

FAWN RIVER TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

Fawn River Township Zoning Ordinance
(Ordinance No. 18, as amended)

Adopted Date: April 14, 1986

Effective Date: April 24, 1986

Current through Ordinance No. 44

November, 2010

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	Short Title and Purpose	1
II	Construction of Language	3
III	Definitions	4
IV	General Provisions	20
V	Nonconforming Uses, Buildings/Structures and Lots	39
VI	Parking and Loading Spaces	43
VII	Signs	49
VIII	Classification and Use Districts	53
IX	"AG" Agricultural District	54
X	Single Family "R-1" Residential District	57
XI	Multiple Family "R-2" Residential District	58
XII	Mobile Home Park "RMH" Residential District	60
XIII	"R-L" Lake Residential District	62
XIV	"C-1" Local Commercial District	64
XV	"M-1" Manufacturing District	67
XVI(A)	Table of Lot, Yard and Area Requirements	70
	Footnotes to Article XVI	70
XVI(B)	Table of Uses	72
XVII	Accessory Buildings/Structures and Accessory Uses	75

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
XVIII	Special Exception Uses	78
	Flow Diagram for Special Exception Use Requests	103
XIX	Site Plan Review	105
XX	Planning Commission Membership, Administration and Enforcement of Zoning Ordinance Violation and Penalties	112
XXI	Zoning Board of Appeals	115
	Flow Diagram for Variance and Other Requests Going Before the Zoning Board of Appeals	120
XXII	Amendments and District Changes	121
	Flow Diagram for Amendments to Zoning Text and Map	122
XXIII	Separability and Repeal	123
APPENDIX A	Classification of Lands	128
APPENDIX B	Illustrations of Ordinance Terminology	135
APPENDIX C	Suggested Zoning Map Screen and Color Guide	144

(In accordance with Ordinance 44, effective November 26, 2010 and Ordinance No. 41, effective March 24, 2009, the Zoning Commission/Zoning Board is now a Planning Commission).

FAWN RIVER TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 18

ADOPTED: APRIL 14, 1986

EFFECTIVE: APRIL 24, 1986

An ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Fawn River pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended, Act 110 of the Public Acts of 2006, known as the "Michigan Zoning Enabling Act", as may amended, and any other applicable laws; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this ordinance; to establish a Zoning Board and Zoning Board of Appeals; to prescribe penalties for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF FAWN RIVER,
ST. JOSEPH COUNTY, MICHIGAN,

ORDAINS:

ARTICLE I - SHORT TITLE AND PURPOSE

- 1.1 SHORT TITLE. This ordinance shall be known as the Zoning Ordinance of the Township of Fawn River.
- 1.2 PURPOSE. The Zoning Districts established by the ordinance and the regulations specified for each such district have been developed in accordance with the continuing formulation of a Comprehensive Plan for the physical development of Fawn River Township as a part of St. Joseph County. In their application and interpretation, the provisions of this ordinance shall be held to be minimum requirements adopted to promote the public safety, health, morals and general welfare. Among other purposes, these provisions are designed to conserve and protect lands, water and other natural resources in the Township for their most suitable purposes; to protect productive agricultural lands for

agricultural uses; to reduce hazards to life and property from flooding and air and water pollution; to secure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid undue concentration of population by regulating and limiting the density of use of land; to lessen congestion in the public highways and streets; to facilitate the economical provision of adequate streets and highways, educational and recreational facilities, sewerage, drainage and water supply systems while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of Fawn River Township.

- 1.3 SCOPE. It is not intended by this ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto. Where this ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this ordinance shall control.

ARTICLE II
CONSTRUCTION OF LANGUAGE

2.1 The following rules of construction apply to the text of this ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply; and,
 - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE III

DEFINITIONS

3.1 DEFINITIONS. For the purpose of this ordinance certain terms and words are herewith defined:

1. Accessory Building/Structure: A subordinate building or structure, on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.
2. Accessory Use: A use naturally and normally incidental and subordinate to a principal use on the same premises.
3. Agricultural Production: The raising, harvesting and selling of crops and forage; the feeding, breeding and sale of livestock and the products thereof; and any other bona fide agricultural, aquacultural, horticultural, floricultural, or viticultural enterprise. This term shall be deemed to include the regular repair and maintenance of farm equipment used on the farm premises. This term shall be deemed to exclude any agricultural-related use which is otherwise specifically defined in this Ordinance, and shall also be deemed to exclude rendering plants, commercial fertilizer production facilities, and garbage feeding or disposal activities (other than those involving the disposal of farm-related wastes generated on the premises).
4. Alley: A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
5. Alter (or alteration of, building): A change in the supporting members of a building, or an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another.

6. Automobile Service Station: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.
7. Automotive Sales Area: An area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, boats, trailers, farm equipment or similar equipment.
8. Automotive Repair Shop: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.
9. Basement: A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.
10. Bed & Breakfast Facility: A use which is subordinate to the principal use of a single family dwelling in which transient guests are provided a sleeping room and board in return for compensation for a period not to exceed seven days.
11. Billboard or Signboard: Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.
12. Boarding House or Rooming House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.

13. Building: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.
14. Building Code/Township Building Code: The nationally recognized model building, construction, plumbing and electrical code(s) duly adopted by the Fawn River Township Board.
15. Building Inspector: The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.
16. Building/Structure Setback Line: The line which pertains to and defines those minimum building and structure setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building or structure shall project or be located, except as otherwise provided for by this ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.
17. Building, Main or Principal: A building in which is conducted the principal use of the lot upon which it is situated.
18. Building/Occupancy Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.
19. Child (Family) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which 1-6 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.

20. Child (Group) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended, (MCLA 722.111 et seq), in which 7-12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.
21. Child Day Care Center: A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center is not, however, intended to include any of the following:
- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
 - B. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
22. Communication Tower: Radio, television, microwave, or similar transmission receiving or relay tower for commercial use, including multiple lease or use by customers other than the owner.

23. Convalescent or Nursing Home: A facility licensed pursuant to Article 17, Part 213 (MCL 333.21301 et seq) or Part 217 (MCL 333.21701 et seq) of the Michigan Public Health Code that provides organized nursing and/or personal care to the aged or persons suffering or convalescing from illness, injury or infirmity. This term is not intended to include foster care facilities as defined in this Ordinance, hospitals, any kind of correctional facility, or any facility for the care of violent, psychotic, or other mentally ill patients.
24. Dwelling or Residence: A building, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy- saving earth sheltered homes which are either:

- (1) Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run; or,
- (2) Constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.6 of this ordinance.

- A. Dwelling, Multiple-Family: A building containing three or more dwelling units.
- B. Dwelling, Single-Family: A building containing only one dwelling unit designed for residential use.

- C. Dwelling, Two-Family: A building containing two dwelling units designed for residential use.
 - D. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities and cooking facilities for not more than one family.
25. Earth Removal and Commercial Excavation: The digging and/or screening and washing of soil, sand, gravel, rock, minerals, clay, or other earthen material from a land surface for a commercial, manufacturing or industrial purpose other than the improvement, development, grading and selling of land; but not including any asphalt manufacturing or concrete or cement manufacturing operations, except as allowed by this Ordinance.
26. Essential Services: The erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, electrical substations or gas regulator stations, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety, or general well fare (not including buildings other than those which are primarily enclosures or shelters of the above essential service equipment).
27. Family: One or more persons related by blood, marriage, or adoption, including those related as foster children or servants, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary and resort-seasonal in character or nature.
28. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a Home Occupation as defined and regulated in this Ordinance).

29. Farm: Any parcel of land containing at least ten (10) acres which is used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.
30. Farm Buildings/Structures: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
31. Filling: The depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.
32. Floor Area:
 - A. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. This definition shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition), but shall not include any space devoted to off-street parking or loading, or areas of utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed), attached garages, or basements, except as indicated above.

- B. Floor Area, Usable: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more (see Appendix B illustrations entitled "Structural Terminology" and "Floor Area Terminology").
33. Flood Plain: All areas adjoining a lake, stream, river, creek or channel, which are subject to overflowing at the 100 year flood plain level, as approved by the Michigan Department of Natural Resources.
34. Foster Care Facility:
- A. Foster Care (Small Group) Facility: A residential facility licensed by the state pursuant to 1979 Public Act 218, as amended (MCLA 400.701 et seq), or 1973 Public Act 116, as amended (MCLA 722.111 et seq), which provides resident services, supervision and care for 6 or fewer persons 24 hours a day.
- B. Foster Care (Large Group) Facility: A residential facility licensed by the state pursuant to 1979 Public Act 218, as amended (MCLA 400.701 et seq), or 1973 Public Act 116, as amended (MCLA 722.111 et seq), which provides resident services, supervision and care for 7-20 persons 24 hours a day."
35. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.
36. Greenhouse: An enclosed structure used as a facility for the production and wholesale and/or retail sale of bedding plants.
37. Health Department: The Branch-Hillsdale-St. Joseph County Health Department.
38. Height, Building: The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a

terrace, the height may be measured from the average ground level of the terrace at the building wall (see Appendix B illustration entitled, "Building Height Requirements").

39. Home Occupation: Any occupation or activity carried out for gain and conducted as an accessory use in a residential dwelling unit, including instruction in a craft or fine art, subject to the conditions and limitations set forth in Section 4.31 of this Ordinance.

40. Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.

41. Junk Yard: Any place where the storing, dismantling, wrecking, and disposition of junk is carried on, including automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials. This term does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance, and also does not include the non-commercial storage of inoperable vehicles and farm equipment in conformance with Section 4.22 of this ordinance.

42. Kennel: The housing or keeping of five or more dogs and/or cats on a lot or in a structure, for any purpose whatsoever, either permanently or temporarily, excluding not more than one litter per year of less than four months of age.

43. Lot: A parcel of land with frontage on a public street, or on a private road as may be allowed by this Ordinance, and separated from other parcels by legal description, deed, or subdivision plot; and also including a zoning lot, as defined in this Ordinance, and in such cases the outside perimeter of the group of lots or portions of lots shall constitute the lot boundary lines.
 - A. Lot, Area: The total horizontal area within the lot lines of a lot.
 - B. Lot, Corner: A lot situated at the intersection of two (2) or more streets.
 - C. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.

- D. Lot, Interior: A lot other than a corner lot with one (1) lot line fronting on a street.
- E. Lot, Lake: A lot having frontage directly upon a lake, natural or man-made, river, pond, or other artificial impoundment of water.
- F. Lot, Lines: Any line dividing one (1) lot from another and thus constituting property lines bounding a lot.
- G. Lot Line, Front: That portion of a lot abutting the right-of-way of a public street (or the right-of-way of a lawful private road, in the case of a lawfully established conforming or nonconforming lot abutting such a private road); except that the front line of a lake lot shall be that portion of the lot abutting the water. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Building Permit or Zoning Compliance Permit.
- H. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.
- I. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- J. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for St. Joseph County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.
- K. Lot, Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

- L. Lot, Zoning: One or more contiguous lots or portions of lots in single ownership, where the grouping of such lots for zoning purposes is required or allowed by this Ordinance.
-
- 44. Mobile Home: A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equaling or exceeding eight feet in width and 35 feet in length, and not motorized or self-propelled. A unit such as prefabs, modulars, or a pre-cut unit which requires being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which are non-movable after erection, shall not be considered a mobile home, if same complies with the Township Building Code and the provisions of this ordinance.
 - 45. Mobile Home Park: A specifically designated parcel of land designed and developed to accommodate three (3) or more mobile home sites for residential use (also known as a trailer court or trailer coach park).
 - 46. Mobile Home Site: A plot of ground within a mobile home park designed to accommodate and support one (1) mobile home. It is not the same as a building lot.
 - 47. Modular, Prefab, Pre-cut or Sectional Home: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a site-built residence.
 - 48. Non-Conforming Use, Building/Structure or Lot of Record:
 - A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
 - B. Non-Conforming Building/Structure: A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. setbacks, height, lot coverage, parking) of this ordinance in the zoning district in which it is located.

- C. Non-Conforming Lot of Record: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).
49. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.
50. Office, professional: buildings or rooms in buildings used for office purposes by members of any generally recognized profession.
51. Open Air Business Uses:
- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - B. Retail sale of fruit and vegetables.
 - C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
 - D. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, rental or repair services.
 - E. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.
52. Parking Area, Off-Street: An area (not utilizing any portion of a public street right-of-way) providing vehicular parking spaces along with adequate drives and aisles.
53. Parking Space: An area for each automobile or motor vehicle; such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.
54. Permitted Use: A use listed as a permitted use in Articles IX through XV is recognized as a use of land and buildings which is harmonious with other such uses which may lawfully exist within the same zoning district. A permitted use is subject to the various applicable provisions of this Ordinance, but is otherwise considered to be a lawful use not requiring special or extraordinary controls or conditions.

55. Principal Building: A building in which is conducted the principal use of the lot upon which it is situated. May also be referred to as "main building".
56. Principal Use: The main, primary or predominant use of a lot.
57. Private Road: A private right-of-way for vehicular access to abutting properties which has been lawfully established in accordance with this Ordinance any other applicable ordinances of Fawn River Township, and any other applicable county or state laws, rules and regulations.
58. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.
59. Public Utility Service Facility: Gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures.
60. Recreational Outdoor Facility, Commercial: A facility providing athletic or other outdoor recreational use on a commercial basis, including golf driving range, miniature golf, baseball batting cage, skating rink, or other similar and compatible outdoor recreational use, with such similarity and compatibility to be determined, if necessary, by the Zoning Board of Appeals.
61. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term includes folding campers, truckmounted campers, and motor homes, but does not include mobile homes.
62. Recreational Vehicle Campground: A recreational oriented facility for the overnight or short term use of recreational vehicles and tents, including a year-round residence for the facility owner/operator; may also be known as a recreational vehicle park.
63. Retaining Wall: A permanent solid barrier of brick, stone, wood or other opaque material approved per the building code, intended to enclose an area.
64. Roadside Stands: A temporary or permanent building operated for the purpose of selling only produce raised on said premises by the proprietor of the stand or his family.

65. Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as the owner so elects, or as may otherwise be lawfully required by the Township to render the property buildable in conformance with this Ordinance, and in such cases the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.
66. Setback: The minimum horizontal distance required to exist between the front line of the building, including steps or enclosed porches, and the front street or right-of-way line. The required setback area is that area encompassed by the respective lot lines and setback lines (see Appendix illustration entitled "Lot Terminology").
67. Sign: Any device other than billboards or signboards using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall NOT be included:
- A. Signs not exceeding one (1) foot square in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - B. Flags and insignia of any government, except when displayed in connection with commercial promotion; Legal notices, identification, informational, or directional signs erected or required by governmental bodies; Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
 - C. Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
 - D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
 - E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
68. Sign, Area Surface: The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

69. Sign, Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
70. Special Exception Use: A use listed as a special exception use in Articles IX through XV of this Ordinance is recognized as possessing characteristics of such a nature (relative to location, design, size, public utilities needs, and other characteristics) as to necessitate prior Zoning Board authorization and compliance with various standards in order to safeguard the general health, safety and welfare of the community, as set forth in Article XVIII of this Ordinance.
71. Street (or Road): A dedicated public right-of-way, other than an alley, over which the public has the right of vehicular access.
72. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
73. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches and intended for swimming. (See Section 4.33 of this Ordinance.)
74. Variance: A modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the individual property on which the variance is granted.
75. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, lying in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and

unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein.

- A. Front: An open space extending across the full width of a lot between the front lot line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.
 - B. Rear: An open space extending across the full width of a lot between the rear lot line and the nearest line of a building, porch or projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building, porch or projection thereof.
 - C. Side: An open space extending on each side of the lot from the required front yard to the required rear yard. The width of such yard shall be the shortest distance between the side lot lines and the nearest point of a building, porch or projection thereof.
76. Yard, Side-Rear-Front: A general term applied to the space on a lot or parcel, which lot or parcel contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building (see Appendix B illustration entitled "Lot Terminology").
77. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.
78. Zoning Board: The statutory Zoning Board established pursuant to 1943 Public Act 184, as amended; provided that the Fawn River Township Zoning Board in existence on July 1, 2006 shall thereafter continue and be known as the Fawn River Township Zoning Commission, and shall continue to perform its duties and exercise its powers and jurisdiction as provided by law and this Ordinance until such time as the Fawn River Township Board creates a Planning Commission and transfers the powers and duties of the Zoning Board/Zoning Commission to the Planning Commission under applicable law. The term "Zoning Board" wherever it is used in this Ordinance shall therefore mean "Zoning Commission" beginning July 1, 2006.
79. Zoning Compliance Permit: An authorization issued by the Zoning Administrator indicating that the proposed use and location of a building or structure conforms with the pertinent provisions of this ordinance, including the setback and yard requirements.

This page reserved for expansion.

ARTICLE IV

GENERAL PROVISIONS

- 4.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.
- 4.2 RESTORING UNSAFE BUILDINGS: Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.
- 4.3 BUILDING PERMITS: No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the regulations set forth herein and the Township Building Code. (In the event of a conflict, the Township Building Code shall be controlling). A building permit shall not be issued where public sewers are not available until all required permits have first been obtained from the County Health Department and/or the Soil Conservation Service of the United States Department of Agriculture.
- 4.4 ZONING COMPLIANCE PERMITS: A building or structure which is exempt from a building permit requirement pursuant to the Township Building Code shall not be constructed, enlarged, altered, moved, reconstructed, occupied, or otherwise used in whole or in part until a zoning compliance permit or other sufficient comparable form of approval has been issued by the Zoning Administrator/Building Official, certifying that the location of the building or structure, and the intended use thereof, is in compliance with the provisions of this Ordinance.
- 4.5 USED DWELLINGS: All the dwelling standards in Section 4.6 of this Ordinance apply to a used dwelling which is to be installed in the Township. A building permit shall be obtained for any used dwelling proposed to be installed in the Township. A certificate indicating that the dwelling complies with all pertinent building and fire codes shall be submitted with the application for a building permit. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development, the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54, as may be amended.

4.6 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of Article XVI for the applicable zone district, and shall have a minimum floor to ceiling height of 7.5 feet;
2. It shall have a minimum width or depth of 24 feet for at least 24 continuous feet of the length of the dwelling;
3. It shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and all applicable state regulations. In the case of a mobile home, the mobile home shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code;
4. No exposed towing mechanisms, undercarriage, wheels, or chassis shall be permitted. Any space that exists between the foundation/ground and the ground floor of the dwelling shall be fully enclosed by a solid, permanent extension of the foundation wall along the perimeter of the dwelling, constructed of poured concrete, concrete block, brick, metal, vinyl, or other material which is aesthetically compatible with other dwellings in the area. If the dwelling is on a slab-type foundation the slab shall consist of approved materials and shall be at least four (4) inches in thickness, with footings in accordance with the Township Building Code;
5. The dwelling shall be connected to a public sewer and water supply or to private sewer and water facilities approved by the County Health Department;
6. The dwelling must contain permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires the same;
7. All additions of rooms or other areas shall be constructed with an appropriate foundation and permanent attachment to the principal structure;

8. The dwelling and all additions or other areas shall comply with all pertinent building and fire codes. In the case of mobile homes, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, promulgated at 24 CFR 3280, and in compliance with such amended standards as may from time to time be promulgated. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Township Building Code, then, and only in that event, the less stringent federal or state standards or regulations shall apply. In addition, all dwellings shall meet or exceed applicable roof snow load and strength requirements.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state law pertaining to such parks.

- 4.7 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements.
- 4.8 PRINCIPAL USE: No lot may contain more than one principal building provided that groups of apartment building or retail business buildings under single ownership shall be deemed a principal use collectively.
- 4.9 ACCESSORY BUILDING: No accessory building may be built upon any lot on which there is no principal building, except under the following conditions:
 1. Farm accessory buildings shall not be subject to the above restriction.
 2. Accessory buildings for the storage of building materials and equipment shall not be subject to the above restriction where a building permit has been obtained for the construction of a principal building on a lot.
 3. Adjoining lots in single ownership may be considered one lot.

4. In the "AR-L" Lake Residential District, where an owner has a lot across the street right-of-way from his principal building, construction of an accessory building on the lot may be approved by the Zoning Administrator, provided its location conforms to Article XIII of this ordinance.
- 4.10 DWELLING ON REAR OF LOTS: No dwelling shall be constructed, altered or moved in the rear of a building situated on the same lot, nor shall any building be constructed in front of a dwelling situated on the same lot.
- 4.11 MIXED OCCUPANCY: Before issuing a building permit for any premises intended for use as a combination of dwelling and commercial occupancy or where an increased number of dwelling units would result from a proposed alteration, the Zoning Administrator shall request a report from the County Health Officer as to any hazards that exist or may be expected to exist from the proposed use, together with his recommendations for any additional provisions or alterations necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.
- 4.12 Yards: Every lot shall provide front, rear and side yards as required for the zoning district in which it is located. All front yards shall face upon a Street or a lawful Private Road as provided by this Ordinance, except that in the case of a lake lot the portion of the lot abutting the water shall be the front yard. A yard or other open space provided around any building for the purpose of complying with the requirements of this Ordinance shall not be considered as a yard or open space for any other building. See Article XVI of this Ordinance for the yard and other lot and area requirements for the various zoning districts.
- 4.13 CORNER LOTS: Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on both abutting streets.
- 4.14 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone, other than the "C-1" Local Commercial District where no yard space is required, no fence, structure or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.
- 4.15 DOUBLE FRONTAGE LOTS: In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit.
- 4.16 REQUIRED AREA OR SPACE: No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this ordinance, unless said lot, yard, parking area or other space is restricted so that no dwelling can be placed upon it. If already less than the minimum required, it shall not be further divided or reduced.

- 4.17 WALLS AND FENCES: Retaining walls and fences are permitted in the required yards of all zones. Walls and solid fences of not more than six feet in height are permitted in side or rear yards in any zone and well maintained wire protective fencing without height limitation is permitted in all yards in all zones. The provisions of Section 4.14 must be met in all instances.

Provided further that all supporting members, posts, stringers, braces, pilasters or other construction features shall be located and placed on the inside wall away from public view. The wall shall be painted in one color only and no advertising shall be placed thereon.

- 4.18 HEIGHT EXCEPTIONS: The height limitations of all zoning districts may be exceeded by the following structures: flag poles, chimneys, farm structures, non-commercial television and radio antennas, monuments, cupolas, steeples, spires or other ornamental projections, water towers, or fire towers. In the Manufacturing zone parapet walls, smokestacks, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and roof structures for other necessary appurtenances are also permitted above the height limitations provided they are located at least the same distance as their height from any adjoining property lines.

- 4.19 TEMPORARY PERMITS: The Zoning Administrator may issue special temporary permits for the following temporary uses as regulated herein; provided that all such uses shall be terminated and removed within 30 days after expiration of said permit:

1. Temporary Dwelling on Site of Construction of Permanent Dwelling: A mobile home may be used as temporary living or working quarters for up to 180 days while a dwelling is being constructed on the same premises. A reasonable extension may be granted prior to completion of the dwelling. A temporary mobile home approved under this subsection is not required to comply with the minimum gross floor area or minimum width/depth requirements generally applicable to all dwellings pursuant to Section 4.6 of this Ordinance, but shall have a gross floor area of at least 900 square feet and shall otherwise fully comply with the dwelling standards in Section 4.6 and all other applicable requirements in this Ordinance.
2. Temporary Dwelling for Short Term Employment: The use of an individual mobile home as a temporary dwelling may be approved in the "AG" district for a period of up to 90 days for persons having short term or temporary employment within the Township, provided that the permit shall only be valid for one designated site and no mobile home may be parked in a required front yard space. A temporary mobile home approved under this subsection is not required to comply with the minimum gross floor area or minimum width/depth requirements generally applicable to all dwellings pursuant to Section 4.6 of this Ordinance, but shall have a gross floor area

of at least 900 square feet and shall otherwise fully comply with the dwelling standards in Section 4.6 and all other applicable requirements in this Ordinance.

3. Construction Site Storage Building: The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor, or architect's identification signs in connection with a construction project may be authorized by the Zoning Administrator for a period up to 12 months.
 4. Temporary Office for Housing Project: A temporary occupancy of a dwelling in a new subdivision to be used as a sales and management office may be authorized by the Zoning Administrator for a period of up to 12 months.
 5. Temporary Dwelling for Designated Relatives of Permanent Dwelling is not included in this subsection; please refer to Section 9.3 of this Ordinance. (Amended by Ordinance No. 44, adopted on November 8, 2010).
- 4.20 ESSENTIAL SERVICES: Essential services may be located in any zone following the review and approval of a site development plan by the Zoning Administrator prior to the issuance of a building permit. Before approving such site plan said agency shall determine that all aspects therein conform to the requirements of this ordinance and that the physical layout and relationship of improvements will provide for the convenience, safety and welfare of the general public and will not adversely affect existing or potential adjacent primary permitted uses; provided, however, that the repair, maintenance or replacement of existing essential services in residential zones shall not be subject to this provision.
- 4.21 SEWER AND WATER: Where municipal utility services are available, no building or occupancy permit shall be issued for any building to be occupied for human purposes unless provisions have been made to install public sewers and water service to such buildings. In the absence of public sewer and/or water, no building or occupancy permit shall be issued for any building to be occupied by human beings in whole or in part for residential, commercial, industrial or recreational purposes unless adequate provisions have been made for a safe water supply and sewage system. Evidence of compliance with the requirements of the Health Department shall accompany the application for a building permit.
- 4.22 JUNK/REFUSE: (deleted)
- 4.23 FLOOD PLAIN: A public record of flood plain areas of lakes, major rivers and their branches and tributaries as shall be determined from time to time by an engineer or agency designated by the County Board shall be kept in the offices of the Zoning Administrator. No building for human occupancy shall be erected, or hereafter occupied, if vacant, beyond a period of 90 days, in flood plain areas.

4.24 GREENBELT PRESERVATION: In order to preserve water quality in rivers and streams and to prevent deterioration of these resources and their tributaries, lands and land uses abutting or adjoining rivers or streams shall conform to the following provisions:

1. No building permit for any construction, or authorization for any grading, lot or subdivision in preparation shall be granted until it is first determined that any removal of ground cover conforms to the Sedimentation and Erosion Control Regulations enforced by the County of St. Joseph.
2. No septic tank drainfield may be closer than 100 feet to the water's edge and shall conform to all regulations of the Health Department in placement and design.

4.25 CHANNELIZATION: There shall be no new channelization on lakefront properties which would increase the numbers of lake users and, therefore, substantially increase the dangers of polluting or degrading the water quality of the lake. Any alteration of any shoreline or stream shall conform to all rules and regulations of the Michigan Department of Natural Resources.

4.26 SITE PLAN REVIEW: (See Article XIX).

4.27 KEEPING OF ANIMALS: The keeping of animals in the various zoning districts is regulated by the applicable provisions of this Section, and except as specifically allowed herein animals shall not be possessed, kept or raised on any premises in Fawn River Township for any hobby, pleasure, commercial, or other purpose.

1. Definitions: For purposes of this Section the following words and terms shall have the designated meanings:
 - A. Animal: Any live non-human species of mammal, and any species of reptile, amphibian, insect or bird.
 - B. Domestic Animal: Any live animal of a species indigenous to the State of Michigan and not a wild animal or farm animal, including dogs and cats, and also including birds, non-poisonous snakes and lizards, non-poisonous insects, and rabbits, kept as household pets.
 - C. Exotic Animal: Any live animal of a species not indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part exotic animal.
 - D. Farm Animal: Any live animal (other than a domestic animal) of a species customarily and normally kept as livestock on a farm; and also any other animal other than dogs, cats, exotic animals and wild animals, raised for commercial profit or slaughter.

- (1) Large farm animals: cows and other bovine, horses and other equine, hogs and other swine, sheep and goats and other ovine, and other livestock animals of comparable size.
 - (2) Small farm animals: chickens and other poultry, turkeys, ducks, geese, and rabbits, and other livestock animals of comparable size.
- E. Wild Animal: Any live animal of a species indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part wild animal.
2. Exotic Animals: Exotic animals are not allowed upon any premises in any zoning district, except in the following situations:
 - A. A public zoo, or educational exhibition sponsored by a governmental entity.
 - B. A bona fide licensed circus.
3. Wild Animals: Wild animals are not allowed to be kept or raised upon any premises in any zoning district, except in the following situations:
 - A. A public zoo, or educational exhibition sponsored by a governmental entity.
 - B. A bona fide licensed circus.
 - C. A veterinary clinic lawfully providing professional veterinarian services to a wild animal in need of those services.
 - D. Pursuant to a possession permit issued by the Michigan Department of Natural Resources authorizing temporary non-commercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.
4. Domestic Animals:
 - A. Agricultural Zoning District: In this zoning district domestic animals are allowed as follows:
 - (1) Not more than a total of 4 domestic dogs, cats or rabbits are allowed as an accessory use to a dwelling on the premises; plus the litters of same in excess of the limit, for not more than 6 months after birth.
 - (2) Caged domestic birds, caged non-poisonous snakes and lizards, caged insects, and other caged small domestic

animals (such as hamsters, mice and guinea pigs) are also allowed as an accessory use to a dwelling on the premises.

- (3) A Kennel involving 5 or more dogs or cats is allowed in the "AG" Agricultural District as a special exception use (see Section 9.3 and Article XVIII of this Ordinance).
- (4) Domestic animals are also allowed in the same situations designated for wild animals in Section 4.27.3 of this Ordinance.

B. Residential Zoning Districts: In these zoning districts domestic animals are allowed as follows:

- (1) Not more than a total of 4 domestic dogs or cats are allowed as an accessory use to a dwelling on the premises; plus the litters of same in excess of the limit, for not more than 6 months after birth.
- (2) Caged domestic birds, caged non-poisonous snakes and lizards, caged insects, and other caged small domestic animals (such as hamsters, mice and guinea pigs) are also allowed as an accessory use to a dwelling on the premises.

C. Commercial and Industrial Districts: In these zoning districts domestic animals shall not be kept on any premises, except as follows:

- (1) Not more than 3 confined guard dogs are allowed on any non-residentially used premises.
- (2) Domestic animals are allowed as an accessory use to a dwelling on any premises lawfully used for residential purposes, as designated in Section 4.27.4.B. of this Ordinance.
- (3) Domestic animals are also allowed in the same situations designated for wild animals in Section 4.27.3 of this Ordinance.

5. Farm Animals:

A. "AG" Agricultural District: In this zoning district farm animals are allowed as follows:

- (1) The raising of farm animals is a permitted use.

(2) Riding Stable is a special exception use (see Section 9.3 and Article XVIII of this Ordinance).

B. "R-1" Single Family Residential District, "R-2" Multiple Family Residential District, "RMH" Mobile Home Park Residential District, AR-L@ Lake Residential District, "C-1" Local Commercial District, and "M-1" Manufacturing District: In these zoning districts farm animals are not allowed except as follows:

(1) In conjunction with a Veterinary Clinic, which is allowed in the "C-1" Local Commercial District as a permitted use.

(2) In conjunction with a Kennel, which is allowed in the AC-1" Local Commercial District as a special exception use (see Section 14.3 and Article XVIII of this Ordinance).

(3) In conjunction with a Veterinary Clinic or Kennel as permitted uses in the AM-1" Manufacturing District.

(4) In conjunction with a Slaughterhouse and/or meat processing facility, which is a special exception use in the AM-1" Manufacturing District (see Section 15.3 and Article XVIII of this Ordinance).

4.28 OPEN AIR BUSINESSES: When permitted in a Commercial or Agricultural District, open air businesses shall be subject to the following regulations:

1. The minimum area of the site shall be 10,000 square feet;
2. The minimum street frontage shall be 100 feet;
3. Where the site abuts property in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line;
4. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property;
5. Roadside stands, as defined by this ordinance, shall not involve a structure of more than one story in height, with a maximum length of 20 feet, and set back a minimum of 35 feet from the roadway right-of-way. A roadside stand conforming with this provision shall not be deemed a commercial activity, so long as such a use does not provide a commercial character to land which would otherwise be zoned and used for agricultural purposes.

4.29 EXCAVATION OF TOPSOIL: Topsoil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the

premises except when in connection with construction and grading operations, the topsoil is in surplus amounts, or as a product of authorized excavation of muck, peat, sand, gravel or other mineral deposits. All such activities shall conform to the sedimentation and erosion control regulations enforced by St. Joseph County, and shall be undertaken in compliance with Section 4.30 of this ordinance.

- 4.30 DEMOLITION OF STRUCTURES, AND REMOVAL OF SOIL, SAND, CLAY, GRAVEL OR SIMILAR FILLING MATERIALS: From and after the effective date of this ordinance it shall be unlawful for any person, firm, corporation, partnership or other organization or entity to demolish any structure, except accessory buildings and former accessory buildings, and structures incident to the use for agricultural purposes of the land on which the structure is located, without first procuring a permit therefore from the Zoning Administrator.

From and after the effective date of this ordinance it shall be unlawful for any person, firm, corporation, partnership or other organization or entity to strip any topsoil, sand, clay, gravel or similar material, or use lands for filling within the area of Fawn River Township, without first submitting an application for site plan review to the Township Planning Commission, and procuring a permit therefore from the Zoning Administrator.

1. Notwithstanding the foregoing, no permit will be required for excavations or filling for building construction purposes pursuant to a duly issued building permit under the Township Building Code.

Further, a permit to fill or remove soil from an area not to exceed 20,000 square feet or two lots of record in area may be approved and issued by the Zoning Administrator without application to the Planning Commission, provided the following information is submitted to the Zoning Administrator in writing:

- a. The names and addresses of the owners of the property at issue, and the persons or contractors responsible for the filling or removing activities;
 - b. Legal description and plot plan of property showing dimensions of area to be filled or removed from, and the proposed finished elevation level;
 - c. Type of material to be deposited.
2. Only approved material shall be used as fill, including sand, soil, clay, dirt, stone, brick and concrete, and all such materials shall be leveled off with a minimum of six inches debris-free top cover suitable for the growing of turf within six months of the permit issuance date.

3. When a permit is required, a permit application for each site shall be made in writing to the Zoning Administrator and shall contain, when applicable, the following information as a condition precedent to the obligation of the Zoning Administrator to consider such permit request:
 - a. The names and addresses of the parties of interest in the subject premises, setting forth their legal interest in said premises;
 - b. Full legal description of the premises where operations are proposed;
 - c. A detailed statement as to exactly what type of machinery and equipment will be used, and the estimated period of time that the proposed operations will take;
 - d. A detailed statement as to exactly what type of material is proposed to be removed or deposited;
 - e. A topographical survey map showing the existing grades and final proposed post-operations grades, to be prepared by a registered civil engineer;
 - f. Such other information as may be reasonably required by the Zoning Administrator or Zoning Commission to make a determination as to whether a permit shall be issued or not.

A separate permit shall be required for each separate site, and a permit application fee shall be paid with the application, according to a fee schedule adopted by the Township Board.

4. Where site plan review is required prior to the issuance of a permit, the Planning Commission shall conduct a public hearing concerning the application therefor. After reviewing all the information submitted by the applicant and such other information as may be in the hands of the Planning Commission, the Planning Commission shall make a recommendation at or following the public hearing as to whether the permit application shall be approved or disapproved. The permit shall be issued in the event the Planning Commission determines that the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of the citizens of Fawn River Township.
5. A permit shall be valid for six months, or such lesser time as may be established by the Planning Commission; provided, however, that demolition of structures, including filling and leveling of ground and removal of all debris, shall be completed within 30 days from the date of issuance of the permit therefore, or such greater or lesser time as may be established by the Planning Commission.

4.31 HOME OCCUPATIONS: A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein;
2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners;
3. The dwelling shall not have any exterior evidence, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling;
4. The occupation shall be clearly incidental and secondary to the residential use of the building.
5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot; and,
6. The home occupation shall not utilize more than 35% of the gross floor area in the single unit dwelling.

4.32 PRIVATE ROAD DEVELOPMENT:

1. "Overlay" Special Exception Use: Notwithstanding any other provisions of this Ordinance, in any zoning district where residential development is allowed a lot without the lot width/frontage on a public street required by this Ordinance may be considered a conforming buildable lot for residential development purposes if it has the required lot width/frontage on a private road established and approved as set forth herein. Such private road development is an "overlay" special exception use in all such zoning districts pursuant to the provisions of this Section, the provisions of Article XVIII governing special exception uses generally, and Article XIX governing site plan review.
2. Application and Process:
 - A. A special exception use application for a private road shall comply with Section 18.2 of this Ordinance, and shall also specifically include the following:
 - (1) A written description of the proposed development to be served by the private road.
 - (2) A site plan complying with Article XIX of this Ordinance, and a detailed construction plan including a diagram of the

"Standard Cross Section and Layout" prepared and sealed by a registered civil engineer. The construction plan and/or site plan shall also specifically show the proposed location of the private road, all existing or proposed lots adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein. (Notwithstanding the foregoing, a diagram of the "Standard Cross Section and Layout" shall not be required to be submitted as part of the application for a private road proposed to serve 1-3 dwelling units.)

- (3) A Maintenance Agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefitted lots. Such property owner maintenance agreement, and any revised version of same required by the Planning Commission, shall be in recordable form and shall provide that the obligations thereunder run with the benefitted lots.
- (4) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Fawn River Township and St. Joseph County from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of the proposed private road, and shall extend to the successors and assigns of said lot owners.

B. The application form and all required application materials shall be reviewed by appropriate Township officials for administrative completeness. An administratively complete application shall be processed and reviewed by the Planning Commission required by Section 18.2 of this Ordinance; provided, that if the Planning Commission determines that the applicant has met the standards for approval, the approval shall be considered a "tentative" approval unless and until the Zoning Administrator gives final approval pursuant to subsection 6 herein.

3. Review Standards: The Planning Commission shall review and decide all special exception use applications for a private road pursuant to the generally applicable standards for reviewing special exception uses in

Section 18.3 of this Ordinance. The Planning Commission shall also review the application and supporting materials to determine whether the proposed private road can and will be constructed and maintained as required by subsection 4, 5 or 6 herein (whichever is applicable).

4. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for One-Three Dwelling Units:
 - A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
 - B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
 - C. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
 - D. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the St. Joseph County Road Commission and the St. Joseph County Drain Commissioner.
 - E. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with stabilized road material, graded parallel to the road surface and extending into the front ditch slope. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches.
 - F. All permits required by the St. Joseph County Road Commission and other County/State permits shall be obtained.
 - G. The private road shall be named and signed as requested by and in coordination with the St. Joseph County Road Commission and the St. Joseph County Sheriff's Department, and pursuant to all applicable regulations administered by the County Land Resource Centre or other County agency.
 - H. Upon construction the private road shall be properly maintained.
5. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for Four-Fifteen Dwelling Units:

- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be designed and constructed to accommodate vehicle speeds of at least 15 mph.
- D. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods. Side ditches shall have a three on one front slope and a one on two back slope at 0.5% grade minimum. Ditches shall outlet into a cross culvert or drainage course.
- E. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the St. Joseph County Road Commission and the St. Joseph County Drain Commissioner.
- F. The private road shall have a road bed of at least 18 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDSH 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a sand sub-base of at least 12 inches. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches. The roadway shall have a maximum grade of 10%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting public street for a distance of at least 50 feet from the center line of the street.
- G. The end of a private road shall include a cul-de-sac with a minimum radius of 30 feet constructed herein as required for the roadway; provided, however, that the Planning Commission may waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.
- H. All permits required by the St. Joseph County Road Commission and other County/State permits shall be obtained.

- I. The private road shall be named and signed as requested by and in coordination with the St. Joseph County Road Commission and the St. Joseph County Sheriff's Department, and pursuant to all applicable regulations administered by the County Land Resource Centre or other County agency.
 - J. Upon construction the private road shall be properly maintained.
6. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for more than Fifteen Dwelling Units:
- Subsections 5A.-J. are hereby incorporated by reference, with the following exceptions and changes:
- (1) The private road shall have a road bed of at least 22 feet in width, plus a gravel or grass shoulder of at least 3 feet in width on each side of the required road bed.
 - (2) The private road shall be designed and constructed to accommodate vehicle speeds of at least 25 mph.
 - (3) The Planning Commission may require the roadway to be paved.
 - (4) The end of a private road shall include a cul-de-sac with a minimum radius of 50 feet constructed herein as required for the roadway; provided, however, that the Planning Commission may decrease or waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.
7. Certification of Construction/Inspection Fee: Upon completion of construction of the private road the applicant for special exception use approval shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed in accordance with the approved site plan and construction plan, and the tentative approval of the Planning Commission. The certification shall be accompanied by such reasonable inspection fee as may be established by the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from the Township Engineer as may be necessary. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. (Notwithstanding the foregoing, the certification of a registered civil engineer shall not be required with respect to a private road proposed to serve 1-3 dwelling units; the completion of such private road in accordance with the approved site plan and construction plan shall be verified by inspection of the Zoning Administrator or designee). The Planning Commission's tentative approval of the private road shall be

considered final upon the Zoning Administrator's verification of the following:

- A. The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
 - B. Proof of recording in the records of the St. Joseph County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
 - C. Proof that the applicant has furnished the location and description of the completed private road to the St. Joseph County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
8. Issuance of Building Permits: Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road.
 9. Driveway Access to Private Road: Lots with frontage on both a private road and a public street shall have their driveways for ingress and egress intersect only the private road.
 10. Maintenance and Repair Responsibility: All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefitted lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the St. Joseph County Road Commission shall have no responsibility for an approved private road, unless and until such private road is constructed to the standards of the St. Joseph County Road Commission and accepted by said Commission as a dedicated public street.
 11. Prior Nonconforming Private Roads/Conforming Private Road Upgrade: Any existing lawfully created private road/drive shall not be extended or expanded to serve additional lots unless such private road is approved by the Planning Commission as provided herein. In addition, a private road approved pursuant to the requirements of this Ordinance for 1-3 or 4-15 dwelling units shall not be extended or otherwise made available to serve more than the approved number of dwelling units unless the road is upgraded and approved by the Planning Commission for such expanded use pursuant to the special exception use process set forth herein.
- 4.33 SWIMMING POOLS: Private swimming pools are permitted in all districts, but shall comply with the following regulations:
1. No swimming pool shall be emptied in any manner that will cause water to flow upon another lot or be emptied on any adjacent land or roadway.

2. The swimming pool shall not be closer than 8 feet to any side or rear lot line, and no part of any pool shall be constructed within the front yard or a required side street side yard.

ARTICLE V

NONCONFORMING USES, BUILDINGS/STRUCTURES AND LOTS

- 5.1 SCOPE OF REGULATIONS: This Article governs lawfully established nonconforming uses, buildings, structures, and lots, and nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of an unlawful use, building/structure or lot.
- 5.2 CONTINUATION OF NONCONFORMING USE AND BUILDING/STRUCTURE: Except where specifically provided to the contrary, and subject to the provisions of this Article, a use, building/structure or lot which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance then on the effective date of such amendment, may be continued even though such use, building/structure or lot does not conform with the provisions of this ordinance or applicable amendment thereof. A change in the ownership, tenancy or occupancy of a use, building/structure or lot shall not affect such continuation rights.
- 5.3 EXPANSION OF NONCONFORMING USE OR BUILDING/STRUCTURE: A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless:
1. such expansion, extension, enlargement or alteration is, by itself, in conformity with the provisions of this ordinance and does not aggravate the existing nonconforming condition; or,
 2. such expansion, extension, enlargement or alteration is authorized by the Zoning Board of Appeals pursuant to Article XX of this Ordinance and upon a showing that the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or building/structure.
- 5.4 REPAIR, MAINTENANCE AND RESTORATION OF NONCONFORMING USE OR BUILDING/STRUCTURE: Such ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or building/structure in sound condition, or as may be required to conform with law, may be made provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of the building/structure. If a nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% or more of its fair market value at the time of such damage or destruction the building/structure shall not be repaired or otherwise restored or reconstructed except in conformity with this ordinance. Where such damage or destruction is less than 50% of the fair market value of the building/structure at the time of such damage or destruction the building/structure may be repaired or otherwise restored and reconstructed so as to be not more nonconforming than at the time of the damage or destruction. Any such reconstruction right shall be

considered terminated by abandonment if reconstruction is not started within one year from the time of the damage or destruction.

- 5.5 SPECIAL RULE FOR REPLACEMENT OF NONCONFORMING SINGLE FAMILY DWELLING: Notwithstanding the provisions of Section 5.4 of this Ordinance, a single family dwelling that is nonconforming by reason of floor area and/or width/depth may be replaced by a single family dwelling that is not less nonconforming than the dwelling that is destroyed or otherwise removed from the lot, provided that any such replacement dwelling must comply with all other dwelling standards set forth in this Ordinance and all other applicable requirements of this Ordinance.
- 5.6 CHANGE OF NONCONFORMING USE: A nonconforming use shall not be changed to any other nonconforming use except as may be authorized by the Zoning Board of Appeals pursuant to Article XX of this Ordinance, and upon a finding that the proposed new use will substantially decrease the degree of nonconformity and be more compatible with adjacent uses than the prior nonconforming use.
- 5.7 DISCONTINUATION AND REESTABLISHMENT OF NONCONFORMING USE AND BUILDING/STRUCTURE:
1. Reestablishment: A nonconforming use shall not be reestablished after it has been changed to a conforming use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming building/structure.
 2. Discontinuation: A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.
- 5.8 NONCONFORMITY DUE TO REZONING OR TEXT AMENDMENT: The provisions of this Article shall also apply to uses, buildings/structures or lots which hereafter become nonconforming due to any rezoning or a change in the text provisions of this ordinance.
- 5.9 BUILDING UPON NONCONFORMING LOT:
1. Any lot that was lawfully created prior to April 24, 1986 (including in compliance with any zoning ordinance then in effect) but which fails to comply with the minimum lot requirements of this Ordinance for the zoning district in which the lot is situated, shall be considered to be a "buildable" lot under this Ordinance for a single family dwelling or other allowed use in that zoning district; provided that notwithstanding any of the foregoing two or more contiguous lots or portions of lots in single ownership on the date of enactment of this Ordinance or at the date of building permit application shall be required to be considered as an undivided "zoning lot" to create a

conforming or less nonconforming lot for purposes of this Ordinance, regardless of when such lots were created.

2. Except as provided above, a nonconforming lot created prior to the date of enactment of this Ordinance shall be "buildable" only pursuant to a variance approved by the Zoning Board of Appeals.
3. Except as specifically provided herein, all use and development of a "buildable" nonconforming lot must comply with all applicable provisions of this Ordinance (setbacks, parking, signage, etc.).

(In accordance with Ordinance 44, effective November 26, 2010 and Ordinance No. 41, effective March 24, 2009, the Zoning Commission/Zoning Board is now a Planning Commission).

This page reserved for expansion.

ARTICLE VI

PARKING AND LOADING SPACES

- 6.1 MIXED OCCUPANCIES AND USES NOT SPECIFIED: In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Collective provision for off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal work and business hours may be jointly used where adequate arrangements are made with the Zoning Administrator to insure that adequate space is available for each function.
- 6.2 SIZE AND ACCESS: Each off-street parking space shall have an area of not less than 170 square feet exclusive of access drives or aisles and shall be a minimum of nine feet in width. There shall be adequate provision for ingress and egress to all parking spaces. No ingress or egress to a parking area accessory to a commercial or industrial use shall utilize any residential street except a side street with no residential lots facing upon it. All parking areas with paved surfaces with more than three spaces shall have such spaces legibly painted on the surface of the parking area.
- 6.3 UNITS OF MEASUREMENT: For the purpose of this Article, "Floor Area" shall mean the gross floor area of all floors of a building or an addition to an existing building, excluding basements and those areas used exclusively for storage of goods or supplies. The total parking area excludes access drives within the parking area.
- 6.4 LOCATION OF OFF-STREET PARKING FACILITIES: Required off-street parking facilities shall be located on the same parcel as a principal use in residential and agricultural zones. In commercial and industrial districts additional off-street parking is permitted as a principal use on a separate lot which is adjacent to the principal use.
- 6.5 STANDARDS FOR PARKING AREAS IN NON-RESIDENTIAL ZONES: Every parcel of land hereafter established as a parking area in a non-residential zone shall be developed and maintained in accordance with the following requirements:
1. Parking areas shall be effectively screened on any side which adjoins premises situated in a residential zone by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties agree, the screening may be a solid uniformly painted fence or wall. No part of any parking area or access drive shall be closer than five feet to any property line unless connected to another adjoining parking area by driveways. No access drive shall be less than 20 feet wide, nor closer

than 25 feet to any residentially zoned lot or intersecting street right-of-way lines.

2. Every parking area shall be surfaced with an asphalt or similar durable surface approved by the County Road Commission, provided, however, that where access to the parking area is from an unpaved roadway, a durable dustless surface may be permitted. Adequate lighting shall be provided to protect the users of the parking area. Such lighting shall be arranged to reflect the light away from any adjoining residential buildings or streets.
3. Parking area, driveways, signs, lighting and landscaping shall be reviewed and approved by the Zoning Administrator, prior to issuance of a building permit, to insure its adequacy in relation to traffic safety and protection of adjacent property.

6.6 **TABLE OF OFF-STREET PARKING REQUIREMENTS:** The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

<u>USE</u>	<u>MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE</u>
1. <u>Residential</u>	
a. Residential, One Family and Two Family	Two for each dwelling unit.
b. Residential, Multiple Family	Two for each dwelling unit.
c. Trailer Park/Mobile Home Court	Two for each trailer or mobile home site and one for each employee of the trailer park or mobile home court.
d. Boarding and Rooming House	One for each sleeping room.
2. <u>Institutional and Recreational</u>	
a. Churches, Temples, Synagogue	One for each three seats based on maximum seating capacity in the main unit of worship.
b. Hospitals	One per 600 square feet of gross floor area.

<u>USE</u>	<u>MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE</u>
c. Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes	One per 600 square feet of gross floor area.
d. Elementary and Junior High Schools	One for each one teacher and administrator, in addition to the requirements of the auditorium.
e. Senior High Schools	One for each one teacher and administrator and one for each ten students, in addition to the requirements of the auditorium.
f. Private Clubs or Lodge	One for each three halls allowed within the maximum occupancy load as established by local, County or State fire, building or health codes.
g. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or other similar uses	One for each two member families or individuals.
h. Golf Courses open to the public, except miniature or Par 3 courses	Six for each one golf hole and one for each one employee.
i. Auditorium, Gymnasium, Indoor Theater, Stadium, Sports Arena or similar place of assembly	One for each three seats or six feet of bench space.
3. <u>Business and Commercial</u>	
a. Automobile Service Stations	Two for each lubrication stall, rack or pit; and one for each employee.
b. Auto Wash	One for each one employee.
c. Beauty Parlor or Barber Shop	Three spaces for each of the first two beauty or barber chairs, and one space for each additional chair.
d. Drive-in establishments	One for each 40 feet of gross floor area, with a minimum of 25 parking spaces.
e. Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One for each 75 square feet of gross floor area, or one for each three person capacity as determined by state fire marshal regulations, whichever is greater.

<u>USE</u>	<u>MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE</u>
f. Furniture and Appliance, Household Equipment, Repair Shops, Showroom for Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and other similar uses.	One for each 200 square feet of gross floor area.
g. Laundromats and Coin Operated Dry Cleaners	One for each two washing machines.
h. Miniature Golf Courses	Three for each one hole, plus one for each employee.
i. Mortuary Establishments	One for each 100 square feet of gross floor area.
j. Motor Vehicle Sales and Service Establishments, Trailer and Boat Sales and Rental Showrooms	One for each 400 square feet of gross floor area of sales.
k. Open Air Business	One for each 600 square feet of lot area.
l. Retail Stores, except as otherwise specified herein	One for each 200 square feet of gross floor area.
4. <u>Offices</u>	
a. Banks, Savings & Loan Offices	One for each 200 square feet of gross floor area.
b. Business Offices or Professional Offices, except as indicated in the following item (c)	One for each 400 square feet of gross floor area.
c. Medical or Dental Clinics, Professional Offices of Doctors, Dentists or similar professions.	One for each 200 square feet of gross floor area.

<u>USE</u>	<u>MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE</u>
5. <u>Industrial</u>	
a. Industrial or Research Establishments	One for every one and one-half employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
b. Wholesale or Warehouse Establishments	One for every one and one-half employee in the largest working shift, or one for every 2,000 square feet of gross floor area, whichever is greater.

6.7 **PARKING AREAS IN RESIDENTIAL ZONES:** Any persons desiring to establish a parking area as an accessory use or a transitional use in a residential zone, other than for a one family structure of a farm use, shall submit plans showing the size, design, landscaping, curb cuts and other features of the parking lot. Such parking areas may be authorized, subject to the following conditions:

1. All parking areas shall be landscaped, screened, surfaced and drained as provided in Section 6.5. No part of a parking area shall extend into the required front yard. All areas not occupied by the parking area or access drive shall be landscaped to effectively screen the activity of the parking area from adjoining residential properties.
2. All parking areas shall be used solely for the parking of passenger automobiles, and no commercial work, sales or service of any kind shall be conducted thereon. No sign, other than entrance, exit, and condition-of-use signs, shall be maintained and the aggregate area of all such signs shall not exceed 12 square feet. The Zoning Administrator may establish conditions for screening or enclosures and permit noncommercial buses operated by public or semipublic bodies, provided that no such bus is parked within 60 feet of the street line.
3. Each entrance to and exit from a parking area shall be at least 25 feet distant from any adjacent property located in any residential zone and shall not be wider than 20 feet. The Zoning Administrator shall ascertain that the proposed parking area is safely related to traffic, street intersections, buildings and pedestrian walkways and that surrounding properties are fully protected from detrimental effects.
4. The Zoning Administrator shall issue a permit upon receipt of the approved plan. The permit may be revoked at any time that the aforementioned requirements of the approved plan are not complied with.

- 6.8 REQUIRED OFF-STREET LOADING AND UNLOADING SPACE: In all districts every building erected which is to be occupied by manufacturing, storage, retail store, wholesale store, warehouse, market, hotel, hospital, mortuary, laundry or uses similarly requiring the receipt or distribution of materials or merchandise shall provide and maintain on the same premises off-street loading space. Each loading space shall be at least 12 feet in width, 22 feet in length and have a clearance of 14 feet above grade. Such space may occupy all or any part of the required side or rear yard, but shall comply with the provisions of Section 6.5 and 6.7 to prevent detrimental effects to adjoining properties.
- 6.9 PARKING VARIATION: Where it can be demonstrated that the parking requirements of this Article would provide an excessive amount of parking area for the needs of a particular use, a plot plan with lesser area may be approved by the Zoning Administrator, provided all the following conditions are present:
1. Said use does not provide services to the general public.
 2. The maximum number of employees and visitors during any one eight hour period can be demonstrated to be less than the parking space requirements this ordinance provides for.
 3. An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made part of the site plan.
 4. An open landscaped area meeting the required area of this Article is shown reserved for future parking.
 5. Said plot plan approval of lesser requirements shall be valid only for the stated use. An Occupancy Permit for a new use shall not be issued unless a new plot plan is reviewed and parking arrangements are found to be in accordance with the requirements of this ordinance.
- 6.10 BUILDING ADDITIONS: Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to meet the requirements of this Article.
- 6.11 PERMITS: No parking area may be constructed, enlarged or altered before a Building Permit is obtained. Said permit shall not be issued until the site development plan has been approved by the Zoning Administrator. No parking area shall be occupied or used as a parking area prior to the issuance of an Occupancy Permit for a parking area.

Whenever the requirements of an approved site plan, this ordinance, or any special requirements are not being met, use of a parking area shall cease within 60 days after revocation of an Occupancy Permit.

ARTICLE VII

SIGNS

7.1 SIGNS IN THE AG, R-1, R-2 AND R-L DISTRICTS: In the AG, R-1, R-2 and R-L Districts, the following signs shall be permitted:

1. One non-illuminated or reflectorized professional or nameplate sign not more than 144 square inches in area.
2. One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed eight square feet in total area.
3. One subdivision sign in subdivision developments.
4. A sign or signs aggregating not more than 12 square feet for parking uses where permitted by Section 6.7 or which are deemed necessary to the public welfare by the Planning Commission (refer to parking areas in residential zones).
5. A sign of not more than 12 square feet identifying the name and activities of an allowed non-residential use, including a family business, on the premises.
6. Customary farm and farm crop signs on active farms.

None of the above-permitted signs shall be erected nearer any street or road than half the setback required for the principal building to be erected on said lot, provided that a nameplate or mailbox sign not more than 72 square inches in area may be placed anywhere within the front yard.

7.2 SIGNS AND BILLBOARDS IN THE AG DISTRICT: In the AG District the provisions of Section 7.1 shall apply, and in addition for the convenience of the traveling public and the preservation of values in community business areas, local service billboards are permitted on any road in the Agricultural District within a radius of one mile from the boundaries of a city or village, subject to the following provisions:

1. The billboards must serve to identify a County community or advertise a County community business.
2. The billboard shall not exceed 120 square feet in area.
3. The billboard shall not be nearer than 330 feet to any road intersection, any other billboard or any residential building.

- 7.3 SIGNS IN THE R-2 MULTIPLE FAMILY DISTRICT AND RMH DISTRICT: In the R-2 District and the RMH District the provisions of Section 7.1 shall apply, except that the professional sign or nameplate, as regulated above, may be increased to a total area of 24 square feet.
- 7.4 SIGNS IN THE BUSINESS DISTRICT: In the C-1 District no sign shall be permitted which is not accessory to the business conducted on the property. Such sign may only be erected, painted or placed on any exterior wall providing all of the following requirements are met:
1. No business establishment shall have a total of more than three signs facing upon any one street, provided the total sign area for all signs permitted shall not exceed 15% of the area of the face of the building to which they are attached or stand in front of.
 2. All signs attached to a building shall be flat signs, parallel to the face of the building wall. No sign shall extend farther than 15 inches from the face of the building upon which it is attached, provided however, that where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than eight feet from the ground level below said sign. The maximum width of any single sign shall not exceed 90% of the width of the wall to which the sign is attached or related.
 3. Part or all of the total sign area computed within the maximum total area permitted under subsection 1 of this Section may be a freestanding or pylon sign, placed at and behind the setback line where the principal building is located 50 feet or more from the front property line. Said sign shall not exceed the sum of two square feet for each linear foot the sign sets back from the front property line plus one square foot for each foot of building setback from the front property line. The freestanding sign shall not exceed five feet in height if located on the ground and shall be at least eight feet from the ground if a pylon sign.
 4. No sign shall be lighted by flashing or intermittent illumination. All light sources except for diffused lighting within translucent signs, used for the illumination of signs, business buildings or areas surrounding them shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties.
 5. Gasoline service stations, automotive sales areas and automotive repair shops may display in addition to the foregoing signs, the following signs which are deemed customary and necessary to their respective business:
 - a. One freestanding or pylon sign, provided that each such sign shall not exceed 54 square feet in area on a side.

- b. Two temporary signs located inside the property line advertising special seasonal servicing, provided that each such sign does not exceed nine square feet in area.
 - c. Directional signs or lettering displayed over individual entrance doors or bays.
 - d. Customary lettering insignia which are a structural part of a gasoline pump.
 - e. A non-illuminated credit card sign.
- 6. Directional signs designating entrances or exits to parking areas shall be in accordance with Section 7.1(4).
 - 7. Signs or billboards are permitted on unoccupied lots provided they shall not exceed 300 square feet in area. No billboard shall be erected on a lot with less than 100 feet of frontage. The yard requirements for a principal building shall be met, and no other use or accessory use shall be permitted on a lot with a billboard.

7.5 SIGNS IN THE MANUFACTURING DISTRICT: In the M-1 District the following signs are permitted, provided that all of the requirements contained herein are complied with:

- 1. Signs as regulated in Section 7.4 above.
- 2. Signboards or billboards as permitted in Section 7.4(7) above.
- 3. Directional signs designating entrances, exits, parking and loading areas, shipping docks or similar traffic control signs may be located within five feet of the front property line.

7.6 PENNANTS AND BANNERS: Temporary signs, flags or banners may be permitted by the Township Board in any business or industrial zone for a period of not more than 30 days without a permit, provided that they are kept in a state of good repair. Signs of a political nature, advertising garage sales, reunions, etc. are to be removed by the persons responsible for their erection within seven days after the event advertised occurs.

(In accordance with Ordinance 44, effective November 26, 2010 and Ordinance No. 41, effective March 24, 2009, the Zoning Commission/Zoning Board is now a Planning Commission).

ARTICLE VIII

CLASSIFICATION AND USE DISTRICTS

8.1 ZONE DISTRICTS: For the purpose of this Ordinance, Fawn River Township is hereby divided into the following Zone Districts to be known as:

AG AGRICULTURE DISTRICT

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT

RMH RESIDENTIAL MOBILE HOME PARK DISTRICT

R-L LAKE RESORT RESIDENTIAL DISTRICT

C-1 LOCAL BUSINESS DISTRICT

M-1 MANUFACTURING DISTRICT

8.2 USE DISTRICT BOUNDARIES: The descriptions of the various Use Districts of the Township of Fawn River include unplatted land and lots in recorded plats, as set forth in Appendix A to this Zoning Ordinance (Classification of Lands). In referring to unplatted land it is not the intention to cover any part of land embraced within a plat now of record in the Township unless otherwise specifically stated in Appendix A. As to any unplatted land at the time of the adoption of this Ordinance or any amendment hereto which subsequently becomes a part of a recorded plat, the Use District in which said land is located at the time it becomes a part of such recorded plat shall apply to such land after it becomes a part of such recorded plat.

See Appendix A (Classification of Lands)

ARTICLE IX

"AG" AGRICULTURAL DISTRICT

9.1 STATEMENT OF PURPOSE: Agricultural districts are those open areas of the Township where farming, agricultural production, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the Township, county, state and nation.

9.2 PERMITTED USES:

1. Accessory buildings, structures and uses incidental to any use allowed in this district.
2. Agricultural Production.
3. Bed & Breakfast Facility.
4. Boarding House and Rooming House.
5. Child (Family) Day Care Home.
6. Church.
7. Community building, publicly owned and operated.
8. Dwelling, Single-Family.
9. Essential Services, in accordance with Section 4.20 of this Ordinance.
10. Farm labor housing.
11. Foster Care (Small Group) Facility.
12. Golf course.
13. Greenhouse and nursery.
14. Home Occupation, in accordance with Section 4.31 of this Ordinance.
15. Park and recreational area, publicly owned and operated.
16. Roadside Stand.
17. School and other public and parochial educational institution.

18. Signs, in accordance with Article VII of this Ordinance.
19. Storage facilities, commercial.
20. Veterinary clinic, including boarding.

9.3 SPECIAL EXCEPTION USES (see Article XVIII for approval standards):

1. Camp; scout, youth or church.
2. Cemetery.
3. Child (Group) Day Care Home.
4. Club, private noncommercial.
5. Communication Tower.
6. Convalescent or Nursing Home.
7. Dwelling, Two-Family.
8. Earth Removal and Commercial Excavation.
9. Family Business.
10. Farm equipment and machinery repair activities not otherwise designated by Section 9.2 of this Ordinance as a permitted use.
11. Farm equipment and machinery sales/storage.
12. Hunting preserve and gun club.
13. Kennel.
14. Office, professional.
15. Private Airstrip.
16. Public Utility Service Facility.
17. Radio and television broadcasting facility.
18. Recreational Outdoor Facility.
19. Recreational Vehicle Campground.
20. Riding stable and horse racing track.
21. Sawmill.

22. Slaughterhouse and/or meat processing facility.
 23. Wildlife reserve.
 24. Barber shop and/or beauty parlor.
 25. Temporary Second Dwelling for Designated Relatives. (added by Ordinance No. 44, adopted on November 8, 2010).
- 9.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XVI.
- 9.5 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
- 9.6 PARKING, OFF-STREET: In accordance with Article VI of this Ordinance.

ARTICLE X

SINGLE FAMILY

"R-1" RESIDENTIAL DISTRICT

- 10.1 STATEMENT OF PURPOSE: This district classification is designed to permit a greater density of residential development and it is also designed to accommodate moderately large lots which do not require utility service.
- 10.2 PERMITTED USES:
1. Accessory buildings, structures and uses incidental to any use allowed in this district.
 2. Child (Family) Day Care Home.
 3. Church.
 4. Community Building, publicly owned and operated.
 5. Dwelling, Single-Family.
 6. Essential Services, in accordance with Section 4.20 of this Ordinance.
 7. Foster Care (Small Group) Facility.
 8. Home Occupation, in accordance with Section 4.31 of this Ordinance.
 9. School and other educational institution, public and parochial.
 10. Signs, in accordance with Article VII of this Ordinance.
- 10.3 SPECIAL EXCEPTION USES (see Article XVIII for approval standards):
1. Child (Group) Day Care Home.
 2. Family Business.
 3. Park and recreational area, publicly owned and operated.
 4. Public Utility Service Facility.
- 10.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XVI.
- 10.5 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
- 10.6 PARKING, OFF-STREET: In accordance with Article VI of this Ordinance.

ARTICLE XI

MULTIPLE FAMILY

"R-2" RESIDENTIAL DISTRICT

11.1 STATEMENT OF PURPOSE: This district classification is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to service the inhabitants of the area.

11.2 PERMITTED USES:

1. Accessory buildings, structures and uses incidental to any use allowed in this district.
2. Boarding House and Rooming House.
3. Child (Family) Day Care Home.
4. Church.
5. Community building, publicly owned and operated.
6. Convalescent and Nursing Home.
7. Dwelling, Multiple-Family.
8. Dwelling, Single Family.
9. Dwelling, Two-Family.
10. Essential Services, in accordance with Section 4.20 of this Ordinance.
11. Foster Care (Small Group) Facility.
12. Home Occupation, in accordance with Section 4.31 of this Ordinance.
13. Medical clinic.
14. (deleted).
15. School and other educational institution, public and parochial.
16. Signs, in accordance with Article VII of this Ordinance.

11.3 SPECIAL EXCEPTION USES (see Article XVIII for approval standards):

1. Child (Group) Day Care Home.

2. Family Business.
3. Foster Care (Large Group) Facility.
4. Office, professional.
5. Park and recreational area, publicly owned and operated.
6. Public Utility Service Facility.

11.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XVI.

11.5 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.

11.6 PARKING, OFF-STREET: In accordance with Article VI of this Ordinance.

(In accordance with Ordinance 44, effective November 26, 2010 and Ordinance No. 41, effective March 24, 2009, the Zoning Commission/Zoning Board is now a Planning Commission).

ARTICLE XII

MOBILE HOME PARK

"RMH" RESIDENTIAL DISTRICT

12.1 STATEMENT OF PURPOSE: In recognition of the growing trend toward mobile homes and mobile home parks and the need for well located and properly developed areas to accommodate them, this district is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas, as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increasing traffic generated from such developments and the requirements of same. Such areas should also be suitable for residential use and should be so located as not to impede other more conventional residential developments in the vicinity.

12.2 PERMITTED USES:

1. Accessory buildings, structures and uses incidental to any use allowed in this district. In the case of a mobile home park such uses may include a residence for the mobile home park owner or operator and family, and other buildings and uses incidental to a mobile home park, such as recreational buildings and facilities, laundry facilities, and maintenance and storage facilities.
2. Child (Family) Day Care Home.
3. Essential Services, in accordance with Section 4.20 of this Ordinance.
4. Foster Care (Small Group) Facility.
5. Home Occupation, in accordance with Section 4.31 of this Ordinance.
6. Mobile home park, subject, however, to the following conditions and limitations:
 - a. All mobile home parks shall comply with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
 - b. Off-street parking areas shall be provided in accordance with Article VI of this Ordinance.
7. Mobile home sales.

8. Signs, in accordance with Article VII of this Ordinance.
- 12.3 SPECIAL EXCEPTION USES (see Article XVIII for approval standards):
 1. Child (Group) Day Care Home.
 2. Child Day Care Center.
 3. Foster Care (Large Group) Facility.
 4. Public Utility Service Facility.
 - 12.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XVI of this Ordinance.
 - 12.5 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
 - 12.6 PARKING, OFF-STREET: In accordance with Article VI of this Ordinance.

ARTICLE XIII

"R-L" LAKE RESIDENTIAL DISTRICT

13.1 STATEMENT OF PURPOSE: This district is designed to permit the safe, healthful development of seasonal and year-round one family dwellings on land within approximately 500 feet of the water's edge of lakes and their tributary streams, or to the back of the second tier of lots from the water's edge, whichever is the greater; and to provide for other unique uses customarily associated with waterfront development. Accordingly, the regulations for this district are intended to avoid contamination or destruction of streams and lakes and to protect the riparian rights of waterfront property owners.

13.2 PERMITTED USES:

1. Accessory buildings, structures and uses incidental to any use allowed in this district.
2. Child (Family) Day Care Home.
3. Dwelling, Single-Family.
4. Essential Service, in accordance with Section 4.20 of this Ordinance.
5. Foster Care (Small Group) Facility.
6. Golf course.
7. Home Occupation.
8. Signs, in accordance with Article VII of this Ordinance.

13.3 SPECIAL EXCEPTION USES (see Article XVIII for approval standards):

1. Camp; scout, youth or church.
2. Child (Group) Day Care Home.
3. Church.
4. Club, private noncommercial.
5. Family Business.
6. Foster Care (Large Group) Facility.
7. Grocery store.
8. Park and recreational area, publicly owned and operated.

9. Public Utility Service Facility.
 10. Retail or service commercial uses oriented towards serving the day-to-day needs of the lake area, and compatible with the residential and other allowed uses of the district.
- 13.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XVI of this Ordinance.
 - 13.5 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
 - 13.6 PARKING, OFF-STREET: In accordance with Article VI of this Ordinance.

ARTICLE XIV

"C-1" LOCAL COMMERCIAL DISTRICT

14.1 STATEMENT OF PURPOSE: This district is designed to provide retail sales and commercial service uses catering to the needs of local residents and the general public.

14.2 PERMITTED USES:

1. Accessory buildings, structures and uses incidental to any use allowed in this district.
2. Bank and other lending institution.
3. Barber shop and beauty parlor.
4. Builder supply sales and lumber yard.
5. Child Day Care Center.
6. Church.
7. Contractor's Equipment Yard.
8. Contractor's Workshop.
9. Dwelling, Single-Family.
10. Essential Services.
11. Farm equipment and machinery sales/service.
12. Florist and garden shop.
13. Funeral home.
14. Greenhouse and nursery.
15. Home Occupation, in accordance with Section 4.31 of this Ordinance.
16. Ice and cold storage plant.
17. Laundromat, laundry and dry cleaning facilities.
18. Machinery and heavy equipment sales/service.
19. Medical clinic.

20. Mobile home sales.
21. Music and dancing school.
22. Office, professional or general business.
23. Printing, lithographic shop.
24. Signs, in accordance with Article VII of this Ordinance.
25. Storage facilities.
26. Theater, indoor or outdoor.
27. Veterinary clinic, including boarding.
28. Warehouse, fully enclosed.

14.3 SPECIAL EXCEPTION USES (see Article XVIII for approval standards):

1. Automotive Repair Shop.
2. Automotive Sales Area.
3. Automotive Service Station.
4. Bar, tavern or nightclub.
5. Boarding House and Rooming House.
6. Communication Tower.
7. Earth Removal and Commercial Excavation.
8. Kennel.
9. Motel or other facility providing transient lodging accommodations.
10. Public Utility Service Facility.
11. Radio or television broadcasting facility.
12. Recreational facility, indoors.
13. Recreational Outdoor Facility.
14. Restaurant, drive-in or sit-down.

15. Retail store for the sale/service of books, stationary, newspapers, clothing, dry goods, pharmaceuticals, groceries, food stuffs, hardware, furniture, household appliances and furnishings, electronics, hobby supplies, sporting goods, photograph supplies, shoes, varieties, antiques, gifts, and any other general retail use similar in nature to these uses and not involving any major assembling, treatment or manufacturing, with such similarity determined, where necessary, by the Zoning Board of Appeals.
 16. Volunteer or municipal fire station.
- 14.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XVI of this Ordinance.
 - 14.5 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
 - 14.6 PARKING, OFF-STREET: In accordance with Article VI of this Ordinance.

ARTICLE XV

"M-1" MANUFACTURING DISTRICT

15.1 STATEMENT OF PURPOSE: This district is designed for manufacturing, assembling and fabricating businesses and commercial activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

15.2 PERMITTED USES:

1. Accessory buildings, structures and uses incidental to any use allowed in this district.
2. Any permitted use in the "C-1" Local Commercial District, except for single family dwelling and home occupation.
3. Earth Removal and Commercial Excavation.
4. Grain equipment and processing.
5. Industrial manufacturing and warehousing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings.
6. Machine shop.
7. Office, professional or general business.
8. Outdoor storage in the rear yard area of an allowable activity, not exceeding 50% of the square foot area of the principal building upon the premises and which is screened from adjoining premises of a higher use district classification and from public streets by a solid fence, wall, or natural screening adequate for the purpose.
9. Sawmill.

15.3 SPECIAL EXCEPTION USES (see Article XVIII for approval standards):

1. Any industrial use which meets the intent and purpose of this district, which does not emanate noise, vibration, odor, smoke, liquid waste or light to such an extent as to be objectionable to surrounding properties. A determination of the Planning Commission shall be conclusive as to any business or operation under the terms of this section.

2. Asphalt or concrete ready-mix plant.
 3. Automotive Repair Shop.
 4. Automotive Service Station.
 5. Bus or truck terminal.
 6. Communication Tower.
 7. Gasoline and petroleum storage yard.
 8. Junk Yard.
 9. Motor freight warehousing business or terminal.
 10. Public Utility Service Facility.
 11. Sanitary Landfill.
 12. Slaughterhouse and/or meat processing facility.
- 15.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XVI of this Ordinance.
- 15.5 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
- 15.6 PARKING, OFF-STREET: In accordance with Article VI of this Ordinance.

(In accordance with Ordinance 44, effective November 26, 2010 and Ordinance No. 41, effective March 24, 2009, the Zoning Commission/Zoning Board is now a Planning Commission).

ARTICLE XVI (A)

TABLE OF LOT, YARD AND AREA REQUIREMENTS

Principle Structure:	A	R-1	R-2	R-L	RMH	C-1	M-1
Min. Lot Frontage, Lot Width (ft.)						100	150
Single Family	200	100	100	60	(fn 8)		
Multiple Family	---	---	100	75	(fn 8)		
Min. Lot Area (sq. ft.)						20,000	50,000
Single Family (sq. ft. per dwelling unit)	43,560	15,000	8,000	8,000	(fn 8)		
Multiple Family (sq. ft. per dwelling unit)	---	---	(fn 5)	---	(fn 8)		
Max. Building or Structure Height (ft) (fn 1)	35	35	35	35	(fn 8)	35	35
Min. Gross Floor Area							
Single Family (sq. ft. per dwelling unit)	1,200	1,300	1,300	1200	(fn 8)		
Multiple Family (sq. ft. per dwelling unit)	---	---	(fn 6)	---	(fn 8)		
Min. Front Yard Setback (ft.)	50	40	30	50	(fn 8)	30	50
Min. Side Yard (ft)	20	15	10	10	(fn 8)	10	25 (fn 7)
Min. Rear Yard (ft)	50	40	30	30	(fn 8)	10	25 (fn 7)
Accessory Building:							
Min. Building Setback	25	25	25	25	(fn 8)	30	15
Min. Side Yard (ft.)	8	8	8	8	(fn 8)	10	15
Min. Rear Yard (ft.)	8	8	8	8	(fn 8)	10	15
Max. Building Height (ft)	35	15	35	15	(fn 8)	15	15

In addition, the depth of a lot shall not exceed four times the frontage/width of the lot.

Footnotes

1. See Section 4.18 for exceptions to general height requirements.
2. Deleted.
3. Deleted.

4. Deleted.
5. Minimum land area required for each dwelling unit in the District when public water and sewer are provided shall be:

<u>Dwelling Unit Size</u>	<u>Land Area in Sq. Feet</u>	
	Multiple Dwellings	Townhouses
Efficiency or one bedroom unit	3,000	3,850
Two bedroom unit	3,850	4,900
Three bedroom unit	4,900	6,300
Four or more bedroom unit	6,300	7,000

For sites without public water and sewer, the maximum density for multiple dwellings shall not exceed eight units per acre and five townhouses per acre. Documentation must be submitted which addresses the suitability of the site for the proposed density.

6. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be:

Efficiency	350 square feet
One bedroom apartment	580 square feet
Two bedroom apartment	720 square feet
Three bedroom apartment	960 square feet
7. No building shall be located closer than 100 feet to a perimeter property line which abuts a residential district.
8. All area, bulk and placement requirements shall be in accordance with the standards set by the Michigan Mobile Home Commission.

(AMENDED BY ORDINANCE NO. 41, EFFECTIVE AUGUST 30, 2007).

ARTICLE XVI (B)

TABLE OF USES

X = Permitted Use
SE = Special Exceptions

<u>Use</u>	<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-L</u>	<u>RMH</u>	<u>C-1</u>	<u>M-1</u>
Accessory Buildings, Structures And Uses	X	X	X	X	X	X	X
Agricultural Production	X						
Asphalt Or Concrete Ready-Mix Plant							SE
Automotive Repair Shop						SE	SE
Automotive Sales Area						SE	
Automotive Service Station						SE	SE
Bank And Other Lending Institution						X	X
Barber shop and beauty parlor	SE					X	X
Bar, Tavern Or Nightclub						SE	X
Bed & Breakfast Facility	X						
Boarding House And Rooming House	X		X			SE	X
Builder Supply Sales And Lumber Yard						X	X
Bus Or Truck Terminal							SE
Camp; Scout, Youth Or Church	SE			SE			
Cemetery	SE						
Child Day Care Center					SE	X	X
Child (Family) Day Care Home	X	X	X	X	X		
Child (Group) Day Care Home	SE	SE	SE	SE	SE		
Church	X	X	X	SE		X	X
Club, Private Noncommercial	SE			SE			
Communication Tower	SE					SE	SE
Community Building, Publicly Owned And Operated	X	X	X				
Contractor's Equipment Yard						X	X
Contractor's Workshop						X	X
Convalescent Or Nursing Home	SE		X				

<u>Use</u>	<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-L</u>	<u>RMH</u>	<u>C-1</u>	<u>M-1</u>
Dwelling, Multiple Family			X				
Dwelling, Single Family	X	X	X	X		X	
Dwelling, Two Family	SE		X				
Earth Removal And Commercial Excavation	SE					SE	X
Essential Services	X	X	X	X	X	X	X
Family Business	SE	SE	SE	SE			
Farm Equipment And Machinery Repair Activities	SE						
Farm Equipment And Machinery Sales/Services						X	X
Farm Equipment And Machinery Sales/Storage	SE						
Farm Labor Housing	X						
Florist And Garden Shop						X	X
Foster Care (Large Group) Facility			SE	SE	SE		
Foster Care (Small Group) Facility	X	X	X	X	X		
Funeral Home						X	X
Gasoline And Petroleum Storage Yard							SE
Golf Course	X			X			
Grain Equipment And Processing							X
Greenhouse And Nursery	X					X	X
Grocery Store				SE			
Home Occupation	X	X	X	X	X	X	
Hunting Preserve And Gun Club	SE						
Ice And Cold Storage Plant						X	X
Industrial Manufacturing And Warehousing Operations							X
Junk Yard							SE
Kennel	SE					SE	
Laundromat, Laundry And Dry Cleaning Facilities						X	X
Machinery And Heavy Equipment Sales/Service						X	X
Machine Shop							X
Medical Clinic			X			X	X
Mobile Home Park					X		
Mobile Home Sales					X	X	X
Motel Or Other Facility Providing Transient Lodging						SE	X

<u>Use</u>	<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-L</u>	<u>RMH</u>	<u>C-1</u>	<u>M-1</u>
Accommodations							
Motor Freight Warehousing Business Or Terminal							SE
Music And Dancing School						X	X
Office, Professional	SE		SE			X	X
Office, Professional Or General Business						X	X
Outdoor Storage							X
Park And Recreational Area, Publicly Owned And Operated	X	SE	SE	SE			
Printing, Lithographic Shop						X	X
Private Airstrip	SE						
Public Utility Service Facility	SE	SE	SE	SE	SE	SE	SE
Radio Or Television Broadcasting Facility	SE					SE	X
Recreational Facility, Indoors						SE	X
Recreational Outdoor Facility	SE					SE	
Recreational Vehicle Campground	SE						
Restaurant, Drive-In Or Sit-Down						SE	X
Retail Store				SE		SE	X
Riding Stable And Horse Racing Track	SE						
Roadside Stand	X						
Sanitary Landfill							SE
Sawmill	SE						X
School And Other Public And Parochial Educational Institution	X	X	X				
Signs	X	X	X	X	X	X	X
Slaughterhouse And/Or Meat Processing Facility	SE						SE
Storage Facilities, Commercial	X					X	X
Theater, Indoor Or Outdoor						X	X
Veterinary Clinic, Including Boarding	X					X	X
Volunteer Or Municipal Fire Station						SE	
Warehouse						X	X
Wildlife Reserve	SE						

ARTICLE XVII

ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES

17.1 GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: The following regulations are applicable to accessory buildings/structures and accessory uses in all zoning districts throughout the Township, except as to those requirements that are stated to be applicable only in a specific zoning district or districts.

1. On each lot of record in the Agricultural and Residential zoning districts there shall be no more than one principal structure, and three accessory buildings, and one garage (attached or detached) per dwelling unit, subject to the following exceptions: (Amended by Ordinance No. 41, effective August 30, 2007).
 - a. In the AAG Agricultural District an unlimited number of accessory buildings/structures per lot are allowed in conjunction with agricultural production uses.
 - b. In the "AG" Agricultural District two accessory buildings/structures per lot are allowed in conjunction with uses other than agricultural production.
2. In all the Residential Districts no accessory building or garage shall be constructed without a dwelling or other allowed principal structure being in existence, or being under simultaneous construction pursuant to a valid building permit.
3. Accessory buildings/structures shall be located only in the rear yard or side yards, except in the following situations:
 - a. Where the accessory building is located at least 300 feet from the street (right-of-way).
 - b. Where a special exception use permit has been granted for an accessory building to be located in the front yard within 300 feet of the street (right-of-way), which the Planning Commission may grant pursuant to the following standards:
 - (1) The special exception use criteria in Section 18.3 of this Ordinance.
 - (2) The accessory building may not be located directly in front of the principal building, as viewed from the street.
 - (3) Existing or newly-planted vegetative screening is sufficient to make the front yard location of the accessory building

aesthetically compatible with the use of adjacent properties and not detrimental to public health and safety in general.

4. All accessory buildings and structures, including private garages, whether attached or detached, are subject to the lot, yard and area requirements specified in Article XVI of this Ordinance. However, notwithstanding the requirements specified in Article XVI, in all zoning districts the size of a garage attached to a dwelling shall be no greater than two (2) times the area of the ground floor of the dwelling. (Amended by Ordinance No. 41, effective August 30, 2007).
5. All accessory buildings/structures, and accessory uses, shall be located and maintained under the same ownership as the principal use.
6. All accessory buildings/structures, and accessory uses, shall be located and maintained on the same lot as the principal use, or on a contiguous lot, which shall include a lot separated from the main lot by a street.
7. All accessory buildings/structures, and accessory uses, shall be clearly incidental and subordinate to the associated principal use.
8. All accessory buildings/structures, and accessory uses, shall be aesthetically compatible with the associated principal structure and use.
9. Detached accessory buildings/structures shall not include provisions for or be used for lodging or sleeping of human beings. (Amended by Ordinance No. 41, effective on August 30, 2007).
10. If an accessory use is carried on within the structure containing the principal use, the gross floor area utilized by the accessory use (except garages and off-street loading facilities) shall not be greater than:
 - a. For a single unit dwelling, 20% of the gross floor area, or 300 square feet, whichever is less.
 - b. For any principal use other than a single unit dwelling, 10% of the gross floor area.
11. Accessory buildings/structures may be used only for purposes accessory to uses allowed in the zoning district in which located.
12. Where a building/structure (such as a garage) is initially constructed as the principal structure, but is subsequently to be rendered an accessory building/structure due to other construction (such as a dwelling), all such construction shall be proceeded with so as to fully comply with all applicable requirements in this Article. (The intent of this provision is to require "accessory" type buildings to be sited so as to permit sufficient space for development of a future principal structure in compliance with all applicable

regulations of this Ordinance). (This subsection amended by Ordinance No. 41, effective on August 30, 2007).

ARTICLE XVIII

SPECIAL EXCEPTION USES

- 18.1 EXPLANATION OF SPECIAL EXCEPTION USES: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such special exception uses are not allowed to be engaged in within the particular zone in which they are listed unless and until the Planning Commission determines, after a public hearing, that the particular property can be developed and used for the proposed use in accordance with the applicable standards and other criteria for special exception use approval set forth in this Ordinance.

- 18.2 SPECIAL EXCEPTION USE PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Zoning Administrator and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit. An application shall not be submitted for Planning Commission consideration until it is administratively complete, and all required fees have been paid.
2. The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request, preceded by notification as required by law. The applicant shall have the burden of proof for issuance of the Special Exception Use Permit, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Planning Commission.
3. Following such hearing, the Planning Commission shall either approve, deny, or approve with conditions a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified by the Planning Commission in its decision and shall be filed with the Zoning Administrator and the Township Clerk.

18.3 CRITERIA FOR DECISION: Special exception uses are not permitted to be engaged in within a particular zone in which they are listed in this ordinance unless and until the Planning Commission approves or approves with conditions a special exception use permit. Such approval shall be granted when the Planning Commission finds from the evidence produced at the hearing that:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely affect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The general standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Planning Commission's judgment, be met at all times by the applicant;
9. The specific standards applicable to particular uses as set forth in this Ordinance can and will, in the Planning Commission's judgment, be complied with at all times.

18.4 CONDITIONS IMPOSED UPON APPROVED SPECIAL EXCEPTION USES: Any conditions upon which approval is based shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or necessary to protect the natural environment and conserve natural resources and energy, or necessary to insure compatibility with adjacent uses of land, or necessary to promote the use of land in a socially and economically desirable manner. Any such conditions shall also meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The Township Planning Commission shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of periodic review of compliance with the conditions and limitations imposed upon such use.

18.5 COMPLIANCE WITH APPROVAL: The plot plan and specifications and all conditions, limitations and requirements imposed by the Planning Commission shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. An approved special exception use which at any time fails to comply with the terms of the permit, or any provision of this Ordinance, shall cease to be a lawful use, and shall be subject to suspension and/or revocation in accordance with Section 18.6 of this Ordinance, in addition to the legal penalties and remedies generally applicable to any violation of this Ordinance.

18.6 SUSPENSION AND/OR REVOCATION OF SPECIAL EXCEPTION USE PERMITS: All special exception uses for which a permit has been approved by the Planning Commission shall be subject to the following provisions, as a condition upon every such approved special exception use:

1. Suspension of Special Exception Use Permit: Upon a finding by a Township official authorized to enforce this Ordinance, including the Township Supervisor, of a probable violation of the terms and conditions of the special exception use permit, the ordinances of Fawn River Township, or applicable laws of the State of Michigan, the Township Supervisor may suspend the special exception use permit and require the permit holder to immediately cease and suspend use of the property for the purposes for which the special exception use permit was previously granted, pending a public hearing and further determination of the Planning Commission as provided hereinbelow in subsection 2. Notice of the suspension shall be provided to the permit holder/property owner by personal delivery or by certified mail, return receipt requested.

2. Planning Commission Review of Suspension: The Planning Commission shall review the status of the suspension at the earliest feasible opportunity, after a public hearing before the Planning Commission has been held. Notice of the public hearing shall be provided in accordance with the statutory provisions governing special exception use matters. A majority of the Planning Commission members present and voting may vacate the suspension upon a determination that the violations causing the suspension have been cured, or may modify or extend the suspension upon a finding that the violations causing the suspension have not been cured, but are reasonably likely to be cured in a further period of time to be specified by the Planning Commission.

3. Revocation of Special Exception Use Permit: A majority of the Planning Commission members present and voting may, after notice and public hearing as provided herein, determine to revoke a special exception use permit which has been suspended, upon a finding that the violations causing the suspension have not been cured within a reasonable period of time as established by the Planning Commission. Notification of a Planning Commission determination to revoke a special exception use permit shall be provided to the permit holder and property owner by personal delivery or by certified mail, return receipt requested. A determination of the Planning Commission revoking a special exception use permit may be appealed to the Township Zoning Board of Appeals within 21 days of the determination. Premises for which a special exception use permit has been revoked by the Planning Commission shall be used only as allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district.

18.7 SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL EXCEPTION USES: All special exception uses are required to comply with various standards as provided in Section 18.3 of this Ordinance, including specific standards applicable to particular uses as set-forth below. The minimum required standards enumerated in the chart below for a particular special exception use are references to the provisions with the corresponding number in the succeeding pages of this Article.

<u>SPECIAL EXCEPTION USE</u>	<u>MINIMUM REQUIRED STANDARDS</u>
Asphalt & Concrete Ready-mix Plant	2, 4, 5f
Automotive Repair Shop.....	2, 4, 5d, 6
Automotive Sales Area	2, 4, 5e
Automotive Service Station	2, 4, 5d, 6
Bed & Breakfast Facility	7
Bus or Truck Terminal	2, 4, 5e
Cemetery	2, 3, 5a
Child (Group) Day Care Home	8
Church.....	1, 5b, 9

Club, Private noncommercial.....	1, 4, 5b
Communications Tower	10
Convalescent or Nursing Home.....	3, 5a
Earth Removal and Commercial Excavation	2, 5f, 11
Family Business	12
Farm Equipment/Machinery Repair Shop.....	3, 5d, 13
Farm Equipment/Machinery Sales.....	13
Foster Care (Large Group) Facility	14
Junk Yard	2, 4, 5f, 15
Kennel	2, 4, 5e, 16
Private Airstrip	17
Public Utility Service Facility	1, 4, 5a, 18
Recreational Outdoor Facility	2, 4, 5e
Recreational Vehicle Campground	19
Riding Stable; Race Track, Commercial.....	2, 4, 5f, 20
Sanitary Landfill	2, 5f, 21
Slaughterhouse and Meat Processing Facility.....	2, 4, 5f
Temporary Second Dwelling for Designated Relatives.....	22*
Volunteer or Municipal Fire Station.....	2, 4, 5e

*(Amended by Ordinance No. 44, adopted November 8, 2010).

(In accordance with Ordinance 44, effective November 26, 2010 and Ordinance No 41, effective March 24, 2009, the Zoning Commission/Zoning Board is now a Planning Commission).

1. The use shall have frontage on an existing road having a primary or greater classification.
2. The use shall have frontage on an existing road having a secondary or greater road classification.
3. The use shall have off-street parking facilities to satisfy average parking needs.
4. The use shall have off-street parking facilities to satisfy peak parking needs.
5. Buildings and activities shall not be closer than the specified number of feet to adjacent residentially zoned or used properties:
 - a. 25 feet
 - b. 50 feet
 - c. 100 feet
 - d. 200 feet
 - e. 500 feet
 - f. 1000 feet
6. Automotive Service Station and Automotive Repair Shop:

- a. The lot shall be located so that it is at least 500 feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital, or residential district boundary.
- b. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance.
- c. No drive or curb opening shall be located within 25 feet of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.
- d. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
- e. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- f. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- g. All gasoline pumps shall be located not less than 20 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- h. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. No major repairs or dismantling shall take place outside of an enclosed building.
- i. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by affixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.
- j. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or

partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.

- k. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Planning Commission and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.
- l. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- m. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Planning Commission to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

7. Bed & Breakfast Facility:

- a. All bed & breakfast facilities shall be subject to and comply with the characteristics of a "home occupation" as set forth in Section 4.31 of this Ordinance.
- b. A dwelling in which a bed & breakfast facility is allowed shall be occupied by the owner of the premises as his/her principal residence.
- c. The maximum stay for patrons of a bed & breakfast facility shall be seven days.
- d. Sufficient off-street parking area shall be available on the premises to provide one parking space per sleeping room, not including spaces required for the permanent occupants of the premises.
- e. All bed & breakfast facilities shall have a smoke detector in proper working order in every sleeping room, and at least one fire extinguisher in proper working order on every floor of the dwelling.

8. Child (Group) Day Care Home:

- a. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open

to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):

- (1) Another state licensed group day care home;
- (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCLA 400.701 et seq);
- (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
- (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- b. It shall have appropriate fencing enclosing all outdoor play areas, as determined by the Planning Commission. Such fencing shall be at least 48" high and non-climbable in design.
- c. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- d. It shall not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- e. It shall meet all applicable sign regulations set forth in this ordinance.
- f. It shall meet all applicable off-street parking requirements set forth in this ordinance.

9. Church:

- a. Minimum lot width of 150 feet.
- b. Minimum lot area of 3 acres.
- c. Minimum front, side and rear yard setback of 50 feet.

10. Communications Tower:

- a. The site shall be uniquely suited for the intended purpose.
- b. All towers shall be set back from all adjacent property lines at least a distance equal to the height of the tower plus 50 feet; provided that

the Planning Commission is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to bend, fold-over, or otherwise collapse within a fall zone less than the total height of the tower. The Planning Commission determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special exception use approval in Section 18.3 of this Ordinance.

- c. The tower base and all guide wire support bases shall be enclosed by fencing or other suitable enclosure of at least six feet in height, to be determined by the Planning Commission, sufficient to restrict access to authorized personnel only.
- d. All lighting shall be designed and arranged so that it does not produce a glare on adjoining premises and/or roadways, except such lighting as may be required by federal regulation.
- e. The tower shall not interfere with any radio or television transmission or reception in the area.
- f. All towers shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
- g. All towers shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports of all inspections and servicing shall be made available to the Township upon written request.
- h. The owner of the premises and/or tower shall maintain liability insurance with a minimum of \$1,000,000 coverage of personal injury and property damage.

11. Earth Removal and Commercial Excavation:

- a. Location:
 - (1) All such operations shall be located on a county primary street for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to approval of such operations, and for the purpose of routing traffic around

residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

- (2) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. All excavation operations shall be at least 150 feet from interior boundary lines of the property, and the Planning Commission may increase such setback if required to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support is at all times maintained. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- (3) All excavation operations shall be at least 50 feet from adjoining public rights-of-way to the grade level of said rights-of-way. Excavation operations shall not be allowed where adequate lateral support for the maintenance of adjoining lands is not maintained.
- (4) A processing plant and its accessory structures shall be located at least 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- (5) All excavation operations, processing plants, and accessory structures shall be at least 250 feet from the banks of any lake, stream, or other watercourse unless a lesser setback is approved, in writing, by the Michigan Water Resources Commission or such other state agency having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. Where it

appears that substantial sediment may be carried into any nearby watercourse, the Planning Commission may require, as a condition of approval, that the applicant construct an adequate sediment basin.

- (6) All private drives and private access routes serving excavation or processing operations shall be located at least 250 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.

b. Sight Barriers:

- (1) Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - (a) Earth berms constructed to a height of 6 feet above the mean elevation of the center line of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.
 - (b) Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers when 6 feet in height.
 - (c) Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than 6 feet and maintained in good repair.

c. Nuisance Abatement:

- (1) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

- (2) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution potentially injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
 - (3) The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. and no operations shall be allowed on Sundays or legal holidays.
 - (4) All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
- d. Environmental Protection:
- (1) Earth removal operations shall not create erosion problems, or alter the groundwater table of the area.
 - (2) Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or stagnant swampy areas.
 - (3) Earth removal operations shall not cause a permanent adverse affect to the environment, the natural topography, or any natural resource, other than the earth materials involved.
- e. Reclamation of Mined Areas:
- (1) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year of termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
 - (2) The following standards shall control reclamation and rehabilitation:
 - (a) All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or

back-filled with non-noxious, non-inflammable and non-combustible solids to insure:

- (i) That the excavated area shall not collect stagnant water and not permit the same to remain therein; or
 - (ii) That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- (b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal.
 - (c) Top soil of a quality at least equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.
 - (d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - (e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
 - (f) A performance bond or cash shall be furnished to the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre proposed to be mined or

excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical to three foot horizontal, for the purpose of this financial guarantee. The Zoning Administrator and/or Planning Commission may review such financial guarantee annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements. In no event shall such financial guarantee be less than \$5,000 in amount.

f. Submission of Operational and Reclamation Plans:

- (1) No earth removal, quarrying, gravel processing, mining, and related mineral extraction shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall comply with the general site plan content requirements set forth in this Ordinance, and shall in any event also include the following:
 - (a) A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - (b) The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
 - (c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - (d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - (e) A map or plan disclosing the final grades and elevations to be established following the completion of the mining

operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

g. Review and Approval Criteria:

- (1) Planning Commission review and approval of a special exception use permit request and site plan review for an earth removal operation shall be in accordance with all applicable provisions of this Ordinance; and, recognizing the unique land use aspects of earth removal operations, shall also be based on a consideration of the following factors:
 - (a) The most advantageous use of the land, resources and property.
 - (b) The character of the area in question and its peculiar suitability, if any, for particular uses.
 - (c) Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 - (d) The protection and preservation of the general health, safety and welfare of the Township.
 - (e) The scarcity or value of the minerals sought to be mined as compared with the affect of the proposed operations upon the adjacent community.
 - (f) Whether or not the operations were previously in existence prior to the adoption of the text provisions of this Ordinance concerning the same and the extent and character of such previous operations.
 - (g) In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the natural environment and the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time the special exception use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed

upon the same. The Planning Commission may renew or extend a special exception use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists, in accordance with this Ordinance. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

h. **Liability Insurance:**

All owners/operators of property involved in such earth removal operations shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$100,000.00 for each person or property injured or damaged and not less than \$300,000.00 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

i. **Allowance for Concrete Mixing Facility and/or Asphalt Plant:**

Approval of Earth Removal activities as a special exception use may include allowance for a concrete mixing facility and/or asphalt plant situated and operated in conjunction with such activities, subject to compliance with all the preceding provisions concerning location, sight barriers, nuisance abatement, and environmental protection.

12. **Family Business:**

- a. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
- b. No outdoor storage shall be allowed unless the family business involves storage needs which cannot reasonably be accommodated within a building or structure. In such event an allowed outdoor storage area shall be located to the rear of the building in which the business is conducted, and shall be adequately screened to effectively block all view from adjoining roads or properties.
- c. The business shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

- d. There shall be no expansion of the family business facilities permitted hereunder without further approval of the Planning Commission.
 - e. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the business is conducted.
 - f. The building where the business is conducted shall be located at least 150 feet from any existing residence on adjoining property.
 - g. The business shall be located on the same parcel as the family's dwelling.
 - h. In addition to those family members residing on the parcel, no more than four other individuals may work on the premises in connection with the family business.
 - i. The Planning Commission may limit the family business to a particular type of business.
13. Farm Equipment and Machinery (new or used) Commercial Sales, Storage and Repair.
- a. Only fully assembled and operable equipment and machinery with all main component parts attached shall be allowed to be displayed in an outdoor sales area.
 - b. There shall be a minimum distance of 25 feet between any outdoor sales display area and the boundary lines of adjoining properties.
 - c. No outdoor sales display area shall be located within the road right-of-way.
 - d. All outdoor sales display area, outdoor storage areas, and outdoor repair areas associated with any single business, whether on one or more parcels of land, shall not exceed a combined total of 2.5 acres.
 - e. Outdoor storage areas and outdoor repair areas shall be located to the rear of any residential building or other building or structure on the premises, and shall in any event be adequately screened so as to effectively block all view of the storage/repair areas from adjoining roads and properties.
 - f. There shall be a minimum distance of 25 feet between any outdoor storage area or outdoor repair area and the boundary lines of any adjoining properties.

- g. There shall be a minimum distance of 150 feet between any outdoor storage area or outdoor sales display area and any existing residence on adjoining property.
- h. No activities shall be conducted upon or from the premises in connection with the sales, storage or repair of farm equipment or machinery which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance and lighting shall not be discernable beyond the boundaries of the property from which the allowed activities are conducted.
- i. No more than four persons shall be employed in connection with the allowed sales, storage or repair activities, without the specific prior approval of the Planning Commission.
- j. There shall be no expansion of the outdoor sales and outdoor storage areas, or increase in the number of employees originally approved by the Planning Commission without the further prior approval of the Planning Commission.

14. Foster Care (Large Group) Facility:

- a. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- b. The facility shall have frontage on an existing or officially proposed road having a primary or greater classification, or on a Township designated primary road.
- c. The facility shall have off-street parking facilities to satisfy average parking needs.
- d. The facility shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- e. If the facility involves more than 12 residents, it shall provide a designated passenger loading/ unloading area near a barrier-free entrance to the facility.
- f. If the facility involves more than 12 residents, it shall provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
- g. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the perimeters of all parking and loading/unloading areas visible from adjacent properties or streets.
- h. All exterior lighting of entryways, parking spaces, and loading/unloading areas shall be directed and/or hooded so as to not reflect onto adjacent properties or streets.

15. Junk Yard:

- a. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.
- b. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Planning Commission, and shall not be open for business or conducted on Sundays or holidays.
- c. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.

- d. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.
- e. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.
- f. The setback requirements for all industrial uses shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection a herein, same shall not be located within the setback area.
- g. All such activities or business shall be currently licensed by the State of Michigan.
- h. All such activities or business shall at all times be conducted and operated so as to comply with all other applicable provisions of this ordinance not specifically referenced in this Section.

16. Kennel:

- a. The kennel facility shall be situated at least 250 feet from the boundary lines of any residentially zoned or residentially used property.
- b. The kennel facility shall have waste disposal systems and plans adequate to handle all animal waste, food waste, bedding, dead animals, and debris generated from the kennel facilities.
- c. Noise, odors, or other objectionable characteristics associated with the operation of the kennel facility shall not be discernible beyond the boundaries of the property upon which the facility is located.
- d. The kennel facility shall be designed, constructed, operated and maintained in such a manner as to provide humane, clean, dry, and sanitary conditions for each animal kept on the premises, including sufficient square footage for each animal, in accordance with applicable state laws and regulations, and the recommendations of the American Kennel Association.
- e. The kennel shall be operated in conformance with all applicable county and state laws and regulations.
- f. The kennel facility shall be subject to such other conditions and limitations as the Planning Commission shall deem necessary in the specific circumstances at issue to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations imposed pursuant to Section 18.4 of this Ordinance.

17. Private Airstrip:

- a. All private airstrips shall be located so that the centerline of such airstrip is at least:
 - (1) 200 feet from the property line of the premises upon which the airstrip is located.
 - (2) 200 feet from all public roadways, railroad tracks or dwellings.
 - (3) 250 feet from any building or structure intended for the congregation of people.
- b. The ends of all private airstrips shall be located so that each end is at least:
 - (1) 250 feet from the property lines of the premises upon which the airstrip is located.
 - (2) 300 feet from all public streets.
 - (3) 500 feet from any railroad track.
 - (4) 500 feet from any structure intended for the congregation of people.
 - (5) 500 feet from any dwelling.
- c. The airstrip shall be approved by the Federal Aviation Administration or such other federal or State agency as has jurisdiction over such matters.

18. Public Utility Service Facility:

- a. Public utility buildings shall, whenever practicable, have an exterior appearance similar to or aesthetically compatible with buildings in the immediate area, and shall have suitable landscaping and screening as determined by the Planning Commission.
- b. All substations, regulator stations and similar facilities shall be enclosed by fencing, or other suitable means of enclosure, not less than six feet in height as determined by the Planning Commission, so as to restrict access to authorized personnel only.
- c. All substations, regulator stations or similar facilities shall be designed, constructed and operated in accordance with all applicable federal, state and local laws, regulations and ordinances, including such laws and regulations of the Michigan Public Service Commission as may apply.

- d. All substations, regulator stations and similar facilities shall be inspected and approved by state-authorized inspectors prior to any operation of the facility.

19. Recreational Vehicle Campground:

- a. All campground facilities shall comply with the requirements imposed by part 125 of the Michigan Public Health Code (MCLA 333.12501 et seq; and any and all amendments thereto, and with any and all regulations promulgated thereunder.
- b. Any sale of food stuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the campground and related facilities while on the property.

20. Riding Stable:

- a. Unreasonable noise, odor or other objectionable characteristics shall not be discernible beyond the boundaries of the property upon which the stable is situated.
- b. Any sale of foodstuffs, beverages, or merchandise shall be clearly incidental to the needs of the users of the stable facilities while on the property, including when scheduled horse shows or other equestrian events are taking place.
- c. Sufficient area shall be available to satisfy the parking needs for the vehicles of boarders and other guests of the stable. Such parking area(s) shall be located on the premises in such a manner as to not be detrimental to the use or development of adjacent property or the occupants thereof.

21. Sanitary Landfill:

- a. Such operation shall be located on a county primary road or on a road which does not route traffic through residential or subdivision streets.
- b. No excavation shall be permitted within 66 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Excavation shall not be permitted where adequate lateral support for maintenance of adjoining lands is not maintained.
- c. No landfill operation shall be located within 100 feet of the margin of any stream or waterway, unless previously approved by the Michigan Department of Environmental Quality or such other state agency as shall have jurisdiction over such matters. Operation shall not interfere

with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

- d. Site barriers shall be provided along boundaries of the site which lack natural screening conditions through existing contours or tree growth. Such barriers shall consist of one or more of the following as prescribed by the Planning Commission following public hearing on the Special Exception Use Permit:
 - (1) Earth berms constructed to a height of six feet above the mean elevation of the center line of the adjacent public highway or six feet above the general level of terrain along interior property lines as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to one foot horizontal and shall be planted with grass, trees or shrubs;
 - (2) Plantings of evergreen trees or shrubbery in three staggered rows parallel to the boundary of the property which shall be at least two year old transplants at the time of planting and which grow to not less than six feet in height at maturity and sufficiently spaced to provide effective sight barriers when six feet in height. Trees which die shall be replaced.
- e. Fencing and/or screening shall be provided so as to prevent debris of any kind, including papers, from being blown off the site onto adjoining properties.
- f. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of berms, walls and natural planting screens around areas where equipment is operated.
- g. Interior and adjoining roads used as access to the site of operation shall be surface treated to minimize air pollution in the form of dust and dirt.
- h. The plan submitted to the Planning Commission for Special Exception Use Permit shall include, among other things, the following:
 - (1) A contour map of the tract of land involved in the operations including the dimensions of the same, access thereto from abutting streets, indication of the type of adjoining street and whether it is an all-weather road, and location and nature of improvements located on adjoining and abutting property;

- (2) The number of acres involved in the location with identification upon the site of the location of proposed operations within the following 12 month period after commencement of operations;
 - (3) The type of operation proposed and the type of equipment proposed to be used;
 - (4) The location of any stationary operating equipment; and,
 - (5) A map or plan disclosing the approximate final grade and levels to be established following the completion of operations, including the proposed uses then contemplated for the land.
- i. During the hearing, the Planning Commission shall consider, in addition to other matters required by this Ordinance, the following:
- (1) The most advantageous use of the land resources and property;
 - (2) The character of the area in question and its peculiar suitability, if any, for the applied for use;
 - (3) The conservation of property values, as well as the conservation of natural resources and the general and appropriate trend and character of development in the area surrounding the subject property; and,
 - (4) The protection and preservation of the general health, safety and welfare of the Township.
- j. In making its decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety, and general welfare of the neighborhood and of the adjoining residents and property owners and of the Township. The Planning Commission may also limit the length of time a permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon issuance of the permit. The Planning Commission shall be empowered to renew or extend a permit where all standards and conditions are complied with and may revoke or refuse to renew the permit where noncompliance is found to exist.
- k. The Planning Commission shall have the right and authority to grant variances from the foregoing conditions and limitations where peculiar circumstances or hardships exist and where the spirit and intent of the provisions of this Ordinance may be complied with and

where in the Board's judgment the neighborhood is nonetheless protected.

- I. In addition to the above restrictions, limitations, conditions, safeguards and variances, the landfill shall also comply with Part 115 of the Natural Resources and Environmental Protection Act (Public Act No. 451 of 1994, as amended), and all other federal, state and municipal laws and regulations.

22. Temporary Second Dwelling for Designated Relatives.

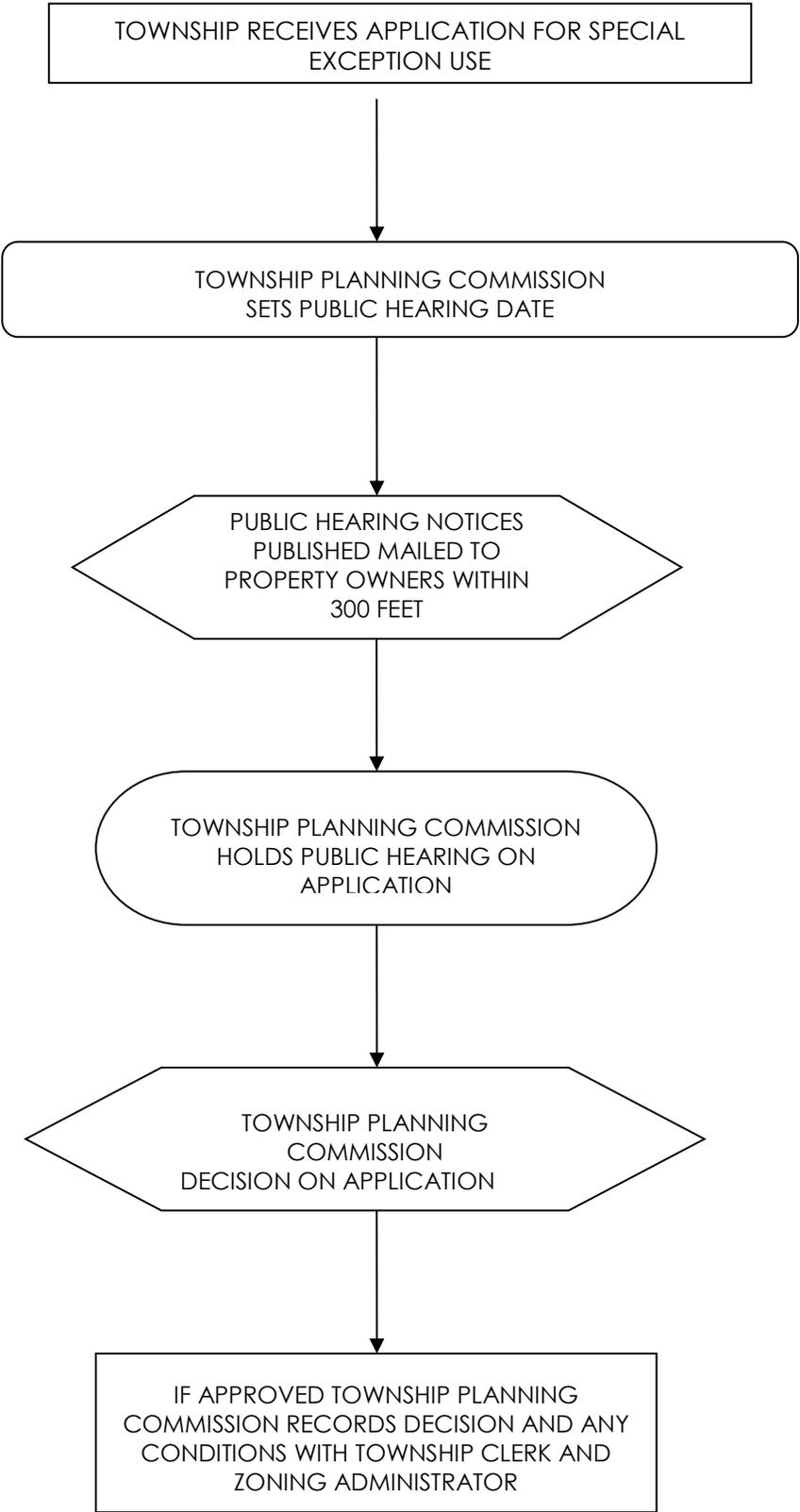
An individual mobile home may be used as a temporary second dwelling under the following conditions:

1. The temporary dwelling can only be used for no more than a total of two parents, stepparents, or grandparents of the occupants of the permanent dwelling.
2. The individuals to be staying in the temporary second dwelling shall be identified in the application. No one other than the identified individuals shall be permitted to use the temporary second dwelling as a residence.
3. There shall be no more than one temporary dwelling on each parcel.
4. A temporary mobile home/dwelling approved under this subsection is not required to comply with the minimum gross floor area or minimum width/depth requirement generally applicable to all dwellings.
5. A special exception use authorized under this subsection shall be initially approved for not more than 12 months. All special exception uses authorized under this subsection are subject to renewal upon application to the Zoning Administrator on or before April 15 of the renewal year. Such permit shall be administratively renewed if the Zoning Administrator determines that the requirements of this section of the Ordinance were complied with during the initial temporary permit period and are likely to continue to be complied with during the renewal period.
6. A permit for a temporary second dwelling shall not be transferable to another occupant (parent, stepparent, or grandparent), and notwithstanding the period of permit issuance, shall terminate upon sale of the property or if the designated occupant(s) of the temporary dwelling no longer reside there, for any reason.
7. Together with the initial application, the property owner shall submit an escrow deposit of \$1,500.00 to the Township Treasurer and shall submit an affidavit authorizing the Township to utilize the escrow funds for the effectuation of removal of said temporary dwelling if the property owner fails to do so within 45 days of the sale of the property or if the designated occupant(s) of the temporary second dwelling no longer reside there, for any reason. Provision for a documented hardship permitting removal to occur more than 45 days after occupancy of the designated individual ceases or sale of the property will be considered by

application to the Fawn River Township Board. The escrow deposit is 100% refundable, without interest, upon satisfactory removal of the temporary dwelling authorized by this section by the property owner.

(Section 22 added by Ordinance No. 44, adopted on November 8, 2010.)

FLOW DIAGRAM FOR SPECIAL EXCEPTION USE REQUESTS



Pages reserved for expansion.

ARTICLE XIX

SITE PLAN REVIEW

- 19.1 PURPOSE: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.
- 19.2 USES SUBJECT TO SITE PLAN REVIEW: The following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this ordinance pertaining to site plans:
1. Special exception uses.
 2. Office and commercial buildings and developments.
 3. Multiple family dwellings.
 4. Industrial buildings and developments.
 5. Mobile home parks.
 6. Churches.
 7. Planned unit developments, including site condominium projects.
- 19.3 SKETCH PLAN REVIEW: Preliminary sketches of site and development plans may be submitted to the Township Planning Commission. The purpose of the sketch stage is to allow discussion between the developer and the Planning Commission as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:
1. The name and address of applicant. If a corporation, the name and address of the resident agent thereof. If a partnership, the names and addresses of each partner.
 2. Legal description of the property.
 3. Drawings showing tentative plans.

19.4 FORMAL SITE PLAN APPLICATION CONTENT: All formal site plan review applications shall include, in addition to 1 and 2 above, the following:

1. The date, north arrow and scale [the scale shall be not less than one inch equals twenty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more].
2. All lot and/or property lines shown and dimensioned, including building setback lines.
3. The location, type and height of all existing and proposed structures on and within one hundred feet of the subject property.
4. The location and dimensions of all existing and proposed acceleration and deceleration lanes, sidewalks, curb openings, signs, exterior lighting, parking spaces, drives and aisles, loading and unloading areas, outdoor display and storage areas, and recreation areas, etc.
5. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
6. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
7. The name and address of the property owner or petitioner.
8. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
9. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
10. The location of all fire hydrants.
11. The lot size (basis of calculation), setbacks, trailer pads, patios, and complete park layout for mobile home parks.
12. The location and dimensions of all existing and proposed interior and exterior areas and structures (including above or below ground storage tanks) to be used for the collection, storage, use, loading/unloading, recycling or disposal of any chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials.
13. The size, type and location of all existing and proposed floor drains.
14. The location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater, including the point of discharge for all associated drains and pipes.

15. The location of all areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.
16. The percentage of the property covered by buildings, and the portion reserved for open space.
17. A property survey by registered surveyor.
18. The existing and proposed contour of the property, and its relationship to adjoining lands [two foot intervals, minimum].
19. The location of all lakes, rivers, streams, wetlands, county drains, and other waterways abutting or within 100 feet of the subject property.
20. The front, side and rear elevations for all buildings on the property. Also, with respect to site plans involving multiple dwellings, either floor plans for all such buildings or information which is otherwise sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square footage requirement. (Complete floor plans are optional with respect to other types of developments subject to site plan review, but may be required by the Planning Commission where deemed necessary to properly evaluate compliance with the criteria for site plan approval).
21. A description of the operation proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
22. A statement of the environmental impact of the development, to the extent not addressed by the description of the operation, as required above.
23. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
24. The proposed number of shifts to be worked and the maximum number of employees on each shift.
25. Any other information deemed necessary by the Township Planning Commission.
26. The Planning Commission may waive any of the above enumerated requirements whenever the Planning Commission determines that such requirement is not necessary for a specific site plan due to the fact that:
 - A. The Planning Commission finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or

- B. The Planning Commission finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non-monetary nature in carrying out the strict letter of the condition, and the Planning Commission finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.

19.5 FORMAL SITE PLAN SUBMITTAL AND REVIEW SCHEDULING PROCEDURES:

1. The applicant shall submit the site plan and all related information to the Township Zoning Administrator (or other designee of the Planning Commission) at least 14 days before the Planning Commission meeting at which the applicant would like to have the site plan reviewed.
2. The Township Zoning Administrator (or other designee of the Planning Commission) shall initially review the site plan and all related information submitted by the applicant for "administrative completeness", and shall identify all concerns relating to the ordinance criteria for approval of the site plan.
3. A site plan which is determined by the Zoning Administrator (or other designee of the Planning Commission) to be administratively incomplete shall not be distributed to the Planning Commission or placed on the agenda of a Planning Commission meeting.
4. When the Zoning Administrator (or other designee of the Planning Commission) has determined a site plan to be administratively complete the applicant shall supply the Zoning Administrator with 7 copies of the administratively complete site plan and all related information. The Zoning Administrator shall distribute a copy of the site plan and all related information submitted by the applicant, and the Administrator's report on same, to each member of the Planning Commission and to the Building Official no later than 7 days prior to the Planning Commission meeting at which the applicant would like to have the site plan reviewed. The Zoning Administrator shall retain 1 copy of the administratively complete site plan and all related information submitted by the applicant, and shall file 1 copy of same with the Township office to be available for public examination.

19.6 SITE PLAN APPROVAL:

1. The Township Planning Commission shall approve or disapprove, or approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and the criteria set forth in this Ordinance. Prior to reviewing or approving a site plan the Planning Commission may, in its discretion, request comments and recommendations on the site plan from the Township Planner, the Township Engineer, the Township Fire Chief/Fire Marshall, the Township Building

Official, and such other parties as the Planning Commission may, in its discretion, determine to be advisable or necessary with respect to a particular site plan.

2. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Township Planning Commission upon a finding that:

- A. The proposed use will not have a harmful effect on the surrounding neighborhood development, and any adverse effect upon surrounding property is minimized by appropriate screening in the form of fencing, walls and/or landscaping.
- B. There is a proper relationship between the existing streets and proposed service drives, acceleration and deceleration lanes, and driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- C. The adverse effects resulting from the locations of buildings and accessory structures are minimized to the occupants of adjacent properties.
- D. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
- E. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. have been retained as practicable, where they afford a barrier or buffer between adjoining properties being put to different use or where they assist in preserving the general appearance of the area, and any grade changes are in keeping with the general appearance of neighboring developed areas and not detrimental to erosion control.
- F. The height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
- G. The proposed development will comply with all applicable provisions of this Ordinance, and all other applicable ordinances, laws, rules and regulations.
- H. The development plan is consistent with the purposes of zoning regulation in Fawn River Township, as set forth in Section 1.2 of this Ordinance.
- I. All areas and structures where chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated

or disposed of have been designed and located to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands, except as may be specifically permitted by a state or federal governmental agency.

- J. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.

3. Security Deposit:

- A. To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering one hundred twenty-five percent (125%) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the Township Clerk to insure faithful completion of the improvements.
- B. The Planning Commission shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Planning Commission based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
- C. If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Planning Commission shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
- D. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

19.7 MODIFICATIONS: Any modifications of the site plan desired by the Township shall be so stated to the applicant. Site plan approval may then be granted

contingent upon the revision of said site plan by the petitioner to the satisfaction of the Township Planning Commission. If any part of the approved site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must first be obtained from the Planning Commission of Appeals. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have the signature of the Planning Commission Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chairman of the Planning Commission of Appeals.

- 19.8 CONFORMITY TO APPROVED SITE PLAN: Property which is the subject of site plan approval must be developed in strict conformity with the approved site plan for that property, including any site plan modifications approved by the Planning Commission and variances granted by the Zoning Board of Appeals in accordance with this Ordinance.
- 19.9 REVOCAION: Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township Planning Commission shall give the applicant notice of intention to revoke such approval at least ten days prior to review by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the development if the Planning Commission determines that a violation in fact exists and has not been remedied prior to such hearing.
- 19.10 TERM OF APPROVAL: The site plan approval shall be valid for a period of one year. One six-month time extension may be granted by the Planning Commission upon a showing of good cause. At the end of the approval period, including any extension granted by the Planning Commission, if no building permit has been obtained and on-site development actually begun the site plan approval becomes void, and the developer shall submit a new application for approval before any construction or earth change is commenced.

ARTICLE XX

PLANNING COMMISSION MEMBERSHIP, ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE VIOLATION AND PENALTIES

- 20.1 CREATION: There is hereby created a Planning Commission, which shall perform its duties and exercise its powers and jurisdiction as provided by applicable laws, and by the provisions of this ordinance to the end that the objectives of this ordinance are observed, public safety, morals and general welfare are secured and substantial justice done.
- 20.2 MEMBERSHIP: The Fawn River Township Planning Commission shall be appointed by the Fawn River Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The Planning Commission shall consist of not less than four and not more than seven members with an election to be held not less than once in every two year period among its members naming a chairman and secretary and other officers or necessary committees.
- 20.3 MEETINGS: Regularly scheduled meetings of the Planning Commission shall be held not less than two or more than 12 times per year in the Fawn River Township Hall. All meetings shall be open to the public. Additional meetings shall be held at such other times as the Planning Commission may deem necessary for the efficient conduct of its business. The Planning Commission may engage employees, including technical assistance, as needed.
- 20.4 MINUTES AND RECORDS: The secretary or acting secretary of the Planning Commission shall keep minutes of Planning Commission proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Planning Commission. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.
- 20.5 FEES: Upon filing of an application to the Planning Commission for a special exception use permit, or for a rezoning or amendment to the text of the Zoning Ordinance, Zoning Map or Land Use Plan, or other matter properly heard by the Planning Commission, the applicant shall pay a fee as set by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.
- 20.6 ADMINISTRATION: The Township Board shall designate a Zoning Administrator to act as its officer to effect proper administration of this ordinance with terms of employment and rate of compensation established in accordance with the provisions of applicable laws. For the purpose of this ordinance, the Zoning Administrator shall have the power of a Zoning Enforcement Officer.

20.7 **BUILDING PERMITS AND PLANS:** No building or part thereof shall hereafter be erected, moved, enlarged or altered until a building permit has been granted by the Building Inspector/Zoning Administrator. An application for same shall be filed by the owner or his agent and shall state the intended use of the structure and of the land. The application shall be accompanied by building plans, a plot plan (i.e. setbacks, distances from boundary lines, etc.), and other such information as may be necessary to provide for the enforcement of this ordinance. Plans shall be drawn to scale and shall show dimensions in figures, and in the case of multi-family, business or industrial buildings by complete specifications. Building and plot plans shall be signed by the person preparing them and by the owner of the property or building involved. A copy of such plans shall be submitted to the Zoning Administrator and one copy is to be kept in the Planning Commission files. A fee as set by the Township Board to defray the cost of administration and inspections shall accompany any plans or applications.

No building permit shall be issued unless the plans and intended use conform in all respects to the provisions of this ordinance and the provisions of the Township Building Code. All building permits shall expire one year from their date of issuance.

20.8 **DUTIES OF THE ZONING ADMINISTRATOR:** The office of Zoning Administrator is hereby established. (Amended by Ordinance No. 43, adopted September 13, 2010).

1. **Enforcement:** The Fawn River Township Zoning Administrator, the Fawn River Township Ordinance Enforcement Officer and any other individual Township officials that may from time to time be designated by the Township Board shall administer this Ordinance and are hereby authorized and empowered to investigate violations and to issue notice of violation and citations for violation of the same. (Amended by Ordinance No. 43, adopted September 13, 2010).
2. **Inspections:** The Zoning Administrator shall inspect all new construction or alterations at the time footings are placed, and conduct such additional inspections as he deems necessary to insure compliance with the provisions of this ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that the requirements of this ordinance are being complied with. The Zoning Administrator shall request any additional types of inspections relating to specific areas (i.e. building, plumbing, electrical, etc.) from the Building Inspector.
3. **Records:** The Zoning Administrator shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, and a record of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Township Board and all other officials of Fawn River Township and St. Joseph County.

4. Responsibility: The Township Board may in its discretion require the Zoning Administrator to attend the meetings of the Planning Commission and keep the members of the Township Board informed of all matters pertaining to zoning. (Amended by Ordinance No. 43 , adopted September 13, 2010).

20.9 Violations and Penalties

1. Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
2. Violation. Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
3. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense	\$ 150.00	\$ 500.00
2 nd Offense	\$ 250.00	\$ 500.00
3 rd Offense	\$ 325.00	\$ 500.00
4 th or More Offense \$	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Fawn River Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

4. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

(Section 20.9 amended by Ordinance No. 43, adopted on September 13, 2010).

(In accordance with Ordinance No. 44, effective November 26, 2010 and Ordinance No 41, effective March 24, 2009, the Zoning commission/Zoning Board is now a Planning Commission).

ARTICLE XXI

ZONING BOARD OF APPEALS

21.1 CREATION: There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by applicable laws, and by the provisions of this ordinance to the end that the objectives of this ordinance are observed, public safety and general welfare secured, and substantial justice done.

21.2 MEMBERSHIP/ELECTION OF OFFICERS: The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of this Ordinance. The Zoning Board of Appeals shall consist of three members. One member shall be a member of the Township Zoning Board. One member may be a member of the Township Board. The third member shall be selected from the electors of the Township residing outside of incorporated cities and villages. As a whole, the membership of the Zoning Board of Appeals shall be representative of the population distribution and of the various interests present in the Township. The Zoning Board of Appeals shall elect a chair and a secretary. A member of the Township Board shall not serve as Chair of the Zoning Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.

The Township Board may also appoint not more than two alternate members of the Zoning Board of Appeals for the same term as regular members. An alternate member may be called to sit as a regular member in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of 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. In such situations the alternate member shall serve until a final decision has been made. An alternate member of the Zoning Board of Appeals shall have the same voting rights, when called to serve, as a regular member.

21.3 TERM: The term of each member shall be three years and until a successor has been appointed and qualified; such successor shall be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Zoning Board shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

21.4 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by applicable laws, and all powers and jurisdiction prescribed in other Articles of this Ordinance, including the following specific powers and jurisdiction:

1. To hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
 2. To act upon all questions as they may arise in the administration of this Ordinance, including interpretation of the zoning map.
 3. To authorize, upon appeal and subject to Sections 21.8-21.10 of this Article, a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance, or to any other nonuse-related requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
 4. To authorize pursuant to Section 5.3.2 of this Ordinance a request to expand, extend, enlarge or alter a nonconforming use or nonconforming building/structure.
 5. To authorize pursuant to Section 5.6 of this Ordinance a change in a lawful nonconforming use to another nonconforming use.
- 21.5 EMPLOYEES: The Zoning Board of Appeals may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.
- 21.6 MEETINGS/RULES OF PROCEDURE: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. All meetings shall be open to the public. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board are present. The Zoning Board of Appeals may adopt such rules of procedure consistent with the provisions of law and this Ordinance as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.
- 21.7 APPEALS: Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order of the Zoning Administrator. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 30 days after the date of the action appealed. A copy of the notice shall promptly be served upon the Zoning Administrator, who shall forthwith transmit to the Zoning Board of Appeals all records pertaining to the action appealed from. An appeal shall stay all proceedings, decisions or orders unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Township Board or by the circuit court.

21.8 VARIANCE STANDARDS:

1. No variance from any provision or requirement of this Ordinance pursuant to Section 21.4, subsection 3, shall be authorized unless the Zoning Board of Appeals finds from reasonable evidence that:
 - a. By reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation of the land or building, the literal enforcement of this Ordinance would create practical difficulties;
 - b. The variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or the public health, safety and welfare;
 - c. There are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties that are subject to the requirement at issue;
 - d. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone.
2. Practical difficulties based solely on economic conditions are not grounds for approval of a variance.
3. Practical difficulties that were self-created (by the applicant, the owner of the property, or by a family member of the applicant or owner) are not grounds for approval of a variance.

21.9 CONDITIONS: The Zoning Board of Appeals may attach conditions or limitations upon a variance where necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance the Zoning Board of Appeals shall also specifically determine the following:

- a. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land

owners immediately adjacent to the land use or activity, and the community as a whole; and,

- b. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
- c. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

21.10 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).

21.11 APPLICATION SITE PLAN REQUIREMENTS: A site plan, plot plan or other acceptable diagram showing the general development plan of the property which is the subject of a variance or appeal request shall be submitted with each such request. The plan shall show, at a minimum, the location of all abutting streets, the location of all existing and proposed buildings and structures, the types of buildings and their uses, and the existing or proposed setback of each building or structure which is the subject of the variance or appeal request, measured to the street line and all pertinent lot lines.

21.12 PUBLIC HEARING: Upon the filing of any appeal or other matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter preceded by notice as required by law.

21.13 DECISIONS: The Zoning Board of Appeals shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision.

21.14 TIME LIMITS:

- 1. If a variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within six months after the date the variance is granted or the variance shall be deemed abandoned and withdrawn.
- 2. No application for a variance which has been denied shall be reheard for a period of one year from the date of the last denial, unless the Zoning Board of Appeals finds that grounds for such a rehearing exists on the basis of

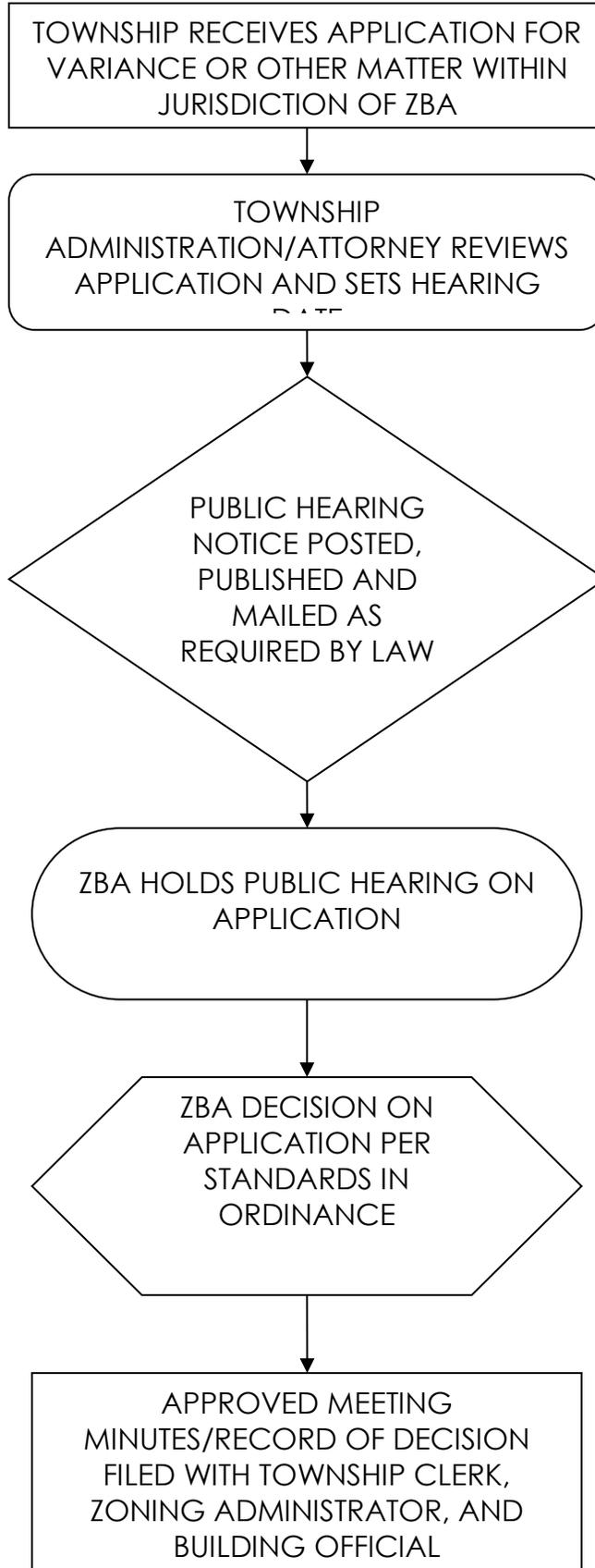
either newly discovered evidence or proof of changed conditions which were not known to the applicant or the Board at the time of the initial hearing.

21.15 VOTE NECESSARY FOR DECISION: The final decision of the Zoning Board of Appeals on any matter shall require the concurring vote of a majority of its membership.

21.16 MINUTES AND RECORDS: The secretary shall keep minutes of the Zoning Board of Appeals' proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Zoning Board of Appeals' examinations and official actions; all of which shall be filed with the Township Clerk and be a public record.

21.17 LIMITATION OF BOARD ACTION: Except as authorized in this Article, the Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provisions of this ordinance, and where the Zoning Board of Appeals considers that any specific provision is inappropriate it shall submit to the Township Planning Commission a request for review of said provision.

FLOW DIAGRAM FOR VARIANCE AND OTHER MATTERS GOING BEFORE THE ZONING BOARD OF APPEALS

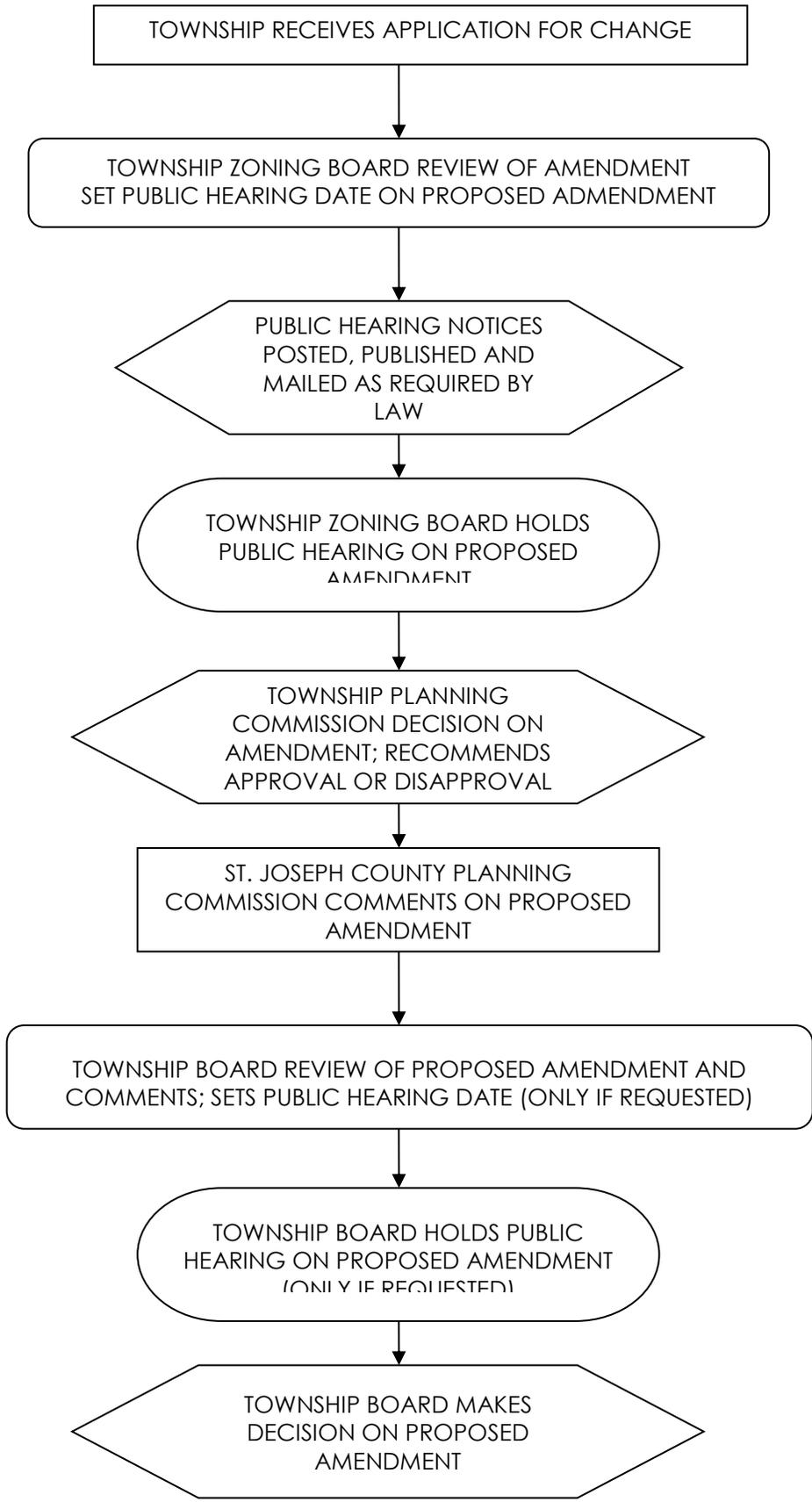


ARTICLE XXII

AMENDMENTS AND DISTRICT CHANGES

- 22.1 ADOPTION: Amendments and supplements to this ordinance may be adopted as provided by law.
- 22.2 NOTIFICATION: If a property is proposed for rezoning, notice shall be given as provided by law.
- 22.3 PROCEDURE: The procedure for making amendments shall be as follows, unless otherwise provided by law.
1. Each proposal not originated by the Township Planning Commission shall be submitted to said Commission for its consideration and advice;
 2. Following its deliberations, the proposal, including any changes thereto, which the Township Planning Commission deems advisable, shall be submitted to at least one public hearing as provided by applicable laws;
 3. Following such hearing, the proposed amendment, including any amended map, shall be submitted to the County Planning Commission for comment. Comment by the County Planning Commission shall be conclusively presumed favorable unless within 30 days of its receipt of said proposal, it shall notify the Township of its disapproval; and,
 4. The approved proposal shall be submitted to the Township Board and acted upon by said Board in accordance with the provisions of applicable laws.

FLOW DIAGRAM FOR AMENDMENTS OF ZONING ORDINANCE TEXT OR ZONING MAP (REZONING)



ARTICLE XXIII

SEPARABILITY AND REPEAL

- 23.1 SEPARABILITY: In case any article, section or provision of this ordinance shall be held invalid in any court, the same shall not affect any other article, section or provision of this ordinance, except so far as the article, section or provision so declared invalid shall be inseparable from the remainder or any part thereof.
- 23.2 REPEALING CONFLICTING ORDINANCES: Any and all ordinances, or parts thereof, in conflict with any of the terms of this ordinance are hereby repealed to such extent as they are so in conflict or inconsistent; provided, however, that the adoption of this ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance.
- 23.3 EFFECTIVE DATE: This ordinance shall take effect on April 24, 1986.

(In accordance with Ordinance 44, effective November 26, 2010 and Ordinance No. 41, effective March 24, 2009, the Zoning Commission/Zoning Board is now a Planning Commission).

Remainder of this page and pages 125-126 reserved.

APPENDIX A
CLASSIFICATION OF LANDS

(Current through Ordinance No. 41, August 2007)

1. Section 1, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 1.

2. Section 2, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 2.

3. Section 3, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 3, except those parts within the designated Mobile Home Park Residence District or the C-1 Local Commercial District.

"C-1" Local Commercial District: that portion of land Section 3 on the northerly side of US-12 commencing at a point located 890.09 feet south of the west quarter post of Section 3 on the centerline of Chicago Road (US-12) and thence north $65^{\circ} 04'$ east 322.79 feet for the starting point, and then extending northeasterly at a depth of 500 feet measured from the centerline of Chicago Road (US-12) to the northern boundary line of Fawn River Township.

"RMH" Mobile Home Park Residence District: All of that parcel of land situated in the west half of the west half of Section 3 and the east half of the east half of Section 4, commencing at the west quarter post thence south 890.09 feet to the center line of Chicago Road (U.S. 12), thence north $65^{\circ} 04'$ east 322.79 feet, thence north 756.73 feet to the quarter line, thence north $89^{\circ} 29'$ east 413.50 feet, thence north $0^{\circ} 22' 02''$ west 1,346.53 feet to the one-eighth line, thence south $89^{\circ} 38' 20''$ west 211.1 feet more or less to Sweet Lake, thence southerly, westerly, northerly, and southeasterly along the shore line to the east and west quarter line, thence north $89^{\circ} 53' 30''$ east 192.23 feet to the place of beginning. Excepting therefrom commencing 49.5 feet north and 191.5 feet east of the west one-quarter corner of Section 3, thence east 100 feet, thence north 150 feet, thence west 100 feet, thence south 150 feet to the place of beginning. Also excepting commencing 657.5 feet east and 199.5 feet north of the quarter corner common to Sections 3 and 4, thence east 100 feet, thence north 100 feet, thence west 100 feet, thence south 100 feet to the place of beginning."

4. Section 4, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 4, except those parts within the designated Mobile Home Park Residence District or the Multiple Family Residential District.

"RMH" Mobile Home Park Residence District: See description for Section 3, Town 8 South, Range 9 West (preceding section).

"R-L" Lake Residential District: Lots 1-8 of the recorded plat of Conrod Shores Subdivision; that area of land commencing on the West side of Sweet Lake at the edge of the property currently zoned "R-L" and proceeding South around the Lake to the trailer court property in Section 3 which is zoned as "RMH"; also commencing on the west side of Sweet Lake at the edge of the property currently zoned "R-L" and proceeding North around the lake to the trailer court property in Section 3 which is zoned "RMH".

5. Section 5, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 5.

6. Section 6, Town 8 South, Range 9 West

"R-1" Single Family Residential District: All of Section 6, including the recorded plats of Arden Park, Fox Addition No. 1 and Maplecrest Addition; except those parts included within the corporate limits of the City of Sturgis, and also except those parts included within the "AR-2" Multiple Family Residential District, the "C-1" Local Commercial District or the "M-1" Manufacturing District.

"R-2" Multiple Family Residential District: In the recorded plat of Maplecrest Addition, Block 21 --- Lots 1-10; Block 20 --- Lots 6-10; Block 19 --- Lot 1; Block 17 --- Lots 1-10; Block 14 --- Lots 5-6; Block 13 --- Lots 1-4, 6, 8-13 and 16.

"C-1" Local Commercial District: The east one-half of the southeast quarter of Section 6 lying southerly of the southerly line of Chicago Road (US 12).

Also, the north 500 feet of the south one-half of Section 6 lying southerly of the southerly line of Chicago Road (US 12).

Also, all that part of the southeast quarter of Section 6 lying northerly of the northerly line of Chicago Road (US 12).

Also, commencing at the southwest corner of the northwest quarter of Section 6, thence east 1461.21 feet, thence south 523.64 feet, thence north $81^{\circ} 20'$ east parallel to center line of Chicago Road (US 12) 250.43 feet for the place of beginning; thence north $81^{\circ} 20'$ east 120 feet; thence south 233.5 feet to center line of said road; thence southwesterly thereon 120 feet; thence north 233.5 feet to beginning.

Also, beginning at a point on the west line of Section 6, 1,320 feet south of the northwest corner thereof, thence south along west line of said Section 68 feet, thence east 230 feet, thence north 68 feet, thence west 230 feet to the place of beginning.

Also, commencing at the east one-half post of Section 6, T 8 S, R 9 W; thence south $89^{\circ} 32' 32''$ west along the east and west quarter line 395.0 feet for the place of beginning; thence north $10^{\circ} 42' 32''$ east 240.36 feet; thence north $35^{\circ} 40' 28''$ west 173.70 feet; thence south $87^{\circ} 0' 32''$ west 124.70 feet; thence south $76^{\circ} 52' 32''$ west 309.73 feet; thence north $45^{\circ} 12'$ west 308.29 feet; thence north $89^{\circ} 46'$ west 69.83 feet; thence south $0^{\circ} 09' 29''$ east to the east and west quarter line of said Section, thence east thereon to the place of beginning.

Also, Lots 3-6 of the recorded plat of Almeda Heights.

Also, Lots 13, 27-30, 54-71, and 93-110 of the recorded plat of Arden Park.

Also, within the recorded plat of Maplecrest Addition, Block 10 --- Lots 1-6; Block 9 --- Lots 1, 3, 6, 8-12, 14 and 16; Block 5 --- Lots 4-7; Block 3 --- Lots 1, 5, 7, 9 and 11; Block 2 --- Lots 1, 2, 5, 7 and 9; and Block 1 --- Lots 1-2.

Also, Lot 19 of the recorded plat of Fox Addition No. 1.

"M-1" Manufacturing District: Beginning at the east quarter post of Section 6, T 8 S, R 9 W; thence south $89^{\circ} 32' 32''$ west along the east and west quarter line of said Section 395.0 feet; thence north $10^{\circ} 42' 32''$ east 240.36 feet; thence north $35^{\circ} 40' 28''$ west 173.70 feet; thence south $87^{\circ} 00' 32''$ west 124.70 feet; thence south $76^{\circ} 52' 32''$ west 228.09 feet; thence south $50^{\circ} 04' 32''$ west 309.73 feet; thence north $45^{\circ} 12'$ west 308.29 feet; thence north $89^{\circ} 46'$ west 69.8 feet; thence north $0^{\circ} 9' 29''$ west 1,435.36 feet to the southerly line of the Penn Central Railroad right-of-way; thence southeasterly along southerly line of said railroad

right-of-way to its intersection with the east line of said Section; thence south thereon to the beginning; except so much of the above described that lies within the corporate limits of the City of Sturgis.

7. Section 7, Town 8 South, Range 9 West.

"R-1" Single Family Residential District: All of Section 7, including the recorded plat of Fennell Addition, except that part of the section located within the corporate limits of the City of Sturgis.

8. Section 8, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 8, except those parts included within the AR-L Lake Residential District.

"R-L" Lake Residential District: Lots 1-13 of the recorded plat of Krontz's Subdivision; and all property between Williams Lake and the East side of Krontz Road, for the length of Krontz Road north of the Krontz Road/Fawn River Road intersection.

9. Section 9, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 9.

10. Section 10, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 10, except for platted lots within the Fawn River Village Subdivision.

"R-1" Single Family Residential District: Platted lots within the Fawn River Village Subdivision.

11. Section 11, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 11.

12. Section 12, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 12.

13. Section 13, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 15, except for platted lots within the Fawn River Village Subdivision.

"R-1" Single Family Residential District: Platted lots within the Fawn River Village Subdivision.
16. Section 16, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 16.
17. Section 17, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 17.
18. Section 18, Town 8 South, Range 9 West.

"AG" Agricultural District: All of Section 18, except those parts included within the "R-1" Residential District or the "AR-2" Multiple Family Residential District.

"R-1" Single Family Residential District: The north 500 feet of Section 18, except that portion of same lying between Greenfield Park Subdivision and Big Hill Road, and also except Lots 1, 2 and the north 50 feet of Lot 3 of the recorded plat of Bucknell's Subdivision.

Also, the south 50 feet of Lot 3 and Lots 4-13 of the recorded plat of Bucknell's Subdivision.

"R-2" Multiple Family Residential District: That part of the north 500 feet of Section 18 lying between Greenfield Park Subdivision and Big Hill Road.

Also, Lots 1-17 of the recorded plat of Greenfield Park.

Also, Lots 1, 2 and the north 50 feet of Lot 3 of the recorded plat of Bucknell=s Subdivision.

19. Section 19, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 19.
20. Section 20, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 20.
21. Section 21, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 21.
22. Section 22, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 22.
23. Section 23, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 23.
24. Section 24, Town 8 South, Range 9 West.
"AG" Agricultural District: All of Section 24.

APPENDIX B

ILLUSTRATIONS OF ORDINANCE TERMINOLOGY