

# ZONING ORDINANCE

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**ZONING ORDINANCE OF LARKIN TOWNSHIP  
MIDLAND COUNTY, MICHIGAN**

An ordinance to establish zoning districts within the unincorporated portion of the Township of Larkin, Midland County, Act No. 184, of the Public Acts of the State of Michigan for the year 1943, as amended, and to regulate and encourage and prohibit certain uses of the land therein and regulate and limit the location, size, area and height of buildings thereon and to provide for the administration and enforcement thereof.

The Township of Larkin, Midland County, Michigan, pursuant to the authority vested in it by Act 184 of the Public Acts of the State of Michigan of 1943, as amended, ordains:

**Article 1. Title.**

This Ordinance shall be known and may be cited and referred to as the "Larkin Township Zoning Ordinance."

**Article 2. Definitions.**

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, words used in the plural number include the singular number.

Accessory Building - any subordinate building such as private garages and farm buildings located on the same lot with the main buildings, or any portion of the main building if said portion is occupied or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner by a roof or wall, such accessory building shall be considered part of the main building for the purpose of determining the required dimensions of yards.

Accessory use - any use customarily incidental to the main use of the premises.

Agriculture - the use of land for tilling of the soil, the raising of tree and field crops and animal husbandry.

Alley - a public thoroughfare or way, which affords only a secondary means of access to abutting property.

Alteration - any change in usage, or location, or square footage, or height of building, or any change in the supporting members of a building or structure as outlined by the building and electrical or plumbing permits.

Automobile or Trailer Sales Area - any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.

Basement - that portion, of a building partly below grade, but so located that the vertical distance from grade to the floor is greater than the vertical distance from grade to ceiling.

Building - an independent structure with or without a roof supported by columns or walls resting on its own foundation.

Building Envelope - the three dimensional space within which a structure is permitted to be built and that is defined by the dimensional regulations of this Ordinance.

Condominium Act - means Act 59 of 1978, as amended.

Condominium Plan - the drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature, location, and size of common elements. For the purpose of this Ordinance, a condominium plan shall be equivalent to the term "condominium subdivision plan" as defined by MCL 559.104.

Condominium Project - a plan or project consisting of not less than two condominium units established in conformance with the provisions of the Condominium Act, Public Act 59 of 1978, as amended.

Condominium Unit - that portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. In condominium projects where a condominium unit(s) will consist of a building envelope, the term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance with the provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.

Development - the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.

Dwelling - any building or portion thereof, which is occupied wholly as the residence or sleeping place of any family. It may be erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, designed primarily for the shelter, support or enclosure of persons.

Family - Any number of persons living together in a single housekeeping unit, and related by blood, marriage, adoption, or guardianship, including live-in domestic employees thereof; or, up to five persons who need not be related, living together in a dwelling unit.

Farm - any parcel of land that is used for the commercial production of field and/or tree crops, livestock, poultry, and/or dairy products.

Farm Buildings - any detached accessory building or a portion of a main building used for the storage or housing of farm implements, produce or farm animals.

Farm Premises - land used for agricultural purposes operated as a unit. Property need not be contiguous.

Garage (private) - a structure for the storage principally of noncommercial vehicles, having no public shop or service in connection therewith, the private noncommercial use solely of the owner or occupant of the principal building on a lot or of his family or domestic employees.

Garage (public) - any garage other than a private garage, available to the public, operated for gain and/or, which is used for storage, rental, greasing, washing, servicing, adjusting or repairing of machinery, motor vehicles and trailers.

Gasoline Station - a building or structure designed for or used for the retail sale or supply of fuels, lubricants, air, water, tires and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including space or facilities for the storage, repair, refinishing or other service thereof.

Home Occupation - it is intended that home occupation be practiced in such a way as to not change the residential character of a neighborhood. A home occupation is conducted within a dwelling by its occupants in accord with section 15.15.

Junk Yard - an establishment or premises where more than one (1) inoperable, dismantled, or partially dismantled vehicle, appliance, or machine, or parts therefrom, or any metal or other material that is damaged, deteriorated or is in a condition such that it cannot be used for its original purposes is bought, sold, and/or stored out of doors for more than thirty (30) days. A vehicle, appliance or machine is inoperable if incapable of being used for its intended purposes; or, in the case of vehicles, lacking a current license or registration or failing to meet the regulations for use on public roads as detailed in Michigan Vehicle Code, being Act 300 of 1949 as amended.

Kennel - Any lot or premises on which five (5) or more dogs of more than six (6) months of age are confined and kept, temporarily or permanently, for any purpose, including boarding, sale, treatment or training.

Line: Building Line - a line across the width of a lot behind which all buildings must be located. The building line will be parallel to a straight front lot line or parallel to a line that joins the two (2) corners of a non-straight lot front line.

Line: Front Lot Line - a line dividing the lot from an approved road. On a corner lot the shorter road line shall be deemed the front lot line.

Line: Rear Lot Line - the lot line opposite the front lot line.

Line: Road Lot Line - any line separating a lot from a road.

Line: Side Lot Line - any line other than front or rear lot lines.

Lot - a parcel of land on which one principal building and its accessories are placed or are intended to be placed, together with the required open spaces.

Lot: Corner Lot - a lot of which at least two adjacent sides abut for their full length upon a road, provided that such two sides intersect at an angle of not more than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the road line, intersect at an interior angle of not over 135 degrees. In the case of a corner lot with a curved road line the corner shall be considered to be that point on the road lot line nearest to the point of intersection of the tangents here described.

Lot: Lot Area - that area back of the right of way line and bound by side and rear lot lines.

Lot: Interior Lot - a lot other than a corner lot.

Lot: Lot of Record - a lot, of which the dimensions are shown on a document or map on file with the Register of Deeds of the County.

Master Deed - the condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium plan for the project. The master deed shall include all the information required by MCL 559.108.

Mobile Home - a detached single-family dwelling unit with all of the following characteristics:

1. Designed for long-term occupancy.
2. Containing sleeping accommodations, a flush toilet, a tub, or shower bath, and kitchen facilities, with plumbing and electrical connections provided for and attached to outside systems in accordance with the Larkin Building Code.
3. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.

4. Arriving at site to be occupied as a dwelling unit complete, and ready for occupancy except for minor and incidental location operations.

Nuisance - in general, those uses which have been declared a nuisance in any court of record or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

Non Conforming Building - any building or portion thereof lawfully existing at the time this Ordinance becomes effective and which now does not comply with its regulations.

Non-Conforming Use - any property use that was lawful at the time this Ordinance becomes effective and which now does not comply with its regulations.

Nursing or Convalescent Home - a building with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Parcel - a lot described by metes and bounds, on a condominium subdivision plan as a lot or unit or on a recorded plat.

Private Road - a way or means of approach which provides access to two or more principal buildings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Parking aisles and parking lot maneuvering lanes shall not be construed to be private roads. See Sections 15.8.3 and 15.8.4.

Public Road - a way or means of approach which provides access and which is constructed to the Midland County Road Standards and is dedicated for general public use and maintained by the Midland County Road Commission.

Public Utility - any person, firm or corporation duly authorized to furnish and furnishing under State or Township regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water or sewer.

Removal of Gravel, Sand, Topsoil or Earth - premises from which rock, gravel, sand, topsoil or earth in excess of thirty (30) cubic yards is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway right-of-way.

Right of Way - a public or private thoroughfare or easement of access for vehicle travel, which has an exit onto a road or street.

Right of Way Line - shall be the established right-of-way line, or in the event there is no established right-of-way line for a road, the said right-of-way line shall be deemed to be thirty-three (33) feet from the center of the road.

Rooming or Boarding House - a dwelling in which not more than two persons are lodged for rent, with or without meals.

Sanitary Land Fill - the disposal of waste materials by burying said materials and providing a level cover of soil harmonious with existing drainage and sufficient to control odors, rodents, insect nuisances and other hazards, provided that such material shall neither be disposed of nor prepared for disposal by burning on the site.

Shall - the word "shall" is always mandatory and not merely directive.

Sign Area - the face area enclosed by an outline, which defines the extreme points or edges of a sign; excluding the supporting structure.

Sign-Directory - a sign containing only the names of the businesses or establishments located within a single structure designed for multiple uses or within a platted commercial or industrial subdivision.

Sign-Ground - a sign supported by one or more uprights, poles, or braces placed in or upon the ground surface, and not attached to any building.

Sign Off Premise Advertising - a sign that contains a message unrelated to any business, profession, commodity, service or entertainment conducted, sold, or offered upon the premises where such sign is located.

Sign-Permanent - any outdoor display, advertising device, figure, painting, drawing, message, placard, poster, billboard, logo or other thing which is (1) designed or intended to advertise or inform; (2) direct attention to an object, product, place, activity, person, institution, organization or business, and (3) be utilized for greater than sixty (60) days. Any sign not meeting this criteria and other conditions outlined in Section 15.14 (Signs: General Provisions) shall be a maximum of eight (8) square feet in size.

Sign-Temporary - a sign of less than eight (8) square feet in size that is not permanent. Examples of temporary signs shall include but are not limited to seasonal produce sales signs, special events signs, and campaign signs.

Sign-Wall - a sign affixed directly to or painted on, or otherwise inscribed on, an exterior wall of any building, and confined within the limits thereof, and which projects from the surface less than eighteen (18) inches at all points.

Temporary Structure - that which is built or constructed, an edifice or building of any kind, which is not more than one hundred (100) square feet in size and which remains fully constructed for not more than forty five (45) successive days.

Variance - a modification of the specific regulations of this Ordinance granted by resolution of the Zoning Board of Appeals in accordance with the terms of this Ordinance.

Vehicle - a machine that is, has been, or must be licensed to operate on the roads and highways of the State of Michigan.

Wireless Communication Facility - A structure, skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, electronic, wave or any other form of telecommunication signals, including all accessory or incidental structures, buildings and improvements. Not included within this definition are radio, telephone, cellar telephone, television, electronic, wave or satellite structures or dishes maintained as an accessory use to properly zoned residential or commercial buildings existing on the same parcel and which are of a height of 85 feet or less above grade level. Radio, telephone, cellar telephone television, electronic, wave or satellite dishes or structures maintained as an accessory use to residential or commercial buildings located on the same parcel and which are of a height of greater than 85 feet above grade level are wireless communication facilities. All radio, telephone, cellar telephone, television, electronic, wave or satellite dishes or structures, together with their supporting structures and equipment, which are the principal use of a parcel, regardless of height, are wireless communication facilities.

Yard - a space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted under this Ordinance, on the same lot with a building or structure. Yard measurements should be the minimum horizontal distance.

Yard - Front - a yard extending across the full width of a lot between the front lot line and the nearest line of the main building.

Yard - Rear - a yard extending across the full width of a lot between the rear lot line and the nearest line of the main building.

Yard - Side - a yard between the side lot line and the nearest line of the main building or of an accessory building attached hereto.

### **Article 3. Establishment of Zones and Zoning Map.**

3.1 Zones - For the purpose of this Ordinance, all of the area in the Township of Larkin is hereby divided into the following types of zones, to be known as, and having the following symbols:

Zone	I	Residential "A"
Zone	II	Residential "B"
Zone	III	Residential "C"
Zone	IV	Residential "D"
Zone	V	Agricultural
Zone	VI	Professional Office and Service
Zone	VII	Commercial "A"
Zone	VIII	Commercial "B"
Zone	IX	Industrial "A"
Zone	X	Industrial "B"



The areas assigned to these zoning districts, the designation of same and the boundaries of said zoning districts shown on the map hereto attached and made part of this Ordinance are hereby established. Said map being designated as the "Map Showing Zoning Districts in Larkin Township, Midland County, Michigan," and said map and the proper notations, references and other information shown thereon, shall be a part of this Ordinance.

3.2 Boundaries, Districts - Unless otherwise shown, the lines of zoning districts shall follow along the lines indicated on the United States land Survey Maps, or the lines of customary legal subdivisions of sections of land or the center line of roads or waterways, shorelines or water bodies or the boundary lines of legal record on the date of enactment of this Ordinance, or the extension of any such lines.

#### **Article 4. Zone I (Residential "A")**

4.1 Uses Permitted - Within a Residential "A" Zone, no buildings or structures or part thereof shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise and no building, structure, land, premises or part thereof shall be used for a purpose other than as permitted by the provisions of this article as follows:

1. Principal uses and buildings.
  - A. Single family dwellings complying with the following minimum criteria:
    1. Not more than two (2) roomers or boarders may be housed by a resident family.
    2. They must be firmly attached to a permanent foundation constructed on site in accordance with the Larkin Building Code.
    3. They shall contain no additions or rooms or other areas, which are not constructed with similar quality standards as the original structure.
    4. They shall meet all specifications enumerated in any Federal, State or County standards, rules, or codes.
    5. Dwellings built off site shall be installed pursuant to manufacturers set up instructions.
    6. Mobile home dwellings shall be installed with the wheels removed, and in addition, they shall have no exposed towing mechanism, undercarriage or chassis.
  - B. Farming.

C. Churches, public and parochial schools non-profit or co-op day nursery schools when operated in a public or semi public building.

D. Parks, golf courses, tennis courts and similar recreational uses, all of non-commercial nature.

E. Private swimming pools: pool area to be fenced with a four (4) foot minimum height fence and a lockable gate. Said fence shall be constructed in a manner so as to keep children from entering the pool area.

F. Civic, cultural, recreational and municipal buildings and water towers when authorized by the Zoning Board of Appeals.

G. Home occupation in accordance with the provisions and regulations of Article 15.15 of this Ordinance.

H. Municipal Buildings.

2. Accessory uses and buildings.

A. Private garages.

B. Farm buildings.

C. Farm animals and poultry on a non-commercial basis.

D. A temporary structure for the sale of farm produce grown on the immediate premises.

E. Storage buildings.

F. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

4.2 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

4.3 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities

**Article 5. Zone II (Residential "B")**

5.1 Uses Permitted - Within any Residential "B" Zone, no buildings or structures or part thereof, shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise and no buildings, structure, land, premise or part thereof, shall be used for a purpose other than is permitted by the provisions of this Ordinance.

1. Principal uses and buildings.
  - A. Residential "A" uses except as herein modified.
  - B. Two family dwellings.
  - C. Apartment buildings.
  - D. Non-profit private schools and colleges having a curriculum equivalent to public schools, licensed day care nursery schools, and convalescent homes when authorized by the Zoning Board of Appeals.
2. Accessory uses and buildings.
  - A. Residential "A" accessory uses and buildings except as herein modified.
  - B. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.
  - C. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

5.2 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

5.3 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities

**Article 6. Zone III (Residential "C")**

6.1 Uses Permitted - Within any Residential "C" Zone, no buildings or structures or part thereof, shall hereafter be erected, constructed, reconstructed, altered or moved

upon a premise and no buildings, structure, land, premise or part thereof, shall be used for a purpose other than is permitted by the provisions of this Ordinance.

1. Principal uses and buildings.
  - A. All uses permitted in Residential "A" and Residential "B" Zones shall be permitted in Residential "C" Zone, and in addition thereto trailer parks shall be permitted.
2. Accessory Uses.
  - A. Residential "A" and "B" accessory uses except as herein modified.
  - B. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.
  - C. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

6.2 Building Height, Area, Yard and other Regulations.

1. All building and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

6.3 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities

**Article 7 Zone IV (Residential "D")**

7.1 Intent - The intent of the Residential D Zone is to provide areas within the Township for very low-density single-family use within which moderate flexibility is provided for rural type activities such as the non-commercial raising and housing of farm animals.

7.2 Uses Permitted - Within any Residential "D" Zone, no buildings or structures or part thereof shall hereafter be erected, constructed, reconstructed, altered or moved upon premises and no building, structure, land, premises or part thereof shall be used for a purpose other than as permitted by the provisions of this Ordinance.

1. Principal uses and buildings
  - A. Residential "A" uses except as herein modified.
  - B. Ponds.

- C. Farming.
- 2. Accessory uses and buildings
  - A. Residential "A" accessory uses and buildings except as herein modified.
  - B. Accessory buildings customarily incidental to the above permitted uses.
  - C. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.
  - D. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.
  - E. Private stables, private kennels and other similar types of shelter for animals.

7.3. Building Height, Area, Yard and Other Regulations.

- 1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

7.4. Uses Allowed by Special Use Permit.

- 1. Wireless Communication Facilities

**Article 8. Zone V (Agricultural Zone)**

8.1 Uses Permitted - Within any agricultural zone, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, altered, or moved upon a premise and no building, structure, land premise or part thereof shall be used for a purpose other than is permitted by the provisions of this Ordinance.

- 1. Principal uses and building.
  - A. Residential "A", "B", "C", and "D" uses except for trailer parks as allowed in Residential "C".
  - B. General farming, truck farming, fruit farms, orchards, nurseries and experimental farms.
  - C. Livestock and poultry farms.

E. Kennels, animal hospitals and riding stables, provided the operator and/or owners reside on the same parcel.

2. Accessory uses and building.

A. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

B. The sale only of such items as are produced on the premises shall be conducted within the dwelling or an accessory building that is not one primarily of retail sale character or use.

C. The killing or dressing of poultry raised on the premises for the occupant's own use shall be permitted in an accessory building.

D. The slaughtering and dressing of farm animals raised on the premises for the occupant's own use shall be permitted in an accessory building.

8.2 Building Heights, Areas, Yards and Other Regulations

1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

8.3 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities.

2. Golf courses of nine (9) or more holes.

**Article 9. Zone VI (Professional Office and Service)**

9.1 Statement of Purpose - It is the purpose of this zone to accommodate professional office and personal service uses in addition to residential and agricultural uses, which conform to the criteria herein set forth. It is also the intent of this zone to have criteria established to provide effective buffering of residential zoning districts when this zone abuts such residential districts.

9.2 Uses Permitted - Within any Professional Office and Service zone, no building, structure or part thereof shall be erected, altered or moved upon a premise which is intended or designed to be used in whole or in part for any other than one or more of the following purposes:

1. Personal service establishments, which perform services on the premises, such as barber and beauty shops, tanning salons and health clubs, childcare,

and nursing homes. Veterinary and other such services dealing with live animals are specifically excluded.

2. Professional offices in which personnel are engaged in one or more of the following activities: Medicine, dentistry, administration, legal, accounting, writing, clerical, insurance and similar professional enterprises, including both public and private.

3. Residential "A", "B", and "C" uses except trailer parks as allowed in Residential "C".

4. Essential services with the exception that water towers, telephone exchange and/or repeater buildings, gas regulator stations and regulator buildings, electric substations and substation buildings shall be specifically prohibited.

5. One (1) single-family residence as an integral part of the principal use building.

6. A complex or development including a multiple number of permitted uses within a principal structure where the structure complies with all aspects of the ordinance, and where each individual use is permitted within the Professional Office and Service zone.

7. No accessory uses and buildings are permitted in the Professional Office and Service district.

Uses listed in the previous subsections have not been intended to be regarded as neither all-inclusive nor all exclusive and are specifically cited as examples only.

### 9.3 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

### 9.4 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

3. Open air, outdoor storage shall not be permitted in this zone.

### 9.5 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities

**Article 10. Zone VII (Commercial "A")**

10.1 Statement of Purpose - It is the purpose of this zone to accommodate retail sales and commercial service uses in addition to residential and agricultural uses which conform to the criteria herein set forth. Allowable retail sales and commercial service uses will primarily offer goods and services that are regularly required by persons residing in adjacent residential areas.

10.2 Uses Permitted - Within any Commercial "A" zone, no building, structure or part thereof shall be erected, altered or moved upon a premise which is intended or designed to be used in whole or in part for any other than one or more of the following purposes:

1. Retail food establishments that supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises.
2. Other retail business such as drug, variety, dry goods, clothing, notions, hardware or music stores which supply commodities on the premises.
3. Maintenance and other service establishments that perform services on the premises, such as repair shops for shoes, radio, television, self-service laundries and photographic studios.
4. Banks and other financial offices including financial drive-in facilities.
5. Assembly buildings including fraternal organizations, auditoriums and private clubs.
6. Residential "A", "B", "C" and Professional Office and Service uses, except trailer parks as allowed in Residential "C".
7. Essential services with the exception that watertowers, telephone exchange and/or repeater buildings, gas regulator stations and regulator buildings, electric substations and substation buildings shall be specifically prohibited.
8. One (1) single-family residence as an integral part of the principal use building.
9. A complex or development including a multiple number of permitted uses within a principal structure where the structure complies with all aspects



of the ordinance and where each individual use is permitted within the Commercial "A" zone.

10. Accessory buildings and uses customarily incidental to any of the aforementioned uses, but not including assembly, manufacturing or treatment activities.

Uses listed in the previous subsections have not been intended to be regarded as neither all-inclusive nor all exclusive and are specifically cited as examples only.

### 10.3 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

### 10.4 Building Height, Area, Yard and Other Regulations.

1. All building and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

3. Open air, outdoor storage shall not be permitted in this Zone.

### 10.5 Uses Allowed by Special Use Permit.

1. Uses permitted by Special Use Permit in the Professional Office Service district.

## **Article 11. Zone VIII (Commercial "B")**

11.1 Statement of Purpose - It is the purpose of this zone to provide sites for commercial uses more extensive than the retail sales and commercial service variety. Allowable uses will generally cater to business and industrial customers as well as the general public. These uses may employ assembly, treatment and manufacturing operations, which are specifically incidental to the principal use, conducted within the principal structure on the site.

11.2 Uses Permitted - Within any Commercial "B" zone no buildings or structures or parts thereof shall be hereafter erected, constructed, reconstructed, altered, or moved upon a premise and no building, structure, land, premise or part thereof shall be used for a purpose other than is permitted by the provisions of this Article.

1. Any uses permitted in the Commercial "A" zone other than Residential "A", "B", "C", and "D", and any Professional Office and Service uses which include residences.
2. Contractor's offices with associated work areas strictly complying with the following criteria.
  - A. Work areas shall be contained within the principal structure that shall be wholly enclosed.
  - B. Assembly or fabrication operations shall be strictly limited to those that are specifically incidental to the primary use conducted in the principal structure on the site.
3. Essential services.
4. Funeral parlors and mortuaries.
5. Motels or motel-hotels.
6. Wholesale businesses.
7. Service establishments including printing, publishing, photographic reproduction and related trades or arts.
8. Commercial recreation facilities, such as indoor theaters, bowling alleys, skating rinks or other similar uses with the exception of outdoor theaters, which are specifically prohibited.
9. Servicing or repair of motor vehicles, trailers and boats when conducted within a wholly enclosed building.
10. Open air businesses such as the retail sales of plant materials, sales of nursery stocks and lawn and garden supplies.
11. Enclosed warehousing or mini storage establishments.
12. Restaurants, taverns and other eating or, drinking establishments, which provide food or drink and/or entertainment on the premises.
13. Automobile showrooms for new and used automobiles.
14. A complex or development including a multiple number of permitted uses within a principal structure where the structure complies with all aspects

of the ordinance and where each individual use is permitted within the Commercial "B" zone.

15. Accessory buildings and uses customarily incidental to any of the aforementioned uses.

16. Outdoor storage shall be permitted in accordance with the regulations of Article 15.8 of this Ordinance.

Uses listed in the previous subsections have not been intended to be regarded as neither all-inclusive nor all exclusive and are specifically cited as examples.

### 11.3 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

### 11.4 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building, height, area, yard and other regulations of Article 15.8 of this Ordinance.

2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

3. Screening is required according to the regulations of Article 15.8 of this Ordinance.

### 11.5 Uses Allowed by Special Use Permit

1. Uses permitted by Special Use Permit in the Commercial A district.

## **Article 12. Zone IX (Industrial "A")**

12.1 Statement of Purpose - This zone is designed to provide sites for manufacturing, assembly and fabrication operations more extensive than the types deemed to be purely incidental in nature. The types of uses allowable in this district will cause a minimum of adverse affects beyond the boundaries of the site upon which they are located.

12.2 Uses Permitted - Within any Industrial "A" Zone, no buildings, structure or part thereof shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise or part thereof shall be used for any purpose other than is permitted by the provisions of this Ordinance.

1. Production, processing, assembling, packaging or treatment of such products as: bakery goods, candy, cosmetics, food products, hardware and cutlery, tool, die, garage and machine products.
2. Production, processing, assembling, packaging or treatment of articles or products from the following previously prepared or semi finished materials: bone, hair fur, leather, feathers, fibers, plastics, glass, wood paper, cork, sheet metal or wire, tobacco and similar articles or products which are previously prepared or semi finished.
3. Manufacturing of pottery and ceramics.
4. Manufacturing and assembly of electronic instruments and equipment and electrical appliances and devices.
5. Laboratories including experimental and testing
6. Warehouses, storage buildings, and wholesale firms.
7. Accessory uses and buildings customarily incidental to any of the aforementioned uses.
8. Outdoor storage shall be permitted in accordance with the regulations of Article 15.8 of this Ordinance.

Uses listed in the previous subsections have not been intended to be regarded as either all-inclusive or all exclusive and are specifically cited as examples.

### 12.3 General Use Regulations

1. Allowable uses shall not emanate noise, smoke, odors, dust, dirt, noxious gasses, glare, heat, or vibration which would be a nuisance or annoyance to others or occupants of surrounding premises. Permitted uses shall be wholly contained within fully enclosed buildings except for permitted outdoor storage according to Article 15.8 of this Ordinance.

### 12.4 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

### 12.5 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building, height, area, yard and other regulations of Article 15.8 of this Ordinance.

2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.
3. Screening is required according to the regulations of Article 15.8.2 of this Ordinance.

12.6 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities.

**Article 13. Zone X (Industrial "B")**

13.1 Statement of Purpose - It shall be the purpose of this zone to provide sites for industrial activities, which by their nature may not be completely compatible with other surrounding land, uses and thereof, need to be buffered. This district is designed to permit the manufacturing, processing or assembly of semi finished or finished products from new materials as well as previously prepared materials. It is also designed to specifically prohibit residential uses and retail enterprises as being incompatible with the primary industrial and related uses that are permitted.

13.2 Uses Permitted - Within any Industrial "B" Zone, no buildings or structures or part thereof shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise, and no building, structure, land, premise or part thereof shall be used for any purpose other than is permitted by the provisions of this Ordinance.

1. Junk yards.
2. Gasoline and petroleum storage.
3. Redi-mix concrete and asphalt plants.
4. Stock yards and slaughterhouses.
5. Structural steel fabrication yards.
6. Storage yards for machinery, trucks, or equipment in operating condition.
7. Grain elevators.
8. Mining and incidental gravel processing operations.
9. Foundries.

10. Scrap metals reduction operations.
11. Power plants.
12. Animal food manufacturing operations.
13. Accessory uses and buildings customarily incidental to any of the aforementioned uses.
14. Outdoor storage shall be permitted in accordance with the regulations of Article 15.8 of this Ordinance.

Uses listed in the previous subsections have not been intended to be regarded as either all-inclusive or all exclusive and are specifically cited as examples.

### 13.3 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

### 13.4 General Use Regulations

1. All activities in this zone shall be carried on in completely enclosed buildings, or within completely and effectively screened outdoor area.
2. Uses in this zone shall conform to the following standards:
  - A. Emit no obnoxious, toxic or corrosive fumes or gases that are harmful to the public health, safety or general welfare; except those produced by internal combustion engines.
  - B. Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond the lot boundaries.
  - C. Produce no heat or glare to such an extent as to be detrimental to the health, safety and general welfare at or beyond the lot boundaries.
  - D. Produce no physical vibrations to such an extent as to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries.
  - E. Does not include in the manufacturing process any production or storage of any material designed for use as an explosive or in the use of any such material in production.

F. Shall conform to all local, state and applicable federal pollution control standards, including noise, air and water quality regulations.

13.5 Building Heights, Areas, Yards, and Other Regulations.

1. All buildings and uses must comply with the building, height, area, yard and other regulations of Article 15.8 of this Ordinance.
2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.
3. Screening is required according to the regulations of Article 15.8 of this Ordinance.

13.6 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities

**Article 14. Required Off Street Parking and Access**

14.1 Off Street Parking and Access - For each dwelling, business, commercial, industrial or other similar building hereafter erected or altered, and located on a public right of way in the Township and including buildings or structures used principally as a place of Public Assembly, there shall be provided and maintained suitable space off the right of way that is in general adequate for the parking or loading of vehicles in proportions shown in section 14.2 below, and such space shall be provided with safe exit to and safe entrance from a public thoroughfare.

14.2 Parking Spaces Required

1. Auto sales and service garages 1 space for each five-hundred (500) square feet of building area.
2. Barber shops and beauty shops - 3 spaces for each chair or booth.
3. Churches and places of Public Assembly - 1 space for each 5 seats.
4. Dance Halls, Private Clubs, Lodges, Fraternal buildings and other such places of frequent public assembly - 1 space for each 100 square feet of floor area.
5. Funeral Homes - 1 space for each 25 square feet of floor area of assembly rooms.

6. Furniture Sales, Retail - 1 space for each 500 square feet of floor area.
7. Hospitals and Rest: Homes - 1 space for each two (2) beds.
8. Hotels, Clubs, Lodging Homes - 1 space for each two (2) bedrooms. Additional off street parking will be required if other shops or businesses are provided.
9. Manufacturing and Industrial - 1 space for each 100 square feet of floor area one space for each two (2) employees on combined employment of the two largest successive shifts, whichever is greater.
10. Motels, Tourist Homes, Trailer Court - 1 space for each guestroom, cabin or trailer parking space.
11. Office Buildings, Commercial and Professional Buildings - 1 space for each 200 square feet of floor area, but in no case less than five (5) spaces.
12. Restaurants, Bars, Taverns, Lunch Counters and similar eat and drink establishments - 1 space for each four (4) seats provided for patron use.
13. Retail sales - 1 space for each 200 square feet of floor area.
14. Service Stations - 3 spaces for each service stall, in no case less than three (3) spaces.
15. Warehouses, Storage Buildings, Lumber and Supply Yards, retail or wholesale - 1 space for each 1000 square feet of floor area.
16. Single or Multiple Family Dwellings - one space for each vehicle operated by occupants of the dwelling and regularly parked in the vicinity of the dwelling.
17. Handicapped parking shall be provided according to State of Michigan and Federal Law.

14.3 General Regulations - A minimum of two hundred (200) square feet exclusive of drives, entrances and exits shall comprise one (1) parking space.

Required parking area for a building shall be figured on the entire floor area of the first floor, parking for additional stories, including basement shall be added to the total of the required area for the first floor. Storage area on other than the first floor shall not be included in the total required parking area.

No building shall be enlarged if the enlargement requires additional parking space unless the minimum regulations for off-street parking are provided.



Any person desiring to establish or change a parking area shall submit plans to the Township Building Inspector, for his written approval showing the location, size, shape, design, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot.

Any lighting used to illuminate any off-street parking and loading area shall be so arranged so as to direct light away from the adjoining premises.

Off-street parking and loading areas shall be surfaced with pavement or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water.

Any off street parking in a commercial or industrial zone shall be within five hundred (500) feet of the property said area is intended to serve.

No parking area shall be used for parking or storing of more than one commercial vehicle not to exceed two-ton capacity in a Residential Zone.

## **Article 15. Supplementary Regulations**

15.1 - Application of Supplementary Regulations - The provisions of this Ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following supplementary regulations:

15.2 Conflicting Laws, Regulations and Restrictions - It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of the law or ordinances relating to the use of buildings or land; nor is intended by this Ordinance, to interfere with or abrogate or annul any existing easements, covenants or other agreements, between parties; provided, however, that where any provision of this Ordinance imposes more stringent regulations, regulations, restrictions or limitations upon the use of land or buildings or requires larger yards, land areas, or open spaces than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. The regulations of this Ordinance are to be construed as minimum regulations. In interpreting and applying the provisions of this Ordinance they shall be held to the minimum regulations adopted for the promotion of public health, safety, comfort, convenience, prosperity and general welfare.

15.3 Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water distribution or transmission systems, including mains, drains, sewers, pipes, alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or

for the public health and safety or general welfare, shall be permitted as authorized by law and other ordinances of the Township of Larkin in any use district, it being the intention thereof, to exempt such erection, construction, alteration and maintenance from the application of this Ordinance.

The Board of Appeals shall have the power to 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 permitted district to a greater height or of larger area than the district regulations herein established, and permit the location in any use district of a public utility building, structure, or use, if the Board shall find such use, height, area, building and structure reasonably necessary for the public convenience and service, provided such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

15.4 Sanitation - No building or structure shall be erected, altered, or moved onto any lot and used in whole or in part for dwellings, business, commercial, or recreational purposes unless all facilities used in connection with the disposal of human excreta and water-carried wastes shall be connected with and the wastes therefrom discharged into a sewage disposal system which shall consist of a septic tank system, provided, however, that a chemical toilet may be used as means of excreta disposal for farm dwellings. All water well sites and sewage disposal systems shall be constructed in accordance with the Ordinances of Midland County, Michigan, and an approval from the Midland County Health Department on proposed water well sites and disposal fields shall be obtained before a building permit is used under this Ordinance.

15.5 Use of Non-conforming Land, Buildings or Structures - The lawful use of any building or structure and of any land or premises existing prior to the effective date of this Ordinance although the use does not conform to the provisions of the ordinance, may be continued provided, however, that the continued use of a building, or structure, does not constitute a public nuisance, or endanger the public health, safety or welfare.

If the non-conforming use of any building, structure, land or premises is changed to a conforming use, such use shall not thereafter be reverted to any non-conforming use.

If the non-conforming use of any buildings, structure, land or premises or part thereof is abandoned, then any future use of said building, structure, land or premises shall conform, in its entirety, to the provisions of this Ordinance.

Failure to occupy a building as non-conforming use for one year shall result in the abandonment of said non-conforming use, and in the case of land shall result in the upgrading of its use requiring it to comply with the zone in which it is located.

If an area is hereafter transferred to another zone, such area shall be subject to the provisions applicable to said zone.

15.6 Reconstruction of Damaged and Non-conforming Structures - Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the date of this Ordinance, provided, that said use shall be identical with the non-conforming use permitted in effect directly preceding such damage, provided further, that such restoration shall be commenced within six (6) months, completed within eighteen (18) months and use resumed within eighteen (18) months of such damage.

15.7 Repair, Alteration, and Completion of Non-conforming Buildings and Structures - Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of non-conforming building, structure, or part: thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration and depreciation provided, however, that such repair, reinforcement, improvement or rehabilitation of use of said building or part, thereof, and any enlargement of or addition to existing residences, shall comply with the regulations of this Ordinance.

#### 15.8 Building Height, Area, Yard and Other Regulations

1. Statement of Intent - It is the intent of this section to outline the minimum and maximum dimensions, area regulations, placements, heights, and spaces of buildings, lots and yards. It is also the intent to define the regulations for screening and spacing for commercial and industrial uses that abut Residential "A" "B", "C", "D", and Agricultural Zones.
2. Screening - The word "screening" as used in this Ordinance shall include any fence, wall, earthen berm, plant materials or other screening device or combination of the above, which shall obscure a minimum of seventy five (75) percent of the field vision to a minimum height (8) feet. Screening with plant materials alone requires a landscape buffer not less than fifteen (15) feet in width consisting of at least seventy five (75) percent evergreen plants.
3. Table of Regulations for Residential "A", "B", "C", "D", and Agricultural Zoning Districts. SEE TABLE 15.8.3
4. Table of Regulations for Professional Office and Service, Commercial "A" and "B", and Industrial "A" and "B" Zoning Districts. SEE TABLE 15.8.4

Any dimension or restriction not specifically set in the column for Zoning District VI, Professional Office and Service, shall conform to the dimensions and restrictions of Zoning District II, Residential "B".

15.9 Accessory Uses and Buildings - Accessory uses customarily incidental to any of the above permitted uses including not more than one private garage in which there is housed not more than one commercial vehicle of not to exceed two ton capacity for each lot and including signs pertaining to the sale, lease or use of a lot or building placed thereon.

15.10 Moving of a Building or Buildings - Any new, old, completed or partially completed building moved on to a properly zoned lot must meet the regulations for a building and electrical permit and must also meet the regulations for lot area and size and building heights and area regulations in the area so zoned.

15.11 Required Yard Cannot Be Reduced or Used By Another Building - No lot shall be divided or reduced so as to make the required area or dimensions less than the minimum required by this Ordinance, nor shall any yard required for a principal building be included as a part of a yard required under this Ordinance for any other building.

15.12 Removal of Rock, Sand, Gravel, Topsoil, Minerals or Earth - Wherever rock, sand, gravel, topsoil, minerals or earth are removed from the premises, then said premises shall be left in such a manner so as to have a level cover of soil harmonious with existing drainage and sufficient to control surface water, rodents, insect nuisances and other hazards.

15.13 Temporary Placement of Mobile Home Dwellings while Constructing Site Built Dwellings - Temporary placement and occupancy of a mobile home dwelling during the construction of site built dwellings is permitted subject to the following conditions:

1. A permit for temporary placement and occupancy of a mobile home dwelling must be secured from the Larkin Building Inspector.
2. The permit shall be granted for a period not to exceed one year and only if a valid building permit for a site built dwelling has been issued for the same site on which the temporary mobile home dwelling is to be placed. The permit shall automatically expire when the applicable building permit expires.
3. The permit may be renewed by the Larkin Township Building Inspector for additional periods of six months, provided all the criteria set forth in this section are met.
4. Temporary mobile home dwellings must be vacated and removed from the premises within ninety (90) days after the expiration of the permit.
5. A permit for temporary placement of a mobile home dwelling is not transferable to any other person, owner, or occupant.

6. Any mobile home temporarily installed as per this section must meet currently applicable State and Federal standards. It must also be installed in accordance with Larkin Township Building Codes, manufacturer's set-up instructions, and County Health Department regulations except that it may be supported by a temporary tiering system of concrete blocks and/or other concrete materials. In addition, such mobile homes must be skirted around the entire perimeter with non-flammable skirting material. Hay, straw, and other flammable materials are not permitted as skirting materials.

7. Mobile homes temporarily installed under this section are not required to meet square footage regulations of the zones within which they are placed, but they must meet dwelling placement and other applicable regulations for the zone in which they are placed.

#### 15.14 Signs

1. Statement of Intent. It is the intent of this section to regulate the size and placement of signs. Regulations pertaining to the general use and licensing regulations for all signs shall be defined herein. Principal features of this section are: (1) the restriction of total sign area per site (2) the restriction of sign location to the site of the business or establishment permitted to erect and maintain a sign, and (3) a licensing and fee requirement for a sign permit.

2. General Provisions for Signs. All signs shall be subject to the following general provisions:

A. Off-premise advertising signs are permitted 50 feet within of the right-of-way lines of U.S.-10 Freeway and whose content is directed traffic on U.S.-10 Freeway. Except as so specified for off premise advertising signs, all other sign placement and advertising is specifically restricted to the premises occupied by the business or establishment licensed to erect and maintain a sign.

B. No sign may be erected or maintained which prevents the driver of a motor vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic. All signs shall be placed outside of any State, County, Township or private road right-of-way.

C. No sign is permitted which is illuminated by any flashing, intermittent or moving light or lights. Illumination of signs is permitted only in commercial and industrial zoning districts. All illumination shall be effectively directed or shielded in such manner as to:

1. Prevent beams or rays of light from being directed into the line of vision of the operator of a motor vehicle on the main

traveled way of the highway, or otherwise interfere with the driver's safe operation of a motor vehicle.

2. Be of such intensity or brightness to be considered a nuisance to residential properties contiguous to the commercial or industrial use employing the illuminated sign.

3. Any sign that includes electrical installations shall be approved by the Larkin Township Electrical Inspector.

D. No sign may be erected or maintained which moves or has any moving or animated parts.

E. No sign may be erected or maintained upon trees, utility poles or painted or drawn upon rocks or other natural features

F. All signs shall be erected and maintained in the exact location described in the permit.

G. No fee is required for official signs erected and maintained by governmental units, agencies or officers of such units.

H. Any wedge shaped sign with an apex angle of greater than thirty (30) degrees shall be considered two signs for the purpose of calculating total sign area.

I. Signs posting property for the prohibition of hunting or trespassing shall be considered temporary signs and shall be excluded from number, placement and time restrictions.

J. Signs of non-commercial nature and in the public interest, erected by, or on the order of a public safety officer in the performance of his public duty (such as safety signs, danger signs and traffic signs) are excluded from the jurisdiction of the ordinance.

K. Except, as set forth within 15.14.4.D.4, no sign shall project above the roof of any building.

L. A construction sign, announcing the construction of a building, but not including any advertisement of any product.

1. Signs announcing the purpose of the building under construction, during the construction period shall not exceed a maximum of sixteen (16) square feet.

2. Signs shall be confined to the construction site and shall be removed upon the occupancy of the intended use of the project.

M. The supporting structure may not be used to form any part of the sign proper.

3. Temporary Signs. The following temporary signs shall be permitted within the township and shall conform to all general provisions and pertinent placement regulations for the zoning district in which they are located.

A. One real estate sign, advertising the sale, rental or lease of the premises on which the sign is displayed, up to a total of eight (8) square feet. Such signs shall be removed within fourteen (14) days of the sale, rental or lease of said premises.

B. Political campaign signs announcing candidates seeking public political office.

C. Seasonal produce. One sign per household, per calendar year, advertising the sale of produce grown on the premise shall be permitted.

4. General Provisions by Zoning District. The following sign regulations by zoning district apply to every zone in the Township. Only signs as described herein will be permitted in each particular zoning district.

A. Residential "A", "B", "C" and "D" and Professional Office and Service Zoning Districts.

1. All signs must be licensed pursuant to all the provisions outlined in accordance with this section. All signs shall be placed outside the road right-of-way and twelve (12) feet from any other property line. They must also meet the following, additional criteria:

a. Any public or semi-public building or institution may display an announcement or name sign. One (1) wall sign or one (1) ground sign shall be permitted. No sign shall be over twelve (12) square feet in area.

b. One sign, not over thirty-two (32) square feet in area, announcing the sale of lots or buildings in any one subdivision.

c. One wall sign is permitted on the premises of a legal non-conforming use, not over thirty-two (32) square feet in area.

d. One home occupation sign (as defined by this Ordinance) shall be allowed. This sign shall not be greater than four (4) square feet in area.

e. One entrance sign, identifying the name of a platted residential subdivision (not over thirty-two (32) square feet in area) is permitted.

f. Any Professional Office and Service and any legal non-conforming professional or semi-professional uses are permitted one wall or ground sign, not to exceed four (4) square feet in area. One directory sign of no more than four (4) square feet each is permitted per Professional Office and Service use within a multiple use establishment, but not exceeding thirty-two (32) square feet total for the multiple uses.

B. Agricultural Zone District.

1. Signs shall be permitted as set forth in Section 15.15.4 subsection (I) Residential "A", "B", "C", and "D" Zoning Districts except a wall sign or ground sign, if located thirty (30) feet from all property lines and not over twelve (12) square feet in area, will be permitted for all uses specifically set forth in Article 9; Zone IV.

C. Commercial "A" and "B" and Industrial "A" and "B" Zoning Districts.

1. One (1) wall sign or one (1) ground sign per business establishment announcing the name and business transacted shall be permitted.

2. Ground signs or directory signs shall be located at least twelve (12) feet from all road right-of-ways and all property lines and shall provide for a clear vision area for vehicles entering or exiting the premises onto a road or street.

a. One additional sign (pursuant to this subsection) shall be permitted at the entrance from a second road or street.



3. One directory sign, no more than four (4) square feet per business or establishment, is permitted for any platted commercial or industrial subdivision in which there are multiple use establishments.

4. One directory sign of no more than four (4) square feet per commercial establishment operating within a single building shall be permitted.

D. Sign size, height, and regulation of off-premise advertising signs. The total sign area for all ground, building and directory signs and the regulation of off-premise advertising signs shall be as follows:

1. Ground Signs: The maximum ground sign size shall be one square foot for each lineal foot of lot frontage upon a publicly dedicated road or street. Lots having less than 50 lineal feet of lot frontage shall have a maximum ground sign size of 50 square feet. In no event shall any ground sign exceed 125 square feet, regardless of lot frontage.

2. Wall Signs: The maximum wall sign size shall be one square foot for each horizontal lineal foot of the wall upon which the sign is placed, measured at ground level. Walls having less than fifty (50) lineal feet shall have a maximum wall sign size of fifty (50) square feet. In no event shall any wall sign exceed ninety (90) square feet, regardless of wall length. In computing the size of wall signs, the sign area shall equal the area of the standard geometric figure formed by the wall sign, or the figure formed by its letters if not mounted on a signboard.

3. Temporary Signs: The following types of temporary off-premises signs are permitted upon application to the Township Building Inspector who shall issue permits therefore not to exceed twelve (12) days per calendar year per lot:

a. Banners, pennants and signs up to twelve (12) square feet of total area in residential districts and thirty two (32) square feet of total area in non-residential districts for the purpose of advertising real estate, open houses or builders' parade of homes.

b. Signs, up to twelve (12) square feet of total area in residential districts and up to thirty-two (32) square feet of total area in non-residential districts for the purpose of

advertising the sale of seasonal fruits, vegetables or farm products.

4. Off-premise advertising signs shall not contain a sign area larger than 300 square feet. No off premise advertising sign shall be closer than 500 feet to another off premise advertising sign. Off premise signs shall not be located in any required yard area. Off-premise advertising signs shall not exceed thirty-five (35) feet in height measured from the ground level, a maximum of 2 signs per structure.

E. Permit - No person shall erect or maintain a permanent sign within the Charter Township of Larkin, Midland County, Michigan, without having first secured a permit to do so from the Larkin Township Building Inspector. All permits issued under this section shall not be transferable to another person or for any alternate use.

1. Application for Permits - An application to erect and/or maintain a permanent sign shall be made to the Larkin Township Building Inspector by the owner of the property on which the sign is to be erected.

2. This application shall be in writing, on forms furnished by the Larkin Township Building inspector and shall contain the following information.

a. The name and address of the owner of the site where the sign is to be erected.

b. A drawing indicating the exact location and exact dimensions of the proposed sign, and indicating the direction and the frontage roads the signs shall face.

c. The payment of a fee as directed by resolution of the Larkin Township Board.

d. A description of the content of the sign.

e. The name of the commercial, industrial or other establishment or individual desiring to advertise.

3. Suspension and Revocation - Said permit shall be subject to revocation by the Township Board upon failure to comply with the rules, regulations and conditions contained herein; or if any of the statements in the application are found to be false. The permit

shall be null and void if the original design, content or placement provisions of the sign are changed.

F. Enforcement - The Building Inspector may order the removal of any sign erected or maintained in violation of this Ordinance. He shall give thirty (30) days notice in writing to the owner of such sign, or of the building or premise on which the sign is located, to remove the sign or to bring it into compliance. The Building Inspector may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

#### 15.15 Home Occupations.

1. Statement of Intent. The intent of this section is to regulate the operation of home occupations in residential and agricultural zones such that the value and characteristics of the surrounding area is maintained.

2. General Provisions. All home occupations in residential and agricultural zones will be subject to the following provisions.

A. No employees in the course of business are allowed on the premises other than full time dwelling occupants residing at the premises.

B. No retail sales are allowed as a normal course of business.

C. No more than 1/3 of the habitable floor space of the dwelling may be used for the home occupation.

D. No home occupation may be conducted in any kennel, carport, attached garage, driveway, accessory structure, yard, or lot.

E. The dwelling has no exterior evidence or display, other than a permitted sign, to indicate a use other than that of a residence. Examples include excessive parking, trash storage, and outside storage.

F. Specifically excluded from home occupation are: auto repair, body shop, metal/plastic/wood fabrication, machine shop, plumbing & heating, construction, excavation, well drilling, and saw mill.

G. License - No person shall operate (or continue to operate) a home occupation within the Charter Township of Larkin, Midland County, Michigan, without having first secured a license to do so from the Larkin Township Building Inspector. Any license issued is non-transferable.

1. The application shall be in writing, on forms furnished by the Township, and shall contain the following information.
  - a. The name and address of the home occupation and property owner(s).
  - b. The payment of a fee as directed by resolution of the Larkin Township Board.
  - c. A description of the home occupation.
2. Renewal - The license must be renewed every four years.
  - c. Suspension and Revocation - Said license shall be subject to revocation by Township Board upon failure to comply with the limitations and regulations contained herein; or if any of the statements in the application are found to be false.

H. Enforcement - The Building Inspector shall enforce the provisions of these regulations and may recommend suspension or revocation of a license to the Township Board or order the discontinuance of any home occupation, whether licensed or not, conducted in violation of this Ordinance. He shall give thirty (30) days notice in writing to the owner.

15.16 Condominium Development Regulations - The intent of this section is to provide review standards for condominiums and condominium subdivision projects. This section is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

1. Authority - Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium projects must be approved by the Township Board, after review and recommendation by the Planning Commission in accordance with the procedure set forth herein.

A. Prior to the recording of a master deed and exhibits for a new Condominium Project or for the conversion or expansion of an existing Condominium Project the person(s) or entity establishing the Condominium Project shall submit the data required for Condominium Plan Review to the Township Clerk, together with the applicable fee, who shall then transmit same to the Chairman of the Township Planning Commission.

B. The Planning Commission shall review the submitted data at a meeting thereof, after written notification to the person responsible for

the Condominium Project, for compliance with the provisions of this section, and the Larkin Township Zoning Ordinance. The Planning Commission shall then recommend approval, denial or approval with modification of the proposed Condominium Project, which recommendation shall be transmitted to the Township Board for its final action.

C. Final approval, denial or approval with modification of the proposed Condominium Plan shall be made by the Township Board. The Township Board shall set forth in writing the basis for its decision and any conditions relating to an affirmative decision.

2. Data Required for Condominium Plan Review - All condominium plans shall include the information required by Section 66 of the Condominium Act and the following:

- A. Proposed Master Deed and attachments, including Bylaws.
- B. A survey plan of the condominium subdivision.
- C. A flood plain plan, when appropriate.
- D. A site plan showing the location, size, shape, area and width of all condominium units.
- E. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the appropriate agencies for installation, repair and maintenance of all utilities.
- F. A street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision.
- G. A storm drainage and storm-water management plan, including all lines, swales, drains, basins, and other facilities.
- H. The names, address and telephone numbers of:
  - 1. All persons, firms or corporations with an ownership interest in the land on which the project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
- I. All engineers, attorneys, architects, or registered land surveyors associated with the project.

J. The developer or proprietor of the condominium project to include:

1. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
2. The acreage content of the land on which the condominium project will be developed.
3. The purpose of the project (for example, residential, commercial, industrial, etc.).
4. The approximate number of condominium units to be developed on the subject parcel.

3. Condominium Projects - All condominium projects shall conform to the following general provisions in addition to all other applicable district regulations.

A. All principal buildings and/or accessory structures built upon any lot, parcel, building envelope or unit within a Condominium Project shall comply, to the extent applicable, with the site development standards contained within Section 15.8, Schedule of Regulations, except that Private Roads meeting the regulations of this section shall be permitted.

B. A condominium project shall comply with the provisions in Sections 15.4 and 15.16.4 pertaining to water and sewage disposal and storm-water management, respectively.

C. The condominium project shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm-water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations. Easement dedication documentation shall be reviewed by the Township Attorney.

D. All condominium projects, which consist in whole or in part of condominium units that are building envelopes, shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following regulations, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium project and referenced to the true point.
5. If a point required to be monumented is on bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All building envelope corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the Township Clerk cash, a certified check or irrevocable bank letter of credit naming the municipality, whichever the proprietor

selects, in an amount sufficient to cover any cost associated with the monumentation. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

E. All public roads within a condominium project shall be constructed to the minimum regulations of the Midland County Road Commission's construction standards.

F. All private roads within a condominium project shall be constructed to the standards of Section 15.16.5 of this Ordinance.

#### 4. Storm-Water Management

A. All development shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. If the Midland County Drain Commissioner's approval is required, it shall be submitted to the Township Planning Commission.

B. All development shall conform to the soil erosion and sedimentation regulations of Midland County and any special regulations of the Midland County Drain Commission.

C. No new development shall be permitted which will reduce the level of service currently being provided by existing storm-water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made to ensure pre-development service levels.

#### 5. Private Roads

A. Private Roads Permitted: Private roads are permitted provided they conform to the regulations of this Section.

B. Construction Standards and Road Geometrics: The creation of a private road that serves a division of land or a condominium development consisting of one or more principal buildings, building envelopes or lots (other than a subdivision as defined by the Subdivision Control Act of 1967) shall meet or exceed the cross-sectional construction standards established by the Midland County Road Commission for public roads.



C. Right-of-Way Width: All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet.

D. Dedication of Rights-of-Way or Easements: While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description, and must include the grades for these roads.

E. Connection to County Roads: Construction authorization from the Midland County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, PA 347 of 1972. The Township Board shall not approve a private road unless it connects to a county road or another private road, which in turn, connects to a county road.

F. Cul-de-sacs: Cul-de-sacs shall meet the regulations of the Larkin Township Zoning Ordinance.

G. Application Review and Approval or Rejection:

1. The following information shall be submitted to the Building Inspector: a site plan for the private road, proposed road maintenance agreement and road easement agreement. The Building Inspector shall submit the private road site plan to the Township Planning Commission for review and recommendation. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review.

2. The recommendations of the Planning Commission shall be forwarded to the Township Board who shall be responsible for granting final approval for the private road.

3. If the private road application is approved by the Township Board, construction authorization will be issued by the Building Inspector. If the application is rejected, the reasons for the rejection and any regulations for approval shall be given in writing to the applicant.

4. The Project Engineer for the site condominium, who shall be a licensed professional engineer, shall certify the construction of the roadway for conformance to the township standards in writing to the Township Building Inspector.

H. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Midland County Road Commission or the Township in its standards and specifications for road construction and development. The private road shall be completed within one and one-half (1-1/2) years of the date of approval of the private road.

I. Issuance of Building Permit for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board.

J. Posting of Private Roads: All private roads shall be designated as such and shall be clearly posted with a clearly readable name, which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owners of the property serviced by the private road, property owner's association or developer.

6. Fees - An application fee may be established by resolution of the Township Board. Before final approval by the Township Board, any costs incurred by the Township in their review of the project shall be paid for by the applicant.

## **Article 16. Special Use Permits.**

16.1 Intent - In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly discretionary. The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole. This Article provides procedures and standards for regulating activities identified as uses "By Special Use Permit" for each Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.

16.2 Approval - Uses specified within this Ordinance as Uses Allowed by Special Use Permit, as well as all changes or expansion of such uses shall be subject to the Special Use Permit application and approval as provided within this Article. The Township Planning Commission shall, in accordance with the application and approval process herein, have the authority to grant Special Use Permits, subject to such conditions of design and operations, safeguards and time limitations as it may

determine for all special uses conditionally allowed in the various district provisions of this Ordinance. The Planning Commission may attach additional conditions to the approval of the Special Use Permit. These conditions must be based on regulations set by this Ordinance. Unless a longer period is agreed to in writing by the applicant, the Planning Commission shall take final action upon Special Use Permit applications within 90 days of the Zoning Administrator's referral of a completed application to the Planning Commission. However failure of the Planning Commission to take final action within such time shall not be deemed approval of the Special Use Permit.

16.3 Application - Application for any Special Use Permit allowed under the provisions of this Ordinance shall be made to the Larkin Township Zoning Administrator by filing with the Zoning Administrator the special use permit application form, required data, exhibits and information, and payment of the necessary fee in accordance with the Township schedule of fees. The Zoning Administrator shall review the application and submittals for all the documentation required under this Ordinance and, if the application is complete, forward same to the Township Planning Commission. All fees paid are non-refundable and no part of such fee shall be returnable to an applicant.

16.4 Application Contents, Site Plan and Specific Regulations - All applications for Special Use Permits shall contain a site plan with required supporting data as required for site plan review pursuant to Article 17 of this Ordinance. Special Use Permit site plans shall be certified and stamped by an architect, engineer or other design professional. In addition, all applications for special use permit shall contain the data and material necessary to address the specific standards for the special use permit requested, as set forth within this Article 16.

16.5 Transmittal to Planning Commission. The Zoning Administrator shall, upon receipt of an application for special use permit, review same for required contents. Upon receipt of a completed application, the Zoning Administrator shall forward same to the Planning Commission for its review, hearing and approval or denial. Prior to the Planning Commission public hearing on the Special Use Permit, the Zoning Administrator and designated Planning Commission representative shall conduct a site plan review and recommendation set forth in Article 17 of this Ordinance.

16.6 Simultaneous Consideration of Rezoning and Special Use Permit - In the event that allowance of a desired use requires both a rezoning (change in zoning district designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission. In such event, the separate procedures for each of the rezoning and Special Use Permit shall be followed, including notice and application of the necessary standards in the decision making process. Notwithstanding the requirement of separate procedures, the necessary public hearings and decision-making may occur at the same meeting of the Planning Commission. However, the provisions of this Article relating to Planning Commission final action on Special Use Permit applications within 90 days of referral

of the completed application to the Planning Commission shall not be applicable in instances of joint rezoning and Special Use Permit requests.

16.7 Planning Commission Hearing, Review and Action - The Planning Commission shall hold a public hearing on the application for Special Use Permit. The hearing shall address both the application for Special Use Permit and the accompanying site plan. Unless requested otherwise by the applicant in writing, at the meeting of the Planning Commission immediately following transmittal of the completed application from the Zoning Administrator, the Planning Commission shall schedule the public hearing.

1. Notice - The Planning Commission shall cause notice to be made of the public hearing, not less than five (5) nor more than fifteen (15) days before the date of such hearing, by:

A. One notice that the request for special use permit has been received shall be published in a newspaper

B. Mailing or personal delivery to the owners of property assessed within 300 feet of the boundary of the property in question and to the occupants of all structure within 300 feet.

2. Application of General Standards - The Planning Commission shall review, approve or deny each application for special use permit taking into account the particular circumstances and facts of each proposed special use and following general standards, and shall find and record adequate data, information and evidence showing that such a special use on the proposed site, lot, or parcel:

A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.

B. Will be designed, constructed, operated, maintained and managed so as to be compatible in appearance and use environment with the existing or intended adjacent uses of land and the natural environment.

C. Will be served adequately by essential public facilities and services; such as, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.

D. All traffic ingress and egress and all traffic movement within the site shall be such that vehicles will make normal and uncomplicated movements.

E. Will not be hazardous or disturbing to existing or future neighboring uses and traffic generated by the proposed site shall not create unreasonable additional traffic within adjacent thoroughfares, given their use and zoning classification.

F. Will not create excessive additional regulations at public cost for public facilities, utilities and services.

3. Application of Specific Standards - The Planning Commission, in addition to the General Standards for Special Use Permit approval, shall review each application for the specific use standards set forth with in this Section 16, if any.

4. Action - Subsequent to the hearing on the application and upon its review of Special Use Permit application, the general and specific standards, the Planning Commission shall approve, deny or may approve the application with conditions. All conditions placed upon approval of a Special Use Permit shall be based upon the regulations of this Ordinance, other Township planning documents, other applicable ordinances, or state or federal statutes. The Planning Commission shall also approve, deny or approve with conditions the site plan submitted as part the Special Use Permit application.

16.8 Issuance of Special Use Permit, Continuing Nature and Conditions - Once approved, the premises for which a Special Use Permit granted, shall be developed and used in strict compliance with the Special Use Permit. The Special Use Permit shall be deemed to incorporate by reference all provisions of the approved application, site plan and conditions imposed by the Planning Commission. These conditions, and the reasoning behind them, shall be documented in the Planning Commission's minutes or written on the approved Special Use Permit site plan itself and communicated to the applicant in writing. The permit will not take affect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

16.9 Term of Permit and Abandonment - Construction or use of the premises for the purposes approved in the Special Use Permit shall commence within six (6) months of approval. Any construction or use commenced after the expiration of said six (6) months shall require new application, procedure and approval of Special Use Permit. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.

16.10 Reapplication - An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.

16.11 Revocation – Special Use Permits are subject to all the conditions that have been attached to it during the permitting process. Special Use Permits may be revoked by the Planning Commission in the event the premises is used in violation or contrary to the Special Use Permit or the conditions upon which it was approved. Revocation of Special Use Permits shall occur upon notice to the assessed owner of the premises and opportunity for the owner to show cause to the Planning Commission why the permit should not be revoked.

1. Upon observance of a violation of the Special Use Permit, the Zoning Administrator shall provide written notice of the violation to assessed owner and person in possession of the premises by certified mail, return receipt requested, or by personal service upon the assessed owner and person in possession. The notice shall state the nature of the violation and that correction must be made within thirty (30) days or the Planning Commission may revoke the Special Use Permit and order the use to cease.

2. Planning Commission Action – Should the violation of the Special Use Permit not be corrected within the time period directed by the Zoning Administrator, the Zoning Administrator shall notify the Planning Commission of the violation. The Planning Commission shall then order the assessed owner of the premises and those persons in possession of the premises to appear before the Planning Commission at a time and date set forth in the order, to show cause why the Special Use Permit shall not be revoked. The assessed owner and person in possession may appear in response to the notice in person or by representative. After hearing the assessed owner and/or person in possession of the premises, the Planning Commission may revoke the Special Use Permit or direct other appropriate remedial action should it determine that it has been violated. In the event the assessed owner, person in possession or representative shall not appear at the specified time and date, the Planning Commission may revoke the Special Use Permit based upon the report of the Zoning Administrator. The Planning Commission shall notify the assessed owner and person in possession of the revocation.

16.12 Specific Standards for Wireless Communications Facilities – In addition to the general application, filing and operation requirement for all special use permit applications and special use operations, the following requirement shall met by wireless communications facilities.

1. Specific Filing Regulations – In addition to the general filing regulations, applications for special use permit for wireless communication facilities shall include:

- A. The site plan shall include a drawing, in a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three acres or less, or one inch equals two hundred (1" = 200') feet for larger sites, setting

forth of the site involved and its property lines, together with existing and proposed structures and buildings, natural features, and including the following:

1. Property lines for all properties lying within 300 feet of the property lines of the subject parcel as well as all buildings, structures, improvements and natural barriers or vegetation on the subject parcel and within 300 feet of the property lines of the subject parcel.
2. Proposed location of antenna, mount and equipment shelter(s), cable runs, parking areas and any other construction or development attendant to the wireless communication facility.
3. Dimensions shall be stated for all externally located equipment, antenna and of the external dimensions of all buildings or enclosures on the wireless communication facility parcel. All three dimensions of height, width and breadth shall be provided.
4. Proposed security barrier, indicating type and extent as well as point of controlled entry.
5. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the wireless communication facility.
6. All proposed changes to the existing property, buildings and structures, including grading, vegetation removal and temporary or permanent roads and driveways, on the subject parcel.
7. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one-foot scale and show the following:
  - a. Antennas, mounts, equipment shelter(s) and all other buildings.
  - b. Security barrier. If the security barrier will block views of the wireless communication facility, the barrier

drawing shall be cut away to show the view behind the barrier.

c. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

B. Summary data and specifications, or equipment brochures, for the technical equipment to be incorporated into the wireless communication facility, including receivers, transmitters and antennas.

C. Materials to be incorporated into the proposed wireless communication facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

D. If lighting of the site is proposed, the applicant shall submit manufacturers specifications indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The specifications shall indicate the locations and types of luminaries proposed.

E. Radio frequency measurements, certified as accurate and meeting all applicable guidelines of the Federal Communications Commission for the following situations:

1. Existing, or ambient.
2. Existing plus the proposed wireless communication facilities.

F. All applicants for wireless communication facility special use permits shall demonstrate unsuccessful efforts at collocation of the proposed facility with existing facilities.

G. Data and procedures demonstrating that the wireless communication facility, if provided a Special Use Permit, will be operated and maintained in strict compliance with the operating regulations of this Ordinance.

2. Township engineering and professional fees - Applicants for wireless communication facility special use permits shall, in addition to the application fees submitted with the application, pay to and reimburse the Township its costs incurred in acquisition of professional, engineering or other technical



advice or review of applications for such special use permit. These fees shall be paid in full to the Township before final issuance of a wireless communication facility special use permit. No wireless communication facility special use permit may be issued until all such fees have been paid. Should the Zoning Administrator request, the applicant shall post with the Township, through its Zoning, administrator a deposit to be held for purposes of paying the Township its costs incurred in obtaining professional, engineering or technician assistance.

3. Spacing Regulations - No wireless communication facility may be located within one (1) mile, measured by direct line, from another wireless communication facility.

4. Collocation Regulations - All applicants for wireless communication facility special use permits shall demonstrate that efforts have been undertaken to collocated the proposed facility with existing facilities. Special use permits for wireless communication facilities shall not be deem appropriate where collocation is reasonably feasible.

A. Applicants for wireless communication facility special use permits shall demonstrate pre-application good faith effort to collocate with other wireless communication facility operators. Such good faith effort shall include:

1. A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
2. Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
3. Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

B. In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of Radio Frequency (RF) engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

5. Wireless Communication Facilities in Residential Districts - In addition to all other regulations and criteria applicable to wireless communication

facilities, all wireless communication facilities located in any residential zoning classification shall be constructed and operated in accord with the following:

A. All antennas shall be of monopole design and construction and shall not exceed the height of 199 feet above average parcel grade.

B. All antenna or towers shall be set back five hundred (500) feet from the property lines of the parcel upon which it is situated.

C. All equipment and accessory facilities shall be installed in a fully enclosed building. All connection cable shall be buried. No equipment or materials not necessary for the operation of that wireless communication facility may be stored on the site.

D. Screening is required in accruing to the regulations of Article 15.8.2 of this Ordinance.

E. Other than that lighting required to be placed upon the antenna by federal communication or aviation regulations, no lighting shall be directed upward or lighting source located higher than 20 feet above average parcel grade.

F. Other than personnel and activities necessary for repair and maintenance of the wireless communication facility located on the parcel, the wireless communication facility shall have no personnel located thereon, nor shall other services or products be supplied from the site.

G. All wireless communication facilities located within any residential districts shall be, to extent possible, aesthetically compatible in design, appearance and operation with surrounding properties and usage. Such wireless communication facilities shall include landscaping, building design and structure presentation that is consistent with or in imitation of residential homes and visual presentation.

6. Operating Regulations - All applications for special use permit for wireless communication facilities shall demonstrate that operation of the facility will comply with the following standards and adherence to these standards shall be required of the wireless communication facility for continued retention of any special use permit granted:

A. Tower Construction - All towers shall be designed, structurally, electrically and in all respects to accommodate both the applicants antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas

upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and applicable building code construction standards for steel structures. All towers shall be equipped with devices and/or locking mechanisms to prevent unauthorized access to or climbing of the tower.

B. Tower, Antenna and Accessory Building Design - Proposed or modified towers and antennas shall meet the following design regulations:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

2. Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback regulations of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

C. Tower Setbacks - Towers shall conform to each of the following minimum setback regulations:

1. All wireless communication facility towers shall be set back from all property lines of the parcel upon which they are located a distance at least equal to the height of the tower and its appurtenances.

2. Towers shall not be located between a principal structure and a public street, with the following exceptions:

1. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

- b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

3. A towers setback may be reduced or its location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

4. Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit when any of the towers, associated structures or the dwelling unit are located in any Residential or Agricultural zoning district.

D. Tower Height - In all zoning districts in which a wireless communication facility may be located, except residential districts, the maximum height of any tower, including antennas and other attachments, shall not exceed 250 feet.

E. Tower Lighting - Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

F. Signs and Advertising - The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.

G. Interference with Public Safety Telecommunications - No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.

7. Modifications - A modification of a wireless communication facility shall be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:

A. The applicant and/or co-applicant want to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:

1. Change in the number of facilities permitted on the site;
  2. Change in the technology used for the wireless service facility.
- B. The applicant and/or co-applicant want to add any equipment or additional height not specified in the original design filing.
8. Bond, Abandoned or Unused Towers or Portions of Towers - Disposition of abandoned or unused wireless communication facility towers and security therefore shall be as follows:

A. The Planning Commission shall require and the Applicant shall post with the Township, as a condition of the Special Use Permit issuance and continuation, a bond, surety or cash deposit to financially secure the removal of all wireless communication facility towers upon abandonment or discontinuation of use. The amount of the bond, surety or cash deposit shall be as reasonably determined by the Planning Commission to represent one hundred twenty-five (125%) percent of the actual cost of safe removal and disposition of the towers.

B. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

9. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit

16.13 Specific Standards for Golf Courses - In addition to the general application, filing and operation requirement for all special use permit applications and special use operations, the following regulations shall be met by all golf courses.

1. Specific Filing Regulations - In addition to the general filing regulations, applications for special use permit for golf courses shall include:

A. The site plan shall include a drawing, in a consistent scale of not less than one inch equals three hundred (1" = 300') feet, setting forth of the site involved and its property lines, together with existing and proposed structures, buildings, natural features, golf course and permitted accessory uses and including the following:

1. Property lines for all properties lying within 300 feet of the property lines of the subject parcel as well as all buildings, structures, improvements and natural barriers or vegetation within 300 feet of the property lines of the subject parcel.
2. Anticipated traffic volumes into the site during normal and anticipated operations and detailing the capability of the roads to the site to handle the traffic to the site.
3. Areas for parking of patron vehicles, employee vehicles, maintenance vehicles and equipment and for deliveries.
4. Sources of irrigation water, the irrigation system and all retainage ponds.
5. All exterior lighting.

2. Minimum parcel size - All golf courses containing 9 holes shall be situated upon a parcel of no less than 60 acres. All golf courses containing 18 holes shall be situated upon a parcel of no less than 120 acres. For each additional 9 holes or fraction thereof, the parcel shall contain no less than 60 additional acres.

3. Site Location - Golf courses shall be located immediately adjacent to no less than one publicly dedicated road under the jurisdiction of the Midland County Road Commission. Patron, delivery and service access to the golf course shall be from such a publicly dedicated road.

4. Accessory Uses - Driving ranges, food and beverage service and retail sales directly connected with the conduct of the principal golf course use are permitted accessory uses, subject to the following.

A. Driving Ranges - No driving range shall be located nearer than 100 feet from any property line.

B. Food and beverage service - Restaurants, snack bars and beverage service shall be directly connected and limited to service of golf course patrons. No more than fifty (50%) percent of the clubhouse interior and patio square footage, combined, may be devoted to food or beverage

storage, preparation, service or consumption. Food and beverage service shall be provided only during hours and seasons of golf course operation. Golf courses that include alcoholic beverages within their beverage service shall be validly licensed by the Michigan Liquor Control Commission for the type of service provided and shall not serve or provide alcoholic beverages in violation of applicable Liquor Control Commission regulations.

5. Prohibited Uses - Miniature golf, adventure golf, putt-putt golf or derivations thereof are prohibited. Activities involving firearms, pneumatic guns or cannons or their discharge are prohibited. Use of the premises for operation of motorized vehicles or cycles unconnected with the game of golf or maintenance of golf courses, such as snowmobiles, motorcycles and all terrain vehicles, is prohibited.

6. Lighting - The golf course, driving range or practice areas shall not be lighted for nighttime use. Permissible lighting shall be shielded and directed away from all adjoining properties.

7. Off Street Parking - Off street parking shall be provided in sufficient quantity of spaces and with sufficient circulation and access to be adequate and necessary for normal operations of the golf course. Areas for off street parking shall be incorporated into the landscaping. All parking areas shall be located at least 100 feet from all property lines and road rights of way.

## **Article 17. Site Plan Review**

17.1 Situations Requiring Site Plan Review - Site Plans shall be submitted, reviewed and approved in accordance with this Article, for all construction, development and uses of land wherein:

1. The proposed project will have more than two (2) dwelling units.
2. The proposed project is in the Professional Office and Service zoning district.
3. The proposed project is in any Commercial (C) zoning district.
4. The proposed project is in any Industrial (I) district.
5. The proposed project requires approval of a Special Use Permit.
6. In the case of existing development, a Site Plan Review is required when,

- A. The project involves increasing the footprint by ten (10%) percent or more, of any residential structure with more than two (2) units, or any commercial or industrial structure or use.
- B. The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.
- C. The project involves the expansion or change in any previously approved Special Use Permit.

17.2 Approval – The Township Zoning Inspector together with a designated member of the Township Planning Commission, shall, in accordance with the application and approval process herein, have the authority to approve Site Plans. The Township Planning Commission shall, from time to time, appoint one of its members to act with the Zoning Administrator in Site Plan review and approval. In the absence of Planning Commission designation of its member representative designee, the then acting Chair of the Planning Commission shall perform the approval function for the Planning Commission. The approval of both the Zoning Administrator and the Planning Commission representative shall be required in actions upon Site Plans. The Zoning Administrator and Planning Commission representative may attach conditions to the approval of the Site Plan. These conditions must be based on regulations or concerns defined by this Ordinance. Except for instances wherein the proposed construction, development or use requires approval of a Special Use Permit, review and action upon Site Plan applications shall not require public hearing and may be done administratively.

17.3 Site Plan Review Applications. Applications for Site Plan Review shall be made to the Township Zoning Administrator by filing with the Zoning Administrator the site plan review application form, required data, exhibits and information, and payment of the necessary fee in accordance with the Township schedule of fees. If Special Use Permit is also applied for, the application shall also be accompanied with the applicable fee for Special Use Permits. All fees paid are non-refundable and no part of such fee shall be returned to an applicant. The application shall not be reviewed or deemed complete until all required contents are provided.

17.4 Application and Site Plan Contents – All applications for site plan review and approval shall contain a site plan and supporting data containing the following:

1. The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.



2. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Midland County Register of Deeds will be the legal description upon which a site plan decision is based.

3. The site plan must depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.

4. The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.

5. The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

6. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multi-family housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.

7. The site plan must include data, measurements and other information necessary to show compliance with all applicable provisions of this Ordinance relative to setback, yard dimensions, heights limitations, off street parking and the provisions of the Supplementary Regulations contained with Article 15.

17.5 Site Plan Review Standards - Site Plans shall be approved if containing the information required and comply with the following:

1. District Regulations - The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects.
2. Supplementary Regulations - The project must comply with any and all of the Supplementary Regulations, which may apply to it, as identified by Article 15 of this Ordinance.
3. Special Use Standards - If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use, as identified in Article 16, also must be satisfied.
4. Building Arrangements - Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
5. Transportation - Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal, access to public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. Before a Site Plan is approved, the Midland County Road Commission shall be provided the opportunity for review and comment on the transportation facilities to and within the site plan.
6. Driveways - All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to and incorporates into the edge of the traveled portion of the road, public or private, if curbing is there in place. If curbing is not provided on the traveled portion of the road, driveways must have a raised curb to the road right of way line. When curbing is installed on the traveled portion of the road after initial installation of a driveway, the driveway curbing must then be extended to and incorporate into the road curbing.

7. Utilities - Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

8. Lighting - Lighting shall be adequate to illuminate parking and vehicular areas for the safety of the users. However, lighting shall be directed downward and shall not be directed toward adjoining properties. Efforts shall be demonstrated to reduce or eliminate glare or illumination onto adjoining properties. Lighting for signage shall be in compliance with the sign provisions in section 13.13 of this ordinance.

9. Fire Protection - The proposed project must comply with applicable fire safety regulations. The location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.

10. Environment - Natural features of the landscape shall be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape shall be designed to complement the site's surrounding environment and enhance the positive features of the project. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Midland County Health Department or other agencies.

11. Storm Drainage - Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.

12. Other applicable provisions of this ordinance, other applicable ordinances and state and federal statutes.

17.6 Approval, Denial, Approval with Conditions. The Zoning Administrator and Planning Commission representative, upon review of a completed application for site plan review shall, in those instances where Special Use Permit is not required, approve, deny or approve the site plan application with conditions. In those instances where Special Use Permit is required, the Zoning Administrator and Planning Commission representative shall review the application and site plan and transmit to the Planning Commission, prior to Special Use Permit public hearing, a

recommendation for the Planning Commission approval, denial or approval with conditions of the site plan. Where application for Special Use Permit is made, the Planning Commission shall take the final action on site plan review. If a site plan application is denied, the applicant shall be notified in writing of the denial, together with explanation of the basis of the denial. Site plan applications may be approved with conditions. All conditions must be based upon one (1) or more regulations of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the written approval of the site plan and communicated to the applicant.

17.7 Site Plan Approval, Continuing Nature and Conditions - Once approved, the premises for which site plan approval has been granted, shall be developed and used in strict compliance with the approved site plan. The site plan, as approved and/or conditioned, shall be deemed to be incorporated into all zoning permits issued for the premises. Zoning Permits shall not issue for the premises until any conditions of site plan approval are accepted by the applicant, signified by the signatures on the site plan itself, of the applicant, the Zoning Administrator and the designated Planning Commission representative. The breach of any condition or the development or uses of the premises inconsistent with the approved site plan shall be cause for revocation of site plan approval.

## **Article 18. Administration**

18.1 Administration Officer - The provisions of this Ordinance shall be administered by the Building Inspector, who shall be appointed by the Township Board to serve with such compensation as said board may direct. A record of each application for Building Permit shall be kept on file by the inspector and the disposition made thereof and such record shall be liable for the use of the Board of Appeals or its authorized agents at all times.

The building, electrical and plumbing permits and any other permits will be furnished by the Larkin Township Building Inspector.

18.2 Building Permits - It shall be unlawful to commence the excavation for, or the construction of any building or structure, or part thereof; or to commence the moving, alteration, or repair of any building or structure in such manner as to change its height, bulk, position, or to fit it for a changed or enlarged occupancy; and it shall be unlawful to use or permit the use of any building or structure so constructed, altered, moved or repaired, or to change the type of extent of the use of occupancy of any building structure or land until there has been issued therefore a Building Permit as evidence of compliance with the provisions of this Ordinance.

18.3 Application for Building Permit - Application for a building permit shall be made at least one week prior to the commencement of any operations or uses of property for which such a permit is required and shall be filed at the office of the

Building Inspector on the forms prescribed and furnished for such purposes together with such plans, specifications and other material as the Inspector may reasonably require to assist him in proper understanding of the nature and extent of the work to be done or the uses or property to which the Permit is to apply.

The building, plumbing, and electrical permits will be in effect for a period of two (2) years for one and two family dwellings; other building, plumbing and electrical permit will be in effect for a period of not more than one (1) year.

Whenever the buildings, premises and uses thereof as set forth in the application are in conformity with the provisions of this Ordinance, it shall be the duty of the Inspector to issue within one week after the receipt of such application, a Building Permit, and if such permit is refused, to state such refusal in writing with cause.

## **Article 19. Enforcement**

19.1 Enforcing Officer - The provisions of this Ordinance shall be enforced by the Building Inspector, Ordinance Enforcement Officer or other official as designated by resolution of the Township Board.

19.2 Violation Declared a Nuisance - Any building upon which construction is started, or which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared a nuisance per se. Any court of competent jurisdiction shall order such nuisance abated and the owner or agent in charge of such building or premises shall be adjudged responsible of maintaining a nuisance per se.

19.3 Persons Responsible - Any person, firm or corporation who violates any of the provisions of this Ordinance, the owner of any building or premises or part thereof, where any conditions in violation of this Ordinance shall exist or be created, and any architect builder, contractor, agent, person or corporation employed in connection therewith, and who has assisted knowingly in the commission of any such violation shall be responsible for such offense, and upon determination of responsibility thereto, shall be liable for the penalties herein provided.

19.4 Penalties - Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction,

restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

## **Article 20. Board of Appeals**

20.1 Creation - There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers of jurisdiction as provided by Act 184 of the Public Acts of 1943, as amended, and by the provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety and general welfare secured, and substantial justice done.

20.2 Membership/Election of Officers - The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of this Ordinance. The Zoning Board of Appeals shall consist of five members; one member shall be a member of the Township Planning Commission. One member may be a member of the Township Board. The Zoning Board of Appeals shall elect a chairperson and a secretary. An elected officer of the Township shall not serve as chairperson of the Zoning Board of Appeals and an employee or contractor of the Township Board shall not serve as a member or an employee of said Board of Appeals.

The Township Board may also appoint not more than two alternate members of the Zoning Board of Appeals for the same term as regular members. An alternate member may be called to sit as a regular member in the absence of a regular member, if the regular member has been absent from or unable to attend two or more consecutive meetings, or for a period of more than 30 consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. Members must disqualify themselves from a vote if they have a conflict of interest. Failure to disqualify oneself can constitute misconduct in office. In such situations the alternate member shall serve until a final decision has been made. An alternate member of the Zoning Board of Appeals shall have the same voting rights, when called to serve, as a regular member.

20.3 Term - The term of each member shall be three years and until a successor has been appointed and qualified; members desiring successive terms must submit a letter of intent to the Township Board for considered reappointment. Such successor must be appointed not more than one month before the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

20.4 Jurisdiction and Powers - The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 184 of 1943, as amended, all powers and

jurisdiction prescribed in other Articles of this Ordinance, including the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision, or determination made by the Building Inspector and/or Zoning Enforcer. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Building Inspector and/or Zoning Enforcer and may issue or direct the issuance of a permit.
2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
3. The jurisdiction and power to authorize, upon appeal and subject to Sections 20.7 - 20.9 of this Article, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

20.5 Meetings/Rules of Procedure - Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. All meetings shall be open to the public. The Zoning Board of Appeals shall adopt such rules of procedure consistent with the provisions of said Act, this Zoning Ordinance, and other local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

20.6 Appeals - Appeals to the Zoning Board of Appeals may be taken by any party aggrieved or affected by any order, requirement, decision, or determination of the Building Inspector and/or Zoning Enforcer or by an officer or agency of the Township. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 30 days after the date of the action appealed. A copy of the notice shall promptly be served upon the officer or agency from whose decision or order the appeal is taken, who shall forthwith transmit to the Zoning Board of Appeals all record pertaining to action appealed from. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Township Board or by the Circuit Court.

After a variance has been denied in whole or in part by the Board, then no application shall be resubmitted for a period of one (1) year from the date of the last denial. However, a denied variance may be reconsidered by the Board when, in the

opinion of the Board, newly discovered evidence or changed conditions warrant such reconsideration.

20.7 Variances - Subject to the provisions of Section 20.9 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after public hearing, shall have the power to decide applications for variances in the following situations:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector and/or Zoning Enforcer or other administrative agency of the township in the carrying out of the provisions of this Ordinance; or
2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship. However, the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could/could have, without undue hardship, be/have been included as part of the lot; or
3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance; provided that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

#### 20.8 Variance Standards and Conditions

1. Standards - No variance in the provision or regulations of this Ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance, and that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this Ordinance or of the public health, safety, and welfare.
2. No variance in the provision or regulations of this Ordinance shall be authorized if any of the following facts and circumstances exist:
  - A. The hardship presented is self-created by action of the applicant, his agents or predecessors.



B. There are no unique circumstances or conditions involving the property in question, or

C. The hardship presented is based solely on economic considerations.

3. Conditions - The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity. Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

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

B. That the condition or limitation is related to the valid exercise of the Zoning Enforcer, and purposes which are effected by the proposed variance; and

C. That the condition or limitation is necessary to meet the intent and purpose of the Zoning Ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

D. Such conditions and limitations may impose greater or more restrictive regulations than are otherwise set forth in this Ordinance. The variance may include the requirement of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

20.9 Land Use Variance - The Zoning Board of Appeals shall not act on a request for a land use not allowed in a zone.

20.10 Public Hearings - Upon the filing of any appeal or other matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter not earlier than five days, nor later than 45 days, after the date of such filing, and shall cause notice of the time and place of the hearing to be given as required by law.

20.11 Decisions - The Zoning Board of Appeals shall render its decision within 60 days after the hearing thereon and notify the applicant in writing of its decision. The reasons for any Board decision shall be stated in full and made a part of the meeting records.

Decisions of the Zoning Board of Appeals are not appealable to the Township Board or the Planning Commission. Board of Appeals decisions are final but may be appealed to the circuit court on questions of law and fact within 21 days of the decision.

20.12 Time Limit - If the variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within three months after the date the variance is granted, and the structure or alteration shall be completed within 24 months or said variance shall be deemed abandoned and withdrawn.

20.13 Vote Necessary for Decision - The final decision of the Zoning Board of Appeals on any matter shall require the concurring vote of a majority of its members.

20.14 Minutes and Records - The secretary shall keep minutes of the Zoning Board of Appeals' proceedings showing the vote of each member or alternate upon every question, or if absent or failing to vote due to a conflict of interest, indicating that fact. The secretary shall keep records of the Zoning Board of Appeals' examinations and official actions, all of which shall be filed with the Township Clerk and be a public record.

20.15 Limitation of Board Action - Except as authorized in this Article, the Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provisions of this Ordinance, and where the Zoning Board of Appeals considers that any specific provision is inappropriate it shall submit to the Township Planning Commission a request for review of said provision.

## **Article 21. Severability, Repeal and Effective Date**

21.1 Severability - Should any section, clause or provision of this ordinance be declared by any court 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.

21.2 Repealing Clause - All ordinances and amendments thereto, in conflict with this ordinance are hereby repealed.

21.3 Effective Date - This ordinance shall become effective immediately upon the publication thereof.

**3. Table of Requirements for Residential "A", "B", "C", "D", and Agricultural Zoning Districts.**

<b>ZONING DISTRICT</b>	<b>I RES. A</b>	<b>II RES. B</b>	<b>III RES.C</b>	<b>IV RES.D</b>	<b>V AG</b>
<b>A. LOT AREA, MINIMUM SIZE</b>					
1. Single family dwelling	1 Acre	1 Acre	1 Acre	5 Acres	1 Acre
2. Single family dwelling in subdivision or site condominium	25,000 SF	16,000 SF	16,000 SF	5 Acres	25,000 SF
3. More than 1 single family					
a. 2 units			50000 SF		
b. 3 units			56000 SF		
c. More than 3 Units			Add 6000 SF each		
<b>B. LOT AREA, MINIMUM ACRES</b>					
1. With non commercial animals excluding household pets.	5	5	5	5	5
2. General farming					
a. Not including animals	5	5	5	5	5
b. With commercial animals	10	10	10	10	10
<b>C. LOT WIDTH, MINIMUM FEET ON A PUBLIC ROAD (OR PRIVATE ROAD LOCATED IN A CONDOMINIUM PROJECT)</b>	110	110	110	250	110
<b>D. LOT WIDTH, MINIMUM FEET ON A CUL DE SAC, CURVE (MINIMUM 60°) AND ODD SHAPED LOTS</b>	75	75	75	75	75
<b>E. LOT WIDTH, MINIMUM FEET AT THE BUILDING LINE</b>					
1. Single family dwelling	110	110	110	250	110
2. More than 1 single family					
a. 2 Units		125			
b. 3 Units		150			
c. More than 3 Units		Add 25 each			

Continued on next page

ZONING DISTRICT	I RES. A	II RES. B	III RES.C	IV RES.D	V AG
F. BUILDING LINE DEPTH, MAXIMUM FEET FROM FRONT LOT LINE TO MEET LOT WIDTH REQUIREMENT	75	75	75	N/A	75
G. PRINCIPAL BUILDING HEIGHT, MAXIMUM FEET	40	40	40	40	40
H. PRINCIPAL BUILDING AREA, MINIMUM SQUARE FEET					
1. Single family dwelling	960	800	800	800	800
2. More than 1 single family		800 each unit			
I. PRINCIPAL BUILDING WIDTH, MINIMUM FEET	24	24	14	24	14
J. PRINCIPAL BUILDING YARD REQUIREMENTS, MINIMUM FEET					
1. Front	50	50	50	50	50
2. Rear					
a. Minimum	25	25	25	25	25
b. If rear abuts a road	50	50	50	50	50
3. Side					
a. Minimum	15	15	15	15	15
b. The side on a corner lot which is adjacent to the road right of way	50	50	50	50	50
K. TOTAL ACCESSORY BUILDING AREA, MAXIMUM PERCENTAGE OF LOT AREA	3	2	2	5	5
L. ACCESSORY BUILDING YARD AREA, MAXIMUM PERCENTAGE OF LOT AREA					
1. Side					
a. Minimum	15	15	15	15	15
b. The side on a corner lot which is adjacent to the road right of way, including lots of 10 acres or more	50	50	50	50	50

Continued on next page

**ZONING DISTRICT**

I RES. A	II RES. B	III RES.C	IV RES.D	V AG
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c. Where accessory building is permitted between front lot line and front building line of a principal building per subsection 3 below.

30	30	30	30	30
15	15	15	15	15

2. Rear

3. Distance from front lot line

On parcels of less than 10 acres, behind front building line of principal building. On parcels of 10 acres or more, the lesser of 300 feet from front lot line or behind front building line of principal building.

**M. OTHER DIMENSIONS, MINIMUM FEET**

1. From dwelling to any building housing animals

50	50	50	50	50
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2. From lot lines to any building housing animals

100	100	100	100	100
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**N. OTHER DIMENSIONS, MAXIMUM SQUARE FEET**

1. Temporary structure for sale of produce grown on the premises

100	100	100	100	100
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End of Table 15.8.3

**4. Table of Regulations for Professional Office and Service, Commercial "A" and "B", and Industrial "A" and "B" Zoning Districts**

<b>ZONING DISTRICT</b>	<b>VI PO&amp;S 16000 SF</b>	<b>VII COM A 16000 SF</b>	<b>VIII COM B 16000 SF</b>	<b>IX IND A 16000 SF</b>	<b>X IND B 1 Acre</b>
<b>A. LOT AREA, MINIMUM SIZE</b>					
<b>B. LOT WIDTH, MINIMUM FEET ON A PUBLIC ROAD (OR PRIVATE ROAD LOCATED IN A CONDOMINIUM PROJECT)</b>	75	75	75	75	75
<b>C. PRINCIPAL BUILDING HEIGHT</b>	40	40	40	40	40
<b>D. PRINCIPAL BUILDING MAXIMUM SQUARE FEET</b>	7200	N/A	N/A	N/A	N/A
<b>E. PRINCIPAL BUILDING YARD REGULATIONS, MINIMUM FEET</b>					
<b>1. Front</b>	50	50	50	50	50
<b>2. Rear</b>					
<b>a. Minimum</b>	25	15	15	15	15
<b>b. If rear abuts a residential or an agricultural zone</b>	50	50	50	50	50
<b>c. If rear abuts a road</b>	50	50	50	50	50
<b>3. Side</b>					
<b>a. Minimum</b>	10	0	0	0	0
<b>b. The side on a corner lot which is adjacent to a road right of way</b>	50	50	50	50	50
<b>c. If side abuts a residential or an agricultural zone</b>	50	50	50	50	50
<b>F. ACCESSORY BUILDING AREA, MAXIMUM PERCENTAGE OF LOT AREA, PERCENTAGE</b>	N/A	35	35	35	35
<b>G. OTHER DIMENSIONS, MINIMUM FEET</b>					
<b>1. Screening required for outdoor storage</b>	N/A	N/A	6	6	6
<b>2. Rear fire lanes</b>	N/A	N/A	15	15	15
<b>3. Screening if abuts a residence</b>	N/A	N/A	8	8	8

**ZONING DISTRICT**

**H. OTHER DIMENSIONS, MAXIMUM PERCENT OF MAIN BUILDING AREA**

**1. Outdoor storage percentage**

**I. ACCESSORY BUILDING YARD REGULATIONS, MINIMUM FEET**

**1. Side**

**2. Rear**

**3. Distance from lot front**

VI PO&S	VII COM A	VIII COM B	IX IND A	X IND B
0	0	25	25	N/A
N/A	0	0	0	0
N/A	15	15	15	15
Behind the main building front line				

End of Table 15.8.4