed building, but the business may include a fenced outdoor display area which occupies up to ten percent (10%) of the floor area of the principal building.

Glare is the effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade, average (mean) is the arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure **(SEE Figure 4)**.

Grade, finished is the lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of a structure.

Grade, natural is the elevation of the ground surface in its natural state, before construction begins.

Greenbelt is a strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

Health Care Institution is a state licensed medical establishment whose facilities provide inpatient accommodation, a wide range of medical and surgical care, and other inpatient health services for sick, ailing or injured person; and including such related

facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

Home occupation is an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Home Sale is a sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, the like.

Hospital See "Health Care Institution."

Hotel or Motel is a building or group of buildings used as individual sleeping or temporary dwelling units, designed primarily for transient use and providing one or more parking spaces for each unit. A "hotel" or "motel" shall include tourist cabins and homes, but shall not include bed and breakfast establishment. A hotel or motel shall not be considered to be a multiple family dwelling. A group of mobile homes, travel trailers, or recreational vehicles shall not be considered a hotel or motel.

Indoor recreation establishment is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

Institutional uses are churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

Junkyard or recycling yard is any land or building used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

Kennel is any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold.

Loading space is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or material.

Lot is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for: minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

Lot area is the total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

Lot area, net buildable is the net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined at areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, MDNR regulated wetlands and non-MDNR regulated wetlands may be included - see definition for density.

Lot, corner is a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees **(See Figure 5)**.

Lot coverage is a part or percent of a lot occupied by buildings or structures.

Lot depth is the arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 6).

Lot frontage is the length of the front lot line.

LOT, INTERIOR is a lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

Lot, line is the line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

Lot lines

- 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 right-of-way **(See Figure 7)**.
- b) Rear lot line: That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to the most distant from the front lot line **(See Figure 6)**.
- c) Side lot line: Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separation a lot from another lot or lots is an interior side lot line **(See Figure 6)**.
- d) In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and

location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.

location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

Lot, non-conforming is a lot of record which does not meet the dimensional requirements of this Ordinance.

Lot of record is a lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through (also called a double frontage lot) is an interior lot having frontage on two (2) more or less parallel streets.

Lot width is the horizontal distance between side lot lines measured parallel to the front lot line at the front setback line **(See Figure 7)**.

Manufactured home is a modular home, residential building, commercial unit, dwelling room or rooms, or a building component which is designed for a long term residential or commercial use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

Master deed. and consolidating master deed- see condominium, master deed.

Medical clinic is an establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

Mini-or self-storage warehouse is a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

Mobile home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home.

Mobile home park is a parcel or tract of land under the control of a person upon which three or more mobile 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 mobile home and which is not intended for use as a temporary trailer park.

Mobile home site or space is a portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

Mobile home subdivision is a platted residential development consisting of mobile homes or single and two family dwellings located on individual, separately-owned lots.

Motel See "Hotel or Motel".

Motor Freight (Truck) Terminal is a facility which is mainly used for shipping and receiving goods which are carried by commercially-licensed freight vehicles for use or sale at some other destination.

Motor home is a self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Motor Vehicle Sales and/or Repair is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pickup trucks, recreational vehicles, or travel trailers; or a business performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission, or suspension systems, glass or upholstery replacement, or the painting or undercoating of other motor vehicles.

Motor Vehicle Service Facility is Any establishment engaged in the direct retail sale of gasoline or other engine fuel, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts, or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans, pickup trucks, or other motor vehicles.

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

Non-Conforming lot of record(Substandard lot) is a lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Non-Conforming Structure is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

Nude Model Studio means any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment

by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nursery, plant material is a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Obscuring screen is a visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

Office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting, bookkeeping, tax preparation, insurance, securities brokerage, executive or management functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, and a base of operations for salespeople. Office activities do not include the storage or display of merchandise.

Offset is the distance between the centerline of driveways or streets across the street from one another.

Off-street parking lot is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Open air business is a retail sales establishment operated substantially in the open air.

Ordinary high water mark is 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 soil, and the vegetation.

Outdoor recreation establishment is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

Parapet wall is an extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel is a lot described by metes and bounds or described in a recorded plat.

Parking space is a designated stall for parking of motor vehicles.

Person means an individual, sole proprietorship, partnership, corporation, limited liability company, or association.

Planned unit development is a form of land development comprehensively planned as entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non- residential uses.

Planning Commission is the Haring Charter Township Planning Commission as duly created under Act 168 of the Public Acts of 1959, as amended.

Plat is a map of a subdivision of land.

Ponds and lakes are natural or artificial impoundments that retain water year round.

Principal building or structure is a building or structure in which is conducted the principal use of the lot upon which it is situated.

Principal use is the main use of which the premises are devoted and principal purpose for which the premises exist.

Principal use, permitted is a use permitted in each zoning district by right.

Private club is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Private road is any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public and semi-public institutional building's, structures and uses are building, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

Public park is any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public open space is any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of governmental agency.

Public place means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public street is a public thoroughfare which affords the principal means of access to abutting property.

Public utility is any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewer disposal, communication, telegraph, transportation or water.

Radioactive materials are materials defined as radioactive under Michigan Department of Natural Resources regulations for transportation of radioactive materials or under Wexford County Health Department regulations, whichever is determined to be applicable.

Recreational vehicle is a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats,

snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Recycling Drop-off Center is a facility which accept clean, source-separated recyclable materials, such as paper, plastic, glass, and metals. A drop-off center does not accept mixed solid waste, and no processing of solid waste occurs at the facility. Drop-off centers do not require an Act 641 license.

Retail store is any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-way is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Roadside stand is a structure for the display and sale of agricultural products (such as fruits and vegetables) with no space for customers within the stand itself. Road side stands are intended for the sale of commodities produced on or near the premises. Roadside stands operate on a seasonal basis, usually during the summer and early fall.

Salvage is material to be used for further use, recycling, or sale.

Salvage yard is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclable.

Satellite dish antenna is a device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive televisions, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

School means a public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Screen is a structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

Service Business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence, or within the building occupied by the service business. Service businesses include personal services, such as hair or skin care, dry cleaning, tailoring, and shoe repair.

Service drive is a drive which generally parallel the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

Setback, required is the required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium, setbacks".

Setback, parking lot is the minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

Sexual Encounter Center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually Oriented Business means a business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; (9) sexual encounter center.

Shopping center is a commercial enterprise which is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

Shoreline is the edge of a body of water measured at the ordinary high water mark.

Sight distance is the length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

Sign - definitions in Chapter 6, Signs and Billboards.

Site condominium - see "condominium unit site."

Site plan is a scaled drawing(s) illustrating existing condition and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provision.

Special land use is a use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

Specified Anatomical Areas are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus 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 completely covered.

Specified Sexual Activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbation, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

Stable, private is a stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one acre of land for each additional horse stabled thereon.

Stable, public is a stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than forty (40) acres.

State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled, or physically handicapped adults who require ongoing supervision, but not continuing nursing care. The licensee must be a member of the household and an occupant of the residence.

Story is a portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.

Street is a public thoroughfare which affords the principal means of access to abutting property.

Structure is anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cart, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.-

Structural Alterations are any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

Substantial improvement is 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, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of the 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 (1) 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 (2) any alteration of a structure listed on the National Register of Historic Places of the State Inventory of Historic Places.

Temporary building, structure or use is a building, structure or use permitted to exist during period of construction of the principal building, structure, or use.

Use is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Undeveloped State - Undeveloped state means a natural state preserving natural resources, natural features, scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include golf courses but may include recreational trails, picnic areas, playgrounds, greenways or linear parks. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public (*Added by Ordinance #67*).

Variance is a relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 184 of the Public Acts of 1943, as amended.

Vehicle is any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Vehicle repair or storage establishment See "Motor Vehicles Sales and/or Repair."

Veterinary Clinic is a building, or any portion thereof, used for the treatment of animals.

Warehouse is an enclosed building which is mainly used for the storage of non-hazardous goods and materials for eventual use elsewhere. No manufacturing, assembly, packaging, or retail sales take place at a warehouse. Warehouses are typically used in conjunction with some other business activity, such as a wholesale business, motor freight terminal, or building supply business.

Mini-warehouse or self-storage warehouses are not included in this definition.

Waste or Waste material is any amount of material commonly referred to as and including the following: garbage, rubbish, ashes, sludges, solid industrial and commercial waste, animal feces and remains, and demolished construction material.

Wetland is land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which otherwise conforms to the definition of a "wetland" as set forth in MCL 324.30301, as amended (*Amended by Ordinance #67*).

Wetland, regulated is certain wetlands regulated by the Michigan Department of Natural Resources under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- a) Contiguous to an inland lake or pond, or a river or stream;
- b) Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- c) Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner...pa

Wholesale Business is an enterprise which buys and/or repackages products for sale to retail businesses. The inventory of a wholesale business is stored within an enclosed building.

Yard

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

Front yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard **(See Figure 6)**.

Rear yard: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building **(See Figure 6)**.

Side Yard: A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard **(See Figure 6)**.

Zoning Act is Michigan Act 184 of 1943, as amended.

Zoning Administrator is an individual appointed by the Haring Charter Township Board delegated to administer the Haring Charter Township Zoning Ordinance.

Zoning Board of Appeals is the Haring Charter Township Zoning Board of Appeals created under Act 184 of the Public Acts of 1943, as amended.

Zoning District is a portion of the incorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of the Ordinance.

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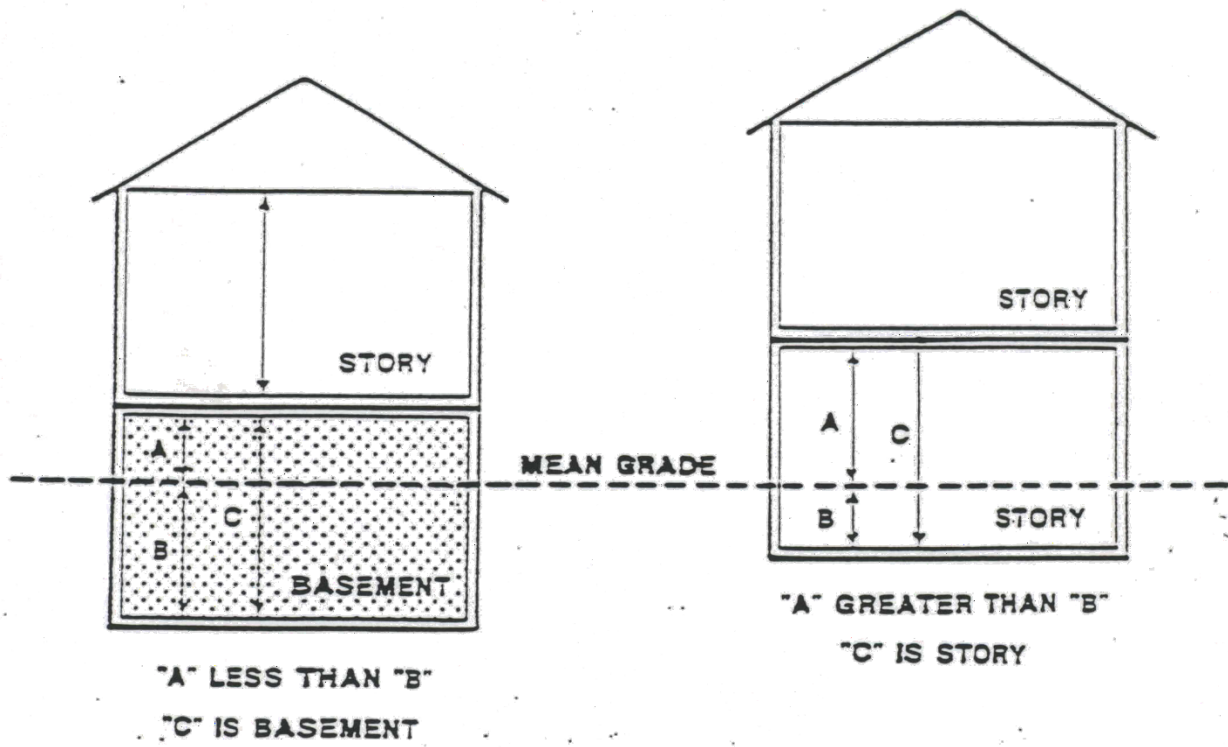
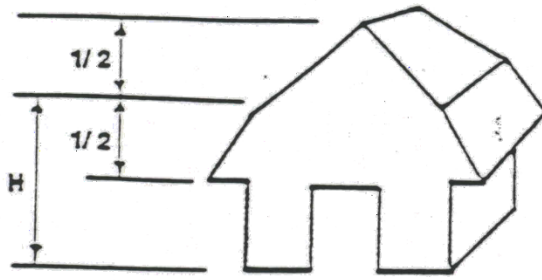
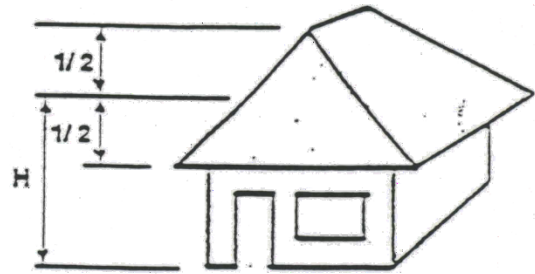
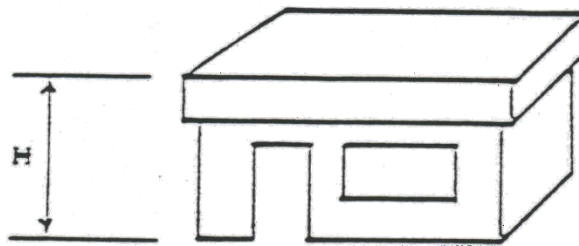
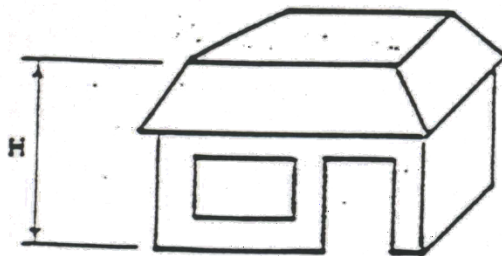
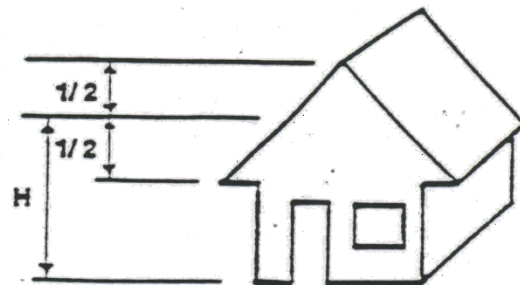
FIGURE 2 - BASEMENT AND STORY

FIGURE 3 - BUILDING HEIGHTS**GAMBREL ROOF****HIP ROOF****FLAT ROOF****MANSARD ROOF****GABLE ROOF**

120

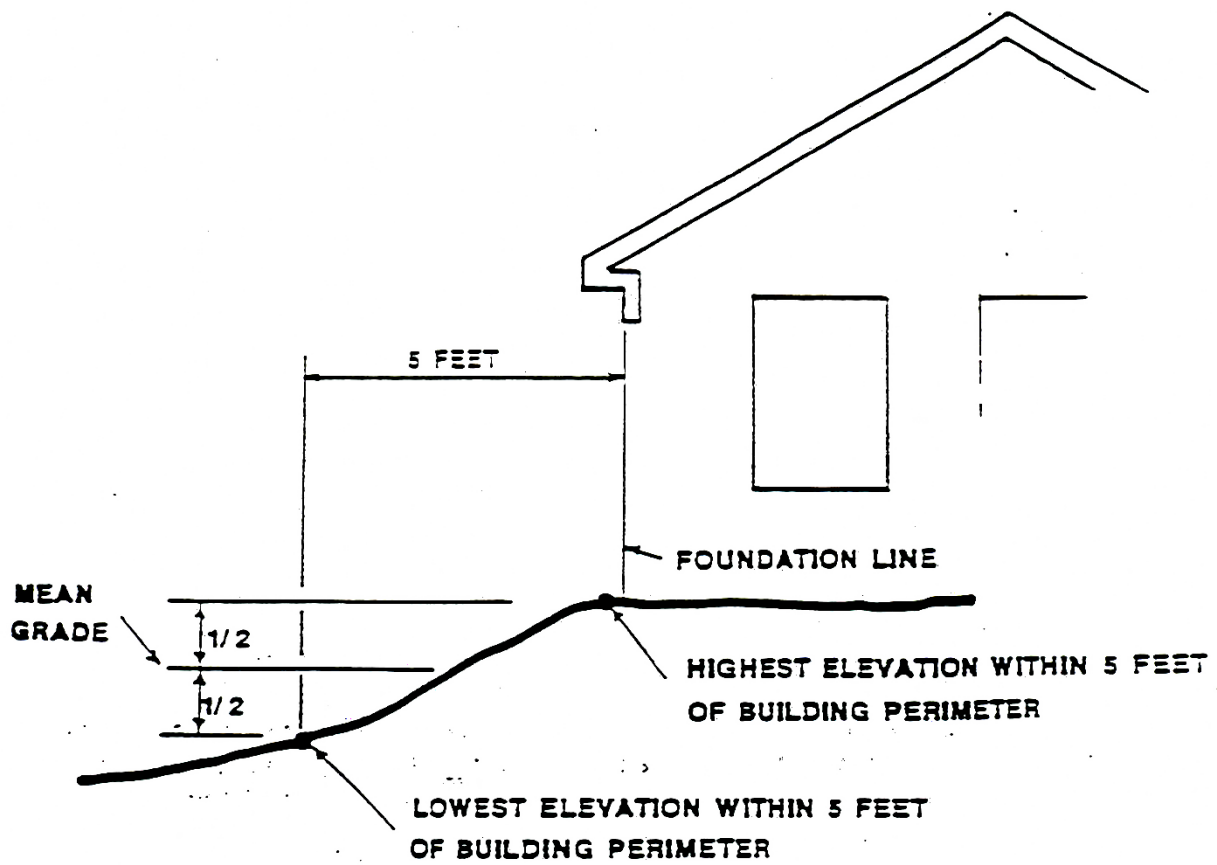
FIGURE 4 - MEAN GRADE

FIGURE 5 - CORNER LOT

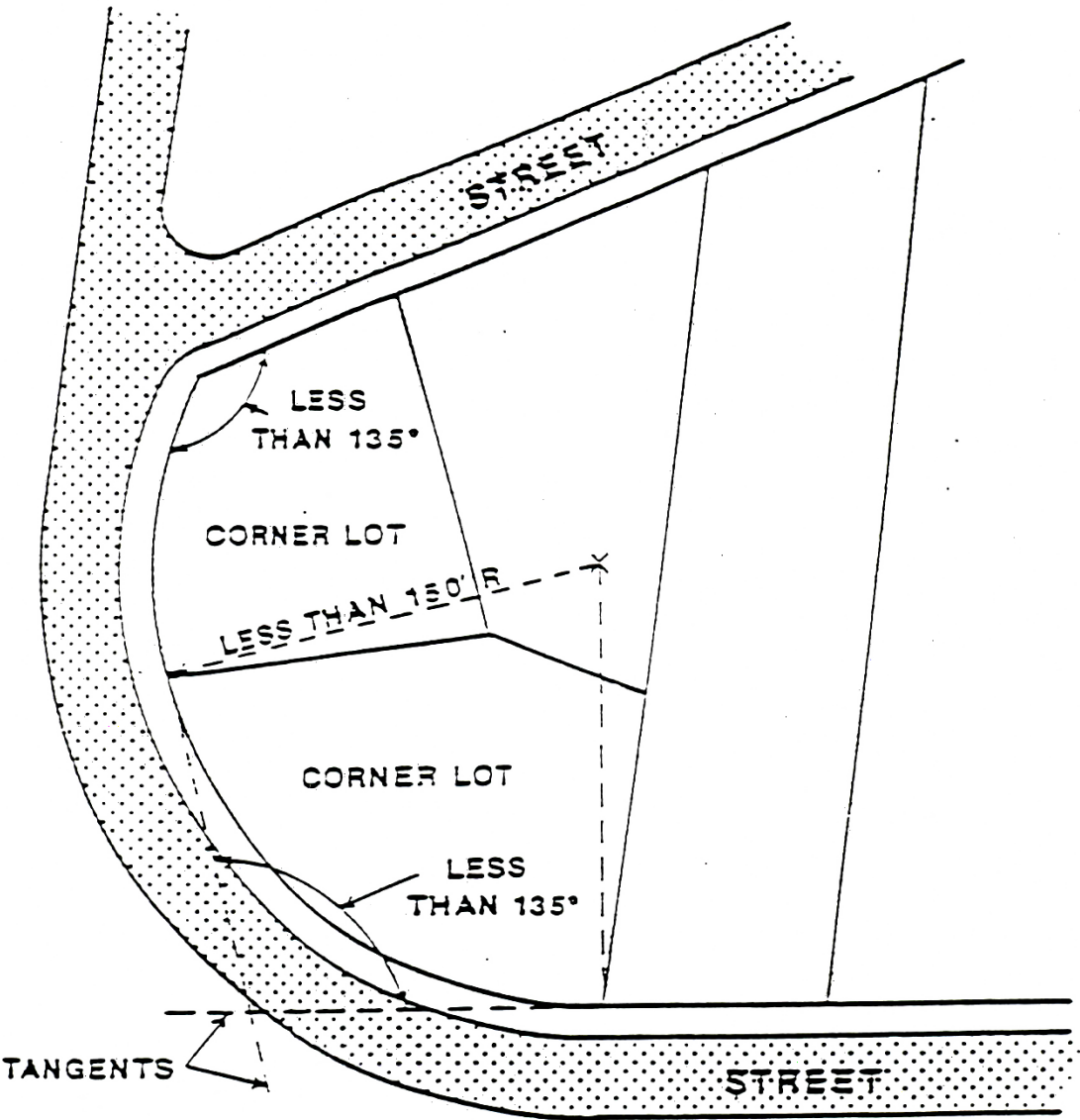


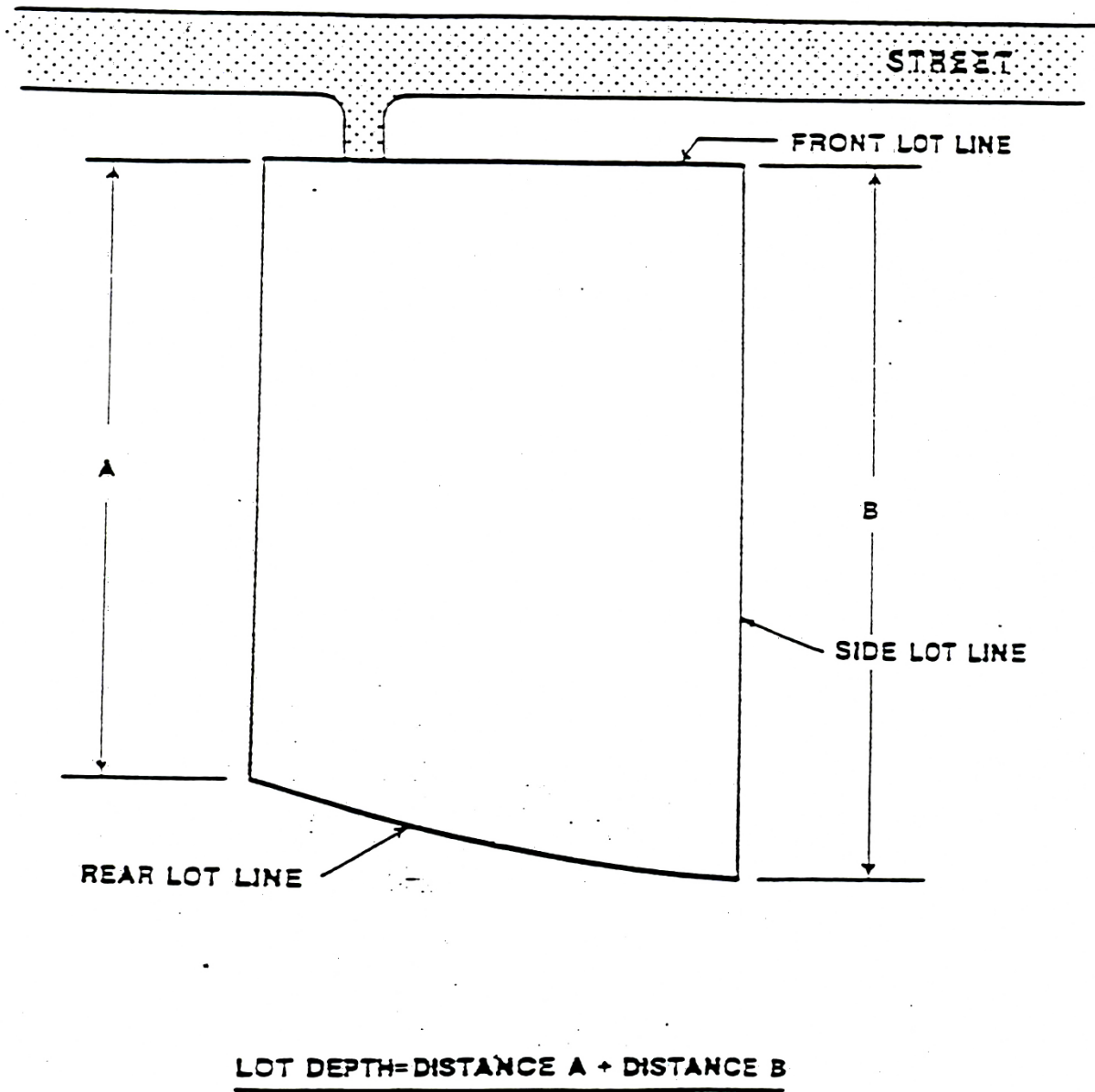
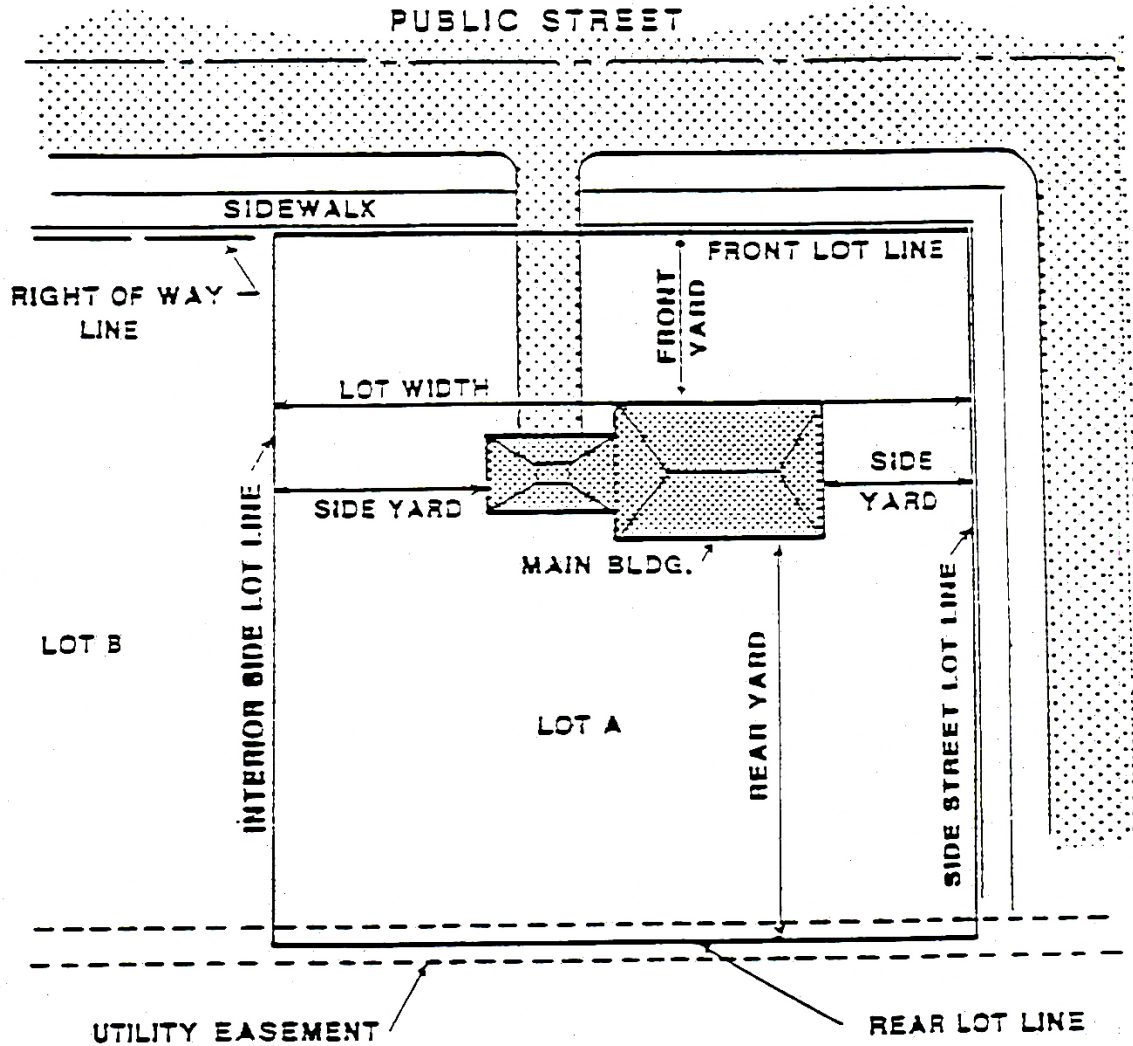
FIGURE 6 - LOT DEPTH

FIGURE 7 - LOT LINES AND YARDS



APPENDIX A**CHARTER TOWNSHIP OF HARING
ZONING BOARD OF APPEALS****RULES OF PROCEDURE (ZBA APPEALS)**

Authority - These rules of procedure are adopted to the authority conferred upon the Haring Charter Township Board of Appeals by Chapter 7, Section 701(3)(e) of the Haring Charter Township Zoning Ordinance (Ordinance No. 45), as amended.

Appeals from administrative decisions and/or decisions of the Haring Township Planning Commission brought before the Zoning Board of Appeals (ZBA) shall be heard pursuant to the following procedures:

- R1. **Chairperson** - The Chairperson of the ZBA shall preside over appeals brought before the ZBA. If the Chairperson is absent or disqualified from consideration of any matter, the remaining members of the ZBA shall, by majority vote, appoint a Chairperson Pro Tem to serve on that occasion in lieu of the regular Chairperson.
- R2. **Opening Statements** - The party appealing a decision (appellant) and the party supporting a decision (appellee) or their representatives shall each make an opening statement, concisely stating the issue to be considered and summarizing evidence to be adduced in support of their respective positions. Appellant shall give the first opening statement to be followed by the appellee.
- R3. **Presentation of Evidence** -
 - a. **Cases in Chief.** Appellant shall introduce testimonial or other evidence in support of its position, subject to evidentiary rules set forth below. Appellant shall present its case first, followed by Appellee who may then present evidence in support of its position.
 - b. **Rebuttal.** Appellant and Appellee may present evidence in rebuttal of the opposite party's case in chief. Rebuttal evidence should be presented and received only in response to matters raised by a party in its case in chief.
 - c. **Sur-Rebuttal.** New evidence in response to a party's rebuttal may be allowed at the discretion of the Chair to the extent deemed necessary to insure development of a complete record. Again, new matters should not be raised.

- R4. **Closing Statements** - After proofs are concluded, the appellant and appellee or representatives may each make a closing statement, summarizing evidence presented and stating how the evidence supports their respective positions. Appellant has the option to give the first closing statement.
- R5. **Evidentiary Rules** - All evidence received shall be subject to the following rules:
- a. Witnesses shall swear or affirm that their testimony shall be true.
 - b. The Michigan Rules of Evidence shall not apply.
 - c. Relevant, material and competent evidence shall be received.
 - d. The chairperson shall rule on objections as to relevance, competence and materiality of evidence.
 - e. The chairperson may exclude evidence that is cumulative, immaterial or not relevant to the issue before the ZBA.
 - f. Each party or representative may cross-examine the other party's witnesses.
 - g. Individual members of the ZBA may cross-examine any witness.
 - h. Each party may redirect, subject to re-cross by the other party.
 - i. Witnesses may be permitted to testify in narrative fashion at discretion of the Chair.
- R6. **Exhibits** - All exhibits shall be marked for identification purposes.
- a. Appellant's exhibits shall be designated numerically. (e.g.; 1-10)
 - b. Appellee's exhibits shall be designated alphabetically (e.g.; A-Z)
- R7. **Proposed findings** - At the conclusion of proofs, each party may submit proposed findings of fact and conclusions of law, in writing, for consideration by the ZBA.

R8. Amendment - Additions, deletions, amendments or modifications of these rules may be made by a majority vote of all the members of the ZBA.

Adopted: August 26, 2002

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CLERK CERTIFICATION**ORDINANCE ADOPTION**

STATE OF MICHIGAN

COUNTY OF WEXFORD

I, Robert Raden, Township Clerk of the Charter Township of Haring, Wexford County, Michigan, DO HEREBY CERTIFY that the annexed is a true and correct copy of all proceedings of the Township Board of said Charter Township, with reference to the adoption of Zoning Ordinance No. 45 of May 12, 1997.

I, FURTHER CERTIFY that a summary of the foregoing Ordinance was published as appears by proof thereof on file in my office in the Cadillac Evening News, a newspaper circulated in the CHARTER TOWNSHIP OF HARING, WEXFORD COUNTY, on the 23rd day of May, 1997; and that all of said proceedings were regular and in accordance with all legal requirements.

Dated: May 24, 1997

Robert Raden, Township Clerk

John Long, Township Supervisor

Public Hearing Date:

Planning Commission
9/10, 9/17, 10/08, 1996
4/08/1997.
Township Board
5/12/1997.

First Reading:

4/14/1997

Adopting by Township Board:

5/12/1997

Effective Date:

Date of PublicationPublication of Notice of Adoption 5/23/1997

HARING TOWNSHIP ZONING MAP