

# **KRAKOW TOWNSHIP**

## **ZONING ORDINANCE**

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## **ARTICLE I SHORT TITLE AND PURPOSE**

### **Section 1.1 Title**

This document shall be known as the Krakow Township Zoning Ordinance.

### **Section 1.2 Purpose**

The fundamental purpose of this ordinance is to promote and safeguard the health, safety, and general welfare of the residents of, and visitors to Krakow Township. The provisions herein are intended to encourage the proper use of land and natural resources pertinent to the social, physical, and economic well-being of the Township, including the optimum distribution of residential, commercial, recreational, industrial, and transportation activities; to limit the improper use of land, water, and other natural resources; to minimize hazards to health and property; to avoid overcrowding, provide adequate light and ventilation and control excessive noise, air, and visual pollution in and around dwellings and places of employment in the Township; to lessen traffic congestion and promote the wise distribution and use of land for public facilities and utilities, such as schools, community centers, government offices, medical facilities, and electrical and gas generation and transmission equipment; and to be one means of implementing the Goals, Objectives, and Policies as set forth in the Krakow Township Comprehensive Plan.

### **Section 1.3 Enabling Authority**

This ordinance is adopted pursuant to Act 184 of the Public Acts of 1943 of the State of Michigan, as amended. Said Act, intended to legally provide for township rural zoning, is hereby made a part of this ordinance, as if said Act were repeated verbatim herein.

### **Section 1.4 Enactment**

The provisions of this Ordinance are to become effective and applicable within Krakow Township immediately on and after the date of its passage by the Township Board and subsequent publication as required by law.

### **Section 1.5 Repeal of Prior Ordinance**

The Zoning Ordinance previously adopted by the Township and all amendments thereto, is hereby repealed.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

## ARTICLE II RULES

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

- a. The particular shall control the general.
- b. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- c. Words used in the present tense shall include the future; words in the singular number shall denote the plural number and the plural shall denote the singular.
- d. A "building" or "structure" includes any part thereof.
- e. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- f. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", shall be interpreted as follows :
  1. "And" denotes that all the connected items, conditions, provisions, or events shall apply.
  2. "Or," "either...or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- g. "Township" shall hereinafter refer specifically to Krakow Township.
- h. "Township Board" shall hereinafter refer to the Krakow Township Board of Trustees.
- i. "Planning Commission" shall hereinafter refer to the Krakow Township Planning commission.
- j. "Zoning Board of Appeals" shall hereinafter refer to the Krakow Township Zoning Board of Appeals.
- k. Terms not herein defined shall be assumed to have the meanings customarily assigned them.
- l. Any necessary interpretation of this Ordinance shall be defined by the Krakow Township Zoning Board of Appeals.

## **ARTICLE III DEFINITIONS**

### **Abandonment**

The cessation of activity in, or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis.

### **Abutting**

Having property or district line in common, e.g., two (2) lots are abutting if they have property lines in common.

### **Access**

A way of approaching or entering a property. For purposes of this ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

### **Accessory Building**

A building or portions of a building which: 1) is subordinate to and serves a principal building or principal use; 2) is subordinate in area, extent, or purpose to the principal building or principal use served; and 3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

### **Accessory Use**

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

### **Addition**

Any construction which increases the size of a building such as a porch, attached garage, or carport, room or wing.

### **Air Right**

The rights to the space above a property, for development.

### **Agriculture**

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

### **Alley**

A public right-of-way affording a secondary means of access to abutting property, but not intended for general traffic circulation.

### **Alteration**

Any structural change, addition or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, beams, or girders, which may hereinafter be considered as "altered" or "reconstructed".

### **Apartment**

A building divided into separate living quarters, each having at a minimum, its own sleeping: and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

### **Appeal**

Action that can be taken by any person denied approval of any administrative zoning matter. In most cases, appeals go to the zoning board of appeals; from there they may go to circuit court.

**Attached**

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

**Automobile Repair**

Any activity that includes but is not limited to the general repair or reconditioning of motor vehicles, engines, or trailers; collision service, such as body, frame, or fender straightening and repair; overall painting and rust-proofing of automobiles.

**Automobile Service Station**

A building used for the retail sale of fuel, lubricants, air, water, and other commodities designed for motor vehicles, aircraft, and boats. Such an operation includes space and facilities for selling, installing, or adjusting tires, batteries, parts and accessories within a building provided that such repair and installation is of a minor nature .

**Basement or Cellar**

That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the ceiling is less than the vertical distance from the average grade to the floor. A basement or cellar shall not be counted as a story.

**Bedroom**

A dwelling room used or intended to be used by human beings for sleeping purposes.

**Bed and Breakfast Facility**

A single family dwelling which rents sleeping rooms and furnishes meals to transient guests.

**Billboard**

A constructed unit upon which a verbal and/or pictorial sign or advertisement is fastened for the purpose of disseminating information to the general public, but not including bulletin boards on government property used to display official or public notices and information.

**Block**

A property surrounded by streets, or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

**Boardinghouse**

A dwelling where lodging or meals or both are provided for compensation to three (3) or more individuals on a prearranged basis for a definite period of time.

**Boardwalk**

An elevated walk constructed of planking, usually wood.

**Boathouse**

A building which is primarily used to house and protect boats.

**Breezeway**

A roofed often open passage connecting two buildings (as a house and garage) or halves of a building.

**Buffer Strip**

An area designed to separate properties of diverse usage

**Buildable Area**

The space remaining on a lot or lots of record after the minimum setback and open space requirements have been complied with.

**Building**

An independent structure, temporary or permanent, having a roof supported by columns, walls, or other means of stabilization and used for the enclosure and protection of persons, animals, chattels or for the operation of a business. This shall include tents, awnings, gazebos, or vehicles situated on the property and used for the above purposes. Structures with interiors not accessible for human use, such as tanks, smokestacks, grain elevators, coal burners, oil cracking towers, or similar structures shall not be considered as buildings.

**Building Height**

The vertical distance from the established grade of a building to the following roof lines: a) flat roof - to the highest point; b) mansard roof to the deck; c) gable, hip, and mansard roofs -to the mean height between eaves and ridge. The ground level is measured at the least exposed wall line in the case of sloping terrain.

**Building Line**

A line parallel to the front lot line at the minimum required front setback..

**Building, Main**

A building which is used for the principal purpose of the lot on which it is situated.

**Club**

A nonprofit membership or stock organization of persons organized for social, athletic, scientific, artistic, political, or other similar endeavors.

**Commercial**

A term relating to the use of property in connection with the purchase, sale, or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve (12) month period.

**Condominium**

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

**Condominium: Site**

See: Site Condominium Unit

**Convalescent or Nursing Home**

A home, qualified for license under applicable Michigan law, for the care of children, aged, infirm, or legally incapacitated persons, that provides facilities for four or more individuals.

**Density**

The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

**Development**

The construction or relocation of a building on a lot of record, or the use of open land for a new activity.

**Discretionary Standard**

General standards in the ordinance which are used in review of site plans, PUDs and special land uses which serve as the basis for determining whether a land use proposal is compatible with adjacent uses of land, natural resources and public services as regulated and defined in the zoning ordinance.

**District**

A portion of the Township in which certain buildings and activities are permitted and in which, certain regulations, in accordance with the Ordinance, are applicable.

**Duplex**

A building consisting of two separate single-family dwelling units.

**Dwelling Unit**

A building or portion of a building which has sleeping, eating, and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent, or other such portable structure be considered a dwelling unit.

**Drive-in Establishment**

A commercial facility with access to roadways whose principal method of operation is to serve customers while in or temporarily out of their automobiles. Such facilities could include banks, laundry and dry cleaners, fast food restaurant, etc.

**Easement**

A right afforded a person to make a limited use of somebody else's real property, as defined by law. See definition for Person.

**Erected**

As used in this Ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving, and filling of earth.

**Essential Services**

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

**Excavation**

The removal of rock, sand, soil or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

**Exotic Animal**

For the purposes of **Section 13.2.30** an exotic animal is defined as an animal introduced from another country or place, not native to Michigan, such as alpaca, llama, guanaco, ostrich, emu, etc.

**Family**

A person or persons living in one dwelling unit and related by blood, marriage, or legal adoption and comprising a single-housekeeping unit.

**Farm**

All of the contiguous neighboring or associated lands operated as a single entity under which bona-fide farming takes place directly by an owner/operator, manager, or tenant farmer, by his or her own labor, or with the assistance of household members or hired employees. Farms may be considered as including establishments that operate bona-fide greenhouses, nurseries, orchards, Christmas tree farms, chicken hatcheries, poultry farms and apiaries, as well as the growing, harvesting, or cultivating of cash crops. Establishments keeping or raising fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, piggeries or stockyards may be considered farms only if attached to bona-fide farming operations on the same continuous tract of land.

**Farm Buildings**

Any building or structure, other than a dwelling unit, built, or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

**Feed Lot**

Any tract of land or structure wherein any type of fowl, or the byproducts thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats or swine are kept, for the purpose of fattening such livestock for final shipment to market, or where swine are kept under any conditions.

**Fence**

A permanent or temporary partition or structure erected as a divider, barrier, or enclosure and not part of a structure that requires a building permit.

**Filling**

The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

**Filling Station**

A building used or designed for the retail sale and storage of automobile fuel, lubricants, and other automotive commodities, or for aircraft or watercraft operations, including the customary space and facilities allocated for installation of such commodities.

**Flood Plain**

The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater. Determination of a flood plain is:

- a) Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.
- b) Principal estuary courses of wetland areas that are part of the river flow system.
- c) Contiguous areas paralleling a river, stream or other body of water that exhibit unstable soil conditions for development.

**Floodway**

The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge floodwater.

**Floor Area (Commercial)**

That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise, which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor

area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

**Floor Area (Residential)**

The sum of the gross horizontal areas of the several floors of a building measured from the interior faces of the exterior walls or from the center line of walls separating two buildings. The floor area is to include the basement floor area when more than one-half of the height of the basement is above the established curb level, or finished lot grade, whichever is higher. Floor area does not include elevator shafts or stairwells on each floor, floor space used for mechanical equipment, attic space having headroom of seven (7) feet or less, and balconies. Any space devoted to off-street parking or loading shall not be included in the determination of floor area. Areas of basements, breezeways, porches, or attached garages are not included in the determination of floor area.

**Floor Area Ratio (Net)**

The ratio between the total permitted floor area of a building or buildings and the total lot or site area.

**Foster Care Home**

A community-based residential facility for the legally incapacitated, physically handicapped, mentally retarded, and previously mentally ill adults which meets the requirement of, and is licensed by the State of Michigan.

**Foyer**

A passage, hall, or room between the outer door and the interior of a building.

**Garage: Commercial**

Any structure (except private, community or storage garages) available to the public and primarily used for the storage of motor vehicles for remuneration, hire or sale, where any such vehicle or engine may also be repaired, rebuilt, or equipped to operate, and where vehicles may be greased, washed or waxed.

**Garage: Private**

A building for the private use of the owner for the storage of motor vehicles and general household goods, and not used for mechanical service or repair of a commercial or public nature.

**Garage: Repair**

A commercial structure used solely for the repair of mechanical equipment.

**Garden Apartment**

A building divided into separate living quarters, each having, at a minimum, living and sleeping facilities and all units with common yard areas for outdoor recreation.

**Gazebo**

A freestanding roofed structure completely open, or only lattice, railings, and/or screening enclosing the sides. It may be round or in the shape of a regular polygon.

**Grade**

For purposes of this Ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

**Greenbelt**

A specified area of property adjacent to lakes, streams, or separating different zoning districts, within which certain development restrictions or requirements apply.

**Highway**

A public thoroughfare or street, excluding alleys, but including designated Federal, State and County roads and those appearing and/or dedicated upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

**Home Occupation**

An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling and which does not alter the residential character of the neighborhood.

**Hospitals**

An institution providing health services primarily for in-patient and medical or surgical care of the sick and injured, including laboratories, outpatient departments, training facilities, central service facilities, and staff offices. Those institutions whose primary function is the care of the feeble minded or mentally ill are not considered hospitals.

**Hotel**

A building occupied or used as a predominantly temporary living place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms.

**Junk**

For the purposes of this Ordinance, this term shall refer to any motor vehicles, machinery, appliances, products, or merchandise with parts missing, waste, discarded, salvaged, or similar materials including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc.

**Junk Yard**

A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, disassembled, baled, exchanged or handled. Junk yards include auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment. Pawn shops and establishments which sell, purchase or store used cars, salvaged machinery, used furniture, radios, appliances, or similar household goods and the processing of used, discarded, or salvaged materials as part of manufacturing operations are not considered junk yards.

**Kennel**

Any lot or premises on which four (4) or more dogs, cats or other household pets more than six (6) months of age are housed, groomed, bred, bearded, trained or sold.

**Lake Frontage**

The land adjacent to and abutting the mean high water mark of all inland lakes and Great Lakes.

**Lake Lot: front**

The portion of a single parcel of property which lies between the building line of a dwelling unit and the mean high water mark.

**Lake Lot: rear**

The portion of a single parcel of property which lies between the lot line farthest from the water's edge and the building line of a dwelling unit farthest from the mean high water mark.

**Line of Sight**

A line between the points nearest the water of main buildings on neighboring lots to a lot for which the front yard setback is being determined. The buildings which are used for determining the line of sight shall not be more than three hundred (300) feet apart.

**Loading Space**

An off-street space on the same lot with a building or groups of buildings for temporary parking for a commercial vehicle while loading or unloading materials. Loading space is not to be included as off-street parking in the process of computing off-street parking areas.

**Lot Area: Net**

The total area of a horizontal plane within the lot lines of a lot, exclusive of any publicly dedicated street right-of-way abutting any side of the lot.

**Lot Area: Gross**

The net lot area plus one-half ( $\frac{1}{2}$ ) the area of that street right-of-way directly adjacent to or abutting any side of the lot.

**Lot: Corner**

A lot where the interior angle of two (2) adjacent sides of the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the area is of less radius than one hundred and fifty (150) degrees and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

**Lot Depth**

The depth of a lot is the horizontal distance from the center of the front lot line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street right-of-way frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.

**Lot: Double Frontage**

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

**Lot: Interior**

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

**Lot: Lake**

A lot having frontage directly upon a lake, natural or man-made, river, creek, pond, or other artificial impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

**Lot: Width**

The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

**Lot Line: Front**

In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a building permit. In the case of a lakefront lot, the front lot line shall be the line adjoining the mean high water mark of said lake.

**Lot Line: Rear**

The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a lakefront lot, the rear lot line shall be the line separating the lot from the street

right-of-way when the street is more or less parallel to the lake shoreline. If a lakefront lot does not abut a major street, the rear lot line shall be the line separating the lakefront lot from the adjoining lot nearer the street.

**Lot Lines**

Any line dividing one lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

**Lot of Record**

A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded and on file with the County Register of Deeds.

**Mobile Home**

A single family prefabricated dwelling designed for transportation on streets and highways on its own wheels and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking for assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

**Motel**

An establishment which provides lodging and parking and in which the rooms are usually accessible from an outdoor parking area.

**Motor Home**

A motorized, self-contained vehicle utilized as a temporary living quarters in connection with travel and/or vacation usage.

**Multiplex**

A building consisting of three or more separate single-family dwelling units.

**Nonconforming Building**

A structure, or portion thereof, existing at the time of the adoption of this ordinance, which does not conform with this ordinance .

**Nonconforming Use**

A use of land or building that was lawfully in existence prior to the adoption of the zoning ordinance and which is therefore permitted to continue in the future even though current zoning regulations applying to that parcel would not permit it to be established now.

**Nondiscretionary Standard**

Criteria which specifically indicate a measurable numerical or performance standard that must be met or complied with in order to get zoning approval. For example a setback, height or bulk regulation is a "*nondiscretionary standard*". Anyone can readily measure or calculate whether a proposed structure or site plan conforms with this type of standard.

**Nursery: Plant**

Any lot or structure used for the growing, harvesting, processing, storing and/or selling of plants, shrubs, trees, and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

**Nuisance**

An offensive, annoying, unpleasant, or obnoxious thing, act, or practice; a cause or source of annoyance, especially a continual or repeated use or activity which invades the property of another so as to cause harm or discomfort, to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, smoke, and electrical interference are examples of nuisances.

**Off-Street Parking Lot**

A facility providing a means of temporarily storing motor vehicles in a defined space that includes adequate aisles and drives for maneuvering such motor vehicles and entrance and exit that accommodates two (2) or more vehicles.

**Open Air Business**

Commercial activities occurring outside of an enclosed building, including but not limited to the following: bicycle, motor vehicle, boat, aircraft, and home equipment sales; storage, repair or rental services; outdoor display and sale of mobile homes, farm implements and recreation vehicles; retail sales of fruits, vegetables, nursery stock, gardening equipment, and outdoor furniture; tennis courts, miniature and standard golf courses, amusement parks, and similar recreation activities.

**Outdoor Furnace/Boiler**

Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used a component of a heating system providing heat for any interior space or heating of water.

**Parking Space**

An area not less than eight and one-half (8½) feet wide and not less than twenty (20) feet long for standard-sized automobiles. Handicapped parking spaces will be in conformance with the Americans with Disabilities Act.

**Person**

In addition to being an individual, the term "person" may be applied to a married couple, partnership, corporation, government entity, or non-profit organization.

**Permitted Use**

Use permitted in a particular zone without any special hearing or review procedure, provided minimum lot size, height, setbacks, parking and accessory use requirements are met. A single family home in a low density residential district is typically a permitted use.

**Personal Water Craft (PWC)**

A high speed water craft that is designed to carry one or more persons, but is not designed for fishing.

**Porch: Enclosed**

A covered totally enclosed space located on any side of a building and attached to the main structure, but not considered an integral part of the main structure.

**Porch: Open**

A covered space located on any side of a building, with the roof supported by columns, and attached to the main structure, but not considered an integral part of the main structure.

**Practical Difficulty**

A term that applies to decisions by a zoning board of appeals on use or dimensional variance requests.

**Principle Use**

A land use designation given to a legally defined parcel of land and based upon the primary activity occurring on such parcel.

**Public Utility**

A person, firm, or corporation, municipal department, board or commission duly authorized to provide and providing, under federal, state, or municipal regulations to the general public any

of the following: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

**Recreation Vehicle**

Any self-propelled motorized vehicle, travel or camping trailer, normally used only for vacation or recreational purposes.

**Resort**

A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial grocery, sporting goods, gasoline service outlet, and/or food service facility.

**Rooming House**

A building, or part of a building, other than a hotel, motel, or motor court, where sleeping facilities are provided and meals may be served regularly for remuneration.

**Rezoning**

The name of the process for changing a zoning district from one classification to another.

**Satellite Dish Antenna**

A privately owned or rented directional receiver having a concave usually parabolic reflector which is used to receive television signals.

**Seasonal Residence**

A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.

**Self Created**

A term referring to a zoning problem created by action of the applicant himself. A self created problem is not grounds for a variance.

**Setback**

The minimum required horizontal distance measured from the front, side, or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

**Shoreland**

The land area adjacent to and within three hundred (300) feet of a stream and the land area adjacent to and within one thousand (1,000) feet of a lake.

**Sign**

Any device designed to inform the general public or attract the attention of persons. The following shall not be considered commercial signs for purposes of this Ordinance.

- a) Signs not exceeding four (4) square feet in area and bearing only street address and names of occupants of the premises;
- b) Flags and insignia of any government, except when displayed in connection with commercial promotions;
- c) Legal notices, identification, informational or directional signs erected or required by governmental bodies;
- d) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights;
- e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**Sign: Off Site**

A sign relating to matter which is off the premises in question.

**Sign: On Site**

A commercial sign relating in its subject matter to the premises on which it is located, or to activities, products, services, or accommodations on the immediate site.

**Single Family Dwelling**

A detached building, occupied by and designed for, one (1) family and containing sleeping, living, cooking and sanitary facilities for that family.

**Site Condominium Unit**

That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

**Site Plan Review**

The process of reviewing site plans (drawings) that illustrate the layout of land and structures, for conformance with ordinance requirements.

**Special Land Use**

A term for a class of land use permitted in particular zoning district when use specific standards stated in the zoning ordinance have been met. Special land uses have characteristics that make them potentially incompatible with adjacent uses of land unless special care is taken during the review process.

**Standards**

Either general or specific requirements stated in the ordinance which must be met in order for a proposed land use to be established on a parcel. They may be part of a discretionary or a nondiscretionary review process.

**Story**

That portion of a building included between the upper surface of any floor and the upper surface of the plane immediately above, except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

**Story: Half**

An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one half ( $\frac{1}{2}$ ) of the full story, contains at least one hundred and sixty (160) square feet and has a minimum floor to ceiling clearance of seven (7) feet, six (6) inches.

**Street**

A publicly dedicated right-of-way which affords general traffic circulation and access to abutting property, but does not include alleys.

**Stable**

A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

**Stable: Public**

Building in which any horses are kept for hire or sale.

**Structure**

Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio, TV and communication towers, satellite dishes, mobile homes, prefabricated shelters, sheds, permanent signs, and gas pig, and exclude vehicles, sidewalks, and paving.

**Temporary Building and Use**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building, but not to exceed twelve (12) months duration, with renewal option.

**Tourist Home**

Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and which can be occupied as part of a dwelling unit, are rented for compensation to the traveling public.

**Town House**

A single family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

**Travel Trailer**

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes. Such vehicle is not to exceed eight (8) feet in width or thirty-two (32) feet in length. Truck mounted campers are considered travel trailers for purposes of this ordinance.

**Unnecessary Hardship**

A standard which an applicant must prove has been met in order to gain approval of a “use variance”.

**Use**

The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

**Use Variance**

The grant of variance by a board of appeals allowing a use of land on a parcel that otherwise is not permitted by the zoning ordinance. The Zoning Board of Appeals may grant a use variance only if the applicant demonstrates that no reasonable use may be made of the parcel as it is presently zoned and that reasonable efforts to get the property rezoned or to obtain special use approval have all been rejected.

**Usable Floor Area**

Net floor area used for or intended to be used for the sale of merchandise or used to serve patrons, clients, or customers. Floor area used or intended to be used principally for the storage of merchandise or for utilities shall be excluded from the computation of usable floor area.

**Variance**

The grant of a specific authorization by the board of appeals to utilize a parcel or structure in what would otherwise be a violation of ordinance requirements when certain findings have been made. There are two types of variance, “use” and “nonuse”. A nonuse variance is often called a dimensional variance and usually deals with setbacks, height or area requirements.

**Yard**

An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, except for specific minor uses or structures allowed in such open space under the provisions of this Ordinance.

**Yard: Corner Side**

A side yard which adjoins a public street.

**Yard: Front**

A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

**Yard: Interior Side**

A side yard located immediately adjacent to another lot or to an alley or easement separating such side yard from another lot.

**Yard: Rear**

A yard extending the full width of the lot on which a building is situated and located between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

**Yard: Side**

A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through nearest point of the building and extending from the front yard to the rear yard.

**Yard: Transitional**

A yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature, in accordance with the provisions of this Ordinance. Such transitional yard shall be in lieu of the requirements for front, side, and rear yards as stipulated in this Ordinance.

## **ARTICLE IV GENERAL PROVISIONS**

### **Section 4.1 The Effect of Zoning**

In order to carry out the intent of this Ordinance, hereinafter no use or activity on a piece of land, shall be allowed or maintained and no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this ordinance, and a zoning permit has been obtained.

If an activity or use is exercised on, or a building, structure, or part thereof, is placed upon a piece of property in direct conflict with the intent and provisions of the Ordinance, such activity, use, building or structure shall be declared a violation of the Ordinance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

In the event a use, activity, building or structure exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use or structure and shall be allowed to remain as such for construction to be completed, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building and structure shall be determined by the Township Planning commission.

### **Section 4.2 Conflicting Laws, Regulations, Restrictions**

This Ordinance, insofar as it is inconsistent with the provisions of ordinance adopted under any other law, shall supersede the provisions of any other law except those designations of environmental sensitive areas by the State of Michigan under the Shorelands Protection and Management Act (P.A. 245 of 1970 and the Wetland Protection Act (P.A. 203 of 1980) as amended.

### **Section 4.3 Restoration of Unsafe Buildings**

Nothing in this Ordinance shall prevent the strengthening of a lawful, conforming building or structure, or a point thereof, which has been declared unsafe by the Zoning Administrator, Building Official, or Public Health Inspector, nor the requirement to adhere to the lawful orders of such officials.

### **Section 4.4 Required Area or Space**

No lot or lots in common ownership, nor yard, court, parking space or any other place shall be so divided, altered, or reduced as to be less than the minimum allowable dimension as defined in this Ordinance. If such areas are already less than the minimum allowable dimensions set forth herein, they shall not be divided, altered or reduced further.

### **Section 4.5 Accessory Buildings**

a. Accessory structures, including enclosed and open porches, garages, decks and breezeways attached to the main building shall be considered a part of that building for purposes of determining yard areas and setbacks.

b. Where the accessory building is attached to a main building it shall be considered part of the main building and subject to all codes and ordinances applicable to the main building, except in the calculation of the floor area.

c. Accessory buildings (storage sheds) under one hundred fifty (150) square feet may be erected without a foundation or footings.

d. Accessory buildings shall comply with all applicable setback requirements. Structures designed and used only for school bus pickup sheds or pump houses shall be exempt from this requirement.

e. No accessory building in a residential district shall exceed the height of the main building by more than 50% or exceed the height of 30 feet.

f. No accessory building shall be used as living or sleeping quarters, unless it was constructed for that purpose. *(Added 9/22/99)*

#### **Section 4.6 Dumping of Materials**

a. Storage, dumping of waste, junk, etc. - the use of land or water resources for the storage, collection, or accumulation of used construction materials, or for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash (except for those properly sealed or adequately concealed organic materials discharged in the performance of farming activities on the same lot or parcel on which the premises are located) must conform to State and Federal Legislation pertaining to dumping of waste materials. Such dumping or disposal shall not negatively affect the water table, nor cause pollution of stagnant or running water in any area of the Township so as to create health or safety problems to the natural environment and the inhabitants of the Township. Nor shall the natural terrain be altered in any fashion to create safety or health hazards, or substantially alter the character of the land so as to make it unusable for the uses for which it was originally zoned, or create olfactory or visual pollution.

b. Dumping of soil, sand, and clay materials - the extensive dumping (stockpiling) of soil, sand, clay or similar materials shall not be allowed on any lot or parcel without the issuance of a special use permit by the Planning commission.

c. Dumping of toxic chemicals, toxic material and/or nuclear waste shall not be allowed.

#### **Section 4.7 Excavations or Holes**

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavation which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for the construction, remodeling, or expansion of structures, or for industrial or farming operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Presque Isle County, Krakow Township, or other units of government. Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required, upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm, or corporation engaging in such excavation. The excavated site shall also be graded and returned, as far as possible, to its natural state, including planting of vegetation indigenous to the area, unless alternate plans approved by the Planning Commission are submitted by the owner or occupant.

#### **Section 4.8 Existing Lots**

Where an existing lot has less than one hundred percent (100%) of the required lot size for the district in which it is located, required minimum yard setbacks, as set forth in **Section 14.2, Schedule of Regulations**, can be varied at the discretion of the Board of Appeals.

Where two (2) or more adjacent lots are under single ownership and where each lot contains less than one hundred percent (100%) of the required minimum land area, within its zoning district, such lots shall be combined to create lots that conform with the required minimum land area within its zoning district.

#### **Section 4.9 Building Height Limitations**

Height limitations in all districts do not apply to chimneys, cooling towers, elevation bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, monuments, cupolas, domes, spires, TV antennae, communication towers, penthouses housing necessary mechanical appurtenances, and other such structures incidental to the permitted uses of the district in which they are located. Height limitations for structures in all districts are defined in the Schedule of Regulations. (See **Table A, Article XIV**)

#### **Section 4.10 Basis of Determining Yard and Setback Requirements**

The required yard shall be determined by measuring the distance from the lot line to the building line of the structure nearest the lot line.

**Section 4.11 Fences, Walls and Hedges (effective November 21, 2004)**

Notwithstanding other provisions of this Ordinance, fences walls or hedges are permitted on any property provided that no fence, wall or hedge exceed a height of six (6) feet and shall be no closer than five (5) feet from the road right-of-way. Where a lot borders a lake or stream, fences and walls shall be set back from the ordinary water mark by forty (40) feet at a minimum. Barbed wire or electrical fences shall be permitted only for agricultural purposes. Razor wire fences are prohibited.

**Section 4.12 Greenbelts and Protective Screenings**

On corner lots, no plants shall be established or maintained which obstruct the view of vehicular traffic in any direction. Such unobstructed corner shall mean a triangular area formed by the street property line of two (2) intersecting streets and a line connecting those twenty-five (25) feet from the point of intersection. In the case of a rounded street corner, such measurement shall be from the street lines extended to form an intersection. Plantings within this area may attain a height of up to 30 inches. In instances where a nonresidential structure in a nonresidential district is located adjacent to a residential district, the Planning Commission may require the owner of the nonresidential property to provided a greenbelt at least ten (10) feet wide. Such greenbelt shall consist of plants, shrubbery, or trees of which height shall be determined by the Planning Commission, but in no instance shall the height of such natural plantings be less than five (5) feet in the case of trees or four (4) feet in the case of plants or shrubs. In addition, all plantings within this are shall be maintained in an orderly and healthy condition neat in appearance. The plans for required protective screenings shall be submitted to the Zoning Administrator for his approval or recommendations as to suitability and arrangement of planting material. Any limbs, shrubs, or bushes which extend into the property of the adjoining residential property owner ma be trimmed back by the residential owner, except in greenbelts on lake lots.

**Section 4.13 Demolition Permits**

No building shall be razed except by permit from the County Building Official, who is authorized to require a performance bond.

**Section 4.14 Essential Public Services**

The erection, construction, alterations, and maintenance of facilities considered to be essential to serve the general public shall be exempt from the regulations set forth in the Ordinance and shall be permitted in any zoning district, except those considered by the Planning Commission to be a danger to the health, safety, or welfare of the general public.

**Section 4.15 Reversion of Rezoned Areas**

In the case of land which has been approved for a zoning change, construction on such parcel, other than accessory buildings, must begin with a period of one (1) year from approval of such zoning change. If construction does not commence within this period said property shall revert back to its previous zoning designation, except that an extension of time may be granted by the Board of Appeals upon written request of the property owner.

**Section 4.16 Transition Zoning**

A residential lot with its side yard adjacent to a parcel in a Commercial District, not separated from such district by a street, and not extending more than one hundred (100) feet from said district, may be utilized for nonresidential use. This transitional lot may be used for professional offices.

Approval for a nonresidential use on a transitional lot shall require a detailed site plan and an architectural rendering of all structures to be located on the parcel to be submitted to the Planning Commission. In addition, approval must meet the following conditions.

a. The yard setbacks shall conform to the requirements of the abutting nonresidential district.

- b. Adequate parking and access shall be provided.
- c. Landscaping and screening shall be planned according to **Section 4.12.**
- d. The proposed structure shall have a residential appearance in keeping with the character of the adjacent residential district.

**Section 4.17 Temporary Storage of Used Materials**

The temporary storage, collection, or placing of used or discarded materials such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only after a permit is issued by the Planning

Commission stating the conditions under which such activity shall be performed. The Planning Commission shall require the removal of such materials from districts in which said materials are illegally stored or placed. Such removal shall take place within thirty (30) days after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying them of the violation and stating the date on which such materials must be removed from the premises, and/or the date, time and place the individual may appear before the Planning Commission to request a special use permit for such storage.

#### **Section 4.18 Illegal Dwelling**

The use of any portion of a basement, not considered a story, of a non-completed or partially completed structure for dwelling purposes shall not be allowed. Garages or accessory buildings shall not be occupied for dwelling purposes.

#### **Section 4.19 Voting Place**

Nothing in this Ordinance shall be so construed as to interfere with the temporary use of any dwelling or property as a voting place in an authorized public election.

#### **Section 4.20 Salvage of Motor Vehicles**

Inoperable vehicles, including trucks and campers, without current registration shall not be parked outdoors in residential districts. Vehicles in process of restoration are exempt.

#### **Section 4.21 Qualifying Space**

No portion of a lot used in complying with the provisions of this Ordinance for lot size, yard setbacks or percentage of lot coverage, in connection with an existing or projected structure, shall again be used to qualify or justify any other structure existing or intended to exist at the same time.

#### **Section 4.22 Front Yard Requirements for Corner Lot**

When a lot is bounded by two (2) intersecting streets, the front yard requirements shall be met on both streets.

#### **Section 4.23 Street Access**

Any lot or parcel of record created after the effective date of this Ordinance shall have access to a public street right-of-way except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of this Ordinance.

#### **Section 4.24 Recreational Vehicles and Tents (*effective November 17, 2002*)**

a. Travel trailers, campers, pickup campers and motor homes may be parked on a parcel of land during the period from May 1, XX to September 30, XX. The cumulative occupancy during this period shall not exceed thirty (30) days. Occasional use during other times for seasonal recreational purposes is permitted, but shall not exceed fourteen (14) days during any thirty (30) day period. Tent camping shall be limited to fourteen (14) days during any forty-five (45) day period.

b. All recreational vehicles and tents shall either be equipped with holding tanks or an approved portable toilet for waste, which shall be emptied at a facility expressly constructed for such waste disposal, or cleaned out by a professional service.

c. Yard setbacks for the particular district shall be adhered to when the tents, travel trailers, campers, or motor homes are set up for camping.

d. A zoning permit may be issued by the Zoning Administrator for use of a travel trailer or a motor home during the time of construction of a permanent dwelling.

#### **Section 4.25 Storage of Recreational Vehicles and Watercraft in Residential District**

a. Parking of a recreational vehicle on any residential lot for the purpose of this ordinance will be considered storage.

b. No vehicles or watercraft exceeding six (6) feet in height will be stored in the front, rear or side yards within the setbacks established for that district, without prior consent of the owner of property adjoining the particular yard.

- c. Only water oriented equipment and watercraft will be stored in the front yard of lake lots.
- d. Subsequent to the effective date of this subsection, any new seasonal storage or parking of such vehicles and water craft on vacant private property is not permitted. Existing use shall be considered non-conforming, subject to Article XXII, herein below. No vehicles or watercraft will be accepted for storage for remuneration (**effective May, 4, 2002**)
- e. Travel trailers, motor homes and other similar vehicles having sleeping accommodations parked on residential property with a dwelling shall not be occupied, or connected to electrical or sanitary facilities, except when such vehicle is transient and for a period not exceeding 14 days.

#### **Section 4.26 Public for Profit Gatherings on other than Commercial Property**

It shall be unlawful to hold public gatherings, such as a Rock Festival, or other such public gathering, of more than (50) fifty persons, without first obtaining the necessary permit from the Planning Commission, and providing proof of liability insurance, and Health Department approval of sanitary facilities. A permit fee of two hundred fifty dollars (\$250.00) will be required upon issuance of permit, to insure proper policing and clean up of site. Two hundred twenty-five dollars (\$225.00) of this permit fee to be returned to applicants, upon inspection to make certain the above conditions and requirements have been adhered to. All permits must be obtained at least ten (10) days prior to event. These conditions shall not be required of family gatherings, family reunions, weddings, anniversaries, etc.

#### **Section 4.27 Home Occupations**

Any use customarily conducted entirely within the residential dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family which resides on the premises, does not utilize more than twenty-five (25) percent of the floor area of the dwelling unit, does not change the residential character of the property or the immediate neighborhood, and does not endanger the health, safety, and welfare of any other person living in the general or immediate area by reasons of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards and other such negative impacts involved in or resulting from, the pursuit of such an occupation shall be allowed. Only those articles produced on the premises by such occupation may be sold or offered for sale. No occupation shall require outdoor storage of equipment, machinery or signs not customary in a residential location. One (1) non-illuminated nameplate, attached to the building, and not larger than two (2) square feet in area, containing the name and occupation of the resident, will be allowed, Medical clinics, hospitals, barber shops, nurseries, day care centers, beauty parlors, tea rooms, veterinary and real estate office, millinery shops and other similar enterprises shall not be considered home occupations.

#### **Section 4.28 Yard Garage and Rummage Sales**

Notwithstanding any other provisions of this ordinance, yard, garage and rummage sales shall be permitted. A permit shall not be required, however they shall be limited to two (2) three (3) day duration sales per year. Any signs shall be removed immediately upon the end of the sale.

#### **Section 4.29 Bed and Breakfast Facilities**

While this Ordinance is established to enable single family dwelling units to be used as bed and breakfast operations, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast operation is a subordinate use to a single family dwelling subject to the following conditions:

- a. A bed and breakfast operation shall be confined to the single family dwelling unit, and the operator shall live on the premises when the operation is active. No additional employees are permitted.
- b. The number of bedrooms available to guests shall be limited to three (3). Each guest room shall be equipped with a functioning smoke detector alarm and a carbon monoxide detector. A fire extinguisher in proper working order shall be installed and maintained on every floor.
- c. Ample off-street parking shall be provided.

d. The dwelling unit shall have no exterior evidence, other than a sign permitted under **Article XVI**, to indicate that it is used for any purpose other than a residence.

e. Meals may be served only to the guests, and in accordance with state and county public health regulations.

f. The bed and breakfast operation shall not produce excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

**Section 4.30 Subdivision of Land**

All land hereafter divided into two (2) or more lots for the purpose of sale or lease for residential, commercial, industrial or other use shall be in conformity with the provisions of this ordinance. Such lots shall be subject to all provisions of the zoning district in which the parcel is located, governing area, width, frontage and other requirements concerning applicable land uses.

**Section 4.31 Greenbelts (effective November 21, 2004)**

To preserve natural resources, water quality and community scenic and recreational values, a seventy-five foot greenbelt shall be established and maintained on all property located within forty (40) feet of the ordinary high water mark of a lake or stream. Within the greenbelt area, the following development or use restriction shall apply:

- a. No structures are allowed except for boat launching and docking facilities.
- b. No dredging or filling is allowed except for reasonable sanding of beaches where permitted by state or federal law.
- c. The use of asphalt, concrete and other impervious surfaces shall be limited to walkways necessary for water access or boat launch ramps.
- d. The use of pesticides, herbicides and fertilizers is strongly discouraged.
- e. Leaves, grass clippings and similar yard and garden wastes may not be burned or stored.
- f. Neither septic tanks nor septic filtration fields may be located within the greenbelt.
- g. Beach sand, gravel, cobblestone or rock may be substituted for vegetated areas.
- h. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.
- i. When encroaching the water, before proceeding, check with appropriate local, state and federal agencies.

**Section 4.32 Using Line of Sight for Front Yard Setbacks**

Where dwellings exist on adjacent lots of lakefront property and they are closer than seventy-five (75) feet minimum front yard setback required by **Section 14.2** of the Ordinance, the front yard setback will be the line between the two points of the buildings closest to, but not closer than forty (40) feet, from the high water mark. If there is a dwelling closer than seventy-five (75) feet, but not closer than forty (40) feet from the high water mark on only one of the lots, the building line of the existing building will be used in determination of the front yard line.

**Section 4.33 Subdivisions, Planned Unit Developments, Condominium Developments and Other Associations.**

Organizations of property owners, associations and developments allowed by law and established within the Township shall provide that the zoning laws of this Township shall not be diminished, but may be enlarged, by the articles and bylaws of such organizations.

**Section 4.34 Noise Control (effective June 17, 2001)**

- A. The construction of any building, including excavation, demolition, alteration or repair, and the excavation, cleaning and repair of streets or highways, except between the hours of 7:00 a.m. and 9:00 p.m., or on Sunday between the hours of 9:00 a.m. and 9:00 p.m., and except in cases of urgent necessity in the interest of public health and safety, is prohibited.
- B. Excessive noise by people (parties, screaming, yelling, the yelling of obscene language, excessive loud vehicle noise), or from the keeping of any animal or bird, or in either case, frequent or long continued noise, which disturbs the quiet, comfort, calm or repose of any person, is prohibited. The Zoning Administrator is authorized to enforce this provision upon receiving three (3) complaints from three (3) different property owners, or if three (3) complaints from three (3) different property owners cannot be obtained, and, upon investigation and determination by the Zoning Administrator that a violation of this ordinance is occurring or has occurred, in his discretion, he may issue a violation notice to the offending party.

**Section 4.35 Blight Ordinance 2005-1 (effective May 7, 2005)**

An Ordinance to prevent, reduce, and eliminate blight and causes of blight within Krakow Township, Presque Isle County, Michigan; to provide for enforcement hereof, and to provide penalties for the violation hereof, pursuant to the enacting authority provided by Act 344 of the Publics Act of 1945 and Act 246 of the Public Acts of 1945, as amended.

**Section 4.36 Riparian Access (effective May 7, 2005)**

The following restrictions are intended to limit the number of dwelling units having access to Lake Frontage in order to preserve the quality of water, avoid congestion, promote safety and preserve the quality of recreational use for all users.

- a. In all Districts there shall be a minimum of fifty (50) feet of frontage and a minimum lot area of five thousand (5,000) square feet, as measured along the mean high water mark of the lake, for each dwelling unit utilizing or accessing the lake frontage.
- b. The lot shall not contain any other principal building, dwelling unit or structure.
- c. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake in all Districts, regardless of whether access to the lake waters shall be by easement, common-fee ownership, single fee ownership, condominium arrangement, license or lease. This limitation, however, shall not apply to a public access site or waterfront lot under the possession and control of a governmental agency, including but not limited to Krakow Township, Presque Isle County, Presque Isle County Road Commission or the State of Michigan, that is intended to provide the general public with access to the water.

**Section 4.37 Undeveloped Waterfront Lots (effective May 7, 2005)**

For waterfront lots on which no dwelling has been constructed, the following regulations apply:

- a. One dock shall be allowed
- b. The dock and boat hoists may be stored on site during off season
- c. C. A picnic table shall be allowed
- d. A fire pit shall be allowed
- e. Sanitary needs shall be met
- f. One single storage building not to exceed 320 square feet in area and 15 feet in height may be erected on vacant waterfront lot provided the requirements for the district are met and site plan is approved It must be set back 75 feet from the mean high water mark

**ARTICLE V  
ZONING**

**Section 5.1 Mapped Districts**

For the purposes of this Ordinance, the following Zoning Districts shall be established in Krakow Township: **A**, Agricultural; **R-1**, Rural Residential; **R-2**, Mixed Residential; **C**, Commercial; **I**, Light Industrial; **FR**, Forest/Recreational.

**Section 5.2 Definition of Boundaries**

The location and boundaries of these Zoning Districts are established on a map titled the "Krakow Township Zoning Map" which is hereby adopted as a part of this Ordinance. The official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date and any amendments to the Ordinance involving the official map shall become legal only after such changes are noted and portrayed on said map. A copy of the official map shall be kept in the

township hall, and copies of the map shall be made available, upon reasonable request, for a fee to be determined by the township board.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk.

Where uncertainty exists as to the exact district boundaries, the following shall prevail:

a. Where boundary lines are indicated as approximately following streets, alleys, or highways; the center lines of said streets, alleys, or highways shall be considered to be exact boundary lines .

b. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.

c. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. In the case of streams, such boundaries shall be considered to follow the center line of the stream. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.

d. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel, in question, unless determined otherwise by the Planning Commission upon recommendation by the Zoning Administrator.

### **Section 5.3 Zoning of Vacated Areas**

Whenever any street, alley, highway, or other public right-of-way within the Township shall have been abandoned by official government action; and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline shall become the lot line of the respective adjoining properties.

### **Section 5.4 Zoning of Fill Areas**

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Natural Resources.

### **Section 5.5 Zoning District Changes**

When district boundaries change, any nonconforming use may be continued subject to all other applicable provisions of this Ordinance.

## **ARTICLE VI R-I RURAL RESIDENTIAL**

### **Section 6.1 Purpose**

This district is intended to provide a rural residential environment, in keeping with the general character of Township. The low density mixture of uses permitted in this zone is designed to minimize any negative impacts such development may have on the Township's natural environment.

### **Section 6.2 Permitted Uses**

Land and/or buildings in this district may be used for the following purposes only:

- a. Single family residences (Earth or Solar included)
  1. Location of Structures/environmental impact
- b. Foster care facilities (not more than 6 persons)
- c. Gazeboes
- d. Accessory buildings and uses
- e. All main and allowed accessory structures must be located on the parcel so as to minimize any negative environmental impacts.

### **Section 6.3**

- a. Adequate sanitary facilities and ventilation must be provided and a permit indicating such must be secured from Public Health Department #4.
- b. Such temporary buildings or trailers shall be placed no closer than five (5) feet from the side and rear property line nor closer than ten (10) feet from the front property line. If on a water lot, not closer than forty (40) feet from front property line.
- c. Explosive and/or flammable materials stored in said structures shall be indicated as such by clearly visible signs placed on or near the structure or structures.
- d. The owner, lessee or contractor shall guarantee, in writing, removal of such building or trailer from the premises upon completion of construction.

### **Section 6.3 Uses Permitted by Special Approval**

The following may be allowed only after special approval is obtained from the Planning Commission:

- a. Two family dwellings
  - b. Home occupations, subject to the limitations of **Section 4.27 Home Occupations**
- c. Churches
- d. Convalescent homes
- e. Housing for the elderly
- f. Public parks
- g. Children nurseries
- h. Planned Unit Development
- i. Temporary buildings or trailers incidental to construction activities.
  1. Sanitary requirements
  2. Location of temporary buildings/trailers
  3. Storage and sign requirements for explosive/flammable materials
  4. Removal requirements

## **ARTICLE VII R-2 MIXED RESIDENTIAL**

### **Section 7.1 Purpose**

The R-2 Mixed Residential Zone is designed to provide a location within the Township for dwelling units containing a mixture of densities and housing types. Those structures which offer an alternative to single-family detached housing (while still adhering to the low to medium density character of the community) will be permitted in this zone. This district shall be located within the Township so as to minimize proximity to commercial activities and community services.

### **Section 7.2 Permitted Uses**

Land and/or buildings in this district may be used for the following purposes only:

- a. Single family dwellings
- b. Duplexes
- c. Foster care facilities (6 person or less)
- d. Gazebos
- e. Accessory structures and uses

### **Section 7.3 Uses allowed by Special Permit**

The following uses may be allowed only after special approval is obtained from the Planning Commission:

- a. Churches
- b. Apartments
- c. Multiplexes
- d. Townhouses
- e. Garden apartments
- f. Condominiums
- g. Rooming/boarded houses
- h. Nurseries for children
- i. Foster care facilities (7 to 12 person)
- j. Public parks
- k. Resorts
- l. Home occupation, subject to limitations of **Section 4.27 Home Occupations**
- m. Platted subdivisions and Planned Unit Development
- n. Temporary buildings or trailers used during construction

## **ARTICLE VIII C COMMERCIAL**

### **Section 8.1 Purpose**

This district is intended to serve the needs of residents, visitors and vehicular traffic passing through the Township.

### **Section 8.2 Permitted Uses**

Land and/or buildings in this district may be used for the following purposes only:

- a. Bakeries or bakery goods stores
- b. Barbers, beauty shops
- c. Florists
- d. Food stores, delicatessens
- e. Laundromats
- f. Motels, not to exceed twenty (20) units per motel
- g. Nurseries for children
- h. Nurseries for flowers and plants
- i. Professional Offices
- j. Prescription pharmacies, opticians
- k. Restaurants, bars
- l. Accessory uses and structures

### **Section 8.3 Uses Allowed by Special Permit**

The following uses may be allowed only after special approval is obtained from the Planning commission:

- a. Churches
- b. Service stations
- c. Single family dwellings (residence of proprietor/manager)
- d. Other commercial facilities not listed under permitted uses.
- e. Temporary buildings and structures used during construction

## **ARTICLE IX An AGRICULTURAL**

### **Section 9.1 Purpose**

The establishment of an Agricultural District will allow those residents who desire to engage in small, family oriented farming operations the opportunity to do so. The Agricultural District is in conformity with the rural nature of Krakow Township. A fifteen (15) acre minimum is required for Agricultural Zoning Permits. Persons whose place of residence is less than the required acreage, but who engage in farming through rental or lease property, could qualify with proof and provided all required residential setbacks are followed.

### **Section 9.2 Permitted Uses**

Land and/or buildings within the district may be used for the following purposes only:

- a. Single-family residences
- b. Two-family residences
- c. Livestock normally associated with farming activities
- d. Crop production
- e. Roadside stands
- f. Amusement parks and parks with outdoor recreation facilities.
- g. Accessory buildings and uses (including barns, feeding pens, stables)
- h. Buildings and structures used during construction
- i. Hunting Camp
- j. Deer blinds

### **Section 9.3 Commercial Uses allowed by Special Permit**

The following Commercial uses may be allowed after special approval is obtained:

- a. Nurseries for plants, flowers and trees
- b. Stables/riding stables for horses and exotic animals
- c. Dog kennels animal hospitals
- d. Airport, aircraft landing fields
- e. Private Clubs and lodges
  1. The lot shall be located so that at least one (1) property line to be used for vehicular entrance and exit shall abut a major thoroughfare.
  2. Retail sales to guest only shall be allowed; there shall be no external commercial facility or sales on the premises nor shall access to a commercial activity be allowed other than from within the main building.
- f. Communication Towers
- g. Home Occupations
- h. Accessory buildings and uses (not related to agriculture)
- i. Extractive and mining operations. (*Added 8/22/99*)

## **ARTICLE X FR FOREST/RECREATIONAL**

### **Section 10.1 Purpose**

The establishment of a Forest/Recreational District allows those residents who desire to engage in forestry or farming operations and recreational pursuits, which compliment forestry use , the opportunity to do so. The Forest /Recreational District is in conformity with the rural nature of the Township.

### **Section 10.2 Permitted Uses**

Land and/or buildings within the district may be used for the following purposes only:

- a. Single family dwellings
- b. Two family dwellings
- c. Crop and tree production
- d. Selective harvesting of tree products
- e. Roadside stands
- f. Accessory buildings and uses (not related to agriculture)
- g. Hunting camps
- h. Deer blinds

### **Section 10.3 Uses Allowed By Special Permit**

The following uses may be allowed only after a special approval is obtained:

- a. Golf courses, country clubs, golf driving ranges
- b. Private, noncommercial outdoor recreational camps
- c. Churches
- d. Dog kennels, animal hospitals
- e. Airport, aircraft landing fields
- f. Communication Towers
- g. Home occupations, subject to limitations of **Section 4.27 Home Occupations**
- h. Private clubs and lodges
- i. Mobile home parks
- j. Resorts
- k. Marinas
- l. Temporary buildings or trailers used during construction
- m. Stables/riding stables for horses/exotic animals
- n. Golf courses
- o. Parks, outdoor recreation facilities
- p. Accessory buildings and sees (barns, feeding pens, stables)
- q. Bed and breakfast facilities
- r. Buildings and structures used during construction
- s. Extractive and mining operations (*Added 8/22/99*)

**a. ARTICLE XI  
I LIGHT INDUSTRIAL**

**Section 11.1 Purpose**

This district is intended to encompass uses which are industrial or industrially related, but whose intensity of operation is not unduly abrasive to adjacent or nearby activities. No area has been designated as industrial district. The soils in the Township preclude the establishment of most industries. If suitable land is obtained, permits for industrial activities will be considered by the Planning Commission on case by case basis.

## **ARTICLE XII SITE PLAN REVIEW REQUIREMENTS**

### **Section 12.1 Purpose**

The proper development of a community requires that various uses within any district be as compatible as possible. There are, however, certain types of activities and structures which, because of size, the amount of traffic generated or attracted under normal use, lend themselves to potential conflict with surrounding uses. It is the responsibility of the Planning Commission to provide procedures to insure that the Township develops in accordance with the general intent of this Ordinance.

### **Section 12.2 Circumstances Requiring a Site Plan**

In accordance with the provisions of this Article, the Planning Commission shall be furnished a site plan of the proposed development under the following conditions:

- a. Prior to the creation of a use or the construction of a building in the districts cited below, and/or
- b. In connection with a rezoning request

### **Section 12.3 Site Plan**

Unless specifically waived by the Planning Commission, a site plan shall be submitted for all Special Approval Uses and certain Permitted Uses covered under **Section 13.2 Site Design Standards**.

### **Section 12.4 Site Plan Requirements**

Each site plan submitted shall contain the following information:

- a. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = twenty (20) feet for parcels under three (3) acres and not less than one (1) inch = seventy-five (75) feet for parcels of three (3) acres or more.
- b. The boundary lines of the property to include all dimensions.
- c. The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (show the dimensions of a typical parking area), loading and unloading areas, common use areas, recreational areas and facilities.
- d. The location and widths of all abutting rights-of-way (streets, alleys, or easements).
- e. The location of unusual environmental features, such as streams, wetlands, shorelines, flood plains, etc.
- f. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
- g. The name and address of the property owner, and of the prospective owner, if applicable.
- h. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
- i. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
  - j. A location sketch of the proposed use or structure.
  - k. The type, location, and size of all utilities existing and proposed for the site.
  - l. The location, size and slope of all subsurface drainage facilities.
  - m. A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:
    1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
    2. The residential area of the proposed units in square feet as well as area dimensions of driveways and staging areas.
    3. Typical elevation drawings of the front and rear of each building.
  - n. For multiple family and mobile home park developments, the contour intervals of the topography of the existing and finished site shall be shown. Where the existing slope on any part

of the building site is ten percent (10%) or greater, such contour shall be shown at height intervals of five (5) feet.

### **Section 12.5 Submittal of Request**

All site plans, required as stated within this Ordinance shall be submitted by the petitioner (property owner or designated agent) to the office of the Zoning Administrator, in triplicate. Upon receipt of the application for special land use permit and accompanying required site plan, one (1) notice that a request for special land use permit has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personally delivered to the owners of property for which special land use is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date of application will be considered. If the name of the occupant is not shown, 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 unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct 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. The notice shall:

- a. Describe the nature of the special land use request.
- b. Indicate the property which is the subject of the special land use request .
- c. State when and where the special land use request will be considered.
- d. Indicate when and where written comments will be received concerning the request.
- e. If the Planning Commission has deemed it necessary to hold a public hearing, or if the applicant has requested a public hearing in his application for special land use approval, indicate the time and place of the public hearing. (See **Section 12.6 Public Hearing**), or...
- f. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a special use.

### **Section 12.6 Public Hearing**

If the applicant of special land use approval requests a public hearing or the Planning Commission feels it necessary to hold a public hearing, notification of the hearing will be made in accordance with **Section 12.5 Submittal of Request**. If a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use approval request a public hearing, a notice of the public hearing will be published and all the affected parties notified in the same fashion as described in **Section 12.5 Submittal of Request**. A decision on a special land use requiring submittal of a site plan shall not be made, unless notification of the receipt of the request for special land use approval, or notification of a public hearing has been made.

### **Section 12.7 Approval/Denial**

The Planning Commission may deny, approve or approve with conditions, a request for special land use approval. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision and any conditions imposed.

### **Section 12.8 Fees**

Accompanying the request for approval of a site plan, a fee, to be determined by the Township Board, shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Additional fee will be charged for reimbursing another party retained by Krakow Township for expert consultation relative to the application, as determined or required in the sole discretion of the Planning Commission.

### **Section 12.9 Revocation**

If the Planning Commission shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its

intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to  
the applicant by a

registered letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be posted so that it is received by the applicant ten (10) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval. On date of revocation all work shall cease.

If the applicant notifies the Planning Commission, within ten (10) days of the receipt of the above letter, of his or her intent to rectify the violation, the Planning Commission, through official action, may defer the revocation.

**Section 12.10 Appeal**

The decision of the Planning Commission may be appealed by the property owner, or his or her designated agent, to the Board of Appeals. Request for appeal may be made by written letter from the applicant to the Chairman of the Board of Appeals within thirty (30) days of disapproval, approval by modification, or revocation of the site plan by the Planning Commission.

## **ARTICLE XIII SITE PLAN AND DEVELOPMENT STANDARDS**

### **Section 13.1 Purpose**

In accordance with the intent of **Article XII**, the various land uses and activities requiring special consideration and more intense review are listed herein. The standards specified under each type of use are meant to be utilized by the Planning Commission and the Board of Appeals as general guidelines for determining whether or not a proposed use is acceptable. However, if in any particular case, the Planning Commission or Board of Appeals deems these standards to be inapplicable, the Planning Commission or Board of Appeals may, by a two-thirds (2/3) majority, waive part or all of the following requirements.

### **Section 13.2 Site Design Standards**

The uses permitted by right or by special approval, in conformance with the districts and regulations set forth in this Ordinance, shall be allowed only if they conform to the following standards for site design:

#### **1. Airports, Aircraft Landing Fields**

a. Privately owned and maintained noncommercial aircraft landing strips, if situated more or less parallel to a public road, shall be set back from such road for a minimum distance of seventy-five (75) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least one hundred (100) feet.

b. All privately owned and maintained aircraft landing strips shall be at least two hundred (200) feet from the nearest residential dwelling unit and at least one hundred fifty (150) feet from all other buildings not designed as accessory structures for said aircraft landing field.

c. All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

d. Off-street parking facilities, in conformance with **Article XV** shall be maintained.

e. All structures on the lot on which said airport or aircraft landing field is located shall also conform to the standards set forth in its applicable zoning district.

#### **2. Amusement Parks**

a. The minimum lot size shall be five (5) acres.

b. The lot shall be so situated as to abut a major thoroughfare on one (1) side.

c. No amusement facility or activity shall be located within two hundred fifty (250) feet of a residential dwelling.

d. The entire premises shall be surrounded by a six (6) foot high wall, fence, or similar barrier.

e. Any amusement park facility located within five hundred (500) feet of a residential dwelling shall be open for business not earlier than 9 a.m. and not later than 10 p.m.

#### **3. Animal Hospitals, Kennels**

a. Minimum setbacks for the main structure shall be fifty (50) feet in the front, fifty (50) feet on each side, and one hundred (100) feet in the rear.

b. Appropriate ingress and egress and off-street parking shall be maintained in accordance with **Article XV**

c. Required greenbelts and screening in accordance with **Section 4.12** shall be maintained.

d. All principal use activities shall be included within an enclosed main building.

#### **4. Apartments**

a. Ingress, egress and off-street parking facilities shall conform to the standards set forth in

**Article XV.**

- b. The lot on which an apartment is situated shall abut, at least on one side, a major thoroughfare.
- c. Where an apartment dwelling is located adjacent to a commercial, industrial, or single-family residential lot, the greenbelt and protective screening requirements of **Section 4.12** shall be adhered to.
- d. Where an apartment dwelling exceeds the allowable maximum height of the District in which it is located, for every one (1) foot of excess height, one (1) foot of additional set back on all sides shall be required.
- e. Vehicular access to the rear of the site for the provision of services shall be required.
- f. Trash and garbage collection facilities shall be located to the rear of the lot on which the apartment building is located.

**5. Automobile Service Stations, Public Garages, Filling Stations, Gas/Convenience Stores**

- a. Minimum lot size shall be fifteen thousand (15,000) square feet for a service station or repair garage and twelve thousand (12,000) square feet for a filling station.
- b. Minimum lot width shall be one hundred twenty (120) feet for a service station or repair garage and one hundred (100) feet for a filling station.
- c. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the street right-of-way; or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property; or less than ten (10) feet from the side or rear lot line of adjoining commercial or industrial property.
- d. No ingress or egress to an automobile service station, public garage, or filling station shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- e. The entire lot, excluding those areas occupied by a building and landscaped areas shall be hard-surfaced with concrete or a plant-mixed bituminous material.
- f. All lubrication equipment, hydraulic hoists, and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street and so that no portion of the vehicle, while it is stopped for service, shall overhang onto a sidewalk, curb, street, or public right-of-way.
- g. When adjoining residential property, a masonry wall, a minimum six (6) feet in height, shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- h. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot high masonry wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- i. The property on which the automobile service station, repair garage or filling station is located shall be no closer than five hundred (500) feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church or park.
- j. All exterior lighting, including signs, shall be hooded or shielded so that glare shall be shielded from the view of adjacent properties.
- k. Only one (1) freestanding sign, not exceeding one hundred (100) square feet, shall be allowed to advertise the name of the owner or occupant of the premises.
  - 1. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.

**6. Automobile Wrecking and Storage Yards**

- a. Minimum lot size shall be ten (10) acres.
- b. There shall be minimum side and rear yard setback of at least twenty-five (25) feet.

c. The property on which such auto wrecking and storage yard is located shall be surrounded by a masonry wall a minimum height of twelve (12) feet. Such wall shall be made of a material designed to block the view of the yard from passersby and shall be maintained in a neat appearance.

d. The wall adjacent to a street shall be set back at least twenty (20) feet from the street right-of-way line.

e. The surface, exclusive of buildings, shall be paved with concrete or bituminous material, oiled, watered, or treated so as to minimize dust and seepage of chemicals into surface or subsurface waters.

#### **7. Campgrounds, Travel Trailer Park**

a. Minimum lot size shall be at least ten (10) acres.

b. Each campsite or travel trailer site shall have direct vehicular access.

c. Each campground or travel trailer park shall contain at least one (1) sanitary facility for each ten (10) campsites or travel trailer sites. A sanitary facility shall have at least one (1) toilet.

d. Running water shall be made available within the campground or travel trailer park.

#### **8. Child Care Centers, Nursery Schools, Day Nurseries**

a. Nursery school and day nurseries for children of preschool age shall provide a lot area of at least five hundred (500) square feet for each child enrolled

b. For each child enrolled, there shall be maintained a minimum usable outdoor play area of one hundred fifty (150) square feet, with a minimum total usable outdoor play area of five thousand (5,000) square feet per facility.

c. The outdoor play area shall be suitably fenced and screened by a heavily planted greenbelt adjacent to abutting properties.

d. No dormitory facilities will be permitted.

#### **9. Churches**

a. Minimum lot area shall be five (5) acres.

b. Minimum lot width shall be one hundred fifty (150) feet.

c. For every one (1) foot of height (excluding the spire) above the maximum building height allowable for the district in which said church is located, an additional one (1) foot setback on all sides of the main structure shall be required.

d. Proper vehicular ingress, egress, and off-street parking requirements shall be maintained according to **Article XV**.

e. The greenbelt and protective screening requirements of **Section 4.12** shall be adhered to.

#### **10. Communication Towers**

Antenna towers and masts for cellular phone and other personal or business communication services may be authorized with a special use permit only by the Planning Commission in Agricultural and Forest/Recreation zoning districts. Antenna towers and masts erected and operated as a residential accessory use and not more than fifty (50) feet in height as measured between the tower's base at grade and highest point are exempt from this Section.

A site plan prepared and sealed by a professional engineer and other materials normally required for special use permits must be submitted with the application.

In considering authorization of such towers and masts, the Planning Commission shall apply the standards of Article XII (SITE PLAN REVIEW REQUIREMENTS) the (Special Use Permit Procedures), and the following specific standards.

1. The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
2. The applications for special use permit for the tower shall include a visual impact analysis prepared by the applicant, which includes graphic depiction of the

anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Commission during its first consideration of the application for special use permit before the public hearing.

3. A cellular phone or other personal and business communication services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions or two hundred (200) feet, whichever is less.
4. Towers shall be located no closer than seven (7) miles from an existing telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.
5. Whether or not it is feasible to provide equivalent services by locating the antenna on an existing tower or other existing structure in the township or on an existing tower or other existing structure located in neighboring communities.
6. The tower and any ancillary building or buildings housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
7. Guy cables and anchors shall comply with applicable zoning district setback requirements.
8. The applicant shall provide documentation of any lighting to be installed on the site. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
9. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design must cause the least disturbance to the surrounding views.
10. Towers shall either maintain a galvanized steel finish or be painted white to be as unobtrusive as possible. Towers in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations. The antenna and/or array installed on a tower structure and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the tower structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
11. No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on an antenna or tower or site.
12. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
13. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communication services provider, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower. The addition of other user's equipment to the tower shall be permitted so long as the engineered design capacity of the tower or mast is not exceeded.
14. As a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the township, or provide an insurance bond satisfactory to the township's attorney to assure the removal of towers and masts as prescribed in the Article. If required, such escrow deposit or

insurance bond shall be in an amount equal to one and quarter (1.25) times the deposit or bond shall be maintained by successor owners.

15. If a tower ceases operation for its original use or is abandoned for any reason, the township may order its removal from the site by the owner of the tower within three (3) months of notification by the township.
16. If the height required for the tower to serve its intended function decreases from such height as installed due to technical advancement, additional tower installations at other locations, or other factors, the township may order that the tower be lowered to such decreased minimum height.
17. The tower shall be located centrally on a continuous parcel of not less than one and one-half (1.5) times the height of the tower measured from the base of tower to all points on each property line. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal one and one-half (1.5) times the height of the tower measured from its base at grade to its highest point. A fence not less than six (6) feet in height with anti-climb features shall be constructed around the base of the tower.

### **11. Convalescent Homes**

- a. Minimum lot size shall be at least three (3) acres.
- b. The property on which the facility is located shall abut a primary or secondary County road and shall have separate ingress and egress from such road.
- c. The main and accessory buildings shall be set back at least seventy-five (75) feet from the road right-of-way.
- d. The facility shall provide a minimum fifteen hundred (1500) square feet of open space for each bed. Such open space may include landscaped areas, patios, parking areas, driveways and accessory uses.

### **12. Extractive and Mining Operations**

- a. Minimum lot size shall be in excess of five (5) acres. *(Changed 8/22/99)*
- b. The site plan shall be submitted prior to beginning mining activities and at five year intervals thereafter during the active life of the mine. For mines in active use at the time of ordinance adoption, the site plan need only cover areas of the site anticipated for future mining, and shall be submitted within six (6) months of the effective date of this ordinance provision. Each site plan submitted shall also include a reclamation plan, to be followed upon completion of the extractive and mining operations. The reclamation plan shall be recorded with the County Register of Deeds. The cost of the recording will be paid by the requesting party. *(Changed 8/22/99)*
- c. No new open pit or mine shall be located closer than two hundred (200) feet to the right-of-way line of a public street or thoroughfare, and no closer than fifty (50) feet from the line of property. No open pit or mine shall be located closer than six hundred fifty (650) feet to a dwelling unit which existed on the date of the request for site plan approval. *(Changed 8/22/99)*
- d. The site shall be surrounded by a temporary fence, or similar barrier, for public protection. Depending on the location, the Planning Commission may also require the establishment of brems, additional setbacks, plantings, and other safety and visual requirements as the Commission may establish, in its sole discretion. *(Changed 8/22/99)*
- e. Truck or heavy vehicle traffic related to such operations shall not utilize travel routes in residential areas. If truck or heavy equipment traffic is anticipated to pass through residential areas, the site plan shall include measures to minimize negative traffic impacts. The truck route shall be of sufficient quality and width to sustain expected truck traffic in a safe and orderly manner. If the route does not meet these standards, the expense to bring it up to standard is the responsibility of the applicant. Any necessary road work must be completed before the operation commences. *(Changed 8/22/99)*
- f. The applicant shall give written assurance of installing devices to minimize dust, smoke, noise or visual effects of such operations. *(Changed 8/22/99)*

g. Upon completion of extractive or mining operations, the site shall be returned, as far as possible, to its natural state unless alternate plans, approved by the Planning Commission, are submitted by the owner or occupant. *(Changed 8/22/99)*

h. A performance bond may be imposed by the Planning Commission prior to approval, or at any time if the site plan and/or reclamation plan is not followed, or at the discretion of the Planning Commission. *(Changed 8/22/99)*

### **13. Golf Courses, Country Clubs**

a. Minimum lot size shall be sixty (60) acres.

b. A shelter building with sanitary toilet facilities meeting all requirements of the State Health Department shall be provided and maintained.

c. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

### **14. Hotels, Motels, Motor Courts**

a. Public access to the site shall be located so as not to conflict with vehicular traffic to and from adjacent uses or adversely affect the normal flow of traffic on adjacent streets.

b. Refuse and/or garbage receptacles shall be screened from public view and located in the rear yard or side yard of the property. Adequate vehicular access to such receptacles shall be provided.

c. When adjacent to a residential district, a masonry wall or fence at least six (6) feet in height shall be erected adjacent to the common property line.

d. Where the front yard is used to provide access, a twenty-five (25) foot wide greenbelt shall be located adjacent to the street right-of-way, except for vehicular access points.

e. Each unit of commercial use shall contain a minimum of two hundred fifty (250) square feet of gross floor area.

### **15. Hunting Camps**

a. Minimum lot area shall be ten (10) acres.

b. The main building shall have a minimum floor area of one hundred ninety-two (192) square feet.

c. Sanitary facilities, approved by State Health Department, must be provided.

### **16. Housing for the Elderly**

a. Minimum lot size shall be five (5) acres.

b. Accessory services in common use shall include, but not be limited to dining facilities, recreation areas, lounge areas, workshops, and craft shops.

c. Refuse and/or garbage receptacles shall be screened from the public view and located in the rear or side yards of the facility. Adequate vehicular access to such receptacles shall be provided.

d. Each dwelling unit shall contain at least four hundred (400) square feet of living area, not including kitchen and sanitary facilities .

### **17. Industrial**

a. All structures and activities in Industrial District shall be separated from structures and activities in adjacent districts by a minimum ten (10) feet wide greenbelt and a minimum six (6) feet high fence or wall.

b. In the Industrial District appropriate State and Federal environmental control standards shall apply.

c. Adequate visibility (a minimum of one hundred (100) feet) for traffic on major roads shall be insured at all points of ingress and egress on said property.

d. All structures shall conform to the appropriate requirements of **Article XIV, Schedule of Regulations** and to **Article XV, Off-Street Parking, Loading, and Unloading Requirements and Standards** of this Ordinance.

**18. Marinas**

- a. All fuel storage and pumping facilities shall be separated from all other structures in accordance with appropriate State regulations.
- b. Signs indicating the location of fuel or other flammable material shall be placed in appropriate locations and be clearly visible for a distance of at least fifty (50) feet.
- c. Marina facilities, including fuel storage and pumping stations, shall have a minimum seventy-five (75) foot separation from adjacent residential property.
- d. If bathing and swimming areas are present, they shall be designated by appropriate signs.
- e. Boat docking and launching facilities shall have a minimum thirty (30) foot separation from designated bathing and swimming areas.
- f. All marinas must adhere to all State regulations.

**19. Medical and/or Dental Clinics**

- a. Minimum lot size shall be twenty thousand (20,000) square feet .
- b. Outside storage of trash and/or garbage shall be screened from public view and located in the rear or side yards. Adequate vehicular access to such storage area shall be provided..

**20. Mortuaries**

- a. Minimum lot size shall be one (1) acre.
- b. A well-designed and landscaped off-street vehicle assembly area for funeral processions shall be maintained in addition to required off-street parking and related vehicle maneuvering space.
- c. A caretaker's residence may be located inside the main facility.

**21. Pellet, Saw and Planer Mills**

- a. Minimum lot size shall be ten (10) acres.
- b. The setback from the front property line to the main structure shall be a minimum of one hundred (100) feet .
- c. There shall be a minimum side and rear yard setback of two hundred (200) feet between the main and accessory buildings and all residentially zoned districts.
- d. Stockpiling or storage of raw materials and finished products shall not be allowed closer than twenty-five (25) feet to any adjacent property line. Where said property abuts a residentially zoned district, such stockpiling or storage shall not be allowed closer than sixty (60) feet to the residentially zoned property.

**22. Plant or Landscape Nurseries**

- a. Minimum lot size shall be one (1) acre.
- b. Storage or display areas shall meet all applicable yard setback requirements.
- c. Off-street loading and parking facilities shall be provided.
- d. Organic plant food, soil or fertilizer shall be packed or stored so as not to create adverse health effects or odors for neighboring properties or passersby.
- e. An office and/or storage building shall be constructed or placed on the premises. Such building shall contain a minimum floor area of one hundred fifty (150) square feet and conform to ail applicable yard setback requirements.
- f. The greenbelt and protective screening requirements of **Section 4.12** shall be adhered to.

**23. Private Clubs and Lodges (Nonprofit)**

- a. The lot shall be located so that property line used for vehicular entrance and exit shall abut a major thoroughfare.

**24. Resorts (Four (4) or more units)**

- a. Minimum lot size shall be one (1) acre.
- b. Minimum side and rear yard setbacks shall be thirty (30) feet. Front yard setback thirty-five (35) feet. Front yard setback if on lake or stream shall be seventy-five (75) feet.

- c. Public access to the site shall be located so as not to conflict with vehicular traffic to and from adjacent uses or adversely affect the normal flow of traffic on adjacent streets.
- d. Refuse and/or garbage receptacle shall be screened from public and located in the rear or side yard of the property. Adequate vehicular access to such receptacle shall be provided.
- e. Where the front yard is used to provide access, a twenty (20) foot wide greenbelt shall be located adjacent to the street right-of-way, except for vehicular access points.
- f. Each unit of commercial use shall contain a minimum of two hundred fifty (250) square feet of gross floor area.

#### **25. Restaurants, Drive-in and/or Sit-down**

- a. Main and accessory buildings shall be set back a minimum of sixty (60) feet from the street right-of-way line.
- b. Public access to the site shall be provided no closer than seventy-five (75) feet from any intersection as measured from the right-of-way line of the intersecting street to the nearest point of access.
- c. A minimum six (6) foot high masonry wall or fence shall be provided on the interior of the property line adjacent to any residential use.
- d. Off-street parking facilities with separate ingress and egress maybe provided in the front yard area of "fast food" drive-in restaurants.
- e. Adequate parking shall be provided for patrons commensurate with the seating capacity of the restaurant. Parking area will be lighted for protection of the customers and employees.

#### **26. Roadside Stands**

- a. The gross floor area of the structure shall be not less than one hundred (100) square feet or more than six hundred (600) square feet, nor shall the structure be more than one (1) story in height.
- b. Suitable rubbish containers shall be placed on the site.
- c. The structure shall be located not less than twenty (20) feet from the road right-of-way.
- d. Temporary off-street parking may be allowed in the required front yard setback area. Such parking area need not be paved or treated with a surface covering.

#### **27. Solid Waste Disposal Sites**

- a. All solid waste disposal sites shall conform to the requirements of the Michigan Department of Natural Resources for such facilities.
- b. Waste disposal sites shall be located no closer than one quarter ( $\frac{1}{4}$ ) mile from any thoroughfare or public road.

#### **28. Stables for Horses/Exotic Animals**

- a. For breeding, rearing and/or housing of horses or exotic animals, the minimum lot size, including a residential dwelling, shall be ten (10) acres; except that up to two (2) saddle horses may be allowed on lots of five (5) acres or more.
- b. Structures used as stables or pens shall not be located closer than sixty (60) feet to any property line or less than one hundred (100) feet from any residential dwelling.
- c. Animals shall be confined in a suitable fenced area surrounding or adjacent to said stable or pen to not nearer than sixty (60) feet to any residential dwelling.
- d. Stable or pen and corral facilities shall be constructed in such a way that dust, noise, odor and drainage problems will be minimized so as not to constitute a nuisance or hazard to premises on the same lot or adjoining properties.

#### **29. Storage Complexes as Rental Units**

- a. Minimum lot size shall be one (1) acre.
- b. Main and accessory buildings shall have a minimum front yard setback of one hundred (100) feet.
- c. Public ingress and egress shall be no closer than eighty-five (85) feet from any intersection, as measured from the right-of-way line of the intersecting street to the nearest point of access.

d. The area in use shall be enclosed with an eight (8) foot security fence and a lockable gate. Where the complex is adjacent to a residential area the fence must be constructed of a solid material such as masonry or wood or a combination same.

e. The entire yard and building area shall have adequate security lighting.

f. The surface area, exclusive of buildings, shall be covered with a stone material common to such area.

g. The office area shall be contained within the main structure or in an adjacent structure of the same construction.

### **30. Theaters, Drive-in**

a. Minimum lot size shall be five (5) acres.

b. The lot on which a drive-in theater is located shall be at least one thousand (1000) feet from a residentially zoned district.

c. The lot location shall be such that the facility shall be adjacent to a major road or thoroughfare and shall have separate ingress and egress abutting such road or thoroughfare. Ingress or egress shall be located at least one hundred fifty (150) feet from the nearest intersection as measured from the right-of-way line of the intersecting road or thoroughfare .

d. Minimum front yard setback for all structures shall be fifty (50) feet.

e. The facility shall be completely surrounded by a masonry wall or fence at least six (6) feet in height.

f. The lot on which the facility is located shall be paved with concrete or bituminous material, or have a surface treated to minimize dust, except for building sites and landscaped areas.

g. Adequate drainage and lighting, to the satisfaction of the Planning Commission, shall be provided. All utilities on the site shall be placed underground.

h. The theater screen shall be situated so as not to face directly, or obliquely by less than seventy-five (75) degrees to any major thoroughfare.

i. Space shall be provided on the site to allow for a reasonable number of waiting vehicles standing at the entrance to the theater.

j. Acceleration and deceleration lanes shall be provided at points of egress and ingress to the site.

### **31. Vehicle Wash Establishments**

a. All washing activities must be carried on within the structure.

b. Vacuum machinery shall be located no closer than fifty (50) feet to any adjoining property.

c. Ingress and egress to and from the facility shall be located on the same lot which shall abut a major thoroughfare.

d. Minimum front yard setback for the main structure shall be fifty (50) feet, minimum side yard setback shall be twenty five (25) feet; minimum rear yard setback shall be seventy five (75) feet.

## **ARTICLE XIV SCHEDULE OF REGULATIONS**

### **Section 14.1 Purpose**

It is the purpose of zoning to regulate the sizes, bulk, height, and types of uses and structures in various districts to protect the general health, safety, and welfare of residents living within each district. The following Schedule of Regulations stipulates the minimum allowable areas for land and buildings in each district, as defined in this Ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum area, and setback requirements and maximum building heights as established for each district in this Ordinance. Nor shall any open space surrounded by structures be encroached upon unless such encroachment is in conformance with the regulations set forth in this Ordinance.

**Section 14.2 Schedule of Regulations**

Table A. Schedule of Regulations

Zoning District	Minimum Lot Size	Minimum Lot Width (g)	Max. Bldg. Ht.		Min. Yard Setbacks (d)			Min. Floor Area per Dwelling Unit (b)	Min. Width per Dwelling Unit
			Stories	Feet	Front (a)	Side (d)	Rear (a)		
R-1	1 acre	100'	2	30'	15'	10'	10'	1,000 sq. ft.	24'
R-2	12,000 sq. ft. (c)	75'	3	45'	15' (a), (d)	10' (d)	10' (d)	1,000 sq. ft. (c)	24' (c)
C	20,000 sq. ft.	100'	2	30'	30'	20'	20'	N/A	N/A
I	5 acres	250'	3	45'	100'	75'	75'	N/A	N/A
A	15 acres	N/A	2	30' (e)	30'	20'	30'	1,000 sq. ft.	24'
FR	5 acres	N/A	3	45'	15' (d)	10' (d)	10' (d)	(c)	24'

a. Minimum front yard setback on waterfront lots shall be seventy-five (75) feet from the mean high water mark, but not less than forty (40) feet, if the line of sight provision applies. All waterfront lots shall be subject to greenbelt requirements. There is no front yard setback for properties fronting the right-of-way of US-23. There is no rear yard setback for properties bordering the right-of-way of US-23.

b. The minimum floor area per dwelling shall not include area of basements, breezeways, porches, or attached garages.

c. Minimum lot area and floor area per dwelling unit in the R-2 district shall be:

**LOT AREA AND FLOOR AREA IN SQUARE FEET**

DWELLING UNIT TYPE	MINIMUM LOT AREA	MINIMUM FLOOR AREA
Single-family	12,000	1,000
Two-family	20,000	1,000
Three-family	24,000	800
Four-family	24,000	800
Efficiency apartments	4,000 sq. ft per apartment	350
One bedroom apartments	4,500 sq. ft per apartment	500
Two bedroom apartments	5,000 sq. ft per apartment	700
Three bedroom apartments	5,500 sq. ft per apartment	800

d. Where more than one dwelling unit is located on the same lot, they shall be separated by thirty (30) feet. Minimum yard setbacks for such lots shall be of the district they are located in. If the lot is a waterfront lot, **Footnote a** shall apply for the front yard setback.

e. See **Section 4.9, Building Height Limitations.**

f. Lot sizes are net. Easements are excluded.

g. Width to depth ratio of 1 to 4 will apply for newly established lots. Lake lots are exempted.

## ARTICLE XV OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS AND STANDARDS

### Section 15.1 Purpose

In all zoning districts, off-street parking facilities for the storage and parking of motorized vehicles for the use of employees, or patrons of the buildings hereafter erected, moved to, or set on a site shall be provided in accordance with the provisions herein prescribed. Such space shall be maintained and not be encroached upon by a new or existing building unless an equivalent number of appropriate parking spaces are provided elsewhere in conformance with this Ordinance.

### Section 15.2 Determination of Parking Spaces

a. **Number of Spaces.** When units or measurements determining the number of required parking spaces result in a fractional space measurement, any fraction up to and including one-half ( $\frac{1}{2}$ ) or more shall be construed as one (1) full parking space.

b. **Double Count.** Loading spaces as required in this Ordinance shall not be construed as part of the minimum required parking spaces for any facility.

c. **Location of Spaces.** The off-street parking facilities required for commercial, industrial or recreational uses may be located on the same lot or in parking lots conveniently situated or in close proximity to such activities. Such parking facilities shall be paved with concrete, asphalt, or crushed rock materials and be furnished with adequate drainage.

### Section 15.3 Parking Lot Plans

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance. Such construction shall be approved by the Zoning Administrator and the Planning Commission before actual use of the site as a parking lot. Plans for parking lots shall be drawn on a scale of not less than one (1) inch = fifty (50) feet. Such plans shall contain the overall dimensions of the proposed parking lot, the number of parking spaces, the size of each space (a typical dimension is sufficient), the angle of each parking space, the size of turnaround areas and aisles, points of ingress and egress, landscaping (if any), location of adjacent main building, type of surface covering, direction and slope of drainage, and critical surrounding natural areas, such as lakes or streams.

a. All illumination (lighting) for off-street parking areas shall be installed in such a manner as not to concentrate light in a disturbing way upon adjacent structures.

b. The depth of the front yard setback applicable to the district in which the parking facility is located shall apply to the parking facility.

c. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations:

Table B. Parking Space Requirements

Parking Patterns	Maneuvering Lane Width		Parking Space Width Length	Total Width of Two Tiers of Spaces plus	
	One Way	Two Way		One Way	Two Way
0° Parallel Parking	11 ft.	18 ft.	8 ft. 6 in.	24 ft.	28 ft. 35 ft.
30° to 53°	12 ft.	20 ft.	9 ft.	20 ft.	54 ft. 62 ft.
54° to 74°	13 ft.	24 ft.	9 ft.	20 ft.	55 ft. 66 ft.
75° to 90°	13 ft.	26 ft.	9 ft. 6 in.	19 ft.	55 ft. 66 ft.

**Section 15.4 Parking Restrictions**

Off-street and on-street parking of vehicles shall be further restricted by the following requirements: a. **Parking Duration.** Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in nonresidential off-street parking areas shall prevail .

b. **Restrictions on Parking on Private Property.** It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property for vehicle storage, or use any portion of any private property as parking space, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaints pertaining to violations of this Section shall be made by the owner, or trustee of such property.

c. **Overnight Parking.** After the effective date of this Ordinance, it shall be unlawful for any person to park any motor vehicle or trailer overnight on any public street or highway, or any private road used by two or more property owners, except in emergency situations.

**Section 15.5 Tables of Off-Street Parking Requirements**

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table:

Table C. Off-Street Parking Requirements

Use	Required Parking Spaces	Per Each Unit of Measure as Follows
Animal Hospitals and Kennels	1	per each four hundred (400) sq. ft. of Usable floor Area
	1	(UFA), plus...
		per every two (2) employees
Auditoriums, theaters and assembly halls	1	per three (3) seats based on maximum seating capacity in main place of assembly,
	1	plus...
	2	per every two (2) employees
Auto repair garages and service garages	1	per service stall, plus...
	1	per eight hundred (800) sq. ft. UFA, plus...
	1	per every two (2) employees
Auto salesrooms, wholesale stores, machinery sales, showrooms of a plumber, electrician, or other similar trade.	1	per one thousand (1,000) sq. ft. of UFA, plus...
	1	per each employee
	2	
Banks and Post Offices	2	
Barber shops	2	per two hundred (200) sq. ft. of UFA, plus...
Beauty shops	6	per each employee
Bowling alleys	1	per each barber



Child care centers, day care centers, nursery schools	1 1	per four hundred (400) sq. ft. of UFA, plus... per each employee
Churches	1	per three (3) seats or six (6) feet of pew, based on maximum seating capacity in main place of assembly
Dance halls, exhibition halls, pool halls, billiard parlors and assembly halls without fixed seats	1 1	per each two (2) persons allowed within maximum occupancy load established by local, County or State fire, health or building codes, or... per one hundred (100) sq. ft. of UFA, whichever is greater
Drive -in banks	4	per each teller window
Drive-in establishments	1	per each two (2) employees
Drive-in theaters	1	per each outdoor speaker facility, plus... per each two (2) employees
Elementary schools, junior high schools	1 1 1	per teacher, employee, and administrator, plus... requirements for auditoriums or assembly halls, if any. If none exist, then... per classroom
Establishments (other than drive-in restaurants) on which premises the sale and consumption of food and beverages is conducted	2	per seventy-five (75) sq. ft. of GFA
Filling stations, automobile service stations	1	
Furniture & appliance stores, hardware stores, household equipment repair shops, and similar uses	1 5 1	per service stall, plus... per employee
Golf courses open to the public	1 1 1	per each eight hundred (800) sq. ft. of UFA, plus... per each two (2) employees
High schools, trade schools	1 1 1	per each hole, plus... per employee, plus amount required for accessory uses
Hospitals	1 1 1	per teacher, plus... per each ten (10) students, plus... per each employee, administrator, plus...

**Required  
Parking  
Spaces**

Use	requirements of auditoriums, assembly halls
	per each two (2) beds, plus... per staff doctor, plus... per one thousand (1,000) sq. ft. of patient
	<b>Per Each Unit of Measure as Follows</b>
	surgery or treatment area, plus... per two (2) employees
Industrial establishments, including manufacturing and fabricating, research and testing laboratories, and printing, plumbing , and electrical shops	1 1 1 1 per one and a half (1 ½) employees computed on the basis of the greatest number of persons working at any one time, or...
Libraries and Museums	1 per five hundred (500) square feet of GFA
Laundromats, coin operated dry- cleaning establishments	1 per five hundred (500) sq. ft. of GFA
Medical clinics, dental clinics	2 per each washing and/or dry- cleaning machine
Miniature golf courses or par 3 golf courses	1
Mobile home sites	2 1 per two hundred (200) sq. ft. of GFA
Mortuary establishments, funeral homes, undertaking parlors	1 per hole, plus...
Motels, hotels, tourist homes	1 per employee per mobile home site
Motor vehicle wash establishments	4 2 per fifty (50) sq. ft. of floor area in the parlor
Multiple-family dwellings	1
Personal service establishments (not otherwise provided for herein)	1 per guest room, plus... per employee
Private clubs, lodges, fraternities, sororities, dormitories	1 per wash stall per dwelling unit
Private tennis clubs, swimming clubs, golf clubs, or similar use	1 per each three hundred (300) sq. ft. of UFA, plus... per each two (2) employees
Retail stores, except as otherwise	1 per each three (3) members or lodgers allowed within the

specified herein	1	maximum occupancy load as established by local, County, State fire, health or building codes
Roadside stands	5	per two (2) member families or individuals, plus the amount required for accessory use
		per one hundred fifty (150) sq. ft. of GFA, plus... per two (2) employees
		per each establishment

**Section 15.6 Off-Street Loading and Unloading Requirements**

On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained, on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access aisles for off-street parking areas.

a. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with a minimum fourteen (14) feet vertical clearance and shall be provided according to the following schedule:

Table D. Loading Space Requirements

Gross Floor Area In Square Feet	Spaces Required	In Terms of Gross Floor Area
0 - 1,999	0	
2,000 - 19,999	1	
20,000 - 99,999	1	plus... for each 20,000 sq. ft. in excess of the first 20,000 sq. ft.
100,000 - 500,000	5	
	1	
Over 500,000	15	plus... for each 40,000 sq. ft. in excess of 100,000 sq. ft. plus... for each 80,000 sq. ft. in excess of 500,000 sq. ft.

b. **Double Count.** Off-street loading spaces shall not be construed as, or counted towards, the area required as off-street parking space area.

## ARTICLE XVI ADVERTISING SIGNS AND BILLBOARDS

### Section 16.1 Scope

This section is intended to regulate and limit the construction or reconstruction of signs and billboards. Such signs that will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for herein.

### Section 16.2 Definitions

As used in this section, the following words shall have the meanings hereinafter set forth in this section:

a. **Illuminated Sign** — A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.

b. **Identification Sign** — A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.

c. **Pole Sign** — A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and having a sign area not more than seventy five (75) square feet on a side, and a clear space of at least ten (10) feet from the ground to the bottom of the sign.

d. **Projecting Sign** — A sign which projects from and is supported by a wall of a building and does not extend beyond or into and over street right-of-way.

e. **Portable Sign** — A freestanding sign not permanently anchored or secured to either a building or the ground such as, but not limited to, "A" frame, "T" shaped, or inverted "T" shaped sign structures.

f. **Real Estate Sign** — A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease. Altering such signs after sale, rent or lease is consummated to reflect that said real estate was sold, rented or leased by a particular individual, firm or corporation shall not be permitted.

g. **Temporary Sign** — A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including seasonal produce sales, decorative displays for holidays or public demonstrations .

h. **Marquee Sign** — An identification sign attached to a marquee, canopy or awning projecting from and supported by the building.

i. **Wall Sign** — A sign which is attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches therefrom, nor more than three (3) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall.

j. **Roof Sign** — Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

k. **Institutional Bulletin Board** — A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution and the announcement of its institutional services or activities.

l. **Subdivision Sign** — A sign placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a mobile home park. Such signs shall not have any moving parts and shall be installed not higher than fifteen (15) feet from the ground and no closer than fifty (50) feet to any public right-of-way line.

m. **Political Sign** — A temporary sign used to publicize a political candidate, proposal or action in an upcoming election. Political signs shall be removed within fifteen (15) days following the election.

### Section 16.3 Measurement of Area of a Sign

The entire area within the sign perimeter enclosing its extreme limits, together with any frame or other material, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, but including any sign tower. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, as the area of the larger face if the two (2) faces are of unequal area. In the case of a sphere, the total area of the sphere is divided by two (2) for the purpose of determining the maximum permitted sign area.

#### **Section 16.4 Signs Permitted**

Signs are permitted according to the district in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following provisions:

a. **Agricultural, Forest/Recreational Districts.** The following types of signs are permitted:

1. **On Premises Advertising Sign** — for principal uses other than dwellings, not exceeding thirty-two (32) square feet in area and setback at least twenty-five (25) feet.

2. **Identification Sign** — one (1) per dwelling unit, not exceeding two (2) square feet in area, and one (1) per business not exceeding eight (8) square feet in area.

3. **Temporary Sign** — one (1) per premises advertising produce raised on said premises; not exceeding thirty-two (32) square feet in area, setback from any right-of-way at least fifteen (15) feet.

4. **Real Estate Sign** — one (1) per premises or building and located only while said real estate is actually on the market for sale, rent, or lease, not exceeding sixteen (16) square feet in area and setback at least fifteen (15) feet from the front lot line. Two (2) signs are permitted for lake lots, one in front of the property and one not closer than five (5) feet from the rear lot line.

b. **Rural Residential and Mixed Residential Districts.** No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:

1. **On Premises Advertising Sign** — for principal uses other than dwellings, not exceeding twenty-four (24) square feet in area and located not closer than five (5) feet from the front lot line or five (5) feet from the rear lot line for lake lots, nor located in the required side yard setback.

2. **Identification Sign** — one (1) per dwelling unit, not exceeding two (2) square feet in area; and one (1) per business, not exceeding eight (8) square feet in area.

3. **Institutional Bulletin Board** — one (1) per public or semipublic institution, located on-premises, not exceeding one hundred (100) square feet in area, and setback at least twenty-five (25) feet from front lot line.

4. **Real Estate Sign** — one (1) per premises or building and located on same premises or building only while said real estate is actually on the market for sale, rent or lease, not exceeding sixteen (16) square feet in area and setback at least five (5) feet from the front lot line. Two (2) signs are permitted for lake lots, one in front of the property and one not closer than five (5) feet from the rear lot line.

5. **Subdivision Sign** — one (1) per subdivision or mobile home park, continuously and properly maintained, not exceeding one hundred fifty (150) square feet in area and setback at least fifty (50) feet from any property or right-of-way line.

6. **Temporary Sign** — on-premises or off-premises sign advertising real estate in a subdivision being for sale, rent or lease, not exceeding sixty-four (64) square feet in area and subject to approval by the Zoning Administrator for periods of up to twelve (12) months subject to renewal as long as the sign conforms to the condition of approval and said real estate is actively on the market for sale, rent or lease. The number of off-premises signs shall be limited to that reasonably necessary to direct the public to the location of the development.

c. **Mobile Home Parks.** No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:

1. Same as for Rural Residential and Mixed Residential Districts.
2. **Wall Sign** — one (1) per park indicating only the name of the park, not exceeding forty-eight (48) square feet in area.

d. **Commercial and Industrial Districts.** The following types of signs are permitted:

1. Same as for Rural Residential and Mixed Residential Districts except as otherwise stated in this section.

2. **Advertising Sign, Wall Sign, Roof Sign, Portable Sign** (less than sixteen (16) square feet in area), **Pole Sign**, (less than twenty (20) feet in height) or **Marquee Sign** — one per principal business or commercial use or service; not exceeding one hundred fifty (150) square feet in area and setback from the front lot line at least ten (10) feet, except as provided for elsewhere in this Ordinance.

3. **Institutional Bulletin Board** — one (1) per public or semipublic institution, located on-premises; not exceeding one hundred fifty (150) square feet in area and setback at least twenty-five (25) feet from the front lot line.

### **Section 16.5 Illumination**

There shall be no flashing, oscillating or intermittent, red, yellow, blue, or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light therefrom from being cast upon adjoining residences and shall be located at least one hundred (100) feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

### **Section 16.6 Construction and Maintenance**

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity .

All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.

### **Section 16.7 Zoning Permit**

A zoning permit shall be required for the erection, construction or alteration of any sign of area exceeding thirty-two (32) square feet, and all such signs shall be approved by the Zoning Administrator as to their conformance with the requirements of the zoning district in which they are located and the requirements of their section.

The Zoning Administrator shall have the authority to approve or disapprove, with cause, any applications for the renewal of a permit.

### **Section 16.8 Height and Overhang**

No sign otherwise permitted, shall exceed the maximum height limitations of the zoning district in which it is located. This provision may be waived by the Planning Commission for pole signs located in Commercial and Industrial Districts.

### **Section 16.9 Accessory Business Signs**

Accessory business signs are permitted in am nonresidential district which pertain to that conforming accessory business or service being conducted on the same premises as the sign is located, not exceeding sixty-four (64) square feet in area.

### **Section 16.10 Directional Signs**

All directional signs for orientation of the general public, when erected by the Township, County or State, shall be permitted in all districts.

### **Section 16.11 Automobile Service Stations, Filling Stations**

Only one (1) **Pole Sign** shall be permitted per premises per frontage street, and setback from any right-of-way at least twenty-five (25) feet and fifty (50) feet from Any adjacent residential use. All related signs shall be on-premise signs.

**ARTICLE XVII**  
**F-I FLOOD HAZARD, FLOODWAY, FLOOD PLAIN**

**Section 17.1 Purpose**

This district is established to protect flood prone portions of the township from development which may result in major property damage, danger to life, erosion and similar flood hazards.

**Section 17.2 Permitted Uses**

No building permitted in Flood Plain Area without a Special Permit.

**Section 17.3 Uses Requiring Special Approval**

The following uses may be permitted by obtaining a special approval :

- a. Agriculture uses
- b. Industrial or Commercial uses of an open character, such as parking or landing areas
- c. Open public or private recreation and customary accessory buildings of a type that will not impede flood flow
- d. Residential supportive uses, such as lawns, gardens, parking areas or play areas
- e. Wildlife sanctuaries, nurseries and nature trails
- f. Water related supportive uses, such as boat docks, landings or piers.
- g. Forestry and lumbering

## ARTICLE XVIII SUBDIVISION CONTROL

### Section 18.1 Short Title

This Ordinance shall be known and may be cited as the "Krakow Township Subdivision Ordinance."

**Purpose:** The purpose of this Article is to regulate and control the subdivision of land within the County of Presque Isle, Township of Krakow, in order to promote the safety, public health, and general welfare of the Township. These regulations are specifically designed to:

A. Provide for orderly growth and harmonious development of the Township, consistent with order growth policies.

B. Achieve individual property lots of maximum utility and livability.

C. Insure adequate provisions for water, drainage, sanitary facilities, and other health requirements.

**Legal Basis:** This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended: Act 191, P.A. 1939 providing for publication of ordinances; Act 246, P.A. 1945, as amended, authorizing Township Boards to adopt Ordinances and Regulations to secure the public health, safety and general welfare.

**Scope:** This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations or with private restrictions placed upon property by deed, covenant, or other private agreements or with restrictive covenant's running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Township, the provisions of this Ordinance shall control.

### Section 18.2 Platting Procedure and Data Required

**Submittal:** The subdivider shall submit eight (8) copies of the preliminary plat on a topographic map to the Township Clerk at least ten (10) days before the second (2nd) Tuesday of each month's meeting of the Township Board.

1. Preliminary plats shall be submitted and filed for approval under Sections 112 and 120 of the Subdivision Control Act.

2. The fee provided for in this Ordinance for review of plats shall be deposited with the Township Clerk at the time of filing.

**Information Required:** The following shall be shown on the preliminary plat, or submitted with it:

1. The name of the proposed subdivision.

2. Names, addresses, and telephone numbers of the subdivider and the surveyor preparing the plat.

3. Location of the subdivision, giving; the numbers of section, township and range, and the name of the Township and County.

4. The names of abutting subdivisions and/or metes and bounds descriptions.

5. Statement of intended use of the proposed plat, such as, rural residential, mixed residential, commercial, industrial, recreational, or agricultural. Also proposed sites, if any, for multifamily dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.

6. A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.

7. A location map showing the relationship of the proposed plat to the surrounding area.

8. The land use and existing zoning of the proposed subdivision and the adjacent tracts.

9. Streets, street names, right-of-way and roadway widths.

10. Lot lines and the total number of lots by block.
11. Contours shall be shown on the preliminary plat at five (5) foot intervals where slope is greater than ten percent (10%), and at two (2) foot intervals where slope is ten percent (10%) or less.
12. A site report as described in the rules of the State Department of Public Health. The requirement for a site report if the proposed subdivision is not to be served by public sewer and water systems.
13. Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
14. Eight (8) copies of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
15. Right-of-way easements, showing location, width, and purpose.

**Hearing - Township Planning Commission:** The Zoning Administrator, upon being presented with a plat, shall place the formal consideration of same on the agenda for the second (2nd) Township Planning commission meeting subsequent to the date of receipt of the plat and the necessary documentation. The Zoning Administrator shall mail notice of said meeting to the listed developer, or his legal representative, and, also specify that the developer may request early consideration at a special meeting of the Commission, scheduled subsequent to the next regular meeting of the Commission, upon written application and payment of fees in connection therewith.

**Hearing:** After the Planning Commission hearing the Township Clerk, upon being presented with a plat, shall place the formal consideration of same on the agenda for the second (2nd) Township Board meeting subsequent to the date of the receipt of the plat and the necessary documentation. The Township Clerk shall mail notice of said meeting to the listed developer, or his legal representative, and, also specify that the developer may request early consideration at a special meeting of the board, scheduled subsequent to the next regular meeting of the Board, upon written application and payment of fees in connection therewith. The Township Board shall within twenty (20) days after consideration at the hearing either accept or reject the preliminary plat and give its reasons in writing therefor.

#### **Conditions and Duration of Approval**

1. Conditions
  - a. Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.
2. Duration
  - a. Approval of the preliminary plat by the Township Board shall be for a period of one (1) year from the date of its approval after approval by the other required authorities.
  - b. The Township Board may extend the one (1) year period if applied for and granted in writing, but only concerning its own requirements.

#### **Final Plats:**

1. Requirements
  - a. Final plats shall be prepared and submitted as provided for in the Subdivision Control Act.
  - b. A written application for approval and the recording fee shall accompany all final plats.
  - c. The subdivider shall submit proof of ownership of the land included in the final plat in the form of a title opinion from an attorney, or a policy of title insurance currently in force.
  - d. The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.
2. Actions
  - a. The Township Board shall review the final plat at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt of the plat.

b. The Township Board shall approve the plat or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this Ordinance.

c. The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved plat on behalf of the Township Board.

### **Section 18.3 General Provisions Applying to all Development**

1. Henceforth all roads constructed in any platted subdivision within the Township shall be equal to County road specifications.

2. All other roads constructed in the Township shall also be equal to County road specifications unless said road is intended to serve two (2) or less family dwelling units.

### **Section 18.4 Lots - Requirements For**

**Lot Size:** The lot width, depth and area shall not be less than the particular district requirements of the Township Zoning Ordinance. If such provisions are not in effect when this Ordinance becomes effective, no lot shall be less than seventy-five (75) feet wide, and less than nine thousand (9,000) square feet in area.

**Lot Line:** Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

**Corner Lots:** Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.

**Uninhabitable Areas:** Lands subject to flooding or otherwise deemed by the Township Board to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Township Board increase the danger to health, life or property, or increase the flood hazard. Such land within a subdivision may be set aside for other uses, such as parks or other open spaces.

**Lot Frontage:** All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers or streams. The front line shall be the street or road unless otherwise shown on the plat.

**Lot Division:** The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Township or County Zoning Ordinance. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County or District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted, but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

### **Section 18.5 Penalties for Failure to Comply with this Ordinance**

**Penalties:** Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred (\$100) dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action, as is necessary, to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act.

### **Section 18.6 Amendments**

**Procedures:** The Township Board may, from time to time, amend, supplement, or repeal, the regulations and provisions of this Ordinance, as provided by law.

**Section 18.7 Miscellaneous Provisions**

**Validity:** Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Effective Date:** This Ordinance shall take effect in the Township after adoption by the Township Board, publication within ten (10) days after adoption, entry in the Township Ordinance Book and certification by the clerk as to the date of adoption, vote and publication, within seven (7) days of publication. The effective date shall be thirty (30) days after date of publication.

## **ARTICLE XIX PLANNED UNIT DEVELOPMENT**

### **Section 19.1 Purpose**

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility within the existing R-1, R-2 and FR Zones using the Special Use Permit Procedure. It has the potential of eliminating the current single-family, large scale residential design and substituting, in its place, a diversity of types and location of dwelling units, allowing a more efficient use of land for circulation, open space, and utilities. It is also intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area. The PUD approach provides for recreational facilities within the development, enhances the ability of designers to coordinate architectural design and building placement and upgrades the overall quality of new residential construction.

### **Section 19.2 Procedures for Application and Approval**

The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and the Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions, at this time. The Zoning Administrator may request representative from County and Township agencies (fire department, county park and recreation commission, county sheriff, county road commission, and other such agencies) to attend such informal conferences.

After such informal conferences, the applicant shall then file a preliminary Development Plan with the Zoning Administrator for purposes of obtaining a Special Use Permit during which time the application shall be scheduled to be reviewed by the Planning Commission at a Public Hearing scheduled within forty-five (45) days of the receipt of the Preliminary Plan by the Zoning Administrator, according to the requirements of **Section 19.5** of this Ordinance.

### **Section 19.3 Concept Plan Requirements**

The applicant shall submit, during the pre-application conference, a concept plan including types and placement of residential structures; utilities and public facilities, such as schools, fire departments, recreational facilities; minimum lot sizes; densities, environmental treatment; pedestrian and auto circulation; commercial and industrial areas, if applicable; conformity of the proposed development with surrounding uses; financing of the project; type of homeowners organization, if any; and all other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development.

### **Section 19.4 Preliminary Plan Requirements**

Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan. The preliminary plan is specifically intended to include enough detail for administrative and legislative analysis for approval or denial of a Special Use Permit.

The preliminary plan must be more detailed than the concept plan and contain the following:

1. A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development, including phasing of residential, public, and commercial areas; and future selling and/or leasing intentions; and/or leasing intentions and accompanying management techniques.

2. Graphic presentations including a base map with topographic identification (preferably using five (5) feet contour intervals) and important environmental features, including water bodies, vegetation (type and size) and soils. Additional maps should contain proposed lot lines, location and floor area dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, layout of proposed and existing utility systems, general landscape plans, information pertinent to the identification of areas adjacent to the proposed development and a general description of the architectural and landscape elements on perimeter of the planned development.

3. Additional written information shall be contained in the preliminary plan, including tabulation of land-area ratios, a comprehensive market analysis, environmental impact statements, and any contracts and deed of indenture between the developer and home buyer.

### **Section 19.5 Final Plan Requirements**

Following approval of the preliminary plan, the applicant shall submit a final plan. The final plan is to encompass all the elements of the preliminary plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary plan. The final plan shall include enough detail in written and graphic presentation to assure the Planning Commission that the proposed Planned Unit Development will conform to all State and local requirements, as well as reflect, as closely as possible, the finished PUD.

### **Section 19.6 Approval of Final Plan**

Upon submittal of the preliminary plan to the Township Board and approval of a Special Use Permit by the Planning Commission, with or without recommended modifications and stipulations, the applicant must, within a period of three (3) months to one (1) year, from the date of approval of the special use permit present to the Zoning Administrator the final development plan. The Zoning Administrator shall submit the final, detailed plan to the Planning Commission, which shall review it within thirty (30) days of such submittal.

The final plan should not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met:

1. The final plan does not violate the content of the Ordinance.
2. The lot area requirement has not been changed by more than ten percent (10%).
3. Land reserved for open space (common and usable) has not been reduced by more than ten percent (10%).
4. The total building coverage has not increased by more than five percent (5%).

The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in a general fashion in the preliminary stage shall be presented in detailed character in the final plan.

Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easement, agreements, the final draft of articles of incorporation, and any indentures, as well as dedications, shall be submitted by the applicant.

The final development plan shall be reviewed by the Planning Commission and members of other appropriate agencies. The Planning Commission shall then approve the final plan, disapprove it, or approve it with modifications. No public hearing is necessary, and if approval is given by the Township Board, the legislative body shall accept and record site maps and plans, dedicated streets, properties, and open spaces, right-of-ways and any additional dedications within the development.

If the plan is disapproved by the Township Board, reasons for the denial shall become part of the public record, as well as presented to the developer in written form.

### **Section 19.7 Design Requirements**

Since the PUD concept is to allow more flexibility in design while retaining control through review procedures, the design standards incorporated into a PUD ordinance should be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to insure desired performance. These design requirements also offer incentives to developers to invest in PUD's.

**Density:** Density increases can be allowed for PUD's over and above those allowed in the original R-1, R-2, FR and Agricultural zones combined. Since successful PUD design can occur in almost any sized area, the planned development shall not be allowed on any site of less than two (2) acres. It should be controlled by one (1) owner or group of owners, and be planned and developed as a single unit.

**Lot Size Variations:** Lot sizes shall be computed using gross acreage computations. Land utilized for public utilities such as easements and flood plain areas shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, and the result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum number of residential units allowed.

Density increases are to be permitted for the following amenities:

1. "Improved and unimproved common open space".

a. The first acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of eight percent (8%); if first acre of common open space is unimproved, six percent (6%) is allowed.

b. The second acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of four percent (4%); if unimproved, three percent (3%) is allowed.

c. Each additional acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of three percent (3%); if unimproved, two percent (2%) is allowed .

2. Character, identity and architectural and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen percent (15%), provided these factors make a substantial contribution to the objectives of a PUD. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission shall approve. Such variations may include, but are not limited to, the following:

a. Landscaping (a maximum increase of five percent (5%) ).

b. Visual focal points; use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building groups (such as clustering), a maximum increase of five percent (5%).

c. Design features (maximum increase of five percent (5%) ), street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features, and varied use of house types.

**Open Space:** Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas within residential developments. Open space shall be distinguished as private (for personal or family use), common (for use by all homeowners in the PUD), and public (open to all members of the general public.)

The following open space requirements shall be adhered to in all PUDs to provide for the integration of efficient and extensive areas into the existing open space system of the community. These areas should be easily accessible to all residents of the PUD. Required open space shall comprise at least forty percent (40% ) of the total gross area. Not less than fifty percent (50%) of the net area of the property shall be open space devoted to planting, patios, walkways and recreational uses, but excluding areas covered by dwelling units, garages, carports, parking areas or driveways. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways and all other paved vehicular ways and facilities. At least twenty percent (20%) of the total area shall be devoted to such properly planned permanent usable open space. Common open space shall comprise at least twenty-five percent (25%) of the gross area of the PUD to be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development, but shall not include public or private streets, driveways or utility easements provided however, that up to fifty percent (50% ) of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent.

Active open spaces for recreational purposes should not-be less than six thousand (6,000) square feet in area.

Any portions of the PUD side, if deemed environmentally significant, may, upon review by the Planning Commission, be preserved in their natural state.

**Homeowners' Association:** Homeowners' associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government.

If the developer chooses to institute a homeowners' association, the following minimum criteria must be met:

1. The homeowners' association must be set up before the homes are sold.
2. Membership must be mandatory for each home buyer and any successive buyer.
3. The open space restrictions must be permanent, not just for a period of years.
4. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
5. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
6. The association must be able to adjust the assessment to meet changed needs. The above stipulations have the advantage of insuring the economic viability of the homeowners' association and preserving open space areas within the community.

The developer must file a restrictive covenant with the Register of Deeds at the time the final plan is approved, guaranteeing those open spaces, included in the final plan will remain open for their designated purpose, or for other open space uses desired by the homeowners' association.

**Environmental Design Requirements:** The Planning Commission shall require the following in accordance with applicable provisions of this Ordinance:

The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation and the planting of vegetation or placement of protective cover on slopes of twenty percent (20%) or greater grade to minimize hillside erosion resulting from residential development and consequent streets and walkways.

**Traffic Circulation:** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUDs should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

**Private Streets:** Private streets, particularly in PUDs must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radii. Those developments with homeowners' associations may maintain private streets within the development through agreements of indenture. All private streets can deviate from existing public street standards if, upon review and recommendation by the fire chief, sheriff, county drain commission, road commission and the Planning Commission authorizes such modifications within the PUD, and health, safety and welfare requirements are met.

For purposes of utility easements, all private streets in the PUD with underground utilities should be dedicated to the local government, which will maintain these streets.

Private streets may be dedicated into the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards, and agree to dedicate these streets without compensation from the local government. The following residential street standards should be adhered to, unless modification is permitted by the Planning Commission.

Table E. Residential Street Standards

Type of Street	Uses Served	Required Footage	
		Row	Pavement
Residential dead end or local street	1 - 6 dwellings	30	18
	7 - 20 dwellings	40	24
	21 - 50 dwellings	50	30

Residential Collector	51 - 200 dwellings	60	36
Neighborhood Collector	Over 200 dwellings or any commercial use	60	36

These standards are commensurate with traffic flow and safety standards for various densities.

**Parking Standards:** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:

1. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each.
2. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
3. Parking areas shall be screened from adjacent roads, structures and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls.
4. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
5. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
6. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission.
7. All areas shall be marked so as to provide for orderly and safe loading, parking and storage.
8. All parking areas shall be adequately graded and drained to dispose of all surface water without erosion, flooding or other inconveniences .

**Perimeter Treatment:** To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30) foot buffer zone shall be established on the perimeter of the development, in which no structures will be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation is not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.

**Section 19.8 General Standards**

The principal advantage of a PUD, flexibility in design, should be followed in determining general building and site standards. These should conform to minimum performance criteria rather than to specific building code dimensions and requirements found in established residential zones. The following guidelines shall be established in the determination of structural siting on lots; reduction of spacing is based upon standards within the existing zones.

**Building Spacing:** When the building is designed to provide adequate privacy to its residents including adequate window space, there may be a reduction in the spacing of buildings. Those residents which have no windows or windows at higher levels, and have adequate light and ventilation from other areas of the room, may decrease building spacing. Residences incorporating effective utility spaces in side yards should be eligible for reduced separation between houses. Where building configurations incorporate the above criteria, and have unusual shapes, the spacing of structures may be reduced.

**Front Yard Requirements:** In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or through interior room design minimizing use of the front yard, front yard requirements may be reduced.

**Lot Width Requirements:** Those lots which have an awkward configuration, yet allow adequate light and ventilation between structures, may reduce their lot width requirements while maintaining adequate light, ventilation and access.

**Building Heights:** To insure adequate light, ventilation and open space amenities in the PUD, while allowing a variety of building types and densities, buildings heights should be part of the review process. However, to protect the character of the area, a maximum building height shall be no more than fifty (50) feet.

## **ARTICLE XX MOBILE HOME PARK REGULATIONS**

### **Section 20.1 Scope**

For the preservation of the interests of the various types of residential developments, which should be permitted in every community, and for the protection of the residents of any mobile home type development, these regulations are considered as minimum standards to be applied to all mobile home park developments in Krakow Township.

### **Section 20.2 Regulations**

All mobile home parks shall comply with the applicable requirements of Act 419 of the Public Acts of Michigan, 1976 as amended and shall adhere to Mobile Home Commission Rules of the Michigan Department of Commerce.

a. **Permits:** Each proposed mobile home park shall apply to the Planning Commission for a site permit.

b. **Setback:** If located near a lake or stream, a seventy-five (75) foot setback from the high-water mark will be required for all units.

## **ARTICLE XXI ADMINISTRATION AND ENFORCEMENT**

### **Section 21.1 Enforcement**

The provisions of the Ordinance shall be administered and enforced by a Township Zoning Administrator and/or deputy of same, designated and appointed by the Township Board. Said Zoning Administrator and/or deputy shall be compensated, subject to conditions and rate of pay as determined by the Township Board. The Zoning Administrator shall, among other duties, issue all permits and notices of violations provided for in this Ordinance.

If the Zoning Administrator shall find any violations of this Ordinance existing within the Township, he shall notify in writing the person or persons responsible for such violations, indicating the nature of the violation and ordering any and all action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings and structures or of illegal additions, and/or alterations. The Zoning Administrator shall also order discontinuance of illegal work in progress and shall take any further actions necessary to cause conformance with the requirements and intent of this Ordinance.

The Zoning Administrator or his Deputy is the authorized local officer responsible to issue citations to those responsible for committing municipal civil infractions as defined by Section 24.3 Violation-Penalty. *(effective December 23, 2000)*

### **Section 21.2 Fees in General**

Except as otherwise provided for in this Ordinance, the Township Board shall, by resolution, adopt a fee schedule to be charged for all permits, certificates, and official actions required (such as administration of appeals). The Board may revise said fees, by resolution, provided public notice of such change is published in a newspaper having general local circulation. Said notice is to appear not more than thirty (30) days nor less than eight (8) days prior to the effective date of these revisions.

These fees shall be collected by the proper official prior to issuance of any permit or certificate and no permit is valid until the appropriate fee has been paid.

### **Section 21.3 Zoning Permits**

No building shall be constructed, altered, enlarged upon, or moved, except as otherwise provided for in this Ordinance, without a permit issued by the Zoning Administrator. No permit shall be issued except in strict conformance with the regulations set forth in this Ordinance.

The Zoning Administrator shall have the authority to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be illegal for the Zoning Administrator to issue any permits or approve any plans for construction or excavation until he has inspected such plans in detail and finds them to be in conformance with this Ordinance.

A zoning permit only is required for building or alteration of farm outbuildings .

A permit from the County Building Official is required for removal or demolition of existing buildings.

A zoning permit is not required for modifications, when the dimensions of the structure being modified are not increased. A building permit may be required.

A zoning permit is not required for construction of deer blinds. Yard setbacks for the zoning district where the deer blind is located will be adhered to.

### **Section 21.4 Zoning Permit Request Procedures**

The Zoning Administrator shall require that every application for a permit for construction or alteration of buildings, or change in type of use or type of occupancy be filed in triplicate and accompanied by a written statement and dimensioned plats or plans drawn to scale showing the following:

1. The actual shape, dimensions, location and description of the parcel.

2. The shape, size, location and dimensions of all buildings and structures to be constructed, altered, and of any buildings currently existing on the parcel.

3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.

4. The signature of the fee holder owner of the premises concerned.

5. Other such information concerning the premises or adjoining property as is deemed necessary by the Zoning Administrator to properly enforce the requirements of the Ordinance.

Two copies of the application shall be returned to the applicant by the Zoning Administrator. If the application does not conform to the Ordinance, all copies shall be marked as disapproved and signed by the Zoning Administrator. One (1) copy shall be retained and maintained on file by the Zoning Administrator for public inspection upon request during normal business hours.

**Section 21.5 Expiration**

The approved zoning permit shall expire if the building permit has not been obtained within a period of twelve (12) months from the date of issuance.

**Section 21.6 Conformance with Approved Plans**

Permits issued on the basis of plans and applications approved by the Zoning Administrator shall apply only to those uses, arrangements, and construction authorized in the permit. All other uses and structures at variance with the authorized permit shall be deemed in violation of this Ordinance and punishable as provided in **Section 24.3**.

## **ARTICLE XXII NONCONFORMING USES**

### **Section 22.1 Statutes of Nonconforming Uses**

Any lawful nonconforming use existing at the time of enactment of this Ordinance may be continued, provided, however, that except in the case of dwellings and farm buildings, the building or the lot involved shall not be structurally altered or enlarged unless such revised structure conforms to the provisions of this Ordinance for the district in which it is located and provided, further that this section shall not prohibit structural alterations as required by law.

### **Section 22.2 Reconstruction of a Nonconforming Use**

Nothing in this Ordinance shall prohibit the reconstruction, repair, or restoration of a nonconforming dwelling, building, mobile home, travel trailer and other such similar vehicles or structures, damaged by fire, explosion, collapse, or acts of public enemy, subsequent to the effective date of this Ordinance, provided that the cost of such reconstruction or repair shall not exceed two-thirds (2/3) of the fair valuation of the entire building or structure at the time the damage occurred. The fair valuation shall be determined by a certified appraiser, whose decision shall be subject to review by the Zoning Board of Appeals. Such restoration shall begin within nine (9) months of the date on which damages occurred. The reconstructed nonconforming use must be identical with the use of such property at the time of, and directly preceding said damage.

When a delay in reconstruction or repair is caused by pending insurance claims, the Zoning Administrator may extend the time limitations for beginning of work on a damaged nonconforming structure providing the property owner presents to the Zoning Administrator a written certification from the insurance company attesting to the delay.

### **Section 22.3 Required Barriers**

Until such time as debris from the damaged building or structure is completely removed or repaired, the owner shall be required to provide a barrier which will adequately prevent access by children attracted to the premises.

### **Section 22.4 Nonconforming Lots of Record**

If all other zoning requirements are met, the Zoning Administrator has the authority to issue zoning permits for nonconforming lots of record legally established prior to the effective date of this ordinance. If more than one contiguous lot is under the same ownership refer to **Section 4.8** of this Ordinance.

### **Section 22.5 Nonconforming Structures**

Where a lawful structure exists at the time of adoption of this Ordinance and does not conform to the minimum requirements of area, lot coverage, height, yards, location on the lot, or other requirements, such structure shall be allowed to exist, provided it is otherwise lawful, and shall be subject to the following provisions:

1. Such nonconforming structure shall not be enlarged or expanded in a way which increases its nonconformity, without prior approval from the Zoning Board of Appeals; its size, however may be increased or decreased in a manner which brings it into greater conformance with this Ordinance.

2. Should such structure be moved for any reason and for any distance, it shall therefore conform to the regulations for the district in which it is located after it is moved; a zoning permit must first be obtained from the Zoning Administrator as required by Section 21.3 of this ordinance; and the applicant shall comply with all deadlines set forth in the zoning permit by the Zoning Administrator.

### **Section 22.6 Nonconforming Uses of Land**

Where, at the time of passage of this Ordinance, a lawful use exists which does not conform to the provisions of this Ordinance, and where such use involves no structure or building which normally requires a building permit, the use may be continued as long as the following provisions are adhered to:

1. No such nonconforming use shall be enlarged or expanded to occupy a greater proportion of the lot area than that which was occupied at the effective date of this Ordinance.

2. No such nonconforming use, in whole or in part, shall be moved from one (1) portion of the property to another portion of the property after the effective date of this Ordinance.

3. No such nonconforming use shall be allowed to be abandoned or cease to be used for a period of twelve (12) months or longer. If such abandonment or cessation occurs for twelve (12) months or longer, the use must then conform to the regulations of the district in which such use is located.

4. Any structures which do not conform to the provisions of this Ordinance shall not be erected in connection with such nonconforming use of land.

### **Section 22.7 Nonconforming Uses of Structures**

If a lawful use involving individual structures normally requiring a building permit, or of structure and premises in combination, exists at the time of adoption of this Ordinance and would not be normally allowed in the district in which such structure is located, such lawful use may be continued as long as it remains otherwise lawful, subject to the following requirements :

1. Any existing structure or building existing at the time of adoption of this Ordinance, and not in conformance with the provisions of the district in which it is located, shall not be allowed to be expanded, altered, moved or reconstructed except in changing the use of the structure to a use permitted within the district.

2. Any nonconforming use may be extended throughout any portion of the structure or building where such use was planned or provided for at the time of adoption of this Ordinance, but in no case shall the use be extended to occupy land outside such building or structure.

3. If no structural alterations are made, any nonconforming use of a structure or building may be changed to another nonconforming use, providing that the new nonconforming use of the structure is as equally appropriate or more appropriate to the district in which such structure or building is located as determined by the Board of Appeals. Whenever a nonconforming use of a structure has been changed to a conforming use of a structure, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use of a structure .

4. Where nonconforming use status applies to the use of the structure and the land upon which the structure is placed, the removal of the structure shall automatically eliminate the non conforming status of the land.

### **Section 22.8 District Boundary Changes**

When district boundaries shall hereinafter be changed by Amendment, any existing nonconforming use of a structure or building may continue, but shall be subject to all other provisions of this Ordinance.

### **Section 22.9 Buildings Under Construction**

Nothing in this Ordinance shall require any change in the erection or an intended use of a building or structure, which is nonconforming under this Ordinance, for which zoning permit and/or special use permit has been issued prior to the adoption of this ordinance.

## **ARTICLE XXIII BOARD OF APPEALS**

### **Section 23.1 Authority**

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Act 184 of 1943 (the Township Rural Zoning Act), as amended. The Board of Appeals shall perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety and welfare assured and justice served.

### **Section 23.2 Board Membership**

The Township Board of Appeals shall consist of the following five (5) members:

1. The first member of the Board of Appeals shall be a member of the Township Planning Commission, nominated by the Planning Commission, and approved by the Township Board.
2. The second member shall be a member of the Township Board appointed by the Township Board.
3. The three remaining members shall be selected and appointed by the Township Board from among the electors residing in the Township.
4. An employee of or contractor to the Township, may not serve as an employee or member of the Township Board of Appeals.
5. An alternate from the Planning Commission and from the Township Board shall be designated by the Township Board to act as alternates for their representatives. A third alternate will be designated by the Township Board to act as alternate for the remaining three members of the Board of Appeals.

### **Section 23.3 Expenses**

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

### **Section 23.4 Terms of Office**

The term of each member shall be for three (3) years.

Members of the Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself or herself from any vote in which he or she has a conflict of interest. Failure to do so shall constitute misconduct in office.

### **Section 23.5 Required Hearings**

The Board of Appeals shall hear and decide all matters properly referred to the Board, or upon which the Board is required to act, under any Ordinance adopted pursuant to Act 184 of 1943, as amended.

### **Section 23.6 Majority Vote**

The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which they are required to pass under any such Ordinance, or to effect any variation in such Ordinance.

### **Section 23.7 Board Meeting**

The Board of Appeals shall not conduct business unless a majority of members are present. Meetings shall be held at the call of its chairman, and at other such times and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings, and shall keep records of its findings, proceedings at hearings, and other official action, all of which shall be immediately filed in the office of the

Township Clerk and shall be a public record. The Board of Appeals shall adopt its own rule of procedure for its meeting.

### **Section 23.8 Appeal**

The Board of Appeals shall, when called upon, act on all appeals that may be taken by any person aggrieved, or by an officer, department, board, or bureau of the County or State. It shall hear and decide appeals from, and review any order, requirement, decision, or determination made by an administrative official and/or the Planning Commission charged with enforcement of any ordinance adopted pursuant to the provisions of Act 184 of 1943 as amended.

**Grounds for Appeal:** The grounds for any such determination shall be stated in the records of the Board's proceedings.

**Timing of Appeals:** An appeal shall be taken within such time as shall be prescribed by the Board of Appeals by filing with the officer from whom the appeal is taken and with the Board of Appeals' written notice of appeals specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

**Stays:** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court or application, on notice to the Zoning Administrator and on due cause shown.

**Time, Notices, Appearance:** The Board of Appeals shall fix a reasonable time for the hearing of an appeal, and shall give due notice thereof to all parties concerned. Any party may appear at the hearing in person, or may be represented by his agent or attorney. The Board shall render a decision within a reasonable period of time.

In deciding upon matters referred to, or upon which it is required to act under this Ordinance, the Board of Appeals shall, after public notice and hearing, take into consideration the public health, safety, and general welfare and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance and the Act 184 of 1943, as amended.

**Applications for Appeals:** Applications for appeals and/or variances along with fees determined by the Township Board shall be filed in triplicate with the Zoning Administrator. The application shall consist of a written, signed statement of the nature of the appeal, dimensioned plats or plans prepared in accordance with **Section 21.4** of the Ordinance, and any other pertinent information required by the Zoning Administrator. The Zoning Administrator shall have five (5) working days to review the submitted application and forward it to the Board of Appeals or contact the appellant for additional information.

Upon receipt from the Zoning Administrator of an application for an appeal the Board of Appeals shall schedule a hearing, publish a notice of it in a local paper and notify in writing the parties affected by the appeal. The hearing shall be held as soon as possible, but not later than thirty (30) days from the receipt of the request by the Board of Appeals.

### **Section 23.9 Powers of the Board**

The Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in a particular case; and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

### **Section 23.10 Granting of Variances**

Where there are practical difficulties or unnecessary hardships deterring the carrying out of strict interpretation of this Ordinance, the Board of Appeals shall have the powers, in passing on appeals to vary or modify any of the rules, regulations and provisions of the Ordinance, by granting variances, provided that any variation granted from this Ordinance:

1. Will not be contrary to the public interest.
2. Will not permit the establishment within a district of any use which is not permitted by right within that district.

3. Will not cause a substantially adverse effect upon property values.
4. Will relate only to the property under control of the appellant.
5. Will not jeopardize the preservation of a substantial right, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
6. Will not adversely affect the intent of this Ordinance.
7. Will not impair the adequate supply of air and light to any adjacent property.
8. Will not increase the hazards from fire, flood or other natural or man-made dangers.
9. Will not increase traffic congestion.
10. Will not produce nuisance conditions to occupants of nearby premises, whether by reason of dust, noise, fumes, odors, vibration, smoke or excessive light.
11. Will not otherwise impair the public health, safety and general welfare of the residents of Krakow Township.

The Board of Appeals, in hearing and deciding appeals, shall have the authority to:

1. Permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established.
2. Permit the modification of the off-street motor vehicle parking space and loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
3. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape and size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soils and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste.
4. Permit the modification of site plan design standards, as may be established in this Ordinance, where physical hardship and unusual circumstances peculiar to the property in question exist.

### **Section 23.11 Approval Periods**

No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, 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 23.12 Final Action on Appeals**

The decision of the Board of Appeals shall not be final, and any person aggrieved by such decision shall have the right to petition the Circuit Court on question of law and fact.

### **Section 23.13 Fees**

The Township Board may, from time to time, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Zoning Administrator.

**ARTICLE XXIV  
INTERPRETATIONS, SEVERABILITY, PENALTIES, AMENDMENTS, RIGHTS  
AND REMEDIES, GENERAL RESPONSIBILITY, AND ENACTMENT AND  
EFFECTIVE DATES**

**Section 24.1 Interpretation**

The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. It is not the intent of this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance other than the previous Krakow Township Zoning 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 buildings or premises, providing, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinances or rules, regulations or permits, the provisions of this Ordinance shall take precedence. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary in the preservation or protection of the public's health, safety and welfare.

**Section 24.2 Severability**

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. In any part, article, section, sentence, phrase or clause adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

**Section 24.3 Violation-Penalty**

A violation of the Ordinance is a municipal civil infraction, for which the fine shall be not more than \$500 for the first offense and not more than \$500 for a subsequent offense, in the discretion of the court and in addition to all other costs, damages, expenses and other remedies provided by law. For the purpose of this section a subsequent offense means a violation of this Ordinance committed by the same person or party within one year after a previous violation of the same provision of this Ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

Land and dwellings, buildings or structures including tents, trailer coaches and mobile homes, used, erected, altered, raised or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.

**Section 24.4 Amendment to this Ordinance**

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 184 of the Public Act of 1943, as amended. Proposals for amendments may be initiated by the Township Board, the Planning Commission, or by petition of twenty-five (25) or more property owners in Krakow Township affected by such proposed amendment.

**Section 24.5 Processing of Amendment**

The procedure for amending this Ordinance shall be as follows:

1. Each petition shall be submitted to the Township Board, and then referred to the Planning Commission at the next regularly scheduled meeting or at a special meeting called for such purpose by the Township Board.

2. If the Planning Commission deems it necessary and proper, it shall conduct a public hearing, the notice of which shall be given by one (1) publication in a newspaper of general local

circulation. Said newspaper notice shall be published not less than fifteen (15) days prior to the date of public hearing.

3. If the property involved adjoins another unit of government, the proper officials are to be given notice of the public hearing at a reasonable time before the public hearing date and shall also be given an opportunity to comment on any coordinated action or review deemed necessary.

4. In rezoning matters, notices of the public hearing shall be mailed by first class mail to property owners, as reflected on the Township's tax roll, or tenants of property which lies within three hundred (300) feet of the property to be rezoned.

5. Following the public hearing the Planning Commission shall transmit its recommendations to the Township Board. Any property owner or tenant who has filed to the Township Board a written request to be heard on the proposed amendment shall be heard by the Township Board at its meeting at which the proposed amendment is to be considered.

6. A petition for rezoning can be submitted once within a twelve (12) month period, unless new facts arise, which would cause change in the opinion of the Township Board.

#### **Section 24.6 Rights and Remedies**

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

#### **Section 24.7 General Responsibility**

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

#### **Section 24.8 Enactment and Effective Date**

The foregoing Zoning Ordinance and Zoning Maps were adopted at a meeting of the Krakow Township Board, on December 8, 1998, after approval of the same by the Krakow Township Planning Commission following a public hearing on September 10, 1998.

The effective date of this Ordinance is January 17, 1999.

SUPERVISOR: David J. Wiza,  
CLERK: Elaine M. Misiak,  
TREASURER: Rimantas B. Strolis  
TRUSTEES: Gertrude J. Kroll and Carol J. Robarge

