

ARTICLE 1
TITLE, PURPOSE, SCOPE, INTERPRETATION,
VESTED RIGHT, AND SEVERABILITY CLAUSE

Section 1.01 Title

This Ordinance shall be known as the "Paradise Township Zoning Ordinance 2008."

Section 1.02 Repeal of Ordinance

The Paradise Township Land Use Ordinance, as amended, is hereby repealed effective coincident with the effective date of this Ordinance.

Section 1.03 Purpose

The primary purpose of this Ordinance shall be:

To promote the use and conservation of the lands and resources of the Township in conformity with their character and adaptability;

To ensure that use of the land shall be situated in appropriate locations and relationships;

To create safe and desirable conditions for living, economic progress, recreation, and other activities in the Township;

To prevent the overcrowding of land and congestion of transportation systems and other public facilities;

To facilitate the provision of adequate systems of transportation, fire protection, energy, waste disposal, water supplies, education, recreation, and other public service and facility requirements; and

To promote public health, safety, and welfare.

Section 1.04 Scope

No structure, or part thereof, shall hereafter be erected, constructed, renovated, or altered and maintained, and no new use or change of use shall be made or maintained of any structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 1.05 Interpretation

The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements necessary for the promotion of the public health, morals, safety,

comfort, convenience, or general welfare. This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of structures or premises except as specifically provided by Section 1.02; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1.06 Vested Right

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, such are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1.07 Severance Clause

Sections of this Ordinance shall be deemed to be severable. Should any section, paragraph, or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or in part, other than the part so declared to be unconstitutional or invalid.

Section 1.08 Savings Clause

Nothing in this Ordinance shall be construed to affect any suit or proceedings impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed pursuant to Section 1.02 of this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

ARTICLE 2 DEFINITIONS

For the purpose of this Ordinance, certain terms are herein defined. When not inconsistent with the context, words appearing in the present tense shall include the future, words in the singular and plural shall include the plural and singular tenses respectively, and the word "shall" is mandatory and not directory. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied." Any word or term not defined herein shall have the meaning of common or standard use that is reasonable for the context in which used herein. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose decision may be appealed to the Board of Appeals.

Accessory Use: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building, excluding home occupations.

Accessory Structure: A structure subordinate to a main building on the same lot that is occupied by, or devoted to, an accessory use.

Additions: An extension or increase in floor area or height of a building.

Adult: A person having arrived at the legal age of majority as defined by the laws of the state of Michigan.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images for any form of consideration to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas (as those terms are defined elsewhere herein).

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

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical area; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and may still be categorized as an Adult Bookstore or an Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it

compromises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Adult Business: Means and includes any of the following (all as defined elsewhere in this Section of this ordinance):

1. Adult Arcade
2. Adult Bookstore
3. Adult Cabarets
4. Adult Motels
5. Adult Motion Picture Theaters
6. Adult Panoramas
7. Adult Theaters
8. Escort Agency
9. Nude Model Studios and Adult Video Store
10. Sexual Encounter Centers

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features: Persons who appear in a state of semi-nudity or nudity; Live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or, persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Foster Care Facilities: A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult Foster Care Facilities shall not include nursing homes, hospitals or other such facilities licensed under Act 368 of 1978, as amended, and do not include alcohol or drug treatment facilities or facilities connected with correctional institutions.

Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult Motel: A hotel, motel or similar commercial establishment which: Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right of way which advertises the availability of this adult type of photographic

reproductions; offers a sleeping room for rent for a pre-designated period of time that is less than twelve (12) hours; or allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Panorama: An establishment having a substantial or significant portion of its business devoted to an entertainment use where patrons view in individual viewing booths, films, tapes or live entertainment showing specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of semi-nudity or nudity or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

Apartments: A suite of rooms or room in a multi-family building arranged and intended for a place of residence of a single-family, or a group of individuals living together as a single housekeeping unit.

Aquaculture: Land devoted to the hatching, raising and breeding of fish or other aquatic plants and animals for sale or personal use.

Arcade: Arcade shall mean any place of business or establishment whose principal use is amusement devices and which contains six (6) or more mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate, or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skill ball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto, under whatever name they may be indicated or called.

Architectural Features: Architectural features of a building or structure shall include, but are not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Automobile Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile Repair Garage: An establishment primarily engaged in furnishing automobile repair services to the general public.

Automobile Service Station: Any building, land area, or other premises, or portion thereof, used for the retail sales of motor fuels, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar automobile accessories.

Bed and Breakfast/Tourist House: An owner occupied private home (dwelling unit) wherein up to and including 3 (three) bedrooms have been converted for guest use for compensation and by pre-arrangement. A Continental or American breakfast may be served. A breakfast that includes more than coffee, juice and a commercially prepared roll requires a permit from the Michigan Department of Health.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

Building: Any structure, either temporary or permanent, having a roof and used or built, designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Height: The vertical distance measured from the grade to the highest point of the roof surface for a flat or dome roof, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

Building, Accessory: A supplemental building/structure having a roof, on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use: excluding, however, a home occupation.

Camping Unit: Any tent, trailer, cabin, lean-to, or similar structure established and maintained as temporary living quarters for recreation, education or vacation purposes.

Campsite: Any plot of ground intended for the exclusive occupancy by a camping unit or units under the control of a camping person on site.

Church: One of the groups of Christians who have their own beliefs and forms of worship, a place for public (especially Christian) worship.

Clinic: An establishment where human or animal patients are admitted for examinations and treatment by a physician(s), dentist(s), veterinarian(s), or similar professional(s).

Club: Any facility established to provide recreational or social activities for the exclusive use of its members, their families, and guests.

Co-Generation Facilities: Those facilities and their appurtenances that generate steam to produce electrical energy and hot water as a by-product to provide heat to a geographical area. Heat energy may be produced by the burning of waste products such as wood or solid waste refuse in combination with conventional fuels such as coal, gas or fuel oil.

Commercial Kennel: A kennel intended for profit is defined as a building or structure where dogs and/or cats are confined and kept for selling, boarding, breeding, or training purposes intended for profit.

Common Open Space: Unoccupied land within a development, not individually owned or publicly dedicated, that is designed and intended for the common use or enjoyment of the residents and their guests and may include such improvements as are necessary and appropriate.

Condominium Project: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of 1978, as amended.).

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967 (Public Act 288 of 1967, as amended), but is subject to the requirements of the Condominium Act, (Act 59 of 1978, as amended).

Condominium Subdivision Plan: The drawing attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and square footage of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: That portion of a condominium project or site condominium subdivision which is designated and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" for the purpose of determining compliance of a condominium subdivision with provisions of this Ordinance pertaining to a minimum lot width, maximum lot coverage and maximum floor area ratio.

Congregate Care Facility: Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

Contractors Yard – Major: A lot or parcel upon which a contractor maintains an office and the storage of machinery, equipment, and materials customarily used in the trade performed by the contractor, such as activities related to excavation, concrete work, building construction, mining, and roads, etc. This definition also includes building materials sales yards, including but not limited to rock, sand, and gravel.

Contractors Yard – Minor: A lot or parcel upon which a contractor maintains an office and the storage of machinery, equipment, and materials customarily used in the trade performed by the contractor, such as activities related to plumbing, electrical work, and dry walling, etc. Often these operations repair or retail items related to their operation.

Convalescent Home: A facility that provides, on a regular basis, personal care, including dressing and eating and health related care and services, to individuals who require such assistance but do not require the degree of care and treatment that a hospital or skilled nursing center provides.

Core Living Area: The principle living space determined by measurements of the exterior main building inclusive of what is commonly known as: front room, living room and kitchen.

Corral or Barnyard: A pen or enclosure for confining animals or livestock, but not grazing area.

Day Care Center: A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, and parent cooperative preschool, play-group, or drop-in center.

Dedicated Open Space: Open space created under the provisions of Act 177 of 2001, to remain in an “undeveloped state”, which means a natural state, scenic or wooded condition, agricultural use, and open space as defined by said Act 177 of 2001.

Density: Dwelling units per acre or acreage.

Designated Natural River: A river or tributary designated as Country Scenic or Wild Scenic, according to Act 231 of the Public Acts of 1970 (Natural Rivers Act).

District: A portion of the unincorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Domestic Animal: An animal which a zoo director determines is not likely to bite without provocation nor cause death, maim or illness of a human, including but not limited to the following animals: bird (in a cage), fish, rodent (a breed of rodent), cat (domestic), lizard (non poisonous), snake (non-poisonous), dog, prairie dog (in-breed).

Drive-In/Drive-Thru: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure, or to provide self-service for patrons and food carry-out.

Drive/Driveway: An easement that serves two (2) or less parcels.

Dwelling: Any building or structure or part thereof occupied as the home, residence or sleeping place of one or more persons, either permanently or transiently, except trailer coaches, whether or not mounted on wheels.

Dwelling, One-Family: A dwelling occupied by but one (1) family, and so designated and arranged as to provide living, cooking and kitchen accommodations for one (1) family only.

Dwelling, Two-Family/Duplex: A dwelling occupied by but two (2) families and so designated and arranged as to provide independent living, cooking and kitchen accommodations for two (2) families only.

Dwelling Standard: A dwelling unit that meets the following requirements:

1. The dwelling complies with the minimum square footage and performance requirements for the district within which located;
2. The dwelling complies in all respects with the Michigan State Construction Code as promulgated by the State Construction Commission in accordance with Act 230 of the Public Acts of 1972, as amended;
3. The dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the Township/County/State building code;
4. The dwelling is compatible in design and appearance with other residences in the vicinity including either a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and has not less than two exterior doors with the second one located in either the rear or side of the dwelling;

5. The dwelling has no additions or rooms or other areas which are not constructed with similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein;
6. The dwelling complies with all pertinent building and fire codes. The forgoing standards do not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required by the Township pertaining to such parks.

Earth Berm: A mound of earth of a minimum eighteen (18) inches in height, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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

Essential Services: The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal system, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals and hydrants and other similar equipment and accessories in connection with, but not including, buildings. For purposes of this Ordinance, essential services shall also be defined to include cable television facilities.

Existing Building: A building existing or for which the foundations are in place or upon which there has been substantial work done, prior to the effective date of this Ordinance, or any amendment thereto.

Existing Use: A use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

Extractive Services: Premises from which any rock, gravel, sand, topsoil, or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises, except excavation in connection with the construction of a building or within public highway rights-of-way.

Family: A single individual doing his or her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of unrelated persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Family Daycare: A private home in which one (1) but fewer than seven (7) minor children receive 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. Family Daycare includes a home that gives care to an unrelated minor child for more than four weeks during the calendar year.

Farm: means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the production of farm products.

Farm Animal: Means any horse, swine, cattle, sheep, goat, llama, chicken, goose, duck or turkey, or more than one rabbit. Farm animal also means any other animal other than dogs or cats raised for commercial profit or slaughter.

Farming: Agricultural activity or the raising of livestock or small animals as a source of income, excluding intensive livestock operations as defined herein.

Farm Product(s): Those plants and animals useful to human beings and includes, but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products or any other product which incorporates the use of food, feed, fiber or fur.

Feedlot: Any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) heads per acre for cattle and horses, ten (10) heads per acre for smaller animals, or more than thirty (30) fowls per acre.

Fence: A wall composed of posts, carrying boards, rails, pickets, or wire, or of iron structures consisting of vertical and/or horizontal bars.

Fence, Decorative: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

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 centerline of walls separating two (2) buildings. The floor area of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. Floor area shall include elevator shafts and stairwells at each floor, floor

space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-road parking or loading shall not be included in floor area.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area that is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Foster Care Group Home: A facility with the approved capacity to receive seven (7) but no more than twelve (12) persons who are provided supervision, personal care, and protection, in addition to room and board for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

Frontage: The area of a parcel that is adjacent to a public right-of-way. In the case that no part of the parcel is adjacent to a public right-of-way a recorded private right-of-way that meets Paradise Township access easement standards can be used to calculate minimum frontage requirements.

Garage, Commercial: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, selling or storing motor-driven vehicles. The use of which is allowed in the Commercial District.

Garage, Private and Public: Any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted in a private garage. A public garage is one that is not a private garage.

Gasoline Filling Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories, but not including any automobile repair.

General Common Elements: Areas which are used by all unit owners, (i.e. parks, land, surrounding units, streets, etc.) of the Condominium.

General Development Plan: A plan showing land use, circulation, open space, utilities, stormwater management, environmental features, community facilities, housing, impacts, and phases of parcels.

General Farming and Agricultural Use: An activity, which occurs on a farm in connection with the commercial production of farm products, but does not include the commercial harvest or taking of fish or fowl for a fee from within a confined area by means of firearm, hook or net.

Governmental Agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or governmental unit.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance of four (4) feet from the building.

Greenbelt: A strip of land of definite width and location reserved for the planting and/or maintenance of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Greenway: A linear open space established along either a natural corridor, such as a riverfront, stream valley, ridgeline, over land along a railroad right-of-way converted to recreational uses, scenic road, or other route. Any natural or landscaped course for pedestrian or bicycle passage. An open space connector linking parks, natural reserves, cultural features, or historic sites. Linear parks designed as a parkway or greenbelt.

Gun and Skeet Clubs, Shooting Range: Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet, trap, or clay pigeons.

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, or chronic disease hospital.

Health Department Site Report: A copy of the developers plan with noted approval by the Health Department or a letter stating rejection to the developer and the governing body stating reasons for rejection of the plan and requirements for approval from the Health Department.

High Water Mark: is a line where the waters edge meets the land as delineated/determined by Michigan Department of Environmental Quality and/or by the Grand Traverse County Soil Erosion and Sediment Control Office.

Highway: Any public thoroughfare in Paradise Township, including Federal and State roads and highways where and whether have depressed, surface or elevated construction.

Home Occupation: An accessory use of a service or professional nature conducted within a dwelling unit by the residents thereof, which use is clearly secondary and incidental to the use of the property as a dwelling and does not change the use of the district in which situated in any way and in no event shall said home occupation exceed 25% of the foot print of the main dwelling unit which includes attached garages.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Household: A household includes all persons who occupy a house, an apartment, a group of rooms, or a single room occupied as separate living quarters.

Household WECS: A WECS which supplies electricity to a single dwelling only and does not generally flow electric energy to the utility system. Such a system supplements the electrical energy used at the dwelling and is connected to specific circuits which may have automatic transfer to the electrical utility to maintain a constant source of electric energy to the designated circuit.

Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include a foster care home, home for the aged, nursing home, or convalescent home.

Hunting Preserve: A commercial facility which raises, stores, stocks or releases animals, such as game birds or deer, for the purpose of being shot or killed for a monetary charge or membership fee or an area where pen-reared game is shot or killed for a monetary charge or membership fee.

Impervious: Any material that prevents the absorption of stormwater into the ground, including buildings, parking areas, and driveways (gravel driveways are considered to be impervious). Excludes drain fields and playground equipment.

Industrial Park: A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

Inland Lake or Pond: A) River or stream which has definite banks, bed and visible evidence of continued flow, a continued occurrence of water. B) Natural or permanent artificial inland lake or impoundment that has definite banks, bed, visible evidence of continued occurrence of water, and surface area of water more than five (5) acres.

1. Does not include lakes constructed by excavating or disking dry land and maintained for sole purpose of cooling or storing water.
2. Does not include lagoons used for treating polluted water.

Intensive Livestock Operations: Any feedlot, as defined by the Michigan State Department of Agriculture, which definition is attached hereto and made a part hereof by reference, piggery or other livestock raising, breeding or feeding facility involving more than 200 animal units, including any building, structures, or enclosed areas used for such activities, and any associated animal waste storage structures or areas. For purposes of this ordinance an animal unit shall be construed as a unit of measure used to compare relative differences in the odor producing characteristics of animal wastes, with the following equivalencies applicable to various animals:

- a. Swine: 1.0 animal units
- b. Cattle: 1.0 animal units
- c. Horses: 1.0 animal units
- d. Sheep: 0.5 animal units
- e. Fowl: 0.10 animal units

“Interconnected WECS”. A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.

Junk: Any manufactured goods, appliance, fixture, furniture, machinery, boat or personal property or any part of the preceding items or anything, whether of value or valueless, that is demolished, discarded, completely or partially dismantled, dilapidated, wrecked, scrapped, ruined, junked or so worn, deteriorated, or in such a condition as to be generally unusable or inoperable in its existing state.

Junkyard: The storage or keeping of junk, including scrap metals or other scrap materials or items commonly known as junk, or the dismantling, demolition, or abandonment of more than one automobile or other vehicle, or machinery or parts thereof, excluding tires.

Kennel: The keeping of more than four (4) dogs at least six (6) months old by one (1) family or commercial establishment.

Lake: A natural or manmade body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants and is more than five (5) acres in size.

Landing Area: An area of an airport or landing field used or intended for use in landing, taking-off or taxiing aircraft, excluding area and facilities for shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

Landing Field: Any location which shall be used for the landing or take-off of aircraft with safety, but which is not equipped with facilities for the shelter, supply and repair of aircraft.

Lighting:

- a. Automatic Timing Device: a device, which automatically turns on and off outdoor light fixtures or circuits. Photoelectric controls and motion detectors are not considered automatic timing devices for the purposes of this Ordinance.
- b. Light Pollution: artificial light which causes a detrimental effect on the environment, astronomical observation, enjoyment of the naturally illuminated night sky or causes undesirable glare or unnecessary and/or unwanted illumination of adjacent or even distant properties.
- c. Outdoor Light Fixture: an illuminating device, which is permanently installed outdoors, including, but not limited to, devices used to illuminate signs.
- d. Cut-off Shielding: a technique or method of construction, which causes light emitted from an outdoor light fixture to be projected only below an imaginary horizontal plane passing through the fixtures below the light source.
- e. Shielding: in general, a permanently installed, non-translucent shade, cowl, hood, baffle or other construction which limits, restricts or directs light or the visibility of a light source to meet the standards of this Ordinance.
- f. Security Lighting: such lighting fixtures and/or practices intended to discourage intrusion on the premises by unwanted persons.
- g. Yard Lighting: such lighting fixtures and/or practices intended for the convenience, enjoyment and safety of a property owner or tenant or guest.
- h. Conforming Light Source: the bulb, which creates the light in accord with the provisions of this ordinance.
- i. Motion Detector: a device triggered by motion and used to energize lights.

Limited Common Elements: Areas designated for use by one or more unit owners of the condominium (i.e. driveway).

Livestock: Domestic animals, such as cattle, horses, sheep, hogs, poultry, or goats raised and/or boarded for home use or for profit.

Loading Space: An off-road space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the

provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

1. **Corner Lot:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purposes of this Ordinance, if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
2. **Double Frontage Lot:** Any lot, excluding a corner lot, which fronts on two (2) roads that do not intersect.
3. **Flag Lot:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.
4. **Interior Lot:** Any lot other than a corner lot.
5. **Through Lot:** Any interior lot having frontage on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to roads shall be considered frontage, and front yard setbacks shall be provided as required.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot Coverage: The part or percent of the lot occupied by impervious area (see Impervious definition).

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Frontage: The length of the front lot line measured at the road right-of-way line.

Lot Lines: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating the lot from the road. In the case of a corner lot or double frontage lot, it is those lines separating said lot from either road.
2. **Rear Lot Line:** That lot line opposite the front lot line, except in the case of double frontage lot. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary 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.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more metes and bounds parcels as contained in the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines. For a lot that has a curved front setback line, the straight-line distance between the side lot lines shall be measured at the tangent of the curve.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use (Principal Use): The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Managed Vegetative Strip: A natural vegetative area along both sides of a river or tributaries containing native trees, shrubs or other vegetation and natural materials. The purpose of this strip is to stabilize the riverbanks, prevent erosion, absorb nutrients in water runoff from adjacent lands, and provide shading for the stream to maintain cool water temperatures and screening of adjacent man-made structures.

Marginal Access Drive: A road that is parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision plan.

Master Plan: The master plan includes graphic and written proposals indicating the general location for roads, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mega-Church: A large, specialized type of house of worship that includes such nontraditional accessory uses as retail sales, residential uses, amusement parks, sports and entertainment, as an integrated part of the development.

Mini Storage Buildings: Rows of garage like structures designed for the dead storage of personal goods, rented for periods of time to individuals and small businesses.

Mobile Home: A vehicle or structure so constructed as to provide living or sleeping space for one or more persons and further so designed that it is or may be mounted on wheels.

Mobile Home Park: An area where more than two (2) mobile homes are parked or intended to be parked, designed or intended to be used as living facilities for one or more families.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to standard dwellings.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space that provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

Municipality: Paradise Township, Grand Traverse County, Michigan.

Narrow Parcel Width: A parcel containing a width measurement that is less than the minimum frontage requirement prescribed for it by the Schedule of Regulations of the Zoning Ordinance.

Nonconforming Building: An existing building employed in a lawful use prior to the effective date of this Ordinance or any amendment thereto, which does not conform to the use requirements of the district in which it is located.

Nonconforming Lot: Any lot, out lot, or other parcel of land existing at the effective date of this Ordinance, or amendments thereto, which does not meet the land area or dimension requirements of this Ordinance.

Nonconforming Structure: A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that do not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Use: An existing use of land or buildings which was lawful prior to the effective date of this Ordinance or any amendment thereto, and which does not conform with the use requirements of the district in which it is located.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: 1) sound, 2) dust, 3) smoke, 4) odor, 5) light and glare, 6) fumes, 7) flashes, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) objectionable effluent, 13) sound of congregation of people, particularly at night, 14) passenger traffic, 15) invasion of nonabutting road frontage by traffic, 16) junk.

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

Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Open Space Preservation: A land development technique outlined in Act 177 of 2001, that allows a landowner to develop the same number of dwelling units on 50% or less of the land area of a parcel as would be allowed on the entire parcel under conventional development regulations.

Occupied: The word occupied includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Office: A place, such as a building, room, or suite, in which services, clerical work, professional duties or the like are carried out.

Off-Road Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Off-Road Vehicle (ORV): Vehicles designed for use on a variety of unimproved surfaces, including all-terrain vehicles, snowmobiles, trail bikes, motorcycles, and the like.

Open Air Business Use: An open-air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services.

2. Outdoor display and sale of garages, swimming pools, and similar uses.
3. Sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or gasoline service stations.

Open Space: Any unoccupied area of land or water and set aside, dedicated, designated, or reserved for public or private use. Pervious facilities such as playgrounds, trails, pathways, ball fields, drain fields, and farm fields are considered open space.

Open Space Development: A development design technique that concentrates buildings onto a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. This design technique may be used with a conventional subdivision or with a condominium project.

Parcel: Means a continuous area or acreage of land and for the purposes of this Ordinance shall include: lot, unit, and out lot.

Park: A tract of land designated and used by the public for active and passive recreation.

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Pasture: A grazing area.

Pathway: A cleared, improved area for pedestrians and/or bicyclists that may or may not be paved. Only for non-motorized use.

Patio (Deck): An uncovered courtyard or platform extending horizontally out from the main building or structure.

Pen: A fenced enclosure for animals.

Person: An individual, sole proprietorship, partnership, association, corporation, public or private.

Place of Worship: A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis by a religious congregation.

Reserved

Reserved

Planned Business Development: An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more commercial, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

Pond: A natural or manmade body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants and is less than five (5) acres in size.

Porch: A covered projection on a building or structure containing a floor, which may be either totally enclosed or open except for columns supporting the porch roof, and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Premises: Any lot or parcel of land owned or occupied by any person whether vacant, improved with any dwelling, building or other structure or public lands or public right-of-way or easement.

Private Road/Private Drive: A named or unnamed trail, road, or drive that is not under the jurisdiction of Paradise Township, the Grand Traverse County Road Commission or the State of Michigan.

Public Building: Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

Public Utility: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Recreation Area: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure time activities.

Recreational Vehicle: A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of "recreational vehicle" includes, but is not limited to, snowmobiles, camping vehicles, motorcycles, mini-bikes, go-carts, boats, and ice-boats.

Recreational Vehicle Park: A licensed park designed specifically to accommodate recreational vehicles and recreational activities.

Restaurant:

1. Standard Restaurant

A standard restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.

2. Carry-Out Restaurant

A carry-out restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- a. Foods, desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
- b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is primarily intended to be consumed off the premises.

3. Fast-Food Restaurant

A fast-food restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises (including service through a drive-through window), and whose design or principal method of operation includes both of the following characteristics:

- a. Foods, desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

- b. The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

4. Drive-in Restaurant

A drive-in restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one (1) or both of the following characteristics:

- a. Foods, desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop, or by other means that eliminate the need for the customer to exit the motor vehicle.
- b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

Retail Warehouse Outlet: An establishment that offers the wholesale of goods, such as, but not limited to: pharmaceuticals, bakery and dairy products, clothing, dry goods, hardware, household appliances, clothing, office and business materials, and machinery.

Recreational Kennel: Any building or buildings or land designed or arranged for the care of dogs and/or cats belonging to the owner of principle use, kept for purposes of show, hunting, or as pets.

Right-Of-Way: A street, alley, or other thoroughfare or easement for passage of persons or vehicles.

Ringelmann Chart: A device used to measure the opacity of smoke emitted from stacks and other sources.

Roads: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, road shall be defined to also include the term “street.” Roads are further classified by the functions they perform.

- 1. Local (minor) roads: Roads primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be possible in the case of cul-de-sacs. Part of the road width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the road.

2. Collector (secondary) roads: Roads primarily designed to provide access to abutting land parcels and enable moderate quantities of traffic to move expeditiously between local roads and the major road network.

3. Major (primary) roads: Roads primarily designed for the efficient movement of through traffic at speeds that are as high as can be reasonably allowed in view of safety considerations and the amount of access provided. Capacity is obtained by provision of wide road cross-sections and high capacity controls at intersections, or by elimination of intersections by grade separations. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

Road Grade Gravel: An aggregate mixture that meets or exceeds Michigan Department of Transportation (MDOT) specifications of "23A".

Roadside Stand: A structure for the display and seasonal sale of agricultural and farm products, with no space for customers within the structure itself.

Roadside Market: A building or structure used for the retail sales of fresh fruit, vegetables, flowers, herbs, or plants. May also involve the accessory sales of other unprocessed food stuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. The floor area devoted to the sales of these accessory items shall not exceed fifty (50) percent of the total sales area. No commercially packaged handicrafts or commercially processed and/or packaged foodstuff shall be sold at the roadside market.

Runs: An outdoor/indoor enclosure for domestic animals or poultry.

Satellite Signal Receiving Antennas/Towers: * also referred to as "earth stations" or "ground stations" shall mean one (1) or a combination of two (2) or more of the following:

(a) A signal-receiving device (antennas, dish antenna, or dish type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

(b) A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic light signals.

(c) "Dish" shall mean that part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish.

(d) "Ground Rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

(e) "Receiver" shall mean a television set or radio receiver.

* Definitions to be used as required by Communication Tower Ordinance, #13

Sawmill: A building or area where timber is cut, sawed or planed, either to finish lumber or as an intermediary step and may include facilities for kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis.

Scrap Tire Collection Site: Any facility licensed under Part 169 of Public Act 451 of 1994.

Seasonal Road: A road under the jurisdiction of the Grand Traverse County Road Commission that is designated by that agency as a “seasonal road” due to its use or condition, that is not provided winter maintenance and may or may not be graded during the summer months.

Service Area: An outdoor area used, in connection with a nonresidential use, for loading and unloading operations and for the receipt and temporary storage of goods, materials, and equipment.

Setback – Front Yard: The minimum distance that a building or structure (requiring Land Use Permits) can be placed or erected from the right of way of any public or private road or easement.

Setback: The minimum required distance between a lot line and structure (requiring Land Use Permits).

Setback, Front: The minimum required distance, extending the full lot width, between the front lot line and structures (requiring Land Use Permits) located on that parcel.

Setback, Rear: The minimum required distance, extending the full lot width, between the principal and accessory buildings (requiring Land Use Permits) and the lot line opposite the front lot line.

Setback, Side: The minimum required distance, extending from the front setback to the rear setback, between the principal and accessory buildings (requiring Land Use Permits) and the side lot line.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Shallow Parcel Depth: A parcel containing a depth measurement that is less than or equal to its actual width.

Shopping Center: A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.

Shoreline: A line marking where the land meets the water's edge.

Sidewalk: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign: A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

1. **Billboard Sign:** A manufactured structure advertising an establishment, merchandise, service, entertainment, and other messages which are not sold, produced, manufactured, or furnished at the property on which the billboard is located. A billboard is a large flat surface manufactured to carry outdoor advertising, mounted on a frame that is either freestanding or attached to a building.
2. **Canopy Sign:** A sign that is mounted or painted on, or attached to, an awning or canopy that is otherwise permitted by Ordinance.
3. **Construction Sign:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
4. **Directional Sign:** Signs limited to directional messages, principally for pedestrian or vehicular traffic such as "one-way," "entrance," and "exit."
5. **Directory Sign:** An off-premises ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.
6. **Freestanding Sign:** A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.

7. Home Occupation Sign: A sign containing only the name and occupation of a permitted home occupation.
8. Memorial Sign: A sign tablet or plaque memorializing a person, event, structure, or site.
9. Monument Sign: A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.
10. Political Sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
11. Real Estate Sign: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
12. Temporary Sign: A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.
13. Wall Sign: A sign that is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.

Sign Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of 1) existing grade prior to construction; or, 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases of severe topography in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road.

Single Ownership: One or more parcels of land held entirely in the same ownership, which may include one or more persons and may take any legal form.

Slaughterhouse/Abattoir: A facility licensed by Michigan Department of Agriculture or the United States Department of Agriculture where animals are killed and processed into meat products for sale in accordance with local, State and Federal laws.

Slaughterhouse – Minor: A commercial facility that processes an equivalent of 150 animal units or less per calendar year as defined in the Michigan Department of Agriculture “equivalent animal units”. Qualified “farm kill” (processed farm animals for use by immediate family) will not be considered a Slaughterhouse. 3/2010 amended

Small Retail Operation: A retail operation within an enclosed building having a gross floor area of less than 2,500 square feet.

Special Use: Special uses are those uses of land which are not essentially incompatible with the permitted uses in a zoning district, but possess characteristics of location qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services, facilities and adjacent uses of land.

Specified Anatomical Area: The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified Sexual Activities: Means and includes any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or, excretory functions as part of or in connection with any of the activities set forth above.

State Licensed Residential Facility: A state licensed residential facility as defined by MCLA 125.583.b; MSA 5.2933 (2) that is used for the care and supervision of six (6) or fewer persons under 24 hour supervision but excluding persons related to or assigned to adult correction institutions.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

Structurally Attached: The joining by means of major architectural elements or features including, but not limited to, roofs, walls, and/or truss.

Subdivision Park: An area in a development designated for recreational activities that are normally associated with living in a neighborhood, such as playground and ball fields.

“Survival Wind Speed”. The maximum wind speed as designated by the WECS manufacturer at which a WECS in unattended operation but not necessarily producing power, is designed to survive without damage to any structural equipment or loss of the ability to function normally.

Tent Camping: A rustic camp setting where people can experience a day and night outdoor experience in a wildlife environment.

Truck Terminal: A building or area in which freight brought by truck is temporarily stored and/or assembled for routing or reshipment. A terminal facility may include storage areas for trucks.

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

Variance: Permission to depart from the literal requirements of the Zoning Ordinance.

Vested Right: A right that has accrued and become fixed to a point where it is not subject to loss by subsequent events and may not be denied by governmental authority without compensating the owner of the right.

Wall: An artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen, or protect areas of land.

Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Warehouse: A building or area used for the storage of goods and materials and which may include facilities for a wholesale or retail outlet.

Waste Materials/Recyclable Materials Transfer Station: A facility where waste materials and recyclable materials, including scrap tires, are off-loaded from one vehicle and re-loaded onto another, or temporarily stored prior to disposal at another site.

“WECS”. Shall be the approved form of abbreviation of “wind energy conversion system”, and WECS shall consist of the combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical power; and
2. A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electrical-producing device; and
3. A generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon or other structure upon which any, all or some combination of the above are mounted.

WECS “Tower Height”.

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and the blades.
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

Wetlands: A) Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. B) An area the DEQ has determined protection of the area essential to preservation of the State's natural resources and has notified owner of the area of the determination.

Wholesale Trade: Establishments or places of businesses primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wild Animal: Means any animal not bred by humans or any animal, which a zoo director would determine, is likely to bite without provocation or cause the death, maiming or illness of a human including but not limited to the animals listed below. Wild animal also means any animal which a person is prohibited from possessing by law: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate (family), bear, dog-wolf, raccoon, bird (wild), ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), martin.

Wrecked: The outward appearance of the specific item or vehicle is deformed, damaged or defaced.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each road frontage.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite the front lot line used as the road address.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Yield Plan: A plan showing layout and density as allowed under conventional zoning regulations to be used to determine overall density and number of buildable parcels, lots or condominium units under the Open Space Preservation provisions of this Ordinance as required by Act 177 of 2001.

Zoning Administrator: The administrative official designated by the Township Board with the responsibilities of administering and enforcing this Ordinance as provided by this Ordinance.

Zoning District: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted, and within which are contained yards, open spaces, lot area, and other requirements established by this Ordinance.

**ARTICLE 3
ADMINISTRATION AND ENFORCEMENT**

Section 3.01 - Administration: It shall be the duty of the Zoning Administrator, who shall be appointed by and on such terms determined by the Township Board, to administer this Ordinance and to enforce the provisions contained herein. This Administrator may, with the approval of the Township Board, designate authorized agents to assist in the Administration and enforcement of the provisions of this Ordinance. The Board of Zoning Appeals shall interpret this Ordinance, make decisions on matters coming within its jurisdiction and instruct the Zoning Administrator as to the steps necessary to enforce its decisions.

Section 3.02 Duties of Zoning Administrator

The Zoning Administrator shall:

1. Receive and review all applications for land use permits and zoning compliance certificates, and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and such other laws, codes, and ordinances which are applicable to land use and occupancy, and issue certificates when there is compliance with this Ordinance.
2. Receive all applications for site plan review and special use permits.
3. Receive all applications for appeals, variances, or other matters, which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
4. Receive all applications for amendments to this Ordinance and refer all such applications to the Planning Commission.
5. Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy maintained by the Township Clerk.
6. Maintain written records of all actions taken by the Zoning Administrator and meet with the Planning Commission upon request.
7. Be responsible for forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance, and be responsible for information necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.
8. Make periodic site inspections of the Township to determine Ordinance compliance, answer complaints of Ordinance violations, and provide monthly reports to the Township Board and Planning Commission.

9. The Zoning Administrator has the power to grant land use permits and zoning compliance certificates and to inspect buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Administrator to approve any plans or issue any permits or certificates of occupancy until he/she has inspected such plans in detail and found them to conform to the requirements of this Ordinance.
10. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties as the Administrator.

Section 3.03 – Land Use Permits: No person shall erect, place or move any building having Two hundred (200) square feet or more of floor area, nor shall any person make an addition of one Two hundred (200) square feet or more of enclosed floor space to any existing building, or change or establish a new use for any land within any zoning district without first obtaining a land use permit therefore. Application shall be made to the Zoning Administrator for such permit, on forms to be supplied by him. The Zoning Administrator shall have the power to require proof of ability to comply with all of the requirements of the Ordinance pertaining to said use, and he may also require proof of ability to meet all public health standards and applicable State and County laws, regulations and ordinances.

1. Requirement

Excavation for, erection of, addition to, alteration, or moving of any building or structure, or the grading, leveling, re-contouring of land, or the removing of trees in connection with these activities shall not be undertaken, nor shall any activity or change of use be commenced until the proper permit has been issued by the Administrator. Except upon a written order of the Zoning Board of Appeals, no such land use permit or zoning compliance certificate shall be issued for any building or structure where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this Ordinance.

Permits shall not be required for temporary structures, or for alterations or repairs costing fifteen hundred dollars (\$1500.00), or less, which are made to existing structures, or the wrecking of buildings and structures of less than one thousand (1,000) cubic feet capacity.

2. Application Requirements

Application for a land use permit shall be made to the Zoning Administrator, signed by the person, firm, partnership, or corporation requesting the same, or by the duly authorized agent of such person, firm, partnership, or corporation. For those uses requiring a site plan, the Zoning Administrator shall not issue a land use permit until the provisions of Article 21, Site Plan Review Procedures, have been satisfied. For those

uses not requiring a site plan, there shall be submitted with all applications for building and land use permits, two (2) copies of a drawing, drawn to scale showing:

- a. The location, shape, area, and dimensions for the lot, lots, or acreage.
- b. The location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected, along with existing structures, wells, and disposal systems.
- c. The dimensions, height, bulk/area of structures, and setback lines.
- d. The nature of the proposed construction, alteration, or repair, and the intended uses.
- e. The present use being made of any existing structure affected and any proposed change in the use thereof.
- f. Any other information deemed necessary by the Administrator to determine compliance with this Ordinance and to provide for its enforcement.

3. Evidence of Ownership

All applicants for building and land use permits shall have available, for the Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Administrator.

4. Issuance of Permit

If the Administrator finds the application conforms to the requirements of this Ordinance and other laws, codes and ordinances pertaining to use, he/she shall mark all copies of the application approved over his/her signature, one copy of which shall be retained by him/her, and another copy shall be returned to the applicant, stating the extent of the work authorized. The approval of the application and the issuance of the permit shall not be binding upon the Township Board or the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this Ordinance.

5. Revocation of Permit

Any land use permit granted under this section shall be null and void unless the development proposed shall have its first zoning inspection within six (6) months of the date of granting the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit application. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his/her agent, or is in violation

of any of the provisions of this Ordinance or of any other laws, codes, or ordinances pertaining to use or occupancy.

6. Inspection

The construction or use covered by any land use permit shall be subject to the following inspections:

- a. At the time of staking out of lot corners and building foundations at all building corners.
- b. Upon completion of the work authorized by the permit, it shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.
- c. All normal inspections required by the current building code in effect in the County.
- d. At the time a land use activity is commenced.

Section 3.04 – On Site Inspection: Before issuing a land use permit for the erection of any building on land classified "high water table" (high seasonal stages of ground water level six (6) feet or less from the surface) as shown by the current Soil Survey of Grand Traverse County, Michigan, as published by the United States Department of Agriculture, an on-site inspection shall be made by the Zoning Administrator, or an inspection report submitted by a representative of the Soil Conservation District and the County Health Department supporting said use and any conditions or alterations recommended by the report shall be included in the Land Use Permit. The applicant shall bear the cost of such inspection and report.

Section 3.05 – Occupancy Permit: No building shall be occupied until requirements of this ordinance are met.

Section 3.06 Temporary Dwelling Permits

The Zoning Administrator may issue temporary dwelling permits for buildings, including mobile homes, subject to the following limitations and procedures:

1. During construction of a new single family dwelling, or when a dwelling is destroyed by fire, collapse, explosion, act of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary dwelling permit may be issued by the Zoning Administrator to allow a mobile home to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than one (1) year.

Any extension must be approved by the Zoning Administrator who may grant the same period of not more than one (1) year, during which time a permanent dwelling shall be erected on the property.

2. A temporary dwelling permit shall not be granted, for any reason except as provided in subsection 1, unless the Zoning Administrator finds that the following requirements are satisfied:
 - a. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three (300) hundred feet.
 - b. Proposed water and sanitary facilities have been approved by the Grand Traverse County Health Department.
 - c. All applicable dimensional requirements within the district are met by the temporary dwelling.

Section 3.07 Zoning Compliance Certificates

It shall be unlawful to use or permit the use or occupancy of any land, building, or structure for which a land use permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator shall have issued a zoning compliance certificate stating that the provisions of this Ordinance have been complied with.

1. Zoning compliance certifications shall be issued for existing buildings, structures, or parts thereof, if, after inspection, it is found that same is in conformity with the provisions of this Ordinance.
2. Temporary zoning compliance certificates may be issued for part of a building or structure, prior to the entire development being completed. To be issued a temporary zoning compliance permit, the portion of the building or structure to be occupied shall be in conformance with the provisions of this Ordinance and such other laws, codes, and ordinances pertaining to occupancy. Temporary zoning compliance certificates are to be in force not more than one hundred twenty (120) days, shall be renewable in thirty (30) day increments, and shall not be in effect more than five (5) days after the building or structure is fully completed and ready for occupancy.
3. Buildings or uses accessory to dwellings shall not require a separate zoning compliance certificate, but may be included in the certificate for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.

Section 3.08 Required fees

The Board shall by resolution, determine and set the fees to be charged for all permits, certificates, and copies thereof, fees for appeals to the Zoning Board of Appeals, fees for application to the Planning Commission for special approval uses or site plan review, fees for rezoning applications, and fees for all other applications and services provided for in the Ordinance.

ARTICLE 4 ZONING DISTRICTS

Section 4.01 Zoning Districts in Paradise Township

To accomplish the purpose set forth in the Preamble, land in Paradise Township is hereby divided into the following zoning districts:

FR, Forest Recreation District
Ag, Agricultural District
R-1, Residential District
R-2, Residential District
CM, Commercial Manufacturing District
NR, Natural River District

Section 4.02 District Boundaries

The boundaries of these districts are hereby established as shown on the "Paradise Township Zoning Map" which accompanies this Ordinance. The Paradise Township Zoning Map along with all notations, references, and other explanatory information shall accompany and be made a part of this Ordinance.

Section 4.03 Official Zoning Map

Regardless of the existence of purported copies of the Zoning Map that may be published, a true and current copy of the Zoning Map shall be maintained by the office of the Township Clerk and made available for public inspection. The Township Clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in the Township.

Section 4.04 District Boundaries Interpreted

When uncertainty exists with respect to the boundary lines of the various districts as shown on the Zoning Map, the boundaries shall be determined by the Board of Appeals according to the following rules:

1. Boundaries indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following recorded lot lines or the line bounding a parcel shall be construed as following such lot or parcel lines.
3. Boundaries indicated as approximately following a municipal boundary line shall be construed as following such municipal boundary line.
4. Boundaries indicated as following railroad lines shall be construed to be the

midway point between the main tracks.

5. Boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as following a shoreline shall be construed as following the shoreline. When the shoreline's location changes, the boundary will also change to correspond to the shoreline's new location.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 7 above shall be so construed. The scale of the map shall determine distances not specifically indicated on the official Zoning Map.
8. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 7 above, the Board of Appeals shall interpret the district boundaries.
9. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 4.05 Zoning of Vacated Areas

Whenever any road, alley, or other public way within Paradise Township is vacated, such road, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

Section 4.06 Compliance with General Provisions Required.

All structures and uses in any district shall be subject to the provisions of Article 11, General Provisions.

**ARTICLE 5
FOREST-RECREATIONAL DISTRICT**

Section 5.01 – **Intent:** The intent of this district is to establish uses, which will encourage low-density residential development: to preserve the land for recreation, conservation and agricultural use.

Section 5.02 – **Uses permitted with site plan review by the Zoning Administrator:** No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. Single family dwelling unit
- B. Nurseries, greenhouses, tree plantations, forest and conservation projects.
- C. Aquaculture for personal use.
- D. Farms
- E. Hunting Preserves, game refuges and the raising of game animals or birds.
- F. Archery ranges and Indoor shooting ranges
- G. Riding stables.
- H. Bed & Breakfast Establishments/Tourist house
- I. Home Occupation
- J. Accessory structures customarily associated with the above permitted uses.
- K. State licensed residential facility (small).

Section 5.03 - **Uses permitted when authorized by site plan review as set forth in Section 14 of this Ordinance:**

- A. Churches, Places of Worship, and religious institutions.
- B. Private schools, Public Schools, and Parochial Schools
- C. Public and private parks, recreation facilities and campground.
- D. Animal hospitals, vet clinics, kennel.
- E. Sawmills.
- F. Golf courses, country clubs, public or private.
- G. Gun and Skeet Clubs, Outdoor Shooting Ranges
- H. Aquaculture for commercial use.
- I. Contractors Yard – major and minor
- J. Open Space Residential Developments as regulated by Act 177 of 2001.
- K. Site Condominiums, as regulated by Act 59 of 1978

Section 5.04 - **Area and Bulk Requirements**

The following regulations shall apply to all uses and/or buildings within the FR- Forest Recreation district.

1. **Minimum Lot Area and Width.** The lot area shall be a minimum of Ten (10) acres and have minimum lot width of 330 feet at the front setback line.

2. Height. The maximum building height for a structure shall be thirty five (35) feet, except as otherwise specifically provided in this Ordinance.
3. Setback requirements. Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setback areas as listed below:
 - a. The minimum front yard setback shall be Thirty-five (35) feet.
 - b. The minimum side yard setback shall be thirty (30) feet.
 - c. The minimum rear yard setback shall be Twenty-five (25) feet.
4. Lot Coverage. The maximum percentage of the lot that is permitted to be impervious is forty (40) percent.
5. Minimum Dwelling Size. The principal dwelling unit shall have a minimum of seven hundred (700) square feet of livable area. The minimum dwelling dimensions for the principal dwelling unit shall be twenty (20) feet wide by twenty (20) feet long.

ARTICLE 6 AGRICULTURAL

Section 6.01 - Intent: The intent of this district is that these lands possess special qualities and attributes for agricultural purposes and planned development that fosters and promotes agricultural enterprise.

Section 6.02 - Uses permitted with Site Plan Approval by Zoning Administrator: No building or structure or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. Single family dwelling
- B. Any farming or agricultural activities including stock nurseries, and animal and livestock raising, excluding intensive livestock operations.
- C. Nurseries, greenhouses, and tree plantations.
- D. Structures used to house livestock, provided, however, that any buildings, used for livestock shall be at least twice the setback from the property lines.
- E. Roadside stands for sale of agricultural products.
- F. Songbird Sanctuaries
- G. Butterfly Havens
- H. Botanical Gardens
- I. Aquaculture for personal use.
- J. Riding stables and dude ranches
- K. Home Occupation
- L. Publicly owned and operated municipal buildings, libraries, and recreation facilities
- M. Accessory structures customarily associated with the above permitted uses
- N. State licensed residential facility (small).

Section 6.03 - Uses permitted when authorized by Site Plan Review as set forth in Article 14 of this Ordinance:

- A. Churches, Place of Worship, and religious institutions.
- B. Private, Public, and Parochial Schools
- C. Public and private parks and campgrounds.
- D. Commercial nurseries and greenhouses.
- E. Animal hospitals, vet clinics, and kennels with inside runs.
- F. Golf courses, country clubs, public or private.
- G. School bus garages.
- H. Composting and Soil Preparation
- I. Bed & Breakfast/Tourist House Establishments
- J. Communication Towers
- K. Custom Exempt Farm Kill Processing
- L. Adult Foster Care Facilities with approved capacity for seven (7) or more adults.
- M. Cemetery

- N. Site Condominiums, as regulated by Act 59 of 1978.
- O. Open Space Residential Development as regulated by Act 177 of 2001

Section 6.04 - Uses permitted when authorized by Special use Permit as set forth in Article 15 with site plan review as set forth in Article 14 of the this Ordinance:

- A. Sawmills
- B. Intensive livestock operation
- C. Aquaculture for commercial use
- D. Animal hospitals, vet clinics, and kennels with outside runs
- E. Hunting preserves, game refuges, and the raising of game animals or birds.
- F. Gun and Skeet clubs, Outdoor shooting ranges.
- G. Contractor Yards – Major and Minor
- H. Retirement Community Development
- I. Group Day Care Facilities – (7 to 12 individuals)
- J. Slaughterhouse, Minor added 3/2010

Section 6.05 – Area and Bulk Requirements: The following requirements shall apply to land located within the Agricultural District:

1. Minimum lot area shall be two and one half (2 ½) acres.
2. Minimum lot width shall be 165 feet.
3. Setback requirements: except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setback areas as listed below:
 - A. The minimum front yard setback shall be Thirty-five (35) feet.
 - B. The minimum interior side yard setback shall be Twenty (20) feet.
 - C. The minimum rear yard setback shall be Twenty-five (25) feet.
 - D. The minimum street/road yard setback shall be Thirty-five (35) feet.
4. Lot Coverage; The maximum percentage of the lot to be covered by impervious area is fifty (50) percent.
5. Height. The maximum building height for a structure shall be thirty five (35) feet, except as otherwise specifically provided in this Ordinance.
6. Minimum Principal Standard Dwelling Size shall be 700 square feet of main floor living area. The minimum dwelling dimensions for the principal dwelling unit shall be twenty (20) feet wide by twenty (20) feet long.

ARTICLE 7
R-1 RESIDENTIAL DISTRICT

Section 7.01 – **Intent:** The intent of this district is to encourage medium density residential development associated with logical growth of the area, together with related facilities and uses which would serve the inhabitants of the area and would be compatible and appropriate with residential use.

Section 7.02 – **Uses permitted with Site Plan Approval by Zoning Administrator:** No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. One single family dwelling unit.
- B. Two family dwelling.
- C. Home Occupations
- D. Accessory structures customarily associated with the above permitted uses
- E. State licensed residential facility (small).

Section 7.03 - **Uses permitted when authorized by Site Plan Review as set forth in Article 14 of this Ordinance:**

- A. Churches, Place of Worship, and religious institutions.
- B. Public parks and other public recreation facilities
- C. Public, private and parochial schools
- D. Government Building
- E. Publicly owned and operated municipal buildings, libraries, and recreation facilities
- F. Site Condominiums, as regulated by Act 59 of 1978
- G. Open Space Residential Development as regulated by Act 177 of 2001

Section 7.04 - **Uses permitted when authorized by Special use Permit as set forth in Article 15 with site plan review as set forth in Article 14 of the this Ordinance:**

- A. Multiple family dwellings.
- B. Golf Courses, Country Clubs, public or private.
- C. Bed & Breakfast Establishments/Tourist house
- D. Tourist Homes
- E. Cemetery
- F. Group Day Care Facilities (7 to 12 individuals)

Section 7.05 – **Special Requirements:** The following requirements shall expressly apply to land located within the R-1 Residential District:

- A. Farm animals may be kept on lots with a minimum of 2-1/2 acres.

Section 7.06 - Area and Bulk Requirements

The following regulations shall apply to all uses within the R-1 Residential District.

1. Minimum lot Size: shall be one (1) acre in size.
2. Minimum lot width: The minimum lot width for Metes and Bound lots shall be One hundred and fifty (150) feet. There shall be no minimum lot width for lots in a platted subdivision or in a site condominium subdivision.
3. Height: The maximum height for a structure shall be Thirty five (35) feet, except as otherwise provided for in this Ordinance.
4. Setback requirements: Except as otherwise specifically provided for in this Ordinance, no structure shall be erected within the required setbacks area as listed below;
 - a. The minimum front yard setback shall be Thirty-five (35) feet.
 - b. The minimum interior side yard setback shall be Fifteen (15) feet for residential uses and Twenty-five (25) feet for non-residential uses.
 - c. The minimum rear yard setback shall be Twenty-five (25) feet.
5. Lot coverage: The maximum percentage of the lot that is permitted to be covered by impervious area is sixty (60%) percent.
6. Principal Dwelling Unit Size shall be seven hundred (700) square feet of livable area. The minimum dwelling dimensions for each dwelling unit shall be twenty (20) feet wide by twenty (20) feet long.

ARTICLE 8
R-2, RESIDENTIAL DISTRICT

Section 8.01 – **Intent:** The intent of this District is to promote healthy family living by creating developments that are walkable, affordable, and desirable. Social Interaction components such as parks, recreation facilities, and community-orientated buildings are encouraged to be integrated into developments. Landscaping, infrastructure capabilities, and the site development standards will be the primary tools used in insuring that the developments will not be obtrusive towards each other.

Section 8.02 – **Uses permitted with Site Plan Approval by Zoning Administrator**

The following uses of land and buildings are allowed in the R-2, Residential Zoning District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

- A. Standard single-family detached dwelling units.
- B. Two family dwelling units.
- C. Home Occupations
- D. Parks, trails, and Greenways
- E. Small family and group daycares
- F. Accessory structures customarily associated with the above permitted uses
- G. State licensed residential facility (small).

Section 8.03 - **Uses permitted when authorized by Site Plan Review as set forth in Article 14 of this Ordinance:**

The following uses of land and buildings are allowed in the R-2, Residential Zoning District, provided the Planning Commission finds that the proposed use satisfies all of the requirements of this Zoning Ordinance.

- A. Churches, Place of Worship, and religious institutions
- B. Publicly owned and operated municipal buildings, libraries, and recreation facilities
- C. Public, parochial, and private elementary, intermediate and/or secondary schools offering course in general education
- D. Site Condominiums, as regulated by Act 59 of 1978
- E. Open Space Residential Developments-pursuant to PA 177 of 2001

Section 8.04 - **Uses permitted when authorized by Special use Permit as set forth in Article 15 with site plan review as set forth in Article 14 of this Ordinance:**

The following uses of land and buildings are allowed by Special Use Permit in the R-2, Residential Zoning District, provided the Township Planning Commission and the Township Board finds that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance.

- A. Multiple family dwelling units
- B. Mobile Home Parks - P.A. 96 of 1987s
- C. Bed and Breakfast/Tourist House establishments
- D. Retirement Community developments
- E. Group Day Care Facilities (7 to 12 individuals)

Section 8.05 - Area and Bulk Requirements

The following shall apply to all uses in the R-2, Residential Zoning District:

1. Minimum lot size: The minimum lot size shall be 20,000 sq. ft.
2. Minimum lot width shall be one hundred (100) feet.
3. Height: the maximum building height for a structure shall be thirty-five (35) feet, except as otherwise provided in this Zoning Ordinance.
4. Setback Requirements: Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setback areas as listed below:
 - A. The minimum front yard setback shall be thirty-five (35) feet.
 - B. The minimum interior side yard setback shall be ten (10) feet for residential use and twenty-five (25) feet for non-residential use.
 - C. The minimum rear yard setback shall be twenty-five (25) feet.
 - D. The minimum street/road side setback shall be thirty-five (35) feet.
5. Lot Coverage. The maximum percentage of the land that is permitted to be covered by impervious area is sixty-five (65) percent.
6. Minimum Principal Standard Dwelling Size for One and Two Unit. The principal dwelling unit shall have a minimum of 700 square feet of livable area (per unit). The minimum dwelling dimensions for the dwelling units shall be twenty (20) feet wide by twenty (20) feet long.

ARTICLE 9
NR- NATURAL RIVER DISTRICT

Section 9.01- Intent: The intent of this district is to comply with the land use regulations established by the Michigan Department of Natural Resources (MDNR)'s Boardman River Natural River Zoning ordinance. The land areas in this district are in the Boardman watershed and their uses impact the water quality of the Boardman River.

This District includes all land areas within 400 feet of the Boardman River, Jaxon Creek, and the designated tributaries as shown on the Zoning Map. The goal of this district is to protect and enhance their water conservation values, free flowing condition, fish, and wildlife, aesthetic, and flood plain, ecologic, historic and recreational values.

Section 9.02 - Uses Allowed with Site Plan Approval by the Zoning Administrator

The following uses of land and buildings are allowed in the NR, Natural River District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

- A. Standard single-family detached dwelling unit.
- B. Forest preserves, game refuges, and parks.
- C. Home occupations.
- D. State licensed residential facility (small).
- E. Church/Places of worship.
- F. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

Section 9.03 - Uses Permitted with Special Conditions

The following uses of land and buildings are allowed in the NR, Natural River District, provided the Zoning Administrator finds that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance:

- 1. Boat docks, subject to the following condition:
 - a. Approval from the Department of Environmental Quality and/or Department of Natural Resources.
- 2. Bridges, subject to the following condition:
 - a. Approval from the Department of Environmental Quality and/or Department of Natural Resources.

Section 9.04 - Area and Bulk Requirements

The following regulations shall apply to all uses within the NR, Natural River District.

1. **Minimum Lot Area and Width.** The lot area shall be a minimum 2 ½ acres and have a minimum width of 275 feet and a minimum lot depth of 400 feet.
2. **Height.** The maximum building height for a structure shall be twenty-five (25) feet, except as otherwise provided in this Ordinance.
3. **Setback Requirements.** Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setback areas as listed below:

The minimum front yard setback shall be fifty (50) feet.

The minimum interior side yard setback shall be fifteen (15) feet.

The minimum rear yard setback shall be fifty (50) feet.

The minimum street side yard setback shall be Thirty-five (35) feet.

Waterside setbacks:

1. No building shall be closer than one hundred (100) feet from the ordinary high water mark and fifty (50) feet from the crest of a bluff.
2. No septic system or waste water disposal system (including the disposal field) shall be closer than one hundred (100) feet from the ordinary high water mark and fifty (50) feet from the crest of a bluff.
3. **Lot Coverage.** The maximum percentage of the lot that is permitted to be covered by buildings is 15%.
4. **River Frontage.** Every new lot or parcel that has river frontage on the Boardman River, Jaxon Creek or the designated tributary(s) shown on the Zoning Map shall have a minimum of two hundred seventy five (275) feet of river frontage and shall have a minimum lot depth of four hundred (400) feet.

Section 9.05 - Natural Vegetative Strip

A natural vegetative strip shall be maintained along both sides of the Boardman River, Jaxon Creek, and the designated tributary(s) shown on the zoning map. The purpose of this strip is to stabilize the river banks, prevent erosion, absorb nutrients in storm water run-off from adjacent lands and provide shade for the stream to maintain cool water temperatures and screening of adjacent manmade structures. The vegetative strip incorporates all of the land area from the ordinary high water mark to a distance fifty (50) feet in width from the shoreline and shall consist of native vegetation. The following may occur within the Natural Vegetative Strip:

- a. Trees and shrubs may be pruned for a filtered view of the river upon approval of the Zoning Administrator or the area forester, but clear cutting of the vegetation strip is prohibited.
- b. Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, may be removed.
- c. Selective removal or trimming of trees for forest management practices or disease and insect control, and clearing of vegetation to the minimum width required for public utility primary electric distribution lines and service lines for allowed uses, is permitted upon approval by the Zoning Administrator in consultation with the Soil Conservation District.

Section 9.06 - Stream Alterations

To protect the natural character of the river areas and the natural flow of its waters, no damming, dredging, filling or channelization of the stream channel will be permitted until reviewed by the Planning Commission and as approved by the Department of Natural Resources under the authority of the Inland Lakes and Stream Act, Act 346 of the Public Acts of 1972.

Section 9.07 - Mineral Extraction

New surface development, exploration, or production of gas, oil, brine, sand, gravel or other materials, except potable groundwater, is prohibited.

Section 9.08 - Nonconforming Structure and Uses

Any uses or structures (including bridges and staircases that provide access to the water body) that were lawful prior to the adoption of this Ordinance, but currently do not conform to the Ordinance regulations are permitted to continue, subject to the following conditions:

1. Routine or normal repair and maintenance work to keep a legal non-conforming structure or use, such as a roadway, in sound condition is permitted. Remodeling of non-conforming structures within the confines of the existing foundation and elevations is permitted if the nonconformity is not increased.
2. The ground floor area of any legal non-conforming structure may be increased by up to 50% of the existing enclosed ground floor living area cumulative from the date of nonconformance or to the minimum extent necessary to comply with minimum dwelling unit size standards.
3. Any enlargement of a legal non-conforming structure shall comply, to the greatest extent possible with all setback and other building requirements, and is subject to the following conditions:

- a. The land on which the nonconforming structure is sited is not subject to flooding.
 - b. The enlargement or expansion of the nonconforming building or structure will not lead to accelerated bank erosion or other material degradation of the river resource, and the enlargement or expansion of the building or structure is approved by the local soil erosion and sedimentation control enforcement agency.
4. Approval from the Zoning Board of Appeals is required for the restoration of a nonconforming building or structure that is damaged or destroyed by more than 50% of its value due to flood, fire, or other means. In determining whether 50% of the value has been destroyed, the Zoning Board of Appeals shall use appraised replacement costs, as determined by a qualified individual appointed by the Zoning Board of Appeals, and shall compare the value of the part destroyed to the value of the total unit. A request for a permit to restore a nonconforming building or structure damaged or destroyed by more than 50% of its value shall be approved if all of the following conditions exist:
 - a. The land on which the building or structure is situated is not subject to flooding (100 year floodplain).
 - b. The use of a nonconforming building or structure will not lead to accelerated bank erosion or other material degradation of the river resource, and the use of the building or structure is approved by the local soil erosion and sedimentation control enforcement agency.
 - c. Restoration of a damaged building or structure, if approved by the Zoning Board of Appeals, shall be started within one (1) year from the time of approval.
5. A nonconforming use may be changed to a use of a likeness or similar character if the new use more closely conforms to the zoning requirements of the Natural River District.
6. If a nonconforming use is discontinued for twelve (12) consecutive months, any future use shall conform to the zoning requirements of the Natural River District. A property owner may request the Zoning Board of Appeals to certify the existence of a prior nonconforming use on the owner's property. Certification of a prior nonconforming use shall be granted if the use meets the criteria of this Article.

A previously established manicured lawn in an area subject to native vegetation buffer standards is considered a nonconforming use, and is subject to the standards in this Section.

ARTICLE 10
CM, COMMERCIAL MANUFACTURING DISTRICT

Section 10.01-Intent - The intent of this district is to provide a place for people to shop, work, recreate, and provide services. Advancements in technology and building designs now allow for different uses to be adjacent that were once thought to be incompatible, such as a light manufacturing and commercial operations. Often, it is difficult to distinguish between these types of uses. Many retail shops manufacture items they sell and many manufacturing operations sell products they fabricate in the same location.

This zoning district focuses on the impacts from the intensity of these uses, not the types of uses. Landscaping, infrastructure capability, suitable building placement & scale, access management, bulk requirements, shared driveways, parking lot placement and design, and the site development standards are to be used in determining the appropriateness of an use.

Business operations should be grouped together so they can be served by common parking areas and to minimize the number of curb cuts and signs along major thoroughfare. Businesses should have pedestrian components to enable shoppers, employees, and clients to safely walk to adjacent uses.

Section 10.02 Uses Allowed with Site Plan Approval by the Zoning Administrator

The following uses of land and buildings are allowed in the CM, Commercial Manufacturing District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Consulting-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation, not exceeding 11,999 square feet.
2. Business service establishments such as typing services, photocopying services, quick-printing establishments, and office supply stores, and similar establishments, not exceeding 11,999 square feet.
3. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty salon or barber shops, and photographic studios not exceeding 11,999 square feet.
4. Health and athletic clubs, not exceeding 11,999 square feet.
5. Places of worship, not exceeding 11,999 square feet.

6. Day care centers, nursery schools, not exceeding 11,999 square feet.
7. Medical and veterinary clinics, except veterinary clinics having outdoor runs, not exceeding 11,999 square feet.
8. Standard restaurants not exceeding 11,999 square feet.
9. Any retail business, not exceeding 11,999 square feet, whose principal activity is the sale of merchandise in an enclosed building, except for sexually oriented merchandise.
10. Any service establishment of an office, showroom, or workshop nature including an electrician, decorator, dressmaker, baker, painter, upholster, or an establishment doing radio or home appliance repair, photographic reproduction, and similar establishment requiring a retail adjunct, except sexually oriented businesses. The service establishment shall not exceed 11,999 square feet.
11. Arcades not exceeding 11,999 square feet.
12. Schools – Public, Private, Parochial, not exceeding 11,999 square feet.
13. Retail warehouse outlets not exceeding 11,999 square feet.
14. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses not exceeding 11,999 square feet.
15. Banks, credit unions, savings and loan associations, and similar uses not having a drive-thru, not exceeding 11,999 square feet.
16. Clubs and fraternal organizations, except sexually oriented businesses, not exceeding 11,999 square feet.
17. Minor contractor yard, not exceeding 11,999 square feet.
18. Mortuaries and funeral homes, not exceeding 11,999 square feet.
19. Living quarters above a commercial operation, not exceeding 11,999 square feet.
20. Accessory structures and uses customarily incidental to the above permitted uses, not exceeding 11,999 square feet.
21. Sexually oriented businesses not exceeding 11,999 square feet.

Section 10.03 Uses Allowed with Site Plan Approval by the Planning Commission

The following uses of land and buildings are allowed in the CM, Commercial Manufacturing District, provided the Planning Commission finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Standard restaurants exceeding 11,999 square feet.
2. Any retail business exceeding 11,999 square feet whose principal activity is the sale of merchandise in an enclosed building, except for sexually oriented merchandise.
3. Any service establishment exceeding 11,999 square feet, which includes an office, showroom, or workshop nature including an electrician, decorator, dressmaker, baker, painter, upholster, or an establishment doing radio or home appliance repair, photographic reproduction, and similar establishment requiring a retail adjunct, except sexually oriented businesses.
4. Arcades exceeding 11,999 square feet.
5. Publicly owned and operated municipal buildings, libraries, and recreation areas, exceeding 11,999 square feet.
6. Self service laundromat exceeding 11,999 square feet.
7. Consulting-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation, exceeding 11,999 square feet.
8. Business service establishments such as typing services, photocopying services, quick-printing establishments, office supply stores, and similar establishments, exceeding 11,999 square feet.
9. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty salon or barber shops, and photographic studios, exceeding 11,999 square feet.
10. Health and athletic clubs exceeding 11,999 square feet.
11. Accessory structures and uses customarily incidental to the above permitted uses.
12. Sexually oriented businesses exceeding 11,999 square feet.

Section 10.04 Uses Permitted by Special Use Permit

The following uses of land and buildings are allowed by Special Use Permit in the CM, Commercial Manufacturing District, provided the Township Board finds that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance:

1. Theaters, auditoriums, concert halls, or similar places of assembly when conducted within a completely enclosed building.
2. Mini-warehouse (self-storage facility)
3. Banquet halls.
4. Banks, credit unions, savings and loan associations, and similar uses having a drive-thru.
5. Hospitals.
6. Mega-church
7. Gasoline filling stations.
8. Carry-out restaurants, fast-food establishments, or drive-in restaurants.
9. Automobile wash and automatic car wash establishments.
10. Salesrooms, rental facilities, and/or sales lots for new and/or used automobiles, recreation vehicles, trucks, heavy equipment, mobile homes, trailers, modular homes, and agricultural machinery. Open-air business uses for the sale of manufactured products, such as similar to garden furniture, earthenware, hardware items, building materials, or the rental of manufactured products or equipment, small tools, trailers, and similar products and equipment.
11. Automobile service stations providing tires (but not recapping), batteries, mufflers, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor tune-ups only.
12. Major contractor yard, building materials sales yard, including but not limited to rock, sand, and gravel (but excluding asphalt mixing).
13. Asphalt plant, cement mixing operation.
14. Automobile repair garages

15. Veterinary clinics with outdoor runs.
16. Wind Energy Conversion (W.E.C.)
17. Planned Business Development
18. Recreation facility. Recreation activities including but not limited to campgrounds, and recreational vehicle parks.
19. Truck terminals, warehousing, and material distribution centers, provided all products are enclosed within a building.
20. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
21. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
22. Printing, lithographic, blueprinting and similar uses.
23. Lumber yards including incidental millwork.
24. Motels and hotels.
25. Retail warehouse outlets exceeding 11,999 square feet.
26. Public utility service yard or electrical receiving transforming station.
27. Auction sales facility.
28. Clubs and fraternal organizations exceeding 11,999 square feet.
29. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses exceeding 11,999 square feet.
30. Light manufacturing industrial uses which by the nature of the materials; equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
 - a. The manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).

- b. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shells, textiles, tobacco, wood (excluding planning mill), yarns, and paint not requiring a boiling process.
 - c. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
 - d. The manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.
 - e. The manufacturing of and/or maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - f. Blacksmith shop, machine shop or wrought iron shop.
 - g. Commercial laundromat, central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning.
 - h. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacturing of small parts, such as condensers, transformers, crystal holders, and the like.
 - i. Laboratories, experimental or testing for research and development.
31. Slaughterhouse, Minor

Section 10.05 General Regulations

1. Merchandise shall be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit limited displays immediately adjacent to the building upon finding the display is customarily found in connection with the nature of the operation or use. The display area shall not exceed 10% of the lot area and shall have perimeter landscaping.
2. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

Section 10.06 Area and Bulk Requirements

The following regulations shall apply to all uses within the CM, Commercial Manufacturing District.

1. **Minimum Lot Area and Width.** The use and provisions of the business shall determine the minimum lot area and width (see Article 13).
2. **Height.** The maximum building height for a structure shall be fifty-five (55) feet, except as otherwise provided in this Ordinance.
3. **Setback Requirements.** Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setback areas as listed below:
 - a. The minimum front yard setback for all structures shall be fifty (50) feet.
 - b. The minimum front setback for a parking lot or area shall be twenty-five (25) feet.
 - c. The minimum rear yard setback shall be twenty-five (25) feet.
 - d. The minimum street side yard setback shall be fifty (50) feet.
 - e. The minimum interior side yard setback for a lot abutting a lot that is not zoned Commercial Manufacturing shall be twenty-five (25) feet.
 - f. There shall be no interior side yard setback requirement along the interior side lot line of a Commercial/Manufacturing zoned lot, except as otherwise specified in the State of Michigan Building Code.
4. **Lot Coverage.** The maximum percentage of coverage shall be determined by the use provisions of required off-road parking, loading and unloading, and required yards.
5. **Loading Dock.** Loading space shall be provided in the rear or side yard in accordance to Article 19. Loading spaces and overhead doors shall not face a road right-of-way or residential zoned lot.

**ARTICLE 11 A.
SCHEDULE OF REGULATIONS**

Zoning District	Lot Size*	Minimum Lot Width In Feet	Max Building Height In Feet	Max. Building Coverage Percentage	Minimum Yard Setbacks per Lot in Feet				Minimum Residential Floor Area in Square Feet	Max. Gross Density in Units Per acre
					Front	Rear	Side	Street		
FR	10 acres	330	35	40%	35	25	30	35	700	0.1
AG	2 ½ acre	165	35	50%	35	25	20	35	700	0.4
R-1	1 acre	150	35	60%	35	25	15	35	700	1
R-2	20,000 sq. ft.	100'	35	65%	35	25	10	35	700	2.178
reserved										
reserved	--	--	--	--	--	--	--	--	--	--
CM	Determined by use	Determined by use	55	Determined by use	35	25	25**	50	NA	NA
Reserved	--	--	--	--	--	--	--	--	---	--
NR	2 ½ acre	275	25	15%	100 Waters Edge	50	15	50	700	0.4

- * Metes and Bound parcels only.
- ** No interior side yard setback requirement along the interior side lot line of a Commercial/Manufacturing zoned lot, except as otherwise specified in the Building Code and this Zoning Ordinance.
- *** unless specified elsewhere in this Ordinance

ARTICLE 11 GENERAL PROVISIONS

Section 11.01 Accessory Buildings

Accessory buildings, except for farms or other uses otherwise regulated by this Ordinance, shall be subject to the following regulations.

1. Where an accessory building is structurally attached to a main building, it shall be deemed part of the building and shall be subject to, and must conform to, all regulations of this Ordinance applicable to a main building.
2. Accessory buildings shall not be erected in any required front or street side setback area as defined in this Ordinance.
3. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard. In no instance shall an accessory building exceed the ground floor area of the main building, except as authorized elsewhere in this Ordinance.
4. No detached accessory building shall be located closer than ten (10) feet to any main building, nor shall it be located closer than ten (10) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement i.e.: access, utility, or right-of-way.
5. A detached accessory building in a residential district shall not exceed the maximum permitted height for the district; however, the vertical exterior surface of the building, not forming a part of the roof, shall not exceed a height of fourteen (14) feet, measured from grade to the top plate of the wall.
6. Accessory buildings in any commercial or industrial district may be constructed to equal the maximum permitted height of structures in said district.
7. Accessory building(s) may be constructed prior to the construction of its principal dwelling.

Section 11.02 Building Regulations

1. Unlawful Building

Any building, or part thereof, which is used, erected, occupied or altered contrary to law or the provisions of this Ordinance shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

2. Temporary Building

No temporary building shall be erected unless a permit has been issued by the Zoning Administrator for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy for the permanent building.

3. Frontage on a Public Road

All lots created shall have access to a public road. Said access may utilize a private road or private drive.

4. One Lot, One Single-Family Dwelling Unit

In all districts, only one (1) single-family dwelling unit shall be placed on a single lot unless specifically permitted by this Ordinance.

5. Easements

A site plan shall provide an easement in a specified width, giving access from a public road or roads to all parcels resulting from a proposed land division not having required public road frontage. Such easements shall be established for the joint use of owners of all abutting resultant parcels of the original property for ingress and egress and roadway maintenance, and also for occupation by private and public utilities serving the abutting parcels.

6. Building Locations

Within each parcel shown on such site plan, there shall be delineated and fully dimensioned an area within which the principal structure shall be confined and a greater area within which accessory buildings shall be confined. The areas delineated shall be such that, in the opinion and judgment of the Planning Commission, Zoning Administrator and Assessor, development on each parcel will be in conformity with the spirit and intent of this Ordinance with respect to the particular zoning district regulations, will be compatible with existing development in the vicinity, and will not adversely affect adjacent properties. No permits shall be issued for buildings not located within the limits shown on an approved site plan.

7. Keyholing (Easements to Waterfront)

Any land having water frontage that is for group easement or beach purposes shall have a minimum of not less than fifty (50) feet, measured at the ordinary high water mark, and shall contain an additional five (5) feet for each single-family unit/lot having easement or use privileges. Individual docks, hoist and related installations shall not exceed one set per fifty (50) feet of shoreline, measured at

the ordinary high water mark.

Section 11.03 Exterior Lighting

1. All outdoor lighting in all districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent properties, road ways, and the nighttime sky.
2. All outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent roadways or neighboring property. Eave lighting is strongly encouraged.
4. Illumination of signs shall be provided so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Electronic changeable marquee signs may be allowed to change the display every Three (3) minutes at minimum.

Section 11.04 Fences

1. Fences are permitted in residential districts subject to the following:
 - a. Fences within a required side or rear yard setback area shall not exceed six (6) feet in height, measured from the surface of the ground. Fences within a front yard setback area shall not exceed four (4) feet in height, measured from the surface of the ground.
 - b. Recorded lots within a recorded plat or metes and bounds parcels having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, located in any residential districts, are excluded from these regulations.
 - c. Fences shall not contain barbed wire, electric current or charge of electricity except when used as part of a farm operation.
 - a. Fences which enclose public utilities, parks or playgrounds within or adjacent to a recorded plat shall not exceed eight (8) feet in height.
2. Fences permitted in zoning districts other than residential are subject to the

following:

- a. All fences in areas zoned or used for office or commercial purposes shall not exceed a height of six (6) feet above grade level, unless superseded by a site development standard listed in Article 13.
- b. All fences in areas zoned or used for industrial purposes shall not exceed a height of eight (8) feet above grade level, unless superseded by a site development standard listed in Article 13.
- c. Fences shall be constructed of wood, metal or masonry, and other acceptable materials excluding plastic interwoven designs. Only materials shall be used which have been manufactured and/or treated in a manner to prevent rust and corrosion and/or rot and decay.
- d. All fences shall be constructed of a minimum of:
 - 1) Two (2) inch metal ferris or non-ferris pipe; or
 - 2) Two (2) inch angle iron; or
 - 3) Four (4) inch wooden posts; or
 - 4) Four (4) inch reinforced concrete posts; or
 - 5) Any other member having equal stability.
- e. No fence shall be erected beyond the required front yard setback.
- f. All fences must be located entirely on the private property of the person constructing the fence, except if adjoining property owner(s) consent in writing to the construction of a fence on the property line, it may be so constructed. Such written consent shall be filed with the permit application. In the case of adjoining properties, only one (1) fence between the two properties may be erected.
- g. Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The Zoning Administrator shall notify the owner, agent or person in control of the property on which such fence is located of the existence of such nuisance and specify the time period in which required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed.

Section 11.05 Greenbelt Buffers, Screening, Landscaping

These requirements shall apply to all uses that require site plan review under Section 14 Site Plan Review Procedures. No site plan shall be approved unless the site plan depicts

required greenbelt buffers, screening, and landscaping consistent with the requirements of this Section. In cases where the use of an existing building changes or an existing building is altered or reoccupied, all the standards set forth in this Section shall be met.

1. Greenbelt Buffers along the Road Right-of-Way

Where paved ground surface areas are located adjacent to sidewalks, roads, and other public rights-of-way, a greenbelt buffer shall be provided.

A greenbelt buffer shall conform to the following standards:

- a. A strip of land a minimum of ten (10) feet in width shall be reserved along the road right-of-way and shall be landscaped as provided below.
- b. A minimum of one (1) tree shall be planted for each thirty (30) lineal feet, or fraction thereof, of road right-of-way frontage. Required trees may be planted at uniform intervals, at random, or in clusters.
- c. The remainder of the greenbelt area shall be landscaped in grass, ground cover, shrub, and/or other natural, living plant materials. Plantings in this buffer area shall be maintained in a healthy condition, free from refuse or debris. All unhealthy or dead plant materials shall be replaced within one (1) year or the next appropriate planting season. All plant materials shall be installed in such a manner so as not to alter drainage patterns, obstruct vision for safe ingress and egress, and not cause damage to utility lines or public roads.
- d. Access drives from road rights-of-way are permitted to interrupt a greenbelt buffer. However, such access drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a violation of any minimum spacing requirements.

2. Screening Between Land Uses

Where a nonresidential use is adjacent to properties zoned or used for residential uses, one of the following forms of screening shall be provided. The Planning Commission shall retain the right to require a specific screening, if proposed screening is deemed inappropriate or ineffective.

- a. A landscape screen shall conform to the following standards:
 - 1) A strip of land a minimum of ten (10) feet in width located between the residential use or residential zoning district and the nonresidential use or zone.
 - 2) The equivalent of one (1) tree for each twenty-five (25) lineal feet

of buffer zone, or fraction thereof, shall be planted between the residential use or residential district and the conflicting land use. Required trees may be planted at uniform intervals, at random, or in clusters.

- 3) The property owner shall maintain all landscape materials in a healthy condition, free from refuse or debris. All unhealthy or dead plant materials shall be replaced within one (1) year or the next appropriate planting season. All plant materials shall be installed in such a manner so as not to alter drainage patterns, obstruct vision for safe ingress and egress, and not cause damage to utility lines or public roads.

b. An evergreen screen shall conform to the following standards:

- 1) The evergreen screen shall consist of evergreen trees planted at the minimum spacing distance specified in Subsection 6b.
- 2) The evergreen screen shall form a complete visual barrier at least six (6) feet in height within five (5) years of planting.

c. A landscape berm shall conform to the following standards:

- 1) The berm shall be at least three (3) feet in height with a two (2) foot wide crown and side slopes not exceeding a three (3) to one (1) slope ratio.
- 2) The berm shall be planted with grass or other suitable ground cover to ensure that it withstands the effects of wind and water and retains its height and shape.
- 3) A minimum of one (1) tree shall be planted for each fifty (50) lineal feet or portion thereof. Required trees may be planted at uniform intervals, at random, or in clusters.
- 4) Eight (8) shrubs per tree may be substituted for trees required above.
- 5) Berms shall be constructed so as to not alter existing drainage patterns or obstruct vision for safe ingress and egress.
- 6) Plantings in this buffer area shall be maintained in a healthy condition, free from refuse or debris. All unhealthy or dead plant materials shall be replaced within one (1) year or the next appropriate planting season. All plant materials shall be installed in such a manner so as not to alter drainage patterns, obstruct vision

for safe ingress and egress, and not cause damage to utility lines or public roads.

- d. A screening wall shall conform to the following standards:
 - 1) The wall shall be six (6) feet or more in height as measured on the side of the proposed wall having the higher grade
 - 2) The wall shall be constructed on both sides with face brick, poured in place simulated brick face, precast brick panels having a simulated face brick, or stone.
 - 3) Walls shall be constructed so as to not alter existing drainage patterns or obstruct vision for safe ingress and egress.

3. General Site Landscaping

All portions of a site not occupied by structures and/or parking area shall be landscaped and conform to the following general landscaping standards, except where specific landscape elements such as greenbelts or screening are required.

- a. All portions of the landscape area shall be planted with grass, shrubs, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission approval.
- b. A mixture of evergreen and deciduous trees shall be planted at a minimum rate of one (1) tree for each three thousand (3,000) square feet of site area. Required trees may be planted at uniform intervals, at random, or in clusters.

4. Parking Lot Landscaping

Separate landscaped areas shall be required either within or at the perimeter of parking lots. Parking lot landscaping shall be so designed to provide directional guidance to access drives and interior circulation.

- a. In off-road parking areas containing more than twenty (20) spaces, at least five (5) percent of the total parking lot area shall be used for interior landscaping.
- b. There shall be a minimum of one (1) tree for every ten (10) spaces.
- c. A minimum distance of three (3) feet shall be established between the proposed tree or shrub and the backside of the curb or edge of pavement.
- d. Individual landscape areas shall be at least fifteen (15) feet wide.

- e. Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a buffer, at least twenty (20) feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of structural or plant materials no less than four (4) feet in height.

5. Screening of Trash Storage Areas

- a. All trash storage areas shall be limited to normal refuse that is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
- b. In no instance shall any such refuse be visible above the required screening.
- c. A wall, six (6) feet in height, shall enclose three (3) sides of the trash storage area. Such walls shall be constructed of materials approved by the Zoning Administrator to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete that complies with local building requirements.
- d. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent roads and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public road or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

6. Landscape Material Standards

Landscape materials shall meet the following minimum standards:

- a. Plant materials and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to Grand Traverse County, conform to the current minimum standards of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. The Regional Landscape Character Plant List contained in Appendix A of the Grand Traverse Bay Region Development Guidebook should be used to guide plant selections.
- b. Minimum plant sizes and spacing at the time of installation:

Plant Material	Size	Minimum Spacing
Deciduous Canopy Tree	2 ½ inch caliper	25 feet
Deciduous Ornamental Tree	2 inch caliper	20 feet
Evergreen Tree	6 foot height	20 feet
Deciduous Shrub	2 foot height	6 feet
Upright Evergreen Shrub	2 foot height	8 feet
Spreading Evergreen Shrub	18-24 inch	6 feet

Caliper measure taken at six (6) inches above ground level.

- c. The following trees shall not be permitted:

Common Name	Botanical Name
Box Elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust (with thorns)	Gleditsia Triacanthos
Black Locust	Robina Species
Willow	Salix Species
Siberian Elm	Ulmus Pumila
Chinese Elm	Ulmus Parvifola

- d. Where healthy trees exist on a site prior to its development, the Planning Commission may lessen the minimum tree planting requirement if existing trees are maintained on site.

If existing trees are maintained, such trees must be designated "to be saved" on the site plan and protective techniques shall be installed during the construction period. Such techniques may include, but shall not be limited to, the installation of fencing around the drip-line of designated plant materials and the prohibition of parking vehicles or construction equipment within the drip-line of such plant materials.

In the event that trees designated "to be saved" on the approved site plan are destroyed or damaged, the trees shall be replaced to meet the standards of this Section.

Section 11.06 Keeping of Animals

1. The keeping of livestock may be permitted in Forest Recreation, Agricultural, and Residential District as provided by this Ordinance.
2. The keeping of horses for recreational purposes shall be permitted in the FR, AG, and R-1 Districts, provided such use shall be for the private personal use of the owner or lessee of such land, his family and friends, and shall not constitute a commercial occupation nor a public riding stable, and which further meets the following conditions:
 - a. Two (2) acres shall be provided for the first horse so kept. At least one-half ($\frac{1}{2}$) acre shall be provided for each additional horse kept, except that the number of horses now existing on each parcel where horses are presently kept for recreational purposes may be continued under the nonconforming use provisions of this Ordinance and subject to all conditions therein.
 - b. Foals born on parcels where horses are presently kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the per acre limitation, as provided above, but in no case shall there be more than one (1) horse and one (1) foal per acre.
3. The keeping of poultry, hogs, horses, livestock, or more than four (4) dogs is prohibited within lots or parcels of less than two and a half ($2 \frac{1}{2}$) acres in the R-1, R-2, NR, Districts if the same becomes obnoxious by reason of odor, noise, or other nuisance. The determination of the Board of Appeals shall be conclusive on the question of whether the same are obnoxious under the terms of this Ordinance and consistent with the provisions of the Michigan Right to Farm Act, Act 93 of the Public Acts of 1981, as amended.
4. No wild animals shall be kept permanently or temporarily in any district in the Township except as provided below:
 - a. In a bona fide zoo.
 - b. In a bona fide licensed circus.
 - c. By a person licensed by the state of Michigan to temporarily harbor and treat an injured animal or an animal designated as an endangered species until it can be released into its natural habitat.

Section 11.07 Specified Conditions

All activities and uses within Paradise Township shall conform to, and demonstrate compliance with at the time of site plan review, the following performance standards. However, whenever any provision of this Ordinance imposes more stringent

requirements, regulations, restrictions or limitations that are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

1. Smoke

A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour, which is:

- a. As dark or darker in shade as that designated as No. ½ on the Ringelmann chart, as published by the United States Bureau of Mines; or
- b. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in the above subsection.
- c. At no time may smoke emissions be darker than Ringelmann No. 1.

2. Fire

All uses and structures shall meet the fire code requirements of the Township.

3. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

4. Air Contaminants

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air.

5. Glare and Heat

Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining

residence or business district boundary line. Flickering or intense source of light shall be so controlled as to not cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

Section 11.08 Recreational Vehicle Storage

1. The open parking or storage of recreational vehicles not owned by a resident of the Township on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, one (1) travel trailer or motorized home may be parked in the rear yard of a single-family lot for a period of up to six (6) weeks within one (1) calendar year provided a permit has first been secured from the Zoning Administrator.
2. Residents of the Township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and are not stored within any required front or side yard setback area. The maximum number of such owner-owned recreational vehicles stored outdoors on the property shall not exceed four (4).
3. A travel trailer parked or stored on a residential lot may be connected to sanitary facilities provided said sanitary facilities have been permitted by any and all regulating authorities.
4. A mobile home shall not be considered a travel trailer, motorized home, or any other type of recreational vehicle.

Section 11.09 Access Management

The purpose of access management is to coordinate access on to public roads to enhance traffic safety, reduce traffic congestion, minimize highway expansions, and protect public investment in street systems. It is the intent of this section that land uses share access wherever possible or provide alternative access as a means to accomplish these purposes.

The following regulations shall be applied to all lots abutting: M-113 and Garfield Rd.

1. Access Spacing. The minimum horizontal distance between the centerline of any two accesses on the same side of a road, whether streets or driveways, as measured from their centerlines, shall be 300 feet. This spacing requirement shall apply to all uses and may be accomplished by any of the following means:
 - a. By owning sufficient frontage on the highway to meet the spacing requirement; or
 - b. By assembling sufficient frontage to meet the spacing requirement; or

- c. By sharing access via shared driveways, easements, marginal access drives, and/or cross access agreements, or
 - d. In the event the access spacing standards cannot be satisfied on an individual parcel due to frontage deficiencies or topography, one driveway may be allowed, if approved by the Zoning Administrator.
2. Flexibility Allowed. As part of the site plan review process, the actual location of an access may be varied by the Zoning Administrator if it can be demonstrated that the intent of this Section to minimize the number of individual driveways and coordinate accesses is fulfilled in the interests of maintaining highway capacity, reducing congestion, and improving traffic safety.

Section 11.10 Marginal Access Drives

In the interest of public safety, a marginal access drive for a non-single-family residential dwelling unit shall be required along major roads. When an access drive is proposed to be located within one hundred fifty (150) feet of an existing access drive, then a marginal access drive shall be provided. Marginal access drives shall meet the following requirements:

1. The minimum pavement width for a marginal access drive shall be twenty-five (25) feet.
2. The minimum setback from the public road right-of-way shall be fifteen (15) feet.
3. Marginal access drives shall be constructed of asphalt or concrete with concrete curb and gutter.
4. Where practical, marginal access drives shall not be located in the front setback area.
5. The area between the marginal access drive and public road right-of-way shall be landscaped. The landscaping shall meet the requirements listed in 11.05(1) of this Zoning Ordinance.
6. A maintenance agreement shall be recorded with the Township.

Section 11.11 Soil Removal; Extraction; Filling

1. Prohibition, Permits Required:
 - a. It shall be unlawful for any person, firm, corporation, partnership, other organization or entity to engage in or conduct any soil removal or extraction within the Township without first procuring a Special Land Use

Permit as regulated in Article 15, Special Land Use Review Procedures. This provision shall not apply to temporary excavations for building construction purposes, pursuant to a permit issued by the County Building Inspector.

- b. The filling of land with garbage or rubbish or any other waste matter is hereby prohibited in all areas of the Township, except in CM District and pursuant to the terms and conditions of a special land use permit be granted in a proper case by the Township Board.

2. Application for Special Land Use Permit

- a. Application for a special land use permit shall be made in accordance with Article 15, Special Land Use Review Procedures. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be carried out, a topographic map drawn at a scale of one (1) inch to one hundred (100) feet with a two (2) foot contour interval, showing both existing and proposed grades, a description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof), the name of the owner of the land described therein, and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance, and any and all rules and conditions regarding soil removal, extraction and/or filling operations established by the Township pursuant to this Ordinance and filed in the office of the Township Clerk, or by Grand Traverse County.
- b. The original of each application shall be signed by the applicant and sworn to before a notary public. Two (2) confirmed copies shall be filed with original application.

3. Reference of Application to Zoning Administrator, Investigation, Report, and Standards

One copy of the application shall be referred to the Zoning Administrator, or his duly authorized agent, who shall investigate the premises described in the application and the surrounding area. Within thirty (30) days, the Zoning Administrator shall make a recommendation to the Planning Commission as to whether the special land use permit should be granted subject to this Ordinance, or whether the application should be denied. Recommendations shall include a

report on the following matters, which, in addition to those general standards outlined in Article 15, Special Land Use Review Procedures, shall serve as the standards to be used by the Zoning Administrator in making his recommendation to the Planning Commission and by the Planning Commission in making its findings and rendering its recommendation to the Township Board regarding the special land use application.

- a. The ability of the applicant to comply satisfactorily with the terms and conditions applicable to any permit to be granted as necessary to protect the public health, safety, and general welfare.
- b. The full and complete effect on the public health, safety, and general welfare of granting the special land use permit without special terms and conditions. For an application to be granted on this basis, the Township Board, exercising its discretion, must be able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- c. The necessity of special terms and conditions, with an enumeration thereof, and specific reasons therefore. Even subject to special terms and conditions, an application shall not be granted unless the Township Board, exercising its discretion, is able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- d. In connection with items b. and c. above, any geographical, soil, or other physical conditions pertaining to the land or general area involved, or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, and general welfare. No application shall be granted on any basis whatsoever if the Township Board, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, or general welfare, or make worse an already unsatisfactory situation. The Zoning Administrator shall include on his report to the Planning Commission, and the Planning Commission shall consider in its recommendation to the Township Board, whether the granting of the permit, because of the nature of the fill proposed to be deposited on the site, would tend to leave the land in an unstable, wasted, or unfit condition for the growing of turf or other land uses permitted herein, or tend to impair the surrounding lands as to their respective permitted uses, or tend to create a stagnant or standing water condition, create a drowning hazard, other attractive nuisance, disease problem, or other unhealthful condition.

4. Rules and Conditions

Each party granted a special land use permit is required to faithfully adhere to and abide by any special condition or conditions which may be attached to the special land use permit, to honor any and all applicable provisions of law, and to comply with the following regulations:

- a. No top soil, earth or sand shall be removed and no extraction shall be conducted on a parcel of less than five (5) acres in area, or within two hundred (200) feet of any public thoroughfare, or within a distance of one hundred (100) feet, plus the measurement of the depth of the cut, of any adjoining private property line.
- b. Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during or following the completion of the extraction operations, unless an impoundment of water has been previously approved by the Township Board as a part of restoration operations as described in item d., below.
- c. Each permitted excavation in excess of four (4) feet in depth shall be barricaded with a fence six (6) feet in height, constructed of wire mesh, or other suitable material, to afford protection to persons and property, with warning signs, lights and watchman provided where found by the Township Board to be reasonably necessary based on the conditions involved.

In any event, the slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, except where an impoundment of water has been previously approved by the Township Board as a part of restoration operations (as described in item d. immediately below). Slopes at a ratio of seven (7) feet horizontal to one (1) foot vertical shall be maintained for all areas lying below the proposed water surface.

- d. Where a permit for soil removal or extraction specifies grading, or filling and grading, as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal or extraction operation, shall commence and complete the grading, or filling and grading, as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf or for other land uses permitted under this Ordinance, except that filling the land to an average grade higher than that which existed prior to the removal of the top soil, earth, or sand from said land shall not be required.
- e. In the case of a permit for filling:
 - 1) Evidence of compliance with Solid Waste Management Act, Act

641 of the Public Acts of 1978, as may be amended, must be provided by the applicant. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary combustion of said rubbish or fill material deposited at the site of the permitted operation.

- 2) A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Planning Commission, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other matter that nevertheless collects shall be picked up and removed from the area daily, it being the duty of the special land use permit holder to keep the area in a reasonably clean and neat condition.
- 3) All rubbish and garbage fill when deposited must be thoroughly compacted.
- 4) All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the special land use permit, shall be covered with a compacted layer of soil matter six (6) inches thick and of a kind and texture that will be suitable for the growing of turf or for a construction base or other land uses permitted within the district. A final compacted layer of soil matter twenty-four (24) inches thick of a kind and texture that will be suitable for the growing of turf, or for other suitable land uses permitted within the district, shall be placed within one (1) week following the completion of the deposit of refuse in that area. In applying the standards of public health, safety and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is deemed satisfactory under the circumstances.

- f. The Township, through its duly authorized agents, shall have the right to enter upon any land designated in any special land use permit for the purposes of making inspections and for causing compliance with the terms of this Ordinance in the event the Permit holder shall fail to do so. It shall be the duty of the Zoning Administrator to make periodic inspections of all land for which permits have been issued, and to report any violation of the terms hereof to the Township Board.

5. Permits; Suspensions; Revocation

In the event a special land use permit holder violates the terms of this Ordinance or conditions previously imposed by the Township Board, the Zoning Administrator shall have the power to suspend said permit issued pursuant to this

Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the permit holder, either personally or by registered mail, and provided further that the permit holder shall have the right to appeal such suspension to the Township Board within ten (10) days after receipt of such notice. If it shall appear to the Township Board from the facts presented that the special land use permit holder has been committing the violation as charged, then the Township Board shall revoke said permit. In the event of the revocation of a special land use permit for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Township Board, based on the standards of this Ordinance and conditions previously imposed by the Township Board.

6. Dangerous Excavations or Holes Prohibited

The construction, maintenance, or existence within the Township of any unprotected, un-barricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits that constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This Section shall not apply to excavations operated under a special land use permit issued pursuant to this Ordinance, or the Building Code of the Township, where such excavations are barricaded and warning signs posted in such manner as may be approved by the Zoning Administrator, nor does this section apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the state of Michigan, Grand Traverse County, Paradise Township, or other governmental agencies.

7. Restoration

All areas within any landfill or extraction site operating under a single permit shall be restored progressively. Restoration shall be in accordance with a plan approved by the Township Board prior to the issuance of a special land use permit. Restoration shall be to a condition as to leave the surface of the land at a grade which blends, to the extent possible, with the general surrounding terrain so as to appear reasonably natural and to permit the establishment of other land uses allowed in the district in which said excavation or filling occurs.

The Zoning Administrator shall conduct inspections hereunder, and shall notify the owner and/or operator in writing of any portions of the site that is deemed abandoned or ready for restoration. Upon receipt of such written notification, the owner and/or operator shall have said areas restored within ninety (90) days, or within thirty (30) days supply the Township Board with a written reply indicating the date restoration is anticipated. The Township Board may accept or reject said dates. If said date is accepted, it shall be binding on both parties. If said date is rejected, then the Township Board shall set a new date, which shall be final.

Section 11.12 Structure Completion and Personal Construction Authority

1. All structures shall be completed within one (1) year of the date of issuance of the permit for such structure, unless an extension for not more than one (1) additional year is granted for good cause by the Zoning Administrator.
2. Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from altering his or her own building, plumbing, electrical installations, etc., provided the minimum requirements of the Electrical and Plumbing Codes adopted by Grand Traverse County, and the applicable County Health Department regulations are complied with.

Section 11.13 Street and Trail Connectivity

The intent of this section is to improve access or egress for Township neighbors, provide faster response time for emergency vehicles, and improve interaction between neighborhoods.

1. The street layout in a new development shall be designed to provide vehicular connections to existing and potential adjacent developments.
 - a. The minimum width of the vehicular connection shall be thirty-three (33) feet.
 - b. In the event that this requirement is impractical due to topography (such as steep slopes), natural features (such as a river), or land use (such as active agricultural operations), this requirement may be waived by the final approving authority.
2. The layout of a new development shall be designed to provide pedestrian connections to existing and potential adjacent developments and to designated public parks.
 - a. The pedestrian trail shall be a minimum of six (6) feet wide and shall be designated only for non-motorized use.
 - b. If an adjacent subdivision does not have a pedestrian trail, then the proposed pedestrian trail may connect to a public road right-of-way.
 - c. In the event that this requirement is impractical due to topography (such as steep slopes), natural features (such as a river), or land use (such as active agricultural operations), this requirement may be waived by the final approving authority.

Section 11.14 Open Space Connectivity

Land areas dedicated for common open space in residential, commercial, and industrial developments shall be designed to be contiguous to adjacent common open space areas in

existing and/or potential developments. When the development of the adjacent property does not physically allow for the connection of the common open space areas, then the final approving authority may waive this requirement.

Section 11.15 Subdivision Park

A Subdivision Park is a parcel of land that is dedicated to outdoor leisure time activities for nearby residents through the site plan review process. Leisure-time activities include walking, ball field sports, and playground activities and other similar type activities.

Subdivision Parks are encouraged in residential developments. When a subdivision park is incorporated into a residential development, the following regulations shall apply to all Subdivision Parks:

1. The minimum size shall be one (1) acre.
2. The minimum lot width shall be one hundred (100) feet.
3. The subdivision park shall not be in a designated drainage or wetland area.
4. The land dedicated for a subdivision park shall be used only for a subdivision park.
5. A subdivision park shall be a minimum of fifty (50) feet from a commercial zoned or industrial zoned parcel.
6. A subdivision park shall contain improved facilities or equipment for playgrounds, ball fields, ball courts, or other constructed recreational amenities.

Section 11.16 Private Roads

1. Minimum Right-Of-Way Width. Sixty-six (66) feet.
2. Minimum Pavement Width. Twenty-two (22) feet. With a minimum base asphalt mix of 110#/s.y. of CATM surfacing over 165#/s.y. of CALC leveling course and cleared to a height of fourteen (14) feet.
3. The private road shall have a suitable sand/gravel sub-base not less than 12 inches of Class II sand/gravel and a minimum of 6 inch M.D.O.T. 22A or a GTCO 22A modified gravel specification.
4. Storm Water Drainage. Private roads shall be designed to control storm water drainage utilizing collection and storage systems or seepage systems in according with Michigan Best Management Practices. An engineer licensed in the State of Michigan shall prepare the drainage plan. The plan shall be approved by the Grand Traverse County Soil Erosion and Sedimentation Control Officer and the County Drain Commissioner.

5. The private road shall be designed by a license professional engineer. A third party inspection/certification shall be performed by a licensed professional engineer indicating all work meets the minimum standards of this ordinance, the Grand Traverse County Private Road Standards dated April 16, 2007, and Paradise Township Fire Ordinance # 2006-1. In the event that there is conflict between the Ordinances, the most restrictive standards shall apply
6. Access to County Roads. The Grand Traverse County Road Commission shall approve all accesses to County roads. Any Road(s) that contain cul-de-sacs, dead ends, hammerheads or any other means of turnarounds shall comply with the International Fire Code Standards as amended.
7. Performance Guarantees. As a condition of approval, the Township may require surety by the developer to make the road improvements shown on the site plan and to insure completion of filing requirements.
8. Maintenance Agreement. A maintenance agreement shall be recorded with the Grand Traverse County Registered of Deeds and a copy of this agreement shall be submitted to the Paradise Township for their files.
9. For the purposes of this Ordinance, a private road is defined as “an area of road used for ingress and egress to serve eight (8) or more residences.”
10. Road Name shall be submitted to Paradise Township Board for approval after first obtaining approval from the Grand Traverse County Equalization/ G.I.S. Dept.

Section 11.17 Private Drive

1. A private drive shall have a minimum width of sixty-six (66) feet. The traveled portion of the easement shall be cleared of all trees, branches, and other obstructions for a width of twenty (20) feet and to a height of fourteen (14) feet directly above the traveled portion of the roadway/drive.
2. A private drive shall be approved by the Grand Traverse County Drain Commissioner and allow for the placement of public and/or private utilities.
3. Maintenance Agreement. A maintenance agreement shall be recorded with the Grand Traverse County Registered of Deeds and a copy of this agreement shall be submitted to the Paradise Township for their files
4. For the purposes of this Ordinance a private drive is defined as “an area of road used for ingress and egress to serve more than two (2), but less than eight (8) residences.”

5. Road Name shall be submitted to Paradise Township Board for Approval after first obtaining approval from the Grand Traverse County Equalization/ G.I.S. Dept.
6. Access to County Roads. The Grand Traverse County Road Commission shall approve all accesses to County roads. Any Road(s) that contain cul-de-sacs, dead ends, hammerheads or any other means of turnarounds shall comply with the International Fire Code Standards as amended.
7. The private drive shall have a suitable sand/gravel sub-base not less than 12 inches of class II sand/gravel and a minimum of 6 inch M.D.O.T. 22A or a GTCO 22A modified gravel specification for a width of 18 feet

ARTICLE 12 GENERAL EXCEPTIONS

Section 12.01 Essential Services

Essential services shall be permitted as authorized in any zoning district and regulated by law and other Ordinances of the Township; provided, however, that the installation, erection, placement, and construction of transmission systems shall be subject to site plan review by the Planning Commission in accordance with Article 14 of this Ordinance. There shall be no minimum lot size requirement for installation, erection, placement, and construction of buildings for essential services. The required setbacks shall apply to all buildings and structures.

Section 12.02 Voting Place

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a township or other public election.

Section 12.03 Height Limit

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or wireless transmission towers; provided, however, that the Planning Commission may specify a height limit for any use subject to special condition approval.

Section 12.04 Lots Adjoining Alleys

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half ($\frac{1}{2}$) the width of such alley abutting the lot shall be considered as part of such lot.

Section 12.05 Yard Regulations

When yard regulations cannot reasonably be compiled with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified by the Board of Appeals.

Section 12.06 Porches and Terraces

An open, unenclosed, and uncovered porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

Section 12.07 Projection Into Yards

not limited to, window sills, cornices, and bay windows not including vertical projections, such as parapet walls and roof-mounted air conditioning units, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details that are normally detachable.

Section 12.08 Access Through Yards

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing a similar function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered a structure, and shall be permitted in any required yard.

Section 12.09 Lots Having Lake or River Frontage

Lots and/or parcels having lake or river frontage and abutting a public thoroughfare shall maintain the front yard setback requirement on the lake or river side. Accessory structures are permitted in the setback area between the abutting road right-of-way and the main building.

Section 12.10 Sites containing Petroleum or Explosive Materials

Sites with commercial or Industrial uses that store, use, or sell petroleum or explosive materials and require MSDS postings (literature) shall be required to have two (2) egress and ingress drives for safety reasons.

ARTICLE 13 SITE DEVELOPMENT STANDARDS

Section 13.01 Application

The permitted or special land uses allowed in any given zoning district and listed in this Article shall be subject to the site development standards specified below as well as those provided in Article 10, Schedule of Regulations; Article 11, General Provisions; and Article 16, Sign Regulations. Whenever any provision of this Article imposes more stringent requirements or restrictions than are imposed or required by other provisions of this Ordinance, the more stringent requirements or restrictions shall prevail.

Section 13.02 Foster Care Homes

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit.
2. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
3. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the home.
4. A greenbelt buffer shall be provided along all property lines that abut a less intense residential district and around the visible perimeters of the off-road parking and loading/unloading areas.
5. All exterior lighting of entryways, parking spaces, or loading/unloading areas should not reflect onto adjacent properties, and preferably, should be motion activated.
6. Notices to the neighbors and/or neighborhood associations is recommended but not required to promote integration of the foster care home into the community.
7. A foster care large group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
8. If the proposal does not meet the above criteria, a variance may be sought according to the procedures outlined in Article 18, Board of Appeals.

Section 13.03 Accessory Dwelling

1. The primary structure or the accessory dwelling unit shall be owner occupied.
2. Accessory dwellings are only permitted with standard, detached single-family dwelling units.

3. The accessory dwelling unit shall be incorporated into the primary residence on the property or a garage serving the primary residence.
4. The residence containing an accessory dwelling shall be designed to retain a single-family appearance in term of doorway entry, building materials, and rooflines.
5. The total square footage of the accessory dwelling unit shall not exceed 45% of the square footage contained in the primary residence or nine hundred (900) square feet, whatever one is less.
6. There shall be a minimum of one (1) and a maximum of two (2) designated parking spaces for the accessory dwelling unit.

Section 13.04 Reserved

Section 13.05 Automobile Service Stations

1. Merchandise shall be displayed or stored only within enclosed buildings. The Planning Commission, upon application by the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
3. All used and/or discarded parts shall be stored within a completely enclosed building.
4. Any such activity shall be located not less than twenty-five (25) feet from a property line.
5. The parking of vehicles on site shall be limited to those that may be serviced within a ninety-six (96) hour period.
6. There shall be no outside storage of any partially dismantled or inoperative vehicles.
7. In operations such as automobile reconditioning, but not necessarily limited to such activities, there shall be no releasing of toxic gases, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth. Further, such operations shall not have an adverse affect on adjacent property or development.
8. There shall be two (2) driveway openings

9. The storage, sale or rental of mechanical equipment, utility trailers, trucks, new or used cars, motorcycles, minibikes or similar vehicles, wrecked or otherwise shall not be permitted.

Section 13.06 Automobile Washes Including Automatic Car Washes

1. All washing activities must be carried on within a structure.
2. Vacuum islands may be placed in the front yard but no closer than fifty (50) feet from adjacent property boundaries.
3. Access to the wash facility shall be from within the lot and not directly to or from an adjoining public right-of-way. A public right-of-way shall not be used as maneuvering or parking spaces for vehicles to be serviced at the facility.
4. Overnight parking or storage of vehicles is prohibited.

Section 13.07 Bed and Breakfasts

1. The bed and breakfast establishment shall be the principle dwelling unit on the property and shall be occupied by a permanent resident.
2. No separate cooking facilities shall be provided for guests of the bed and breakfast.
3. Proof of evaluation of the well and septic system by the County Health Department and conformance with that agency's requirements shall be supplied by the owner of the establishment.
4. Bed and breakfast establishments shall only be permitted in standard single-family dwelling units. The structures for the single-family dwelling units shall be in compliance with all applicable zoning regulations, such as lot size, setbacks, building height, parking, etc. Bed and breakfasts are permitted on legal, nonconforming lots.
5. One non-illuminated sign identifying the establishment not to exceed nine (9) square feet in area and not closer to the front lot line than ten (10) feet shall be allowed.
6. Not more than six (6) rooms with a maximum of twelve (12) people in the residence may be used for rental purposes.
7. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes.

8. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants.

Section 13.08 Campgrounds and Recreational Vehicle Parks

1. Minimum lot size shall be ten (10) acres. The term “lot” shall mean the entire campground or recreational vehicle park.
2. The lot shall have direct access to a public road.
3. Adequate public sanitary facilities (potable water source, toilet and refuse container) shall be provided throughout the lot.
4. No commercial enterprises shall be permitted to operate on the lot unless there is a minimum of twenty-five (25) campsites.
5. A landscape screen with a minimum width of twenty (20) feet shall be required when the facility is adjacent to any residential use.

Section 13.09 Carry-out, Fast-food, and Drive-in Restaurants

1. Access to the site shall be located at least seventy-five (75) feet from any intersection as measured from the nearest right-of-way line to the edge of the nearest driveway opening, and such access shall be from a paved public road. The minimum distance between any drive opening and any property line shall be ten (10) feet, unless access to the site is on a shared driveway.
2. Any unpaved area of the site shall be landscaped with lawn or other plant materials, maintained in a neat orderly manner and separated from the paved areas by a low curb or other equivalent barrier.

Section 13.10 Cemeteries

1. Minimum lot size shall be five (5) acres. The term “lot” shall mean the entire cemetery.
2. All access shall be from a paved public road.

Section 13.11 Places of Worship

1. The lot shall have frontage along and access from a paved public road.
2. Off-road parking shall be prohibited within the front yard setback area and within twenty (20) feet of the rear or side property lines.

3. Buildings of greater than the maximum height allowed by Article 10, Schedule of Regulations, may be permitted provided that front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

Section 13.12 Clubs and Fraternal Organizations

1. The use shall be accessed from a paved public road.
2. Off-road parking shall be prohibited within the front yard setback area and within twenty (20) feet of the rear or side property lines.
3. Any commercial use of the facility shall be secondary to the club or organization's primary function.

Section 13.13 Communication Towers

1. A commercial or public use tower shall be set back from adjacent rights-of-way and property lines a distance not less than the height of the tower. The Planning Commission may waive this requirement if the tower is shown to pose no threat of collapsing into adjacent rights-of-way or properties.
2. Landscape materials shall be provided to screen the tower base, any accessory structures or fencing from the view of adjacent public road rights-of-way and adjacent residential uses or residential zoning districts.
3. Towers shall not be located within parking lots or other areas where they will interfere with the operation of a business on the property.
4. No tower shall be constructed as a speculative tower. Prior to construction, each tower shall have at least one contracted carrier and evidence shall be provided of such contract at the time of application.
5. Each tower shall be designed and built to accommodate at least two antennas. Before any tower is considered, the proposer shall demonstrate in writing that there are no other feasible locations for their antennas.
6. The base of the tower shall be enclosed with a six (6) foot high security fence.
7. Towers shall not have signs, banners or other forms of commercial advertisement attached or otherwise affixed to the tower or the security fence.
8. If a tower ceases to transmit for a period of twenty four (24) months, the tower shall be deemed abandoned and shall be removed upon written notice by the Zoning Administrator within one year of abandonment.

9. All new towers shall meet current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
10. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
11. Towers shall not be artificially lighted, unless required or permitted by the FAA or other applicable authority. Lighting shall be designed to minimize disturbance to neighboring properties.
12. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.

Section 13.14 Composting and Recycling Facilities

1. The minimum size of a composting and/or recycling facility shall be twenty (20) acres.
2. Property used for such a facility shall be graded and maintained so as to have a minimum two (2) to three (3) percent slope to permit surface water run-off to be collected in an on-site retention basin.
3. A composting facility shall not be allowed in any one hundred (100) year or five hundred (500) year floodplain unless the Michigan Department of Natural Resources (MDNR) has approved the area of operations. A sign-off from the MDNR stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
4. A composting facility shall not be allowed on any protected wetlands.
5. To ensure that ground or surface waters are not contaminated, monitoring wells must be installed by the owner/operator and/or lessee on site prior to construction of the composting and/or recycling facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator and/or lessee.
6. If any stream or swale is present on the site, it shall be buffered by a twenty (20) foot unoccupied setback measured from the outer edge of the floodplain or all

alluvial soils. Approval from the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required ensuring the stream is adequately protected from pollution.

7. The surface and groundwaters at a composting and/or recycling facility shall meet the standards of Water Resources Commission Act, Public Act 245 of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated thereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.
 - a. Sampling of water from the groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with Act 245 of Public Acts of 1929, as amended. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator and/or lessee.
 - b. Should monitoring well test results reveal violation of the water quality requirements of Act 245 of Public Acts of 1929, as amended, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator and/or lessee.
 - c. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control and for compliance with Act 245 of Public Act of 1929, as amended. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
 - d. Analysis for all ground and surface water monitoring events shall be submitted to the Township within sixty (60) days after analyses.
 - e. Discharge of water from composting or recycling activities collected in an on-site retention basin shall only be handled in the following ways.
 - 1) Reintroduced into the compost pile.
 - 2) Directed into a sanitary sewer.
 - 3) Transported by a liquid industrial waste hauler.
8. Written documentation addressing the following shall be provided:
 - a. Hours of operation.

- b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
 - c. Fencing and other means of limiting access.
 - d. Method of receiving compost materials.
 - e. Method of sorting and handling composting materials on site.
 - f. Measures to be taken should anaerobic conditions arise.
 - g. Expected frequency of removal of composted materials.
 - h. Expected frequency for turning of composting windows.
 - i. Fire protection.
 - j. Description of daily cleanup procedures.
 - k. Measures to be taken should surface or groundwater contamination take place.
 - l. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
 - m. Maintenance Plan for all outdoor areas where compost materials are received, processed, cured, or stored to prevent rutting which allows on-site ponding/puddling of water in places other than a retention basin.
9. A composition or recycling site shall be closed when anaerobic conditions arise and the only operations taking place must be concerned with correcting conditions. If anaerobic conditions arise more than two (2) times in a one (1) month period, the facility must: a) pay a fine set by Township Board; and, b) close for a one (1) month period of time. After three (3), one (1) month closures in a year, the Township may order the site to be closed permanently subject to provisions of Section 15.06. Also, corrective actions must begin immediately upon determination of anaerobic conditions. Determination of anaerobic conditions may be made by an authorized County Official Inspector.
10. Compost materials shall not be accepted on site in an anaerobic condition. If inspections reveal acceptance of anaerobic materials, the owner/operator and/or lessee shall be subject to permit revocation of Section 15.06
11. Landscaping Requirements

To ensure proper buffering of the composting facility from nearby land uses that

may be adversely affected by the facility, the following requirements shall apply.

- a. No composting and/or recycling facility shall be constructed within one thousand two hundred (1,200) feet of an existing residential district lot line, nor within one thousand five hundred (1,500) feet of the nearest existing residential dwelling in other zoning districts. The separation distance shall be measured from the beginning of the program area designated to the composting and/or recycling facility to the residential lot line in residential districts. In other zoning districts, the separation distance shall be measured from the beginning of the program area designated to the composting facility to the existing residence.
 - b. If a residence is within one thousand two hundred (1,200) feet to two thousand two hundred fifty (2,250) feet of a composting and/or recycling facility, there shall be established along the composting and/or recycling facility's lot line a six (6) foot high seeded earthen berm or dense evergreen landscape buffer. The evergreen landscape buffer shall be provided with a double row of evergreen trees, a minimum of six (6) feet high, landscape grade, planted in staggered rows thirty (30) feet apart on center. The plant materials selected shall be in accordance with the Grand Traverse Bay Region Development Guidebook.
 - c. If the property fronts on a public road, a landscape berm or evergreen plantings shall be required along the road right-of-way.
12. At the time of site plan approval, the operator of the composting facility shall submit an Off-Site Road Maintenance Plan that addresses, at a minimum, the following:
- a. Method of dislodging mud and/or composting materials from the vehicles or undercarriage.
 - b. An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.
 - c. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within two thousand five hundred (2,500) feet of the composting area entrance and exits.
 - d. Trucks and off-site roads shall be cleaned as described in the plan cited above as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.
13. The operation of a composting and/or recycling facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to

- human health, safety, and welfare. All composting and/or recycling facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
- a. The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan shall be approved by the Planning Commission.
 - b. If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Zoning Administrator, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten (10) working days from the date that the Zoning Administrator notifies the operator. This plan shall demonstrate to the satisfaction of the Zoning Administrator that the problem will be abated within two (2) weeks.
 - c. In the preparation of the operations plans required above, the applicant or operator shall comply with the requirements of the Air Quality Rules promulgated under Act 348 of 1965, as amended.
14. Height of stored material shall not exceed eight (8) feet.
 15. No sludge of any kind shall be stored or deposited on composting and/or recycling facility property.
 16. At the time of application to the Township, a closure plan shall be submitted which shall detail the final end use of the property should use of the facility discontinue for more than twelve (12) months.

The plan should describe:

- a. How the existing site will be cleaned up.
 - b. How and where the existing surface debris will be disposed.
 - c. What the final disposition of the land will be.
17. Violation of any of the provisions of this Ordinance or inability to meet the requirements of these provisions will result in the Township having the right to close and/or clean up the composting and/or recycling facility and operation at the expense of the owner and/or operator and/or lessee of the composting and/or recycling facility.

The Township may, at such time, direct the owner, operator, or lessee to close and/or clean up the composting and recycling facility and operation at the expense of the owner, operator, or lessee.

Section 13.15 Contractor's Yards -Major

1. All supplies and materials shall be stored in a fully enclosed structure located no closer than fifty (50) feet to any property line and road right-of-way or in compliance with Article 13, Section 13.35
2. Driveways serving the yard shall be maintained in a dust-free condition.

Section 13.16 Convalescent Homes and Nursing Homes, Congregate Care Facilities

1. The lot shall have frontage along a paved public road and access to the lot shall be from said road.
2. The principle and accessory structures shall be set back fifty (50) feet from all property lines.

Section 13.17 Day Care Centers, Nursery Schools

1. No portion of a day care center shall be located within three hundred (300) feet of any gasoline pumps, underground storage tanks, or any other explosive material.
2. The outdoor play area shall be enclosed with a fence with a minimum height of forty-eight (48) inches.
3. Outdoor play areas adjacent to residential zoning districts or existing residential uses shall provide landscape screening along the perimeter of the outdoor play area.
3. One-way access drives and on-site circulation is encouraged.

Section 13.18 Reserved

Section 13.19 Gasoline Filling Stations

1. Two (2) drive openings shall be required.
2. No drive opening shall be located closer than thirty (30) feet to any intersection or adjacent residential zoning district or existing residential use.
3. All gasoline pumps shall be located no closer than twenty-four (24) feet to the public right-of-way line and sixteen (16) feet to any lot line and shall be so arranged that motor vehicles shall not be supplied with gasoline while parked on or overhanging any public right-of-way or adjacent property.

4. The entire lot, excluding the area occupied by any structures and/or landscaped areas shall be hard surfaced. Landscaped areas shall be separated from hard surfacing areas by a low barrier or curb.
5. All repair and maintenance activities permitted shall be conducted entirely within an enclosed building.

Section 13.20 Reserved

Section 13.21 Golf Driving Ranges - Outdoor

1. The facility shall be designed and constructed to contain all golf balls on site. A fifty (50) foot open space area must be maintained along all property lines. On those sides abutting a residential zoning district or use, there shall be provided a landscape screen consisting of plant materials eight (8) feet in height or greater, sufficient to contain golf balls on-site.
2. Range hours shall be restricted to daylight hours.

Section 13.22 Group Child Care Home

1. Is not located within 1500 feet to any of the following:
 - a.) Another licensed group child care home.
 - b.) An adult foster care small group or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.702 to 400.737.
 - c.) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - d.) A community correction center, resident home, halfway house, or other similar facility which houses and inmate population under the jurisdiction of the department of corrections.
2. Has appropriate fencing for the safety of the children in the group child care home meeting the standards of section 13.17 (1) of this ordinance.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operations during a 24 hour period.
5. Meets the sign regulations contained in Article 16 of this ordinance.

Section 13.23 Home Occupations

1. A home occupation shall utilize no more than twenty-five (25) percent of the total footprint area of the dwelling unit and attached garage.

2. A home occupation shall involve not more than one (1) employee on site other than members of the household.
3. All home occupation activities shall be conducted indoors, except gardening.
4. No structural alterations or additions which would alter the residential character of the structure shall be permitted to accommodate the home occupation.
5. Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding area shall be permitted.
6. There shall be no external evidence of the home occupation other than a sign as permitted by Article 16, Sign Regulations.
7. No article or service shall be sold or offered for sale on the premises, except as such produced on the premise by the home occupation.
8. No home occupation shall be permitted which is detrimental to the general character of the residential district and creates a congested or otherwise hazardous traffic or parking condition.

Section 13.24 Hospitals

1. Access to the facility shall be from a paved road.
2. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses or residential zoning districts by a structure or wall a minimum of six (6) feet or more in height.

Section 13.25 Intensive Livestock Operations

1. All buildings, structures, or enclosed areas, including animal waste storage structures or areas, associated with intensive livestock operations having more than 200 animal units but less than 2,000 animal units shall be located at least 2,640 feet (.5 mile) from the boundaries of any existing recorded residential plat in Paradise Township or any premises located in an existing residential zoning district pursuant to the Zoning Ordinance and map of Paradise Township. Any such intensive livestock operation (200-2,000 animal units) proposed to be located at least 5,280 feet (1 mile)* from the boundaries of any existing recorded residential plat in Paradise Township or any premises located in an existing residential zoning district pursuant to the Zoning Ordinance and Map of Paradise Township, shall be located at least 2,640 (.5 mile)* from another existing intensive livestock operation.

2. All buildings, structures, or enclosed areas, including animal waste storage structures or areas, associated with an intensive livestock operation having more than 2,000 animal units shall be located at least 5,280 feet (1 mile) from the boundaries of any existing recorded residential plat in Paradise Township or any premises located in an existing residential zoning district pursuant to the Zoning Ordinance and Map of Paradise Township. Such an intensive livestock operation (2,000 & animal units shall also be located at least 5,280 feet (1 mile)* from another existing intensive livestock operation.
3. All buildings, structures, or enclosed areas, including animal waste storage structures or areas, associated with an intensive livestock operation shall be located at least 100 feet* from the boundary lines of adjoining properties in Paradise Township not used for agricultural purposes, regardless of the zoning classification in which the adjoining properties are located.
4. All buildings, structures, or enclosed areas, including animal waste storage structures or areas associated with an intensive livestock operation shall be located at least 100 feet* from the right-of-way- of any public roadway. Lands used only for pasture shall not be subject to this requirement.
5. The Township Board of Trustee's shall not grant a Special Use permit for an intensive livestock operation unless the applicant has provided the Planning Commission with a letter or other official document evidencing the approval of the design of all buildings or structures associated with the proposed intensive livestock operation, including animal waste storage structures or areas, by the Michigan Department of Agriculture, its designated agent, or other appropriate governmental agency. All buildings or structures associated with an intensive livestock operation, including animal waste storage structures, or areas, shall be designed in such a manner as to avoid unlawful degradation of air quality or the quality of surface or subsurface waters, watercourses and bodies of water.
6. The Township Board of Trustee's shall not grant a Special Use permit for an intensive livestock operation unless the applicant has provided the Planning Commission with a letter or other official document evidencing the approval of the soil on the subject premises by the area office of the Soil Conservation service of the United States Department of Agriculture, or its designated agent, as being suitable for and compatible with the proposed intensive livestock operations with respect to the location of animal waste storage structures or areas and the application of liquid, slurry or solid animal waste onto or into the soil on the premises.
7. All intensive livestock operation for which a Special Use permit is granted shall at all times be operated in compliance with all applicable state and local laws and regulations.

8. All intensive livestock operations and buildings and structures associated with such facilities, including animal waste storage structures or areas shall follow generally accepted management practices as listed by the Michigan Department of Agriculture, and in such a manner as to avoid unlawful degradation of air quality or the quality of surface or sub-surface waters, water sources and bodies of water. In addition, the following specific regulations shall be applicable to the disposal of animal waste from a liquid manure system associated with an intensive livestock operation:
 - a. Land application of animal waste from a liquid manure system shall be by sub-surface injection methods when applied within 5,280 feet (1 mile)* from the boundaries of any existing recorded residential plat in Paradise Township or any premises located in an existing residential zoning district pursuant to the Zoning Ordinance and Map of Paradise Township; provided, further, that no such land application within such areas shall be allowed on Sundays or legal holidays observed by the State of Michigan.
 - b. Land application of animal waste from a liquid manure system shall not be allowed within 150 feet* of private wells, surface waters (including drainage ways), and roads; or within 200 feet* of residential dwellings; or within 2,000 feet* of a municipal water supply well. Further, no animal waste from a liquid manure system shall be applied when soils are water saturated, frozen, or now covered, or when other soil conditions would result in waste runoff.
9. No intensive livestock operation shall have more than 10,000 animal units.

**Use straight-line method of measurement*

Section 13.26 Junkyards, Salvage Yards, and Used Materials Yards

1. Minimum lot area shall be five (5) acres.
2. The setback from the front property line to the area upon which materials shall be stored shall be not less than one hundred (100) feet.
3. Materials shall be placed behind an opaque fence that is a minimum of eight (8) feet high. An evergreen screen meeting the requirements listed in Section 16.05 shall be planted between the opaque and the property line.
Materials shall not be stored in a manner that exceeds the height of any required screening.
4. The area upon which materials are stored, including any principle or accessory structures, shall not be located any closer than three hundred (300) feet to any public building, institutional use, residential zoning district or use.

5. All roads, driveways and parking lots used by the general public shall be paved. All other areas of the site shall be maintained in such a manner as to limit the nuisance caused by wind borne dust.
4. All fluids contained in junk vehicles and equipment shall be drained prior to storage on the site. Drained fluids shall be contained and disposed of in accordance with the regulations of the Michigan Department of Public Health, Michigan Department of Natural Resources, the County Health Department, and the U.S. Environmental Protection Agency.

Section 13.27 Kennels

1. Minimum lot area shall be five (5) acres.
2. All structures that are used for animal occupancy shall be fifty (50) feet from all property lines.
3. All animal runs and outdoor areas designated for use by animals shall be fifty (50) feet from all property lines.

Section 13.28 Landing Fields

1. Minimum parcel size and configuration shall be adequate to accommodate the whole of any proposed landing area required by the Michigan Aeronautics Commission rules and regulations. Proof of the applicant's ability to comply with these rules and regulations shall be provided to the Planning Commission prior to any public hearing.
2. There shall be no buildings or cell towers associated with the landing field.
3. Paving the landing field is not permitted.

Section 13.29 Lumber Yards, Building Material Yards, Sawmills, Asphalt Plants, Concrete Cement Mixing Plants

1. Open storage of materials shall not be permitted in the front yard as established by the front building line of the principal structure, and within one hundred (100) feet of the public right-of-way line.
Open storage of materials shall not be permitted within fifty (50) feet of any property line.
2. Open storage shall be screened on all sides by a minimum of an eight (8) foot high opaque fence. Stored materials shall not be piled or stored so as to exceed the height of the fence, except when said materials are stored within a storage shed

structure. A greenbelt, meeting the requirements listed in Section 11.05 shall be planted along the fence line to minimize the visual impact.

3. All equipment, supplies shall be stored in a fully enclosed structure located no closer than fifty (50) feet to any property line. All loading operations shall occur within a fully enclosed structure located no closer than fifty (50) feet to any property line.
4. The minimum lot size shall be five (5) acres.

Section 13.30 Mini-Storage Warehouses

1. Minimum lot area shall be three (3) acres.
2. The lot shall be accessed from a paved roadway.
3. The minimum distance between self-storage buildings within the same lot shall be fifteen (15) feet, as measured from side to side, or front to rear, or equal to the building height, whichever is greater.
4. A landscape buffer with a minimum width of ten (10) feet shall be provided between the property line and road right-of-ways, adjacent residential uses, or residential zoning districts. The landscaping shall comply with the requirements in Section 11.05
5. No structure that houses individual storage units shall exceed five thousand (5,000) square feet in area.

Section 13.31 Mortuary Establishments

1. An adequate vehicle assembly area shall be provided to be used in the funeral procession. This area shall be in addition to required off-road parking areas or its related maneuvering space.
2. A caretaker's residence may be provided within the main building.

Section 13.32 Motels and Hotels

1. Ingress and egress shall be from a paved road.
2. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.

Section 13.33 Multiple-Family Residential Developments

1. Maximum structure coverage shall not exceed seventy-five (75) percent of the site area.
2. Any multiple-family residential development adjoining any single-family residential district or any developed nonresidential district shall be provided with a twenty (20) foot landscape screen planted in accordance with Section 11.05 (2)
3. Provisions shall be made for safe and efficient ingress and egress to public roads and highways serving any multiple-family residential development, which shall be designed to minimize congestion and interference with normal traffic flow.
4. All multiple-family residential developments shall have direct access only to paved public roads.
5. The site shall be developed and facilities shall be provided in such a manner so as to ensure adequate drainage.

Section 13.34 Open Air Business Uses

1. Minimum lot area shall be fifteen thousand (15,000) square feet.
2. Minimum lot width shall be one hundred fifty (150) feet.
3. In the case of retail car sales, house trailers, or boat lots:
 - a. All vehicular use areas shall be paved with a durable, dust-free surface and appropriate bumper guards installed where needed.
 - b. Access to the outdoor sales area shall be at least seventy-five (75) feet from the intersection of any two (2) roads as measured from the right-of-way line.
4. These provisions do not apply to seasonal produce stands, Christmas tree sales, firewood sales, or other uses that require a temporary use permit.

Section 13.35 Open Storage Areas

1. All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, or other supplies shall be located no closer than fifty (50) feet to any public right-of-way line.
2. The storage of combustible materials such as lumber, fuels, or fertilizer shall be no closer than twenty (20) feet to any property line.

3. All open storage areas shall be screened from all public road right-of-ways, all sides which abut any residential or commercial district by a solid six (6) foot wall or fence, and all stored material shall not be stacked to a height greater than ten (10) feet.
4. The storage of any soil, fertilizer, or other loose material shall be contained to prevent any adverse affects on neighboring properties.

Section 13.36 Mega-church, Private Noncommercial Recreation Areas; Institutional or Community Recreation Centers

1. If the site will attract or is intended to attract persons from beyond the immediate neighborhood, the lot shall have frontage along a paved major road and the site shall provide access from said road.
2. Front, side, and rear yard setbacks shall be fifty (50) feet and shall be provided with a greenbelt buffer.
3. There shall be no parking or structures permitted in any required yard except for access drives.

Section 13.37 Retirement Community Developments/Apartments

1. Minimum lot area shall be one (1) acre.
2. Minimum dwelling unit size shall be three hundred fifty (350) square feet of area, not including kitchen and sanitary facilities.
3. Such developments may provide:
 - a. Cottage-type one-story and/or apartment type dwelling units.
 - b. Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational areas, lounges, and workshops.

Section 13.38 Riding Stables

1. The minimum lot area for a riding stable is five (5) acres. There shall be no more than (1) horse for the first acre. Afterwards, one (1) additional horse is permitted for every half acre.
2. The facility shall be constructed and maintained so that odor, dust, noise, or drainage shall not be a nuisance or hazard to adjoining premises.

Section 13.39 Salesrooms, Rental Facilities, and/or Sales Lots for New and/or Used Automobiles, Recreation Vehicles, Trucks, Mobile Homes, Trailers, Modular Homes, and Agricultural Machinery

1. All service and repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for repair may be stored outside provided such storage area is screened by an opaque wall twelve (12) feet in height. The materials being stored shall not be stacked higher than the wall.
2. There shall be a ten (10) foot wide landscape area between the opaque fence and adjacent property. The landscaping shall meet the requirements listed in Section 11.05. At a minimum, there shall be one (1) tree for every twenty (20) feet of lot width.

Section 13.40 Scrap Tire Collection Sites

1. The facility shall have direct access to a paved road.
2. Scrap tire storage shall be prohibited in front yard or in any required side or rear yard setback.
3. The scrap tire storage areas shall not be permitted within one hundred (100) feet of a protected wetland or within a one hundred (100) year floodplain, unless specifically approved by the Michigan Department of Environmental Quality.
4. A fire suppression plan shall be submitted and approved by the local fire authority.
5. Minimum lot size shall be five (5) acres.
6. At a minimum, an eight (8) foot high opaque fence shall surround the scrap tire collection area.
7. There shall be a ten (10) foot wide landscape area between the opaque fence and adjacent property. The landscaping shall meet the requirements listed in Section 11.05. At a minimum, there shall be one (1) tree for every twenty (20) feet of lot width.

Section 13.41 Shooting and Archery Ranges - Outdoor

1. Minimum lot size shall be 40 acres and minimum front, side, and rear yard setbacks for the outdoor shooting/archery ranges shall be four fifty hundred (450) feet. There shall be no activity within the setback area.
2. All federal, state, and county codes and ordinances in regard to firearms and lead deposits shall be strictly adhered to.

3. A site plan for the range shall be submitted to the Planning Commission. The site plan shall clearly demonstrate that all current applicable National Rifle Association range design standards and guidelines have been met.
4. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission.
5. At a minimum, a six (6) foot high fence shall be provided around the entire shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
6. Hours for shooting shall be from 9am to 7:30pm Monday through Sunday.
7. Consumption of Alcoholic beverages shall be prohibited on the property during open range time (firearms being discharged)

Section 13.42 Shooting and Archery Ranges- Indoor

1. All federal, state, and county codes and ordinances in regard to firearms shall be strictly adhered to.
2. A site plan for the range shall be submitted to the Planning Commission. The site plan shall clearly demonstrate that all applicable National Rifle Association range design standards and guidelines have been met.
3. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission.
4. The entire shooting/archery ranges shall be inside a building.
5. Consumption of Alcoholic beverages shall be prohibited on property during open range time (fire arms being discharged)

Section 13.421 Slaughterhouse – Minor

1. Slaughter of animals shall take place inside a closed building and in a confined area to prevent the transmission of sounds associated with the slaughter to the outside.
2. The site shall be served by on-site sewage treatment system and approved potable water supply as approved by the County, State and Federal regulating agencies.
3. Disposal of waste shall be in accordance with all applicable laws and regulations. This is meant to include, but is not limited to, all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides, feathers, and bones.

4. Slaughter waste shall be disposed of within 48 hours of being produced and said waste shall be stored in airtight containers and be located in an enclosed structure.
5. Exterior pens, corrals, pastures shall be fenced sufficiently to contain animals securely on the owners property.
6. Exterior storage areas shall be fenced and screened from adjacent property and public rights of way.
7. The parking lot and access roads shall be maintained in a dust free condition at owners expense and provide adequate emergency vehicle access at all times.
8. The minimum lot size shall be 10 acre(s) and have a minimum lot width of 300 feet.
9. The keeping of farm animals shall be in compliance with the Michigan Department of Agriculture's generally accepted agricultural management practices and shall submit approved plan prior to a permit being issued ie; special use, permitted use, land use,
10. The daily hours of operation shall be limited to 5am to 6pm
11. All loading and unloading shall be screened from view from adjacent properties and public rights of way.
12. Setbacks of structures in staging areas used in the operation shall be setback from all property and road right of way lines a minimum of 50 feet.
13. Slaughterhouse facilities shall obtain any and all local, state and federal permits and licenses that are required for said operation. Including but not limited to the following; Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Agriculture, United States Department of Agriculture, and Grand Traverse County Health Department.

Section 13.43 Waste Material/Recyclable Material Transfer Stations

1. The facility shall have direct access to a paved primary road.
2. Truck parking shall not be allowed in the front yard setback.
3. No loading shall be permitted in front of the front building line.
4. Waste material/recyclable materials shall be stored within an enclosed structure.
5. There shall be a minimum of five (5) acres.

Section 13.44 Open Space Residential Development

A Open Space development allows residential dwelling units to be grouped closer together than would normally be allowed under other sections of this Zoning Ordinance. These groupings of dwelling are to be on the most buildable portions of a site so that the remainder of the site can be preserved as open space. In no event shall the density be increased from what would have been allowed without the clustering.

1. The purpose of Open Space housing developments is to:
 - a. Preserve the natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmental sensitive areas.
 - b. Promote development that is consistent with the Master Plan.
2. Development Standards.
 - a. The allowable number of units shall be clustered on the site, so at least fifty (50%) percent of the site remains as protected open space by means of a conservation easement, plat dedication, restrictive covenant or other legal means, acceptable to the Planning Commission, that will protect the open space in perpetuity.
 - b. The minimum yard setback requirements may be reduced if approved by the Planning Commission. The perimeter setback shall comply with the district's setback regulations and may not be reduced.
 - c. The minimum lot size for a unit not served by public sewer and water shall be determined by the standards established by Grand Traverse County for well and septic capacity. There shall be no minimum lot size for units served by public water and sewer.
 - d. All developments not served by central water and sewer shall have a collective water/well type system and sewer/septic type system.
3. The conservation easement, plat dedication, restrictive covenant, or other legal means maintaining the open space shall include the following:
 - a. Indicate the proposed use(s) of the required open space.
 - b. Provide maintenance standards and a maintenance schedule.
 - c. Be recorded with Grand Traverse County Register of Deeds to provide a record of the restrictions to all persons having an interest in the property contained in the Open Space Development.

Section 13.45 Planned Unit Development (PUD)

Reserved for future use

Section 13.46 Planned Business Development

The Planned Business Development is established to provide an aesthetically attractive working environment exclusively for, and conducive to, the development and protection of offices, research and development institutions, manufacturing establishments of a non-nuisance type, and retail uses.

The provisions of this Section have been developed to coordinate these developments with the intent to:

- Establish and maintain high aesthetic standards;
 - Preserve the development's visual character by assuring improvements that are properly related to their sites and to surrounding developments;
 - Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design; and
 - Encourage development that is compatible with and complementary to nearby residential and commercial areas.
1. The application for a planned business development is for those areas particularly suited for mixed-use development of the types listed above. Property may be designated Planned Business Development when all of the following criteria are satisfied:
 - a. The site has been designated for Commercial Manufacturing development in the Township's Master Plan;
 - b. The property and the affected area are presently provided with adequate public facilities, services and transportation networks to support this use; or such facilities, services and transportation networks are planned to be provided concurrently with the development;
 - c. The development will not involve uses, activities, processes, materials, equipment and conditions of the operation that will be detrimental to any persons, property or the general welfare by reason of smoke, fumes, glare, noise, vibration or odors.
 2. Planned Business Development Design Standards

- a. Lot coverage, including all buildings and paved areas, shall not exceed seventy (70%) percent of the lot area
- b. All structures shall be a minimum of thirty (30) feet from any public road right-of-way.
- c. All structures shall meet applicable side and rear setback requirements.
- d. Principal or accessory buildings shall not be less than fifty (50) feet from any property line abutting residentially zoned lands.

The following improvements are excluded from this setback restriction:

- Structures below and covered by the ground.
 - Steps, walks, driveways and curbing.
 - Planters, walls, fences or hedges not exceeding four (4) feet in height.
 - Landscaping
 - Pedestrian plazas/walkways.
- e. Access to each parcel or lot must be from an internal street and not from an abutting major thoroughfares or arterial.
 - f. There shall be set aside for common open space not less than one (1) acre of land for every five (5) acres of land devoted to office, research, industrial and/or business, and commercial uses. Such computation shall exclude the area devoted to the internal street system and the anticipated required off-street parking.

The location of common open space shall be consistent with the declared function of the common usable open space and where possible, the common open space shall be planned as a contiguous area centrally located to the site for the maximum benefit of the area. Protected environmentally sensitive areas, such as woodlands, wetlands and natural drainage areas may be included in the calculation of required open space. Stormwater drainage areas may be included, provided that the stormwater structure is designed and landscaped to have a naturalized appearance.

- g. The internal circulation system shall include pedestrian paths that provide continuous circulation from the boundary streets to each lot or parcel within the development, common open space area and all other important interior site destinations.

- h. A minimum of ten (10) percent of the gross area of the Planned Business Development shall be open land with vegetative ground cover and other plant materials not covered by buildings, paving or other impervious surfaces. Pedestrian paths/walkways may be included in the calculation of this requirement.
 - i. All utility lines serving the internal development shall be underground. Entry fixtures must be located away from high use areas and main entrances or screened in an approved manner.
3. Building Design Requirements
- a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design, relationship to surroundings, sensitive integration of form, textures and colors with the particular landscape.
 - b. Buildings shall have a good scale and be in harmonious conformance with permanent development in the general vicinity.
 - c. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Accessory buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public rights-of-way.
 - d. All exterior building walls that are visible from a public right-of-way shall include attractive, durable materials.
 - e. Building components, such as windows, doors, eaves and parapets shall have good proportions and relationships to one another.
 - f. Colors shall be harmonious and shall use only compatible accents.
 - g. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
 - h. Antennas should be located where they are not visible on the front façade. Mechanical equipment such as window air conditioning units or condenser elements attached to the side or roof of a building, including heating vents, should be kept as low as possible and covered or screened to blend with the building to which it is affixed.
4. Uses permitted. All of the permitted uses in the Commercial and Industrial are permitted in the Planned Business Development, with the following exceptions:

- a. Truck terminals.
 - b. Outdoor material storage.
 - c. Contractors yard.
 - d. Asphalt plants.
 - e. Concrete manufacturing plant.
 - f. All uses essentially similar to the above uses.
5. Planned Business Development Application
- In additions to the requirements listed in Section 13.46(2), the following requirements shall apply:
- a. The procedures for a planned business development submittal shall follow the special land use procedures as outlined in Article 15, Special Land Use Review Procedures as described in this Zoning Ordinance.
 - b. If the application is for concurrent special use and site plan approval, then a site plan containing all of the applicable data as outlined in Article 14, Site Plan Review Procedures, shall be required for that portion of the site where site plan approval is requested.
6. After the Township Board has approved the Special Use Permit for the Planned Business Development, a site plan for the development may be submitted to the Planning Commission for approval. The site plan shall meet the requirements listed in Article 21 of this Zoning Ordinance.

13.47 Small Retail Operations

This use allows small retail operations that are designed to serve the convenience shopping needs of persons residing in adjacent residential areas to be placed near those residential areas. Small commercial operations shall meet the following requirements:

- 1. No drive-thrus are permitted.
 - a. No more than eight (8) parking spaces may be provided.
 - b. The gross floor area for one (1) business shall not exceed 2,500 square feet. If the structure contains two (2) or more independent businesses with different owners, then the structure may be a maximum of 3,500 square feet.
 - c. There shall be a sidewalk/pathway from adjacent public road right-of-ways to the operation.
 - d. The operation is not located on an interior subdivision road.

- e. The sale of sexually oriented merchandise is prohibited.
- f. The design of the building is compatible with the adjacent properties with respect to building materials, mass and scale, color, and roof-pitch.
- g. Only one (1) sign is permitted on the parcel. The surface display area for the sign shall not exceed twenty-five (25) square feet. The sign height shall not exceed eight (8) feet above grade.
- h. There shall be an additional twenty (20) foot setback from residentially zoned properties.

Section 13.48 Wind Energy Conversions Systems

A. A WECS shall be allowed in CM Districts as a Special Use as regulated in Section 15, with site plan approval by the Planning Commission as per Section 14. In addition to the requirements contained in Article 14 and 15 regarding special uses and site plans, an application for a WECS shall contain the following requirements, (single family and two-family units are exempt from these requirements):

- 1. Documentation establishing the legal mechanism for siting the WECS, that is, by easement, license, lease or by virtue of ownership of the parcel.
- 2. A site plan showing the locations of all existing overhead electrical transmission wires or distribution lines whether utilized or not, and the location of each WECS with its specific dimensions.
- 3. A project description showing for each WECS, its height above grade, diameter of the rotor and tower type.
- 4. A fire protection plan approved by the Grand Traverse Rural Fire Department.
- 5. Construction plans and specification for each proposed WECS and its anchoring system certified as structurally safe by a registered professional engineer licensed and insured in the State of Michigan.
- 6. A statement of the survival wind speed for each WECS.
- 7. In the case of an interconnected WECS, proof of written notice to the local electric utility company of the proposed interconnection and the utilities response thereto.

B. Size and Setbacks:

1. The minimum parcel size shall be two (2) acres for each WECS. This minimum size requirement shall supersede all other parcel size requirements for the land use district within which the WECS is proposed.
2. In addition to any required setback area for the land use district in which a WECS is proposed, there shall be an additional setback equal to and not less than one and one half (1 ½) times the height of each WECS, measured from the base of each WECS to all points on the underlying district's setback line.

C. Accessory Structures:

1. All electrical lines or wires extending substantially horizontally above the ground between a WECS and an accessory building or structure, or between two or more WECS shall be at least eight (8) feet above the ground at all points unless buried underground.

D. Construction Standards:

1. A WECS shall be a free-standing structure without guy wires, cables or anchoring mechanisms extending beyond the mounting foundation of the WECS.
2. The maximum level of noise generated by any WECS shall not exceed 55 dBA as measured on the dB(A) scale measured at the lot line. The owner and operator shall provide certification after construction, and upon request of the Township re-certification that such decibel is being maintained. Household WECS must provide manufacturers data.
3. All WECS must comply with all state construction and electrical codes. Interconnected WECS shall comply with the applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.
4. The WECS rotor shall be located on the tower or support such that the minimum blade clearance above the ground level at the tower location is not less than twenty (20) feet.
5. Each WECS shall comply with all uniform or national building, electrical, mechanical and fire codes.
6. Vibration due to the WECS at the parcel boundaries shall not be perceptible.
7. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of twelve (12) feet.

8. The entire WECS including turbines, alternators, generators and interconnect systems shall be filtered and or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio and/or television broadcasting or reception or which would cause unreasonable interference with the operation of cell phones or other wireless devices and shall comply with Federal Communication Commission rules 47 CFR, parts 15 and 18 including all relevant parts thereof.
9. No WECS, Household or Interconnected shall be installed in a location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television or wireless phone or other personal communication systems would produce interference to electromagnetic transmission or reception. No WECS shall be installed along the major axis of an existing microwave, UHF or VHF communication link where its operation is likely to produce interference with the electromagnetic transmission or reception of signals.
10. No displays, advertising signs or other identification of any kind intended to be visible from the ground or other structures shall be permitted except as required for emergency purposes.
11. Each WECS shall be painted with non-reflective paint of an unobtrusive color designed to minimize off-site visibility of the WECS.
12. Lighting for each WECS shall comply with the legal minimums established by the Federal Aviation Administration (FAA), the Michigan Aeronautical Commission (MAC) or their successor agencies.
13. All new power transmission lines shall be installed underground from the base of the WECS to a point within 50 feet of the nearest overhead utility distribution circuit. Only one (1) utility connection exit shall be permitted for a cluster or farm WECS.
14. Existing on site vegetation shall be preserved to the maximum extent practical.

E. Use Standards

1. A WECS shall be removed by the owner or operator or the property owner within six (6) months of being abandoned. For the purposes of this paragraph, abandonment is defined as continuous and uninterrupted non-use for a period of six (6) months or more, without cause attributable to damage, repairs, maintenance or upgrades.

2. A removal bond or other performance guarantee for the maintenance or removal of each WECS and all accessory structures may be required by the Planning Commission or Township Board.
3. The Special Use application shall be signed by both the owner and operator of the WECS, who shall also be responsible jointly for the operation and maintenance of the WECS.

F. Residential – One and Two family designed WECS are exempt from the provisions of this section. One and Two family designed WECS shall meet the setbacks of said district.

ARTICLE 14
SITE PLAN REVIEW PROCEDURES

Section 14.01 Application

1. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any structure in any zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission or Zoning Administrator in accordance with the requirements of this Article.

a. The Planning Commission shall review all site plans for all permitted principal uses and structures over 11,999 (eleven thousand nine hundred and ninety-nine) square feet and where this Ordinance does not specifically list the Zoning Administrator having site plan review authority.

Site plan reviews may be performed concurrently with special land use permit approval.

b. The Zoning Administrator shall review site plans for uses and structures that meet the following criteria:

- 1) No variances to the Ordinance are required.
- 2) The proposed construction does not cause the total building gross floor area (including multiple stories) to exceed 11,999 (eleven thousand nine hundred and ninety-nine square feet).
- 3) This zoning ordinance specifically states that the Zoning Administrator has site plan review authority.

The Zoning Administrator may refer a project to the Planning Commission for site plan approval when desired.

Nothing in this section shall be deemed to diminish the applicant from meeting all the applicable standards in this ordinance.

c. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation, or development standard. The Zoning Administrator shall notify the Planning Commission of all site plans in the process or scheduled for administrative review.

d. The decision of an administrative review or site plan review may be appealed to the Planning Commission.

2. The Planning Commission by majority vote of its total membership may recommend revoking the Zoning Administrator's ability to review and issue land use permits (excepting single family detached and two-family dwellings and their accessory structures) to the Township Board for transgressions. The Township Board upon holding a hearing shall approve or deny the Planning Commission's recommendation. The Planning Commission will assume the responsibility for Administrative reviews upon revocation of the Zoning Administrators duties.
 - a. For those cases requiring site plan review solely as a result of building re-occupancy, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the Planning Commission. The Zoning Administrator may conduct an administrative review, provided all of the following conditions are met:
 - 1) No variances to the ordinance are required.
 - 2) Such use is conducted within a completely enclosed building.
 - 3) Re-occupancy does not create additional parking demands beyond ten (10) percent of that which exists.
 - 4) Re-occupancy will not substantially alter the intended character of the site and/or the use is permitted in the zoning district.

Section 14.02 Required Data

1. A site plan shall consist of an overall plan for the entire development. Sheet size shall be at least twenty-four (24) by thirty-six (36) inches with the plan drawn to a scale of not less than one (1) inch equals fifty (50) feet for property under three (3) acres, and at least one (1) inch equals one hundred (100) feet for properties (3) acres or more. Twelve (12) complete sets shall be submitted for Planning Commission review. Two (2) complete sets and one (1) 11 X 17 sized set is required for Administrative review.
2. Site plans shall contain the following information:
 - a. The name and firm address of the professional land surveying civil engineering or architectural firm(s) or person(s) in the case of building re-occupancy, responsible for the preparation of the site plan.
 - b. The name and address of the petitioner and property owner, if different.
 - c. Date of preparation, revision dates, north arrow, and scale.

- d. Location of the development drawn at a scale of one (1) inch equal two thousand (2,000) feet with north point indicated. This location map shall depict the proposed development site, as well as all section lines and number, major roadways, and other significant area features.
- e. All lot and/or property lines, lot and easement dimensions, and a legal description of the lot. Required yard setbacks shall also be depicted and dimensioned on the plan.
- f. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property and the names of all abutting properties within one hundred (100) feet of the subject property.
- g. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, trash receptacles, parking areas (including dimensions of a typical parking space), unloading areas, and natural features.
- h. The location, pavement type, and right-of-way width of all abutting roads, roads, or alleys.
- i. The location and dimensions of all greenbelts, berms, fences, and and/or walls.
- j. Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems, and location of all fire hydrants.
- k. Size and location of all surface drainage facilities.
- l. Proposed building elevations and floor plan.
- m. For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.
- n. Site data chart comparing the existing and proposed improvements with the schedule of regulations for the appropriate zoning district, as well as parking and landscape requirement calculations.
- o. A summary schedule should be affixed, if applicable, which gives the following data:
 - 1) The number of dwelling units proposed, including the number, size, and location of one-bedroom units, two-bedroom units, mobile home sites, etc.

- 2) The residential area of the site in acres and in square feet,
including the breakdowns for any sub areas or staging areas
(excluding all existing rights-of-way).
- p. Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
- q. Depiction of major wooded areas and description of how they will be preserved.
- r. Site grading plans.
- s. Landscaping plans.
- t. Description of the areas to be preserved in a natural state.
- u. Existing and proposed contour shall be shown on all site plans (two (2) foot interval minimum) as may be required by the Township Engineer or Zoning Administrator.
- v. Additional Required Information: The following information shall be submitted if requested by the Zoning Administrator:
 1. A landscape plan identifying trees twelve (12) inches or larger in caliper.
 2. A description of all exterior building materials.
 3. Population profile for the development.
 4. Proposed financing.
 5. Traffic Impact Study.
 6. Market and Economic Feasibility Study.
 7. Other information pertinent to the development or use.
3. In lieu of the site plan data requirements enumerated above, the following information is required for those site plans receiving administrative review solely as a result of building re-occupancy or minor improvement.
 - a. An accurate description of the subject property.

- b. A description of the proposed use including number of employees, nature of the proposed use, floor plan sketch, and other general information describing the use.
 - c. A description of existing and proposed parking serving the site, including parking area improvements (paving, landscaping, etc.), existing and contemplated.
 - d. A description of existing and proposed landscaping, sidewalks, and other site amenities.
 - e. A description of buffering (i.e., berms, walls, greenbelts) between the use and adjacent residential properties both existing and proposed.
 - f. A description of site ingress and egress both existing and proposed.
 - g. Any other information as required by the Zoning Administrator that will assist in evaluating the new use.
4. The requirements of this section are basic to all uses that require site plan approval. In addition, all site plans must demonstrate conformance with the applicable development requirements contained elsewhere in this Ordinance, such as off-road parking, loading, landscaping, unless specific requirement of this Zoning Ordinance is waived or modified by the decision making body as provided in this Ordinance.

Section 14.03 Standards for Approval

A site plan shall be reviewed and approved by the Planning Commission upon finding that the following conditions are met:

1. That the proposed use will not be detrimental to the adjacent property or the surrounding neighborhood, including properties located in adjacent municipalities.
2. That there is a proper relationship between existing roads and highways and proposed deceleration lanes, service drives, ingress and egress drives, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
3. That buildings, structures, parking areas, utility areas, walls, and fences are so designed and located to minimize the adverse effects of such development on users of such development and occupants of adjacent properties.
4. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fencing, or other screening.

5. That as many natural landscape features as possible are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for dissimilar purposes, and where they assist in preserving the general appearance of the neighborhood or help control soil erosion or the discharge of storm water.
6. The proposed development provides for the proper development of public utilities and infrastructure.
7. All buildings or groups of buildings are arranged to permit emergency vehicle access.
8. That the plan for soil erosion control, storm water discharge, wells, and on-site septic systems have been approved. Site plan approval may be conditioned upon providing evidence that the necessary permits have been applied for. A land use permit shall not be issued until the Zoning Administrator receives a copy of the required permit(s).
9. The Planning Commission may further require landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
10. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that escrow money be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Zoning compliance permits shall not be issued until the improvement is physically provided or monies having been deposited with the Township Clerk
11. Where the Township has adopted a specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan shall be approved unless there is general compliance with such Township plan.

Section 14.04 Revocation of Site Plan Approval

1. Any site plan approval shall be revoked when construction of the development is not in conformance with the approved plans. The Planning Commission shall notify the applicant of site plan approval revocation process at least ten (10) days prior to review of the violation by the Planning Commission and the Zoning Administrator shall issue a stop work order. After conclusion of the Planning Commission's review, the Planning Commission shall revoke its approval of the development if the Planning Commission feels that a violation exists.

2. The approval of any site plan under the provisions of this Ordinance shall expire and be considered automatically expired one (1) year after the date of the approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of the land shall be subject to review and approval of a new site plan for the property in conformance with the regulations specified by this Ordinance. Except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

Section 14.05 Site Plan Approval for Special Uses

All approvals for site plans reviewed in conjunction with a special land use application shall be conditioned upon the approval of the special land use by the Township Board.

Section 14.06 Review and Approval of Condominium Projects

1. Initial Information

Concurrently with notice required to be given, Paradise Township, pursuant to Section 71 of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, a person, firm, or corporation intending to develop a condominium project in the Township shall provide the following information:

- a. The name, address, and telephone number of:
 - 1) All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - 2) All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the project.
 - 3) The developer or proprietor of the condominium project.
- b. The legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.
- c. The acreage of the land on which the condominium development will be developed.
- d. Proposed project land use(s) (for example, residential, commercial, and

industrial, etc.) and the number of acres of each type of land use proposed.

- e. Number of condominium units to be developed on the subject parcel.
 - f. Description of water system to be provided.
 - g. Description of sanitary waste disposal system to be provided.
2. Information To Be Kept Current

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a zoning compliance permit has been issued.
 3. Site Plans for New Projects

Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium project shall undergo site plan review and approval pursuant to Article 14, Site Plan Review Procedures. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any zoning compliance permit.
 4. Site Plans for Expandable or Convertible Projects

Prior to the expansion or conversion of a condominium project to include additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article 14, Site Plan Review Procedures. The conversion of any development to the condominium form of ownership shall require all standards and requirements of the Ordinance regarding condominiums to be met.
 5. Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished

The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Zoning Administrator for compliance with Ordinances. Fees for this review shall be established by resolution of the Township Board.
 6. Monuments Required

All condominium projects, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in the Condominium Act 59 of Public Act of 1978 as amended.

7. Compliance with Federal, State, and Local Law

All condominium projects shall comply with federal and state statutes and local ordinances.

8. Occupancy of Condominium Project

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

9. Site Condominiums

a. A single-family detached condominium project shall be subject to all requirements and standards of the applicable residential district including, but not limited to minimum lot area, width, and all other dimensional provisions as well as all restrictions with respect to use.

b. The design of a site condominium project shall be subject to the site design and engineering standards of the Paradise Township Subdivision Control Ordinance. Should there be unusual topographic or other natural feature constraints, these standards may be modified to achieve either greater or lesser conformance in accordance with the judgment of the Planning Commission.

10. Final Documents to be Provided

After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a Mylar sheet of at least thirteen (13) by sixteen (16) inches with an image not to exceed ten and one-half (10-1/2) by fourteen (14) inches and a CD in a Township approved digital format.

Section 14.07 Performance Guarantees

1. To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission may require that a cash deposit, certified check, unconditional irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Township Clerk to ensure faithful completion of the improvements, and also be subject to the following:

- a. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit of the performance guarantee prior to the time when the County is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
- b. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- c. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.

Section 14.08 Required Fees

Fees for the review of site plans shall be established by resolution of the Township Board.

ARTICLE 15
SPECIAL USE REVIEW PROCEDURES

Section 15.01 Application

1. Uses identified as special uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
2. Upon recommendation by the Planning Commission, the Township Board shall have the authority to approve special use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special use included in the various provisions of this Ordinance.

Section 15.02 Data Required

1. Application for a special use permit shall be made to the Zoning Administrator by filing an official special use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board.
2. An application for a special use permit shall contain the following:
 - a. Applicant's name, address, and telephone number.
 - b. Address and tax identification number of the subject parcel.
 - c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
 - d. Supporting statements, evidence, data, information and exhibits that address those standards and requirements for assessing special use permit applications outlined in Section 15.04.
 - e. A complete site plan containing all of the applicable data outlined in Article 14, Site Plan Review Procedures, if the applicant wishes for concurrent approval of a special use permit and site plan review.
 - f. If the applicant does not want concurrent approval of the special use permit and site plan and is only requesting approval of a special use permit, the following additional information is required:

- 1) A statement of purpose, objectives, and development program including:
 - a) Discussion of the rationale for employing the special use provisions rather than developing the project as a permitted use.
 - b) A description of the total project area.
 - c) Description of existing site characteristics.
 - d) Description of proposed character of the development.
 - e) Densities, areas and setbacks for various structures and uses.
 - f) Area and percent of developed and undeveloped open spaces.
 - g) Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
 - h) Proposed project phasing and estimated timing schedule by phase to completion.
 - i) Statement of anticipated impact on natural features, public facilities and services such as, but not limited to, police and fire protection, roads, and schools.
- 2) A generalized development plan showing the layout of the proposed uses. The layout does not have to be a surveyed or engineered site plan.

Section 15.03 Public Notice/Hearing Requirements

1. Upon receipt of a complete special use application, the Planning Commission shall hold a public hearing on the application pursuant to Article 17 of this Ordinance. Said Public Notice shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006.

Section 15.04 Standards for Approval

1. The Planning Commission shall review the particular circumstances and facts related to each proposed special use application in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and

requirements:

- a. Will be harmonious with and in accordance with the general objectives of the Master Plan.
 - b. Will be designed, constructed, operated, and maintained in harmony with the existing and intended character of the general vicinity and the natural environment so that the use will not change the essential character of that area.
 - c. Will not be hazardous or disturbing to existing or future neighboring uses.
 - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - e. Will be served adequately by essential public services and facilities, such as highways, roads, drainage structures, police and fire protection, and refuse disposal; or, the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately for such services.
 - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
2. The Planning Commission may recommend approval, approve with conditions, or deny the special use application. The recommendation on a special use shall be incorporated in a statement containing conclusions reached relative to the proposed special use that specifies the basis for the decision and any conditions recommended.

In recommending approval of a special use application to the Township Board, the Planning Commission may recommend additional conditions and safeguards deemed necessary for the general welfare of the Township, for the protection of individual property rights, and to ensure that the purposes of this Ordinance are met.

Upon holding a public hearing and reviewing the special use request, the Planning Commission shall forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions that are recommended to be imposed.

Section 15.05 Township Board Action

The Township Board, upon receipt of the Planning Commission's finding and recommendation, may deny, approve, or approve with conditions the request for a special use approval at a public notice/hearing as outlined in Section 17. The Township Board's decision shall state the findings of fact and specify the conclusions drawn there from and any conditions imposed on the special use. The Township Board shall base their decision on the Standards of Approval listed in Section 15.04 of this Ordinance.

After the applicant has received approval for the special use permit, the applicant may submit a site plan meeting the requirements listed in Article 14 to the Planning Commission, unless the application was concurrently reviewed with a site plan. After the Planning Commission has approved the site plan, the special use permit shall be issued by the Zoning Administrator. The Zoning Administrator shall forward a copy of the permit to the owner/applicant and Township Clerk.

Section 15.06 Expiration of Special Use Permit

A special use permit shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of the special use permit, except that the Township Board may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Ordinance and constitute grounds for termination of a previously granted special use permit.

Section 15.07 Reapplication

No application for a special use permit which has been denied, wholly or in part, by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly discovered evidence or changed conditions.

Section 15.08 Required Fees

Fees for the review of special use applications shall be established by resolution of the Township Board.

ARTICLE 16 SIGN REGULATIONS

Section 16.01 Purpose

The purpose of this Article is to regulate the size, placement, and general appearance of all privately owned signs and billboards in order to promote the public health, safety, and general welfare, to enhance the aesthetic desirability of the environment, and reduce hazards to life and property in Paradise Township.

Section 16.02 General Provisions

Signs and billboards may be permitted for identification of premises, for providing information relative to the functions of the premises, or for advertising, subject to the provisions of this Article.

1. Maximum surface display area per side of any sign or billboard shall be computed as follows:
 - a. If a sign has only one (1) exterior face, the surface display area of that face shall not exceed the specified maximum.
 - b. If a sign has two (2) exterior faces, the surface display area of each face shall not exceed the specified maximum.
 - c. If a sign has more than two (2) exterior faces, the sum of the surface area of all the faces shall not exceed twice the specified maximum.
 - d. In the case of a canopy sign, the copy area of the canopy shall be measured to determine total surface display area.
2. Signs may be illuminated, but no flashing or moving illumination shall be permitted, except as otherwise expressly provided for under this Ordinance. Signs shall not revolve or move in any manner. The source of illumination (lamp or light source) for any sign shall not be visible beyond the property lines of the parcel on which the sign is located. LED signs may be used; however there shall be five (5) minutes between messages.
3. Any sign not expressly permitted is prohibited.

Section 16.03 Signs Permitted in All Districts

The following signs are permitted in all zoning districts subject to the following conditions:

1. Real Estate Signs

- a. One (1) non-illuminated sign advertising the sale or lease of the lot or structure.
 - b. Surface display area of such sign shall not exceed six (6) square feet per side in residential districts. Surface display area of such sign shall not exceed sixteen (16) square feet per side and shall not exceed a height of eight (8) feet above grade in commercial and industrial districts.
 - c. Such sign shall be located at least ten (10) feet from the road right-of-way line.
2. Construction Signs
- a. One (1) non-illuminated wall or freestanding sign announcing the names of individuals or firms responsible for a development under construction, alteration or repair, and announcing the character or the purpose of the development.
 - b. Surface display area shall not exceed forty (40) square feet per side. The height of a freestanding sign shall not exceed fourteen (14) feet above grade.
 - c. Such sign shall be located at least ten (10) feet from the road right-of-way line.
 - d. Such sign shall require a sign permit that shall authorize use of the sign for a period not to exceed one (1) year.
3. Development Entry Signs
- a. A maximum of (1) sign, which may be illuminated, shall be permitted at each entrance to a development.
 - b. Surface display area shall not exceed fifty (50) square feet and the sign height shall not exceed fourteen (14) feet above grade.
 - c. Such signs shall be located at least ten (10) feet from the road right-of-way line.
 - d. Such signs shall include only the names of the development and the developer and the sign and structure shall be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
4. Temporary Political Signs
- a. Temporary political signs are not permitted in the road right-of-way.

- b. Political signs shall be removed within a reasonable time after the election to which they pertain.
5. Temporary Signs Advertising Charitable Events
 - a. Surface display area shall not exceed thirty-five (35) square feet per side.
 - b. Such sign shall be located at least ten (10) feet from the road right-of-way line.
 - c. Such signs may be illuminated, but no flashing or moving illumination shall be permitted.
 - d. Temporary signs may be permitted for a period not to exceed fifteen (15) days for purposes of advertising charitable events and shall be removed within five (5) days after the event.
6. Directional signs conforming to the Michigan Manual of Uniform Traffic Control Devices.
7. Highway signs erected by the Michigan Department of Transportation and/or the Grand Traverse County Road Commission.
8. Signs erected by governmental agencies to designate hours and uses for parks, parking lots, governmental buildings, and other public spaces.
9. Historic signs designating sites recognized by the State Historical Commission.
10. Signs prohibiting hunting or trespassing.
11. Signs denoting utility lines, railroad lines, hazards, and precautions.
12. Memorial signs which are either cut in masonry or stone or constructed of bronze or other metal when attached flush to a building.
13. Menu boards and drive-through signs in conjunction with a drive-through establishment.

Section 16.04 Signs in Forest-Recreation and Agricultural Districts

1. Signs related to agricultural or recreation-conservation uses in the Recreation-Conservation and Agricultural Districts shall be subject to the following limitations:
 - a. Farm Products Signs
 - 1) One (1) non-illuminated sign advertising the products grown on the farm.

- 2) Surface display area shall not exceed twenty-four (24) square feet in area.
 - 3) Sign shall be placed behind the road right-of-way line.
- b. Identification Signs
- 1) One (1) non-illuminated sign identifying the recreation or conservation use.
 - 2) Surface display shall not exceed twenty-four (24) square feet in area.
 - 3) Sign shall be placed behind the road right-of-way line.
- c. Home Occupation Signs
- 1) One (1) non-illuminated sign announcing a home occupation.
 - 2) Surface display area shall not exceed two (2) square feet.
 - 3) Sign shall be attached flat against a building wall.
- d. Yard or Garage Sale Signs
- 1) One (1) non-illuminated sign announcing the sale.
 - 2) Surface display area shall not exceed four (4) square feet.
 - 3) Sign shall be placed behind the road right-of-way line.
 - 4) Sign shall be removed within five (5) days of the date that the sale ended.

Section 16.05 Signs in Residential (R-1 and R-2) Districts

1. Signs related to residential uses in residential districts shall be permitted subject to the following limitations:
 - a. Home Occupation Signs
 - 1) One (1) non-illuminated sign announcing a home occupation.
 - 2) Surface display area shall not exceed four (4) square feet.
 - 3) Sign shall be attached flat against a building wall.

- b. Yard or Garage Sale Signs
 - 1) One (1) non-illuminated sign announcing the sale.
 - 2) Surface display area shall not exceed four (4) square feet.
 - 3) Sign shall be placed behind the road right-of-way line.
 - 4) Sign shall be removed within five (5) days of the date that the sale ended.
- 2. Signs for nonresidential uses, such as institutions for human care, churches, educational or social institutions, and public utility buildings, permitted by special land use approval in residential districts, shall be permitted subject to the following limitations:
 - a. All limitations governing signs for professional and office uses in the Commercial zoning districts shall apply.
 - b. Surface display area for freestanding signs shall not exceed twenty-five (25) square feet per side.

Section 16.06 Signs in Commercial and Industrial Districts

- 1. Signs shall be limited to the following.
 - a. Wall Signs
 - 1) Signs shall not project above the roofline or cornice.
 - 2) Surface display area shall not exceed ten (10) percent of the building facade; however, no sign shall exceed one hundred (100) square feet.
 - 3) In the case of several tenants utilizing a common customer access, such as a shopping mall or office building, one (1) common wall sign shall be permitted provided that such sign does not provide more than twenty (20) square feet of surface display area for each tenant listed, up to a maximum of ten (10) percent of the building facade.
 - b. Canopy Signs
 - 1) Surface display area shall not exceed ten (10) percent of the building facade; however, no such sign shall exceed one hundred (100) square feet.

- 2) Such canopy shall have a minimum clearance height of eight (8) feet above grade; except that canopies shall be erected, whenever practicable, to match the underclearance and projection of canopies which exist on adjacent businesses, buildings, or lots.

c. Freestanding Signs

- 1) In no case may freestanding signs exceed fifty (50) square feet in surface area if the lot on which the sign is located has less than two hundred (200) feet of lot frontage on the road toward which that sign is primarily oriented, seventy-five (75) square feet on lots with two hundred (200) or more, but less than four hundred (400) feet of lot frontage, and one hundred (100) square feet on lots with four hundred (400) or more feet of frontage.
- 2) Such sign shall be located behind the road right-of-way line. Further, a freestanding sign shall not be located within twenty (20) feet of the intersection of the access drive and the road right-of-way line.
- 3) A freestanding sign shall not exceed a height of twenty (20) feet above ground level.

d. Monument Signs

- 1) Surface display area of such sign may be twenty-five (25) percent greater than the permitted freestanding sign.
- 2) A monument sign shall not exceed a height of eight (8) feet above grade.
- 3) Such signs shall be landscaped at the base.

e. Automobile Service and Gasoline Station Signs

- 1) Automobile service and gasoline stations shall be permitted additional areas for signs on each pump island for displays, and on the pump island canopy. The aggregate area of such signs shall not exceed a total of one hundred (100) square feet.
- 2) Two (2), two-sided signs indicating price and grade of gasoline, each side not to exceed twelve (12) square feet in surface display area, may be erected.

f. Temporary Grand Opening Signs

- 1) One (1) such sign may be permitted for a period not to exceed

fifteen (15) days for those businesses which are new to a particular location.

- 2) Surface display area shall not exceed thirty-five (35) square feet per side.
- 3) Such signs may be illuminated providing there shall be no flashing lights or moving lights or parts of the sign.
- 4) Such sign shall be located at least ten (10) feet from the road right-of-way line.
- 5) Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fifteen (15) day time period designated for the grand opening sign.

g. Time and Temperature Signs

- 1) Such signs may take the form of wall, freestanding, or monument sign, and must conform to the standards that apply to each of these sign types.
- 2) Surface display area shall not be larger than twenty-five (25) square feet per side. The surface display area of a time and temperature sign shall be deducted against the total surface display area allowed for other signs on the site.

h. Directory Signs

- 1) Directory signs shall front on parcels having direct access to M-113, exclusively.
- 2) Directory signs shall not exceed a height of five (5) feet and a width of four (4) feet.
- 3) The directory sign shall consist of individual sign panels, each of which is no greater than eight (8) inches in height and forty (40) inches in width.
- 4) Directory signs shall not count toward the total number of signs permitted per business or maximum sign surface area permitted per business as specified in this Ordinance.
- 5) Only one (1) directory sign shall be allowed per business. That sign shall be located at the intersection of M-113 and the road the business is located on.

- 6) Directory signs may require M-DOT approval prior to their placement.

Section 16.07 Billboards

Billboards shall be permitted in commercial and industrial districts in accordance with the following limitations:

1. Surface display area of a billboard shall not exceed three hundred (300) square feet per side. Maximum height of such structure shall not exceed thirty (30) feet.
2. Such structures shall be at least fifty (50) feet from any road right-of-way line. No billboard shall be closer than two hundred (200) feet to any other zoning district than Commercial and/or Industrial.
3. Such structure shall not be located closer than two thousand six hundred forty (2,640) feet of any other billboard on either side of the road.
4. Such structure may be illuminated, provided the source of said illumination (lamp or light source) is shielded downward so that no light is visible beyond the property lines of the parcel upon which the structure is located.

Section 16.08 Existing Nonconforming Signs

1. It is the intent of this Section to permit the continuance of a lawful use of any sign or billboard existing at the effective date of this Ordinance, although such sign or billboard may not conform to the provisions of this Ordinance. It is the intent of this Section that nonconforming signs and billboards shall not be enlarged upon, expanded, or extended. Further, it is the intent of this Section that nonconforming signs and billboards shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and billboards within Paradise Township shall be subject to the conditions and requirements set forth in this Section.
2. The faces, supports, or other parts of any nonconforming sign or billboard shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or billboard conforms to the provision of this Article for the district in which it is located, except as otherwise provided for in this Section.

If the face, supports, or other parts of a nonconforming sign or billboard is structurally changed, altered, or substituted in a manner that reduces the nonconformity, the Zoning Administrator may approved the change.

3. Nothing in this Section shall prohibit the repair, reinforcement, alteration, improvement, or modernization of a lawful nonconforming sign or billboard,

- provided that such repair, reinforcement, alteration, improvement, and modernizing do not exceed an aggregate cost of thirty (30) percent of the appraised replacement cost of the sign or billboard, as determined by the Zoning Administrator, unless the subject sign or billboard is changed by such repair, reinforcement, alteration, improvement, or modernization to a conforming structure. Nothing in this shall prohibit the periodic change of message on any billboard.
4. Any lawful nonconforming sign or billboard damaged by fire, explosion, or an act of God, or by other accidental causes, may be restored, rebuilt or repaired, provided that the estimated expense of reconstruction does not exceed fifty (50) percent of the appraised replacement cost thereof, as determined by the Zoning Administrator.
 5. Whenever the activity, business, or usage of primary premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming sign attached to the premises. At the end of this period of abandonment, the Zoning Administrator shall give notice to the person responsible for the nonconforming sign that said sign shall either be removed or altered to conform to the provisions of this Article within thirty (30) days.
 6. The Township Board may acquire any nonconforming sign or billboard, with or without acquiring the property on which such sign or structure is located, by condemnation or other means, and may remove such sign or structure.

Section 16.09 Required Information and Fees for Sign Permits

All signs shall require a sign permit (except signs outlined in 16.03 in this Article). Application for a sign permit shall be made to the Zoning Administrator by submission of the required forms and fees, exhibits and information by the owner of the property on which the sign is to be located, his agent, or lessee.

1. The application shall contain the following information:
 - a. The property owner's, sign owners, and applicant's name and address.
 - b. Address of the property on which the sign is to be situated.
 - c. Description of business to which the sign relates and purpose of the sign.
 - d. Drawing of the sign that includes a description of sign type, sign height, total surface display area in square feet, proposed graphics, and/or sign copy.

- e. Site drawing that depicts lot and building dimensions, right-of-way line location, and proposed setback from road right-of-way line.
2. The Zoning Administrator shall not approve plans or issue a sign permit for any sign that does not conform to the provisions of this Ordinance.
3. Fees for the review of site plans shall be established by resolution of the Township Board.

Section 16.10 Sign Variance Standards

Any person filing an application for a sign permit who feels that he has been aggrieved by the decisions of the Zoning Administrator may have the application reviewed by the Board of Appeals. A variance may be allowed by the Board of Appeals only in cases involving practical difficulties when the evidence in the official record of the appeal supports all the following affirmative findings:

1. That the alleged practical difficulties are peculiar to the property of the person requesting the variance by reasons of the physical and/or dimensional constraints of the building and/or site, and result from conditions which do not exist generally throughout the Township;
2. That the granting of the requested variance would not be materially detrimental to the property owners in the immediate vicinity;
3. That the granting of the variance would not be contrary to the general objectives of this Article and is in keeping with the spirit and intent of this ordinance; and,
4. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Article, the individual hardships that will be suffered by a failure of the Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
5. Fees for sign variances shall be as established by resolution of the Township Board.

ARTICLE 17 PUBLIC NOTICE

Section 17.01 Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Enabling Act, PA 110 of 2006 as amended and the other provisions of this Section with regard to public notification.

A. Responsibility:

When the provisions of this Ordinance or the Michigan Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Paradise Township and mailed or delivered as provided in this Section.

B. Content:

All mail, personal and newspaper notices for the public hearing shall contain the following information;

1. Describe nature of the request, identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.
2. Describe the location; indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
4. Written comments: include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of the property for which approval is being considered, and the applicant
 - b. Except for rezoning request involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Paradise Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each spatial area or unit shall receive notice. In case of a single unit or spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 17.02, Registration to Receive Notice by mail.
 - d. Other governmental units or infrastructure agencies within a half (1/2) mile of the property involved in the application.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation; not less than fifteen (15) days before the date the application will be considered for approval.

Section 17.02 Registration to Receive Notice by mail:

A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for the development approval pursuant to Section 17.01.C.c..

1. Requirements; the requesting party shall provide the Zoning Administrator; Name, mailing address, City, State, and Zip code to which the requesting party would like to notification sent to.
2. All registered parties shall re-register with the Township every six (6) months to continue to receive notification pursuant to this section.

ARTICLE 18
BOARD OF APPEALS

Section 18.01 – Creation and Membership: There is hereby created a Board of Zoning Appeals consisting of five (5) members, who shall be appointed in accordance with Michigan Enabling Act, PA 110 of 2006, as amended. The first member of the Board of Appeals shall be a member of the Township Planning Commission. The term of each member shall be three (3) years. Except, that the first members appointed, two (2) shall be for two (2) years, and the rest for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

1. The first member of the Board of Appeals shall be a member of the Township Planning Commission and shall be appointed by the Township Board.
2. The remaining members shall be selected and appointed by the Township Board from the electors of Paradise Township. The first members appointed, two (2) shall be for two (2) years, and the rest for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
3. An employee or contractor of the Township Board shall not serve as a member or an employee of the Board of Appeals.
4. The Board of Appeals shall not conduct business unless a majority of the members are present.
5. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office, upon written charges, after a public hearing. A member shall disqualify himself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself from a vote in which he or she has a conflict of interest shall constitute misconduct of office.
6. The Township Board may also appoint up to two alternates of the Board of Appeals. Appointment shall be as follows: One (1) alternate member shall be appointed for a period of two (2) years and the second alternate shall be appointed for a period of three (3) years; thereafter, each member shall hold office for a full three (3) year term. Any vacancies in the alternative membership of the Board shall be filled by appointment by the Township Board for the remainder of the unexpired term.

The alternate members shall:

- a. Sit as regular members of the Board of Appeals in the absence of a regular member if a regular member is absent from, or unable to attend, two (2) or

more consecutive meetings of the Board of Appeals, or for a period of more than Thirty (30) consecutive days.

- b. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for the reasons of "conflict of interest", or due to an immediate, unnotified absence of a regular member. The alternate member shall serve in the case until a final decision has been made.

Alternate members shall have the same voting rights as a regular member of the Board of Appeals. Alternate members shall receive equal compensation for the meetings attended, as does a regular member. Whenever possible, these two (2) alternates should be provided the opportunity to rotate as members of the Board of Appeals.

7. The total amount allowed the Board of Appeals in any one (1) year as per diem, or as expenses actually incurred in the discharge of their duties, shall not exceed a reasonable sum, of which sum shall be appropriated annually in advance by the Township Board.

Section 18.02 Meetings

All meetings of the Township Board of Appeals shall be held at the call of the Chairman and at other times as the Board, in its rules of procedure, may specify. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating said fact and shall file a record of its proceedings in the office of the Township Clerk and shall be public record. The concurring vote of a majority of the membership of the Board of Appeals shall be necessary any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance, or to effect the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to matters before it.

1. An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any officer, department, board, or bureau aggrieved by the decision of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals, a Notice of Appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

2. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this case, the proceedings shall not be stayed, other than by a restraining order granted by a court of record.

3. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties, and shall render a decision on the appeal without reasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

4. No variance shall be granted in connection with a special use approval approved by the Planning Commission and the Township Board.

5. No variance shall be granted in connection with a site plan approved by the Planning Commission unless the appeal has been reviewed by the Planning Commission and a recommendation on the variance is provided by the Planning Commission.

Section 18.03 Power and Duties

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

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance. Provided, however, that the Board of Appeals shall not be empowered to hear and decide appeals of any decision related to a special use or planned unit development request or any conditions attached to the approval of a special use or planned unit development.

2. Interpretation

To hear and decide:

- a. Appeals for the interpretation of the provisions of this Zoning Ordinance.
- b. To hear and decide requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the Zoning Map, when there is dissatisfaction with the decision of the Zoning Administrator or Planning Commission.
- c. Classify a use that is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted use, in accordance with the purpose and intent of each district. Where there is no comparable permitted use, the Board of Appeals shall so declare, the effect being that the use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.

3. Variances

The Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-road parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. To obtain a variance, the applicant must show practical difficulty by demonstrating:

- a. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
- b. That a variance would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
- c. That the plight of the owner is due to the unique circumstances of the property;
- d. That the problem is not self-created;
- e. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property to mitigate the hardship; and
- f. The variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a special use or temporary use permit is required.

The Board of Appeals may impose conditions upon a variance approval. The conditions may include conditions necessary to ensure that public services and facilities affected by the variance will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent land uses, and to promote the use of land in an economically and socially desirable manner.

4. Approval of Temporary Uses

The Board of appeals shall have the power to grant permits authorizing temporary land uses for:

- a. Seasonal sales of produce, Christmas trees and similar uses.

- b. The location of temporary uses and structures in undeveloped portions of the Township for a period not to exceed sixty (60) days, with granting of not more than Three (3) sixty (60) day extensions per calendar year.
- c. Uses which do not require the erection of any capital improvement of a structure of any nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), for a period not to exceed sixty (60) days.

If a use is determined to not require capital improvement, the Board of Appeals shall determine that the structures are both demountable and related to the permitted use of land; or structures which do not require foundations, heating systems, or sanitary connections.

- d. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary use.
- e. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided by this Ordinance. The Board of Appeals may seek the review and recommendation of the Planning Commission prior to taking action on the Temporary Use.
- f. A temporary use permit shall be granted only if the Board of Appeals determines that the proposed use, including the erection of any temporary building or structure, will:
 - 1. Provide adequate light and ventilation between buildings and structures.
 - 2. Provide adequate automobile and pedestrian traffic flow and adequate off-road parking.
 - 3. Provide adequate lot access for fire protection purposes.
 - 4. Not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or otherwise interfere with the protection of public health, safety, and general welfare.
 - 5. Not be incompatible with, or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of one thousand (1,000) feet.
- g. When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary use is to be located,

including all requirements pertaining to lot size, height, setback, open space ration, maximum percentage of covered lot area, and off-road parking.

Section 18.04 Rehearing

The decision of the Board of Appeals shall be final. Appeals from decisions of the Board of Appeals shall be to the Circuit Court of Grand Traverse County, as provided by law.

Section 18.05 Jurisdiction

The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination as in its opinion ought to be made in regards to the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

1. The Board of Appeals shall not alter or change the zone district classification of any property, make any change in the terms of this Ordinance, or take any action which results, in the effect, to making such legislative changes.
2. The Board of Appeals shall not have the authority to grant a variance on the use of land, buildings, or structures.

Section 18.06 Approval Period

No order of the Board of Appeals permitting the erection of a structure shall be valid for a period of longer than twelve (12) months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 18.07 Notice

All applications for Temporary uses shall have a Public Hearing as specified in Michigan Enabling Act, PA 110 of 2006 further defined in Article 17, Public Notice Section.

Section 18.08 Required Fees

Fees for appeals to the Board of Appeals shall be established by resolution to the Township Board.

ARTICLE 19
NONCONFORMING LOTS, NONCONFORMING USES OF LAND,
NONCONFORMING STRUCTURES, AND
NONCONFORMING USES OF LAND AND STRUCTURES

Section 19.01 Purpose

The purpose of this section is to provide for the regulation of uses, structures, and lots that do not, at the time of this Ordinance, conform to the requirements of this Ordinance. The provisions of this section shall govern such uses, structures, and lots.

Section 19.02 Nonconforming Lots

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving lot area, lot width or both, shall conform to the regulations for the district in which such lot is located, except as provided below.
2. In any district that does not permit single family dwellings, if two or more lots, combinations of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of the parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.
3. Upon application to the Township Board, the Board may, at its sole discretion, permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements provided in this Ordinance. The application shall be filed with the Township Clerk on forms provided by the Township. Approval of the application shall be subject to the following provisions:
 - a. Any newly created lot must be capable of accommodating a structure that is in conformance with the building area, setback, and lot coverage requirements set forth in this Ordinance.
 - b. Any lot created under these provisions shall be at least sixty (60) feet in width.

- c. In the event that a lot created under these provisions is less than ten thousand (10,000) square feet in area, any structure constructed on the lot shall have direct hookup to the public sanitary sewer system.

Section 19.03 Nonconforming Uses of Land

1. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - b. No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance; and
 - c. If such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

Section 19.04 Nonconforming Structures

1. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on lot area, lot coverage, building height, setbacks, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such structure may be enlarged or altered in a way that increases its nonconformity.
 - b. Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance. The sixty percent (60%) provision shall not apply to non-conforming single-family residential structures; however, application for rebuilding shall be made within one (1) year from the date of damage or destruction.

- c. Should such structure be moved any distance for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 19.05 Nonconforming Uses of Land and Structures

1. If a lawful use of a structure, or of land and structure in combination, exists at the effective date of adoption or amendment of this Ordinance, which would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 - c. If no structural alterations are made, any nonconforming use of a structure, or land and structure in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or land and structure in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
 - d. Any structure, or land and structure in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - e. When a nonconforming use of a structure, or land and structure in combination, is discontinued or ceases to exist for twelve (12) consecutive months, or for a total of eighteen (18) months during any three (3) year period, the structure, or land and structure in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

- f. Where nonconforming use status applies to land and structure in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 19.06 Repairs and Maintenance

1. On or within any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, or for exterior aesthetic improvements to an extent not exceeding sixty (60) percent of the replacement value of the building, provided that the volume of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 19.07 Special Uses Are Not Nonconforming Uses

Any special use that is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

Section 19.08 Change of Tenancy or Ownership

The tenancy, ownership, or management of any existing nonconforming uses of land, structures, or land and structures in combination may be transferred or changed.

Section 19.09 Preferred Class of Nonconforming Use

1. Notwithstanding the above-enumerated provisions of Sections 19.02 and 19.04, certain nonconforming uses may be entitled to the status of "Preferred Class of Nonconforming Use" subject to the following conditions:
 - a. The use does not adversely affect the public health, safety, and welfare.
 - b. The use does not adversely affect the intent of the district in which it is located.
 - c. No useful purpose would be served by the strict application of the provision or requirements of this Ordinance with which the use does not conform.
 - d. A nonresidential use in a residential district shall not be eligible for preferred status.

2. A property owner shall seek approval of "preferred" status of the use of the structure from the Zoning Administrator. A structure housing a "Preferred Nonconforming Use" may be enlarged or altered provided such alteration is approved by the Board of Appeals. The property owner, upon approval of preferred status, shall submit a site plan pursuant to requirements in Article 14, Site Plan Review Procedures.

ARTICLE 20 PENALTIES AND OTHER REMEDIES

Section 20.01 Violations

Any person, corporation or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exception granted hereunder, or any lawful order of the Ordinance Enforcement Officer, Zoning Administrator, Board of Appeals, Planning Commission, or the Township Board issued in pursuance of this Ordinance shall be guilty of a Civil Infraction, any person who violates this Ordinance shall be guilty of a Civil Infraction, and upon finding thereof shall be liable for fines at a rate of up to \$ 1,000.00 per day as well as the contempt power of the Court, including the violation of an injunctive order issued by the Court. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 20.02 Public Nuisance Per Se

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

Section 20.03 Fines, Imprisonment

The owner of any building, structure, or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

Section 20.04 Each Day a Separate Offense

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues after notice has been given by the Ordinance Enforcement Officer or any other official charged with enforcing the provisions of this Ordinance.

Section 20.05 Rights and Remedies are Cumulative

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

**ARTICLE 21
AMENDMENTS**

Section 21.01 Procedure

Amendments to this Zoning Ordinance may be made pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act 110 of 2006, as amended.

Any applicant desiring to have any change made to this Ordinance shall, with a petition for such change, deposit the sum established by resolution of the Township Board with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change.