

TORCH LAKE TOWNSHIP Zoning Ordinance

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Effective Date: September 19, 2024

Amended Through: March 5, 2026

ZONING ORDINANCE AMENDMENTS		
No.	Adoption Date	Description
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TABLE OF CONTENTS

Article 1: Title & Purpose	8
1.1 TITLE	9
1.2 AREA OF JURISDICTION	9
1.3 PURPOSE	9
1.4 RELATIONSHIP TO THE MASTER PLAN	9
1.5 AUTHORITY	9
Article 2: General Provisions	10
2.1 APPLICABILITY	11
2.2 THE EFFECT OF ZONING	11
2.3 CONFLICTING REGULATIONS	11
2.4 FRACTIONAL MEASUREMENTS	11
2.5 PARCEL DIVISIONS	11
2.6 BARRIER-FREE MODIFICATIONS	12
2.7 RESTORATION OF UNSAFE BUILDINGS	12
2.8 RELOCATION OF BUILDINGS	12
2.9 DEMOLITION OF BUILDINGS	12
2.10 TEMPORARY BUILDINGS DURING CONSTRUCTION	12
2.11 TEMPORARY DWELLINGS DURING CONSTRUCTION	13
2.12 PERMITTED YARD ENCROACHMENTS	13
2.13 PERMITTED HEIGHT EXCEPTIONS	14
2.14 PUBLIC USES: CRITICAL, ESSENTIAL & SUPPORTING	14
2.15 PRINCIPAL USES	14
2.16 ACCESSORY BUILDINGS & STRUCTURES	14
2.17 PERSONAL SOLAR ENERGY SYSTEMS	15
2.18 PERSONAL WIND ENERGY SYSTEMS	16
2.19 POWER GENERATORS	16
2.20 FENCES	16
2.21 REFUSE RECEPTACLES	17
2.22 RECREATIONAL VEHICLES	17
2.23 OUTDOOR STORAGE	18
2.24 CLEAR VISION AREAS	18
2.25 WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES	18
2.26 HAZARDOUS SUBSTANCES	19
2.27 PERFORMANCE STANDARDS	19
2.28 ANIMALS	19
2.29 MEDICAL USE OF MARIHUANA	19

TABLE OF CONTENTS

Article 3: Zoning Map & Districts	20
3.1 ZONING DISTRICTS & MAP	21
3.2 T: TIMBER RESERVE	24
3.3 A: AGRICULTURAL	28
3.4 R-1: SINGLE FAMILY RESIDENTIAL	32
3.5 R-2: TWO FAMILY RESIDENTIAL	36
3.6 V: VILLAGE	40
3.7 C: COMMERCIAL	45
Article 4: Overlay Districts	51
4.1 INTENT & PURPOSE	52
4.2 WATERFRONT OVERLAY DISTRICT	52
4.3 VILLAGE BUSINESS OVERLAY DISTRICT	56
Article 5: Site Development Standards	57
5.1 INTENT AND PURPOSE	58
5.2 LANDSCAPING	58
5.3 OFF-STREET PARKING & LOADING	63
5.4 EXTERIOR LIGHTING	67
5.5 SIGNS	69
5.6 STORMWATER MANAGEMENT	78
Article 6: Supplemental Use Standards	79
6.1 INTENT & PURPOSE	80
6.2 BED AND BREAKFAST ESTABLISHMENTS	80
6.3 ACCESSORY DWELLING UNITS (ADU'S)	80
6.4 AGRICULTURAL EMPLOYEE HOUSING	81
6.5 AGRICULTURAL TOURISM	81
6.6 CUSTOMARY AGRICULTURAL OPERATIONS	82
6.7 CAMPGROUNDS	82
6.8 AUTOMOBILE REPAIRS – MINOR	82
6.9 AUTOMOBILE REPAIRS – MAJOR	83
6.10 AUTOMOBILE SALES & RENTALS	83
6.11 AUTOMOBILE SERVICE STATIONS	84
6.12 HOME OCCUPATIONS	84
6.13 COTTAGE INDUSTRIES	85
6.14 HOME BASED BUSINESS	85
6.15 OUTDOOR SALES & DISPLAYS	86

TABLE OF CONTENTS

6.16	KENNELS & VETERINARY CLINICS	86
6.17	MOTELS AND HOTELS	87
6.18	RELIGIOUS INSTITUTIONS	87
6.19	GOLF COURSES & FACILITIES	87
6.20	SEXUALLY ORIENTED BUSINESS	88
6.21	CONTRACTOR STORAGE YARDS	90
6.22	DRIVE-IN & DRIVE-THROUGH SERVICES	90
6.23	SELF-STORAGE FACILITIES	90
6.24	EXTRACTIVE INDUSTRIES	90
6.25	TELECOMMUNICATION TOWER OR ALTERNATE TOWER STRUCTURE	94
6.26	WINERIES, BREWERIES, & DISTILLERIES	99
6.27	UPLAND GAME BIRD HUNTING PRESERVES	99
Article 7: Site Plan Review		100
7.1	INTENT & PURPOSE	101
7.2	SITE PLAN REVIEW REQUIRED	101
7.3	STANDARDS FOR SITE PLAN APPROVAL	101
7.4	SITE PLAN APPLICATION REQUIREMENTS	103
7.5	SITE PLAN APPLICATION REVIEW PROCEDURES	105
7.6	SITE PLAN APPLICATION DETERMINATIONS	106
7.7	RECORD OF ACTIONS	106
7.8	EXPIRATION & REVOCATION	107
7.9	REAPPLICATION	107
7.10	AMENDMENTS & MODIFICATIONS	108
7.11	FEES & PERFORMANCE GUARANTEES	108
Article 8: Special Land Use Approval		109
8.1	INTENT & PURPOSE	110
8.2	GENERAL STANDARDS	110
8.3	SPECIAL USE PERMIT APPLICATION REQUIREMENTS	110
8.4	SPECIAL USE PERMIT APPLICATION REVIEW PROCEDURES	110
8.5	SPECIAL LAND USE DETERMINATIONS	111
8.6	RECORD OF ACTIONS	111
8.7	EXPIRATION & REVOCATION	111
8.8	REAPPLICATION	111
8.9	AMENDMENTS & MODIFICATIONS	111
8.10	FEES & PERFORMANCE GUARANTEES	112

TABLE OF CONTENTS

Article 9: Land Development Options	113
9.1 Intent & Purpose	114
9.2 Planned Unit Development (PUD)	114
9.3 Open Space Preservation Development (OSPD)	121
9.4 Condominium Subdivisions	121
Article 10: Nonconformities	125
10.1 INTENT & PURPOSE	126
10.2 GENERAL STANDARDS	126
10.3 NONCONFORMING USES	126
10.4 NONCONFORMING SITES	128
10.5 NONCONFORMING STRUCTURES	128
10.6 NONCONFORMING LOTS	129
Article 11: Zoning Board of Appeals	130
11.1 AUTHORITY	131
11.2 MEMBERSHIP	131
11.3 ALTERNATES	131
11.4 ORGANIZATION	132
11.5 APPLICATIONS	132
11.6 APPEALS OF ADMINISTRATIVE DECISIONS	132
11.7 INTERPRETATION OF ZONING DISTRICT BOUNDARIES	132
11.8 INTERPRETATION OF ZONING ORDINANCE PROVISIONS	133
11.9 VARIANCES	133
11.10 HEARINGS AND DECISIONS	134
11.11 REAPPLICATION	134
11.12 FEES	134
11.13 LIMITATIONS OF AUTHORITY	134
Article 12: Administration, Enforcement, & Violations	135
12.1 ZONING ADMINISTRATOR	136
12.2 ZONING PERMITS	136
12.3 EXPIRATION OF APPLICATION	137
12.4 SCHEDULE OF FEES	138
12.5 PERFORMANCE GUARANTEES	138
12.6 TAXES & OTHER MONIES OWED	138
12.7 PUBLIC HEARINGS	138
12.8 VIOLATIONS & PENALTIES	139

TABLE OF CONTENTS

Article 13: Amendments & Severability	141
13.1 AMENDMENTS	142
13.2 CONDITIONAL REZONING	145
13.3 SEVERABILITY	150
13.4 REPEAL	150
Article 14: Definitions	151
14.1 RULES OF CONSTRUCTION	152
14.2 "A" TERMS	152
14.3 "B" TERMS	155
14.4 "C" TERMS	156
14.5 "D" TERMS	158
14.6 "E" TERMS	160
14.7 "F" TERMS	160
14.8 "G" TERMS	162
14.9 "H" TERMS	163
14.10 "I" TERMS	163
14.11 "J" TERMS	164
14.12 "K" TERMS	164
14.13 "L" TERMS	164
14.14 "M" TERMS	166
14.15 "N" TERMS	168
14.16 "O" TERMS	168
14.17 "P" TERMS	169
14.18 "Q" TERMS	171
14.19 "R" TERMS	171
14.20 "S" TERMS	172
14.21 "T" TERMS	177
14.22 "U" TERMS	178
14.23 "V" TERMS	178
14.24 "W" TERMS	178
14.25 "X" TERMS	179
14.26 "Y" TERMS	179
14.27 "Z" TERMS	180

1

Article 1 TITLE & PURPOSE

- 1.1. Title
- 1.2. Area of Jurisdiction
- 1.3. Purpose
- 1.4. Relationship to the Master Plan
- 1.5. Authority

1.1 TITLE

This Ordinance shall be known as the “Torch Lake Township Zoning Ordinance”, and will be referred to herein as “this Ordinance”.

1.2 AREA OF JURISDICTION

The provisions of this Ordinance shall apply to all lands, public and private, throughout the incorporated areas of the Torch Lake Township, Antrim County, Michigan, to the extent permitted by law. The area of jurisdiction is referred to herein as the “Township.” This shall include all land, buildings, yards, wetlands, woodlands and shoreline within the Township, including riparian lands and bottomlands of water bodies and shall be concurrent with other governmental entities having jurisdiction thereover. The concurrent jurisdiction of other governmental entities shall not limit the jurisdiction of the Township to regulate lands or activities within the Township, unless specifically exempted by another law.

1.3 PURPOSE

In accordance with the authority and intent of Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended, the Township desires to provide for the orderly development of the Township, which is essential to the wellbeing of the community and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to:

- A. Promote the public health, safety and general welfare;
- B. Encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land and protect water resources;
- C. Control sprawl, guide development, redevelopment, and maintain rural Northern Michigan character;
- D. Control congestion on the public roads;
- E. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties;
- F. Consider the character of each district, its suitability for particular uses, the existing property values and natural resources, and that the trend and character of land uses, building and population development are appropriate for community needs.

1.4 RELATIONSHIP TO THE MASTER PLAN

This Ordinance is a tool used by the community to effectuate the recommendations of the Torch Lake Township Master Plan and other planning documents, which serve as a guide to the long-term physical development of the Township.

1.5 AUTHORITY

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

2

Article 2 GENERAL PROVISIONS

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|---|---|
| 2.1. Applicability | 2.15. Principal Uses |
| 2.2. The Effect of Zoning | 2.16. Accessory Buildings & Structures |
| 2.3. Conflicting Regulations | 2.17. Personal Solar Energy Systems |
| 2.4. Fractional Measurements | 2.18. Personal Wind Energy Systems |
| 2.5. Parcel Divisions | 2.19. Power Generators |
| 2.6. Barrier-Free Modifications | 2.20. Fences |
| 2.7. Restoration of Unsafe Buildings | 2.21. Refuse Receptacles |
| 2.8. Relocation of Buildings | 2.22. Recreational Vehicles |
| 2.9. Demotion of Buildings | 2.23. Outdoor Storage |
| 2.10. Temporary Buildings During Construction | 2.24. Clear Vision Areas |
| 2.11. Temporary Dwellings During Construction | 2.25. Water Supply and Sewage Disposal Facilities |
| 2.12. Permitted Yard Encroachments | 2.26. Hazardous Substances |
| 2.13. Permitted Height Exceptions | 2.27. Performance Standards |
| 2.14. Public Uses: Critical, Essential & Supporting | 2.28. Animals |
| | 2.29. Medical Use of Marihuana |

2.1 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within the township and within all zoning districts. As an aid to users, this Ordinance may cross-reference sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this Ordinance. The Ordinance must be read and applied “as a whole.”

2.2 THE EFFECT OF ZONING

- A. To carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained.
- B. If any activity, use, building, structure, or part thereof is placed upon a property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- C. In the event that any lawful use, activity, building or structure which exists or has received a zoning permit at the time of the effective date of this Ordinance and is not in conformance with the provisions of this Ordinance, that activity, building or structure shall be considered a nonconforming use, building, or site development requirement, as appropriate, and be allowed to remain as such, including completion of construction.

2.3 CONFLICTING REGULATIONS

In the interpretation, application, and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or ordinance, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than is imposed or required by this Ordinance, then the provisions of the other law or ordinance shall govern.

Unless shown and marked as an “example” or notes as “for illustrative purposes only”, the graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

2.4 FRACTIONAL MEASUREMENTS

When using units of measurement to determine requirements of the standards presented in this Ordinance result in a fractional number, any number less than one-half ($1/2$) shall be disregarded, and fractions equal to one-half ($1/2$) or more shall be rounded up to the nearest whole number, unless noted otherwise.

2.5 PARCEL DIVISIONS

The subdivision or division of a parcel is prohibited unless approved under the Torch Lake Township Land Division Ordinance or through the establishment of a condominium subdivision. All parcels or lots resulting from land subdivisions or divisions shall comply with the provisions of this Ordinance.

2.6 BARRIER-FREE MODIFICATIONS

Nothing in this Ordinance shall prevent the unlimited modification of a building that is to comply with barrier-free requirements and the Americans with Disabilities Act.

2.7 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Official, Fire Marshall, or Public Health Inspector.

2.8 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the Township shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

2.9 DEMOLITION OF BUILDINGS

No structure shall be demolished until a zoning permit for demolition has been issued by the Zoning Administrator. The demolition shall be completed within the time period required by the Township and under conditions that may be specified by the zoning permit as necessary to protect the public health, safety and welfare. The demolition of structures within the township shall comply with the following:

- A. The demolition of a structure shall include the demolition and removal of all foundation, cement flooring, footings, and walls, unless the applicant has immediate plans to incorporate those features into the proposed structure's construction. Demolished materials shall not be used as backfilling material.
- B. The demolition of structures shall not damage any public or private property. If any damage is done to property, the applicant is responsible for remediating the damage in a timely manner.
- C. The removal of a principal structure that will leave an accessory structure on the property shall not be allowed unless the accessory structure is also removed, or the applicant has made an approved zoning application to construct a new principal structure. Completion of approved application must be completed within 2 years time.
- D. Following demolition of the structure and the removal of all required materials, the site shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties. All non-paved areas on the site shall be top dressed with a minimum two (2) inches of topsoil and stabilized with an appropriate land cover.

2.10 TEMPORARY BUILDINGS DURING CONSTRUCTION

Temporary buildings or structures may be used during construction for the storage of construction materials and for construction offices during construction of an approved project. Only one (1) temporary structure shall be permitted. Temporary buildings and all construction debris shall be removed within thirty (30) days from the issuance of a Certificate of Occupancy from the Antrim County Department of Building Safety or abandonment of the work. No temporary building or structure shall be used as a dwelling unit except as noted in Section 2.11.

2.11 TEMPORARY DWELLINGS DURING CONSTRUCTION

- A. Any basement, cellar, accessory structure, recreational vehicle, tent, mobile home not installed according to the requirements of this Ordinance, or other structure may be used as a residential dwelling.
- B. A manufactured home or other similar structure may be used as a temporary residential dwelling under the following requirements:
 - 1. The use of a temporary dwelling shall only be permitted to the owner of the property during the construction and completion of a permanent dwelling on the same property.
 - 2. A zoning permit shall be required for erection and occupation of a temporary dwelling and shall be applied for at the same time as an application for a zoning permit for a permanent dwelling on the same property.
 - 3. A zoning permit for a temporary dwelling shall be valid for a period of twelve (12) months. One (1) additional six (6) month extension may be obtained from the Zoning Administrator provided the property owner can demonstrate need for the extension, such as by presenting evidence the project encountered unforeseen difficulties beyond the control of the property owner.
 - 4. The temporary dwelling, unless the basement of the dwelling, shall cease to be used as a dwelling, removed, or dismantled upon completion of construction of the permanent dwelling on the same property.
 - 5. The location of the temporary dwelling shall meet all the setback requirements of the district in which it is located.
 - 6. No additions shall be permitted to a temporary dwelling.
 - 7. If temporary dwelling is not self contained, then a well and septic shall be installed.

2.12 PERMITTED YARD ENCROACHMENTS

Permitted encroachments into required yard setbacks shall be limited to the following structures:

- A. Paved terraces, patios, decks, uncovered porches, and ramps, provided the area is unroofed and without railings and/or walls, the highest elevation of the surface of the improvement does not extend more than thirty (30) inches above the average surrounding finished grade level, and no portion of the improvement extends more than five (5) feet into a required yard setback.
- B. Special structural elements such as cornices, eaves, gutters, sills, chimneys, belt courses, and ornamental features and similar features and roof overhangs shall not project more than two (2) feet into a required setback.
- C. Enclosed porches built at ground level and having solid foundations shall be considered to be an integral part of the building and shall be subject to all of the yard and area dimensional requirements established for principal buildings.
- D. Encroachments, except two (2) feet eave overhangs, into waterfront setbacks shall be prohibited except as permitted in Article 4.

2.13 PERMITTED HEIGHT EXCEPTIONS

Architectural, mechanical, and structural features may exceed the height limitations as follows, provided they are in compliance with Antrim County Construction Code Department:

- A. Parapet walls may extend above the maximum height specified in the respective district by up to five (5) feet. Roof-mounted mechanical equipment, excluding solar panels, may extend above the maximum height specified in the respective district if completely screened by said parapet wall.
- B. Architectural features associated with religious institutions shall be exempt from district height limits.
- C. Chimneys attached to buildings may extend above the maximum height specified in the district only to the extent required to meet fire and state construction codes.

2.14 PUBLIC USES: CRITICAL, ESSENTIAL & SUPPORTING

- A. Critical, essential, and supporting public uses and facilities, as defined by this Ordinance, shall be allowed in any zoning district by right. All applicable ordinances or laws shall apply.
- B. All structures associated with a public use shall be subject to applicable setbacks for the district in which they are located. Public buildings and their local supporting service uses, shall be permitted provided the arrangement of property uses shall minimize the impact on scenic views, and if feasible, the site design shall mitigate negative impacts related to building size, noise, lighting, and traffic. Planning Commission site plan approval and a zoning permit shall be required.
- C. The erection, construction, alteration, maintenance, and operation by utility agencies or municipal departments or commission, shall be permitted as authorized or regulated by any laws and the ordinances of the Township.
- D. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted by this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

2.15 PRINCIPAL USES

No lot may contain more than one (1) principal building or use, except where specifically provided for in this Ordinance. Upon determination by the Planning Commission, groups of apartment buildings, offices, retail business buildings, agricultural structures, or other similar groups of buildings may be considered collective principal structures or uses.

2.16 ACCESSORY BUILDINGS & STRUCTURES

- A. A building which is structurally connected to a principal building by a roofed porch, breezeway or similar structure, shall be considered part of the principal building and subject to the regulations applicable to principal buildings.
- B. An accessory building or structure shall comply with all setback requirements applicable to accessory buildings and structures for the district in which it is located and shall be located no less than ten (10) feet from any other building.

- C. An accessory building shall be for personal use by the owner or occupant of the property, unless otherwise authorized by this Ordinance.
- D. A manufactured home shall not be used as an accessory building.
- E. An accessory building shall not be used, in whole or in part, as a dwelling unless otherwise provided in this Ordinance.
- F. The maximum size of an accessory building or structure shall be governed by the maximum lot coverage for the zoning district in which it is located, whereas the cumulative total of the principal building and all accessory buildings and/or structures shall not exceed the maximum lot coverage.
- G. Accessory buildings and structures customarily incidental to a permitted principal use shall be allowed by right in all zoning districts. Accessory buildings or structures on a lot without a principal use or structure shall not be permitted.

2.17 PERSONAL SOLAR ENERGY SYSTEMS

Personal solar energy systems shall be permitted as an accessory use and structure where the primary purpose is to provide energy for on-site consumption. Personal solar energy systems shall be subject to the following standards:

A. Roof-Mounted Personal Solar Energy Systems:

- 1. Height: The height of the roof-mounted solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district.
- 2. Setback: Roof-mounted solar installations shall be considered part of the building and meet all applicable building setbacks.
- 3. Placement: Roof-mounted solar installations may be permitted on principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.
- 4. Coverage: Roof-mounted solar installations shall be allowed to cover the entire roof upon which they are mounted.
- 5. Visibility and Glare: Roof-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
- 6. Energy Sales: Excess energy generated by roof-mounted solar installations may be sold to utility company and returned to the grid.

B. Ground-Mounted Personal Solar Energy Systems:

- 1. Height: The maximum height of a ground-mounted solar installation shall be sixteen (16) feet above grade at maximum tilt.
- 2. Setbacks: Ground-mounted solar installations shall comply with all district required setbacks.

3. Placement: Ground-mounted solar installations shall only be allowed in the rear or side yard on a property with an established permitted principal use. Placement in street-facing side yards of corner lots shall be prohibited.
4. Coverage: The area of the ground-mounted solar installation energy collection system shall count towards the maximum lot coverage allowed for accessory buildings on property with a principal use.
5. Visibility and Glare: Ground-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programmed to prevent positioning at any point that would result in glare directed toward nearby properties or rights-of-way. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
6. Energy Sales: Excess energy generated by ground-mounted solar installations may be sold to utility company and returned to the grid.

2.18 PERSONAL WIND ENERGY SYSTEMS

- A. Non-commercial personal wind energy systems and associated anemometer towers may be located in any district, provided the personal wind energy system or anemometer tower is set back from the property line a distance at least equal to the total height.
- B. The minimum site area for a non-commercial personal wind turbine generator or associated anemometer tower shall be three (3) acres.
- C. The maximum height shall be one hundred ten (110) feet.
- D. Minimum blade clearance above the ground shall be fifteen (15) feet.
- E. A personal wind energy system or associated anemometer tower shall not be artificially lighted unless required by the FAA.

2.19 POWER GENERATORS

Permanent back-up power generators may be permitted as an accessory structure and shall be subject to the following standards:

- A. Serve as a back-up power generation system only to be operated under emergency situations when power supply is disrupted and for routine maintenance and system checks.
- B. Prohibited from any front, side, and rear yard setback area.
- C. Not be visible from the public right-of-way without adequate screening that exceeds the height of the generator by at least one (1) foot.
- D. Subject to all applicable Township ordinances, including but not limited to those governing noise.

2.20 FENCES

All fences shall:

- A. Be measured from the average finished grade between two (2) fence posts and the top of the fence between said posts.
- B. Be wholly on the property they are intended to serve and setback at least ten (10) feet from any rights-of-way.
- C. For waterfront lots, fencing along the side property line shall not be solid and shall possess forty (40%) percent or more opacity within the waterfront setback.
- D. Have the finished side of the fence facing outward away from the property.
- E. Be made of safe, durable materials. Fences shall not be made of or include barbed wire, razor wire, electrified materials, or any other dangerous material except for when used for keeping of animals or agricultural products or when such material is allowed in the commercial or industrial districts upon approval by the Planning Commission. The use of pallets, slab wood, chicken wire, or other material not intended for fencing shall be prohibited.

2.21 REFUSE RECEPTACLES

All trash and refuse stored outdoors shall be placed in a designated container and shall meet the following standards:

- A. Dumpsters shall only be used for residential structures serving more than four (4) dwelling units on a single lot and for non-residential uses. Exception shall be made for temporary dumpsters used for construction projects that have been approved through a zoning permit or building permit, but shall be removed within seven (7) days after the work has been completed. Screening and location shall not apply to temporary dumpsters.
- B. Dumpsters shall be placed on a concrete pad and shall have a concrete approach made of deep strength or reinforced concrete large enough to accommodate a truck used for emptying the dumpster(s).
- C. All dumpsters shall be screened on all sides with a masonry wall or of materials that match the front facade of the principal structure and shall include an opaque gate. The screening shall be a minimum of six (6) feet high, but tall enough to completely screen the refuse container. The Planning Commission shall have final determination in approving the screening material.
- D. No refuse receptacle shall be stored in any front yard, setback, or required landscape areas.

2.22 RECREATIONAL VEHICLES

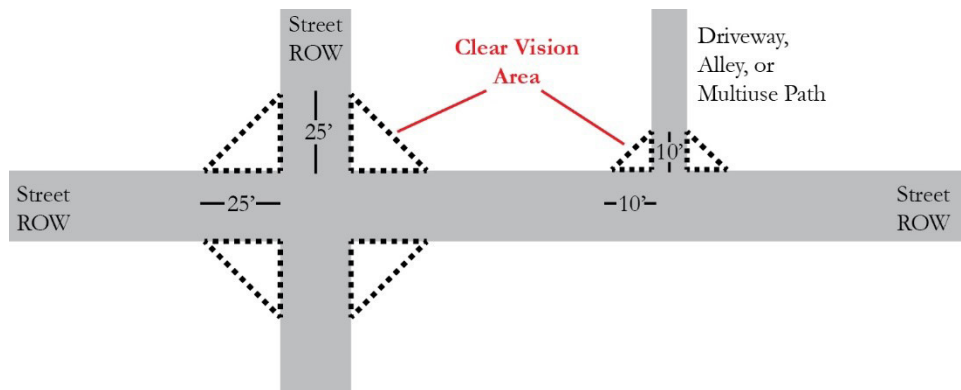
- A. The unoccupied storage of a recreational vehicle on any residential property by the owner thereof shall be allowable as a permitted accessory use where a permitted principal use is established, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property. The unoccupied storage of a motor home or travel trailer shall comply with the applicable district setbacks.
- B. Temporary occupancy of one (1) travel trailer, motor home and other similar vehicle shall not exceed thirty (30) days in any calendar year and shall not be connected to utility, water supply and sanitary sewer. A zoning permit shall be required for temporary occupations exceeding 30 days. This shall be for personal use and not rented or leased to an occupant.

2.23 OUTDOOR STORAGE

Storage of materials or goods to be sold at retail or used as services is prohibited except where allowed in Article 3. All allowed outdoor storage must take place in a rear or side yard, screened from view, and be an accessory incidental to the principal use of the parcel. The outside storage of usable farm machinery necessary for permitted agricultural uses shall be allowed.

2.24 CLEAR VISION AREAS

- A. No plantings, signs, or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle approaching the intersection, or entering or exiting a driveway.
- B. The following distances shall be used when establishing a clear vision area:
 1. Driveways: Ten (10) feet
 2. Multi-Use Paths: Ten (10) feet
 3. Street Intersections: Twenty-five (25) feet



- C. This shall not prohibit the maintaining of landscaping less than thirty-six (36) inches in height in this area, nor the planting of trees whose lowest branches are higher than ten (10) feet from grade.
- D. The Zoning Administrator may require a reduction in the height of screening or vegetation where necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches and public streets in proximity to screening or vegetation. In this case, height shall be reduced only for that portion of the screening or vegetation necessary to provide adequate sight distance and/or corner clearance necessary for traffic safety.

2.25 WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with the local health department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by local health department shall be filed with application for a zoning permit.

2.26 HAZARDOUS SUBSTANCES

All business or industries that store, use, or generate hazardous substances, as defined in this Ordinance, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

2.27 PERFORMANCE STANDARDS

All activities, in any zoning district, shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light onto neighboring properties, adjacent streets, or public rights-of-ways.

2.28 ANIMALS

The keeping of poultry, pigs, horses, or other such livestock for personal use is allowed in the AG, R-1 and R-2 Districts, provided the parcels of land are five (5) acres or greater in size with a minimum width of two hundred (200) feet. Animals shall be properly housed and fenced as to not trespass.

Keeping of chickens for personal use shall be allowed in all zoning districts provided that the property is a minimum of two hundred (200) feet wide at the road, the chickens are kept in a fenced enclosure, and roosters shall not be allowed.

2.29 MEDICAL USE OF MARIHUANA

- A. The medical use of marihuana by both qualifying patients and primary caregivers, as those terms are defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, shall be a use by right in all zoning districts. Because of the confidential nature of the medical use of marihuana, no zoning permit shall be required.
- B. A property at which a primary caregiver is providing medical marihuana services shall have no sign related to the use as a primary caregiver visible from outside the dwelling.

3

Article 3 ZONING MAP & DISTRICTS

- 3.1. Zoning Districts & Map
- 3.2. T: Timber Reserve
- 3.3. A: Agricultural
- 3.4. R-1: Single-Family Residential
- 3.5. R-2: Two-Family Residential
- 3.6. V: Village
- 3.7. C: Commercial

3.1 ZONING DISTRICTS & MAP

- A. Zoning Districts Established: For the purpose of this Ordinance, the Township is hereby divided into the following Districts:

T: Timber Reserve
A: Agricultural
R-1: Single Family Residential
R-2: Two Family Residential
V: Village
C: Commercial

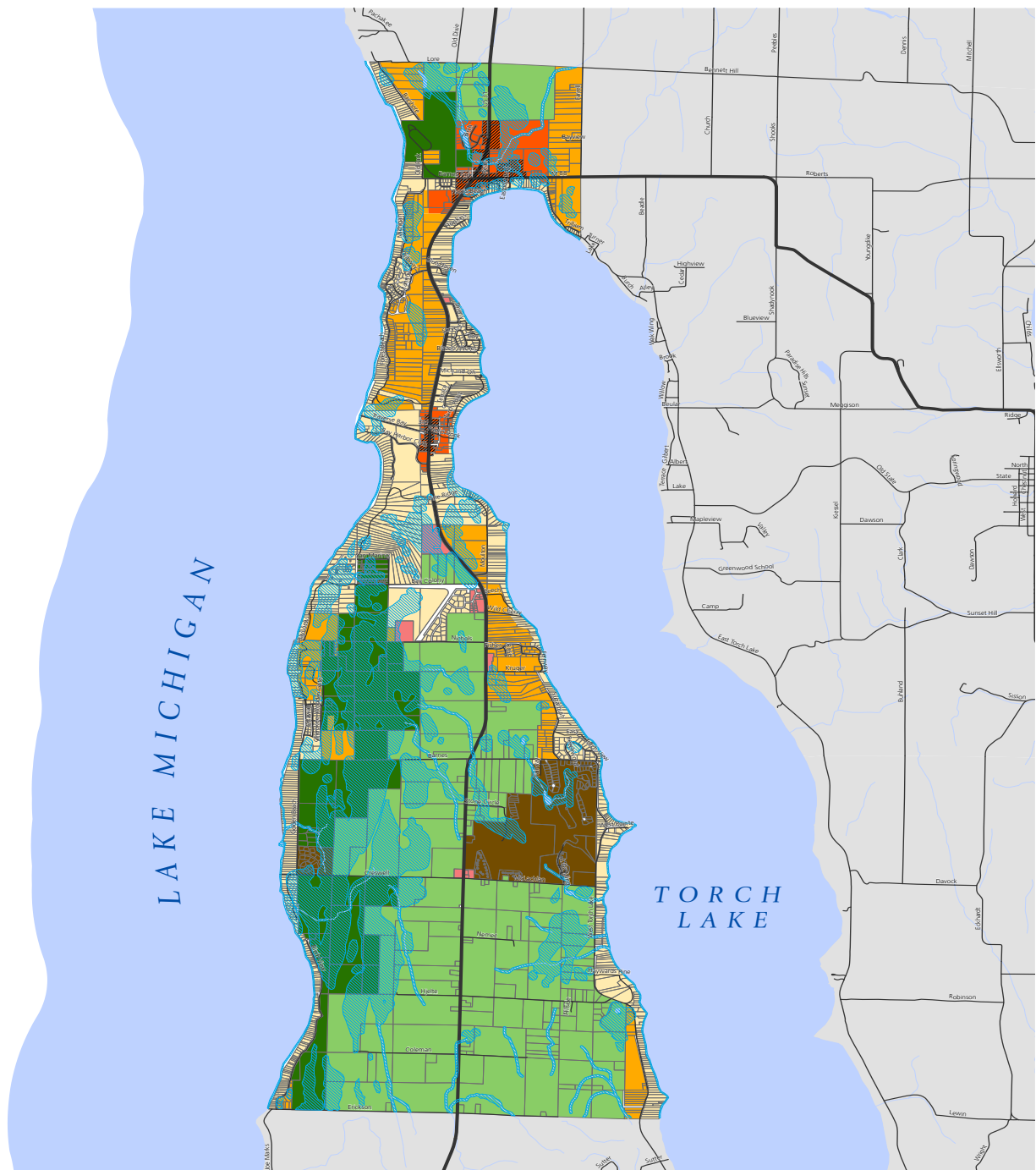
- B. Overlay District Established: In addition to the above established zoning districts, the following overlay districts are established and regulated in Article 4:

WF: Waterfront Overlay District

VB: Village Business Overlay District

- C. Zoning Map: The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated the "Official Zoning Map". The Official Zoning Map including all notations, references, data, and other information shown therein, is adopted and made a part of this Ordinance as fully as if it were contained within the pages of this Ordinance.
- D. Location: The Official Zoning Map is filed in the office of the Township Clerk.
- E. Updates: The Township Board may adopt amendments to the district boundaries designated on the Official Zoning Map upon review and recommendation by the Torch Lake Township Planning Commission.
- F. Zoning District Boundaries: Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:
1. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place, or alley lines, the same shall be construed to be the boundary of the district.
 2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.
 3. Whenever any street, road, alley, place, or other public way is officially vacated by the Township or Antrim County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.

4. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules “1” through “3” above, the Zoning Administrator shall provide an opinion of the boundaries.
 5. Any dispute in the opinion of the zoning district boundaries from the Zoning Administrator shall be heard by the Zoning Board of Appeals for a final determination.
- G. Zoning District Regulations: The following sections of this Article regulate the uses, dimensional standards, principal building form, landscaping, screening, and off-street parking design for each zoning district. Additional standards related to these items exist throughout the Ordinance and are in effect as applicable.
- H. Determination of Use: If a proposed use is not clearly listed or identified in the Regulated Uses Tables, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.
- I. Interpreting District Regulations:
1. The standards provided in the following sections are to be interpreted as the minimal requirements, unless explicitly stated as a maximum.
 2. Regulated uses listed as “By Right” approval type shall require site plan review, where applicable. Regulated uses listed as “SUP” approval type shall require a special use permit.
 3. Regulated uses that have additional supplemental use standards are indicated with the section number where the supplemental use standards can be found.
 4. Additional standards applicable to the items regulated for each zoning district, including but not limited to landscaping, fencing, off-street parking, and loading zones exist within this Ordinance. Nothing in this Article shall exempt a land use or development from satisfying any additional, applicable standards or design requirements contained within this Ordinance.
 5. In addition to the standards in this subsection and those under this section, all properties within the Waterfront and Village Business Overlay Districts shall be subject to the requirements of the overlay district as presented in Article 4. Where there is a conflict between the standards of this Article and those of the overlay district, those of the overlay district shall supersede the regulations of this Article.



TORCH LAKE TOWNSHIP Zoning Map

Data Sources: State of Michigan Geographic Data Library, Antrim County GIS, Esri Basemap

- Township Boundary
- State Roads
- All Roads
- Rivers / Streams
- Lakes / Ponds
- Railroads

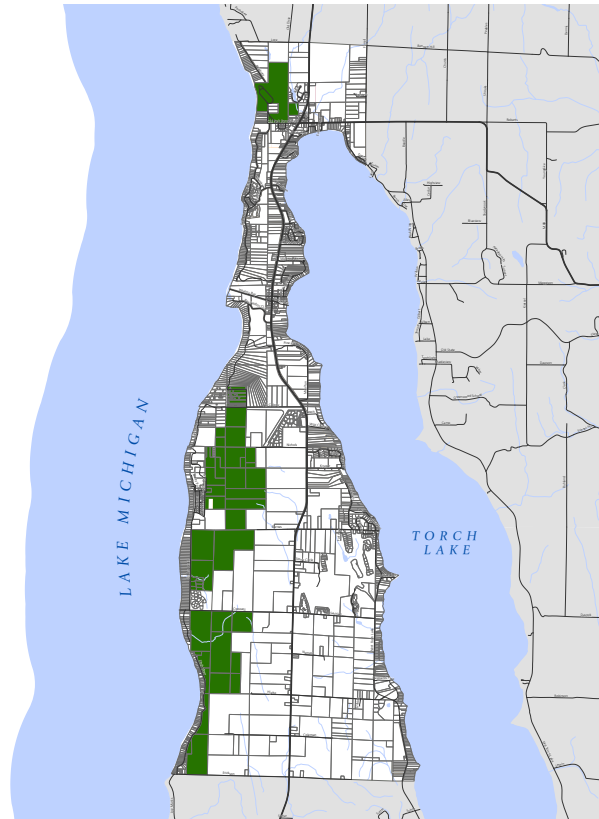
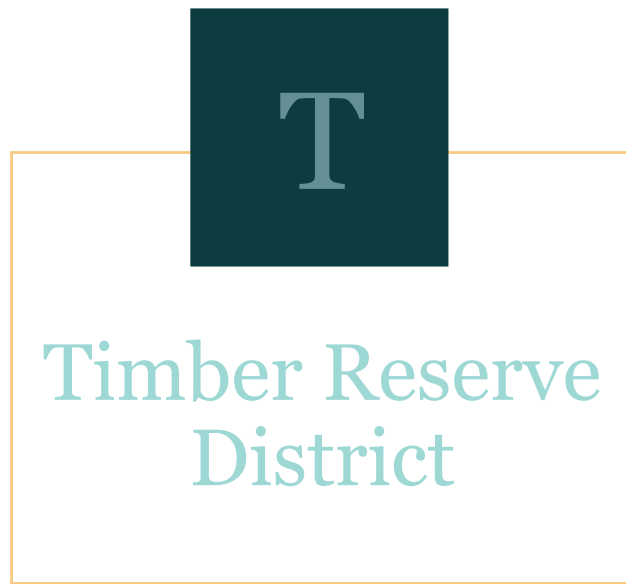
- Timber Residential
- R-1
- R-2
- Village
- PRD
- Agriculture

- Commercial
- Village Business Overlay
- Waterfront Overlay

*Disclaimer: This map is intended to serve illustrative purposes only. All zoning classification should be confirmed with Torch Lake Township.



B R
Beckett&Raeder



3.2 T: TIMBER RESERVE

3.2.1 Intent & Purpose

The Township contains several land areas connected to or in close proximity to lakes, rivers and streams and which have a high-water table or are wholly or partially submerged, and which, in many cases cannot be built upon in compliance with existing Township Ordinances and/or appropriate Health Department and environmental standards without disturbing the natural character of the area and/or endangering the purity of the adjoining water. The provisions of this section are intended to create a zoning district within Torch Lake Township which recognizes these unique characteristics while at the same time permitting utilization of lands within the district for timber resource production and associated activities and other uses where such uses are compatible with the land's location, soil characteristics, and topography, and where such uses have no adverse effect upon the natural environment.

3.2.2 Regulated Uses

T: REGULATED USES			
T: Regulated Uses	Approval Type	Supplemental Standards	Maximum Parking
Accessory Buildings & Structures	By Right	§2.16	--
Accessory Dwelling Units	By Right	§6.3	2 / dwelling
Adult Day Care Homes	By Right		0.25 / guest
Adult Foster Care Family Homes	By Right		0.5 / bed
Bed & Breakfast Establishments	SUP	§6.2	1 / guest bedroom
Cottage Industries	SUP	§6.13	1 / employee
Cultural Institutions	SUP		1 / 2 occupancy
Customary Agricultural Operations	By Right	§6.6	1 / employee
Educational Institutions	SUP		1 / 1,000 sq ft + 1 / classroom + assembly facility
Greenhouses & Nurseries	By Right		1 / employee + 4 / 1,000 sq ft of sales area
Home Based Business	SUP	§6.14	--
Home Occupations	By Right	§6.12	--
Public Use – Critical	SUP	§2.14	1 / employee
Public Use – Essential	SUP	§2.14	1 / employee
Public Use – Supporting	SUP	§2.14	1 / employee
Religious Institutions	SUP		1 / 2 occupancy
Riding Stables & Boarding Facilities	SUP		2 / stall
Single Family Dwellings	By Right		No Maximum
Telecommunication Towers	SUP	§6.26	--
Upland Game Bird Hunting Preserves	SUP	§6.29	1 / 2 occupancy

3.2.3 Dimensional Standards

T: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	200 ft
Minimum Lot Area	2 acres
Maximum Lot Coverage	30%
Maximum Impervious Coverage	25%
Principal Structures	
Front Setback	35 ft
Side Setback	15 ft
Corner Lot Side Setback	35 ft
Rear Setback	25 ft
Maximum Height	41 ft
Minimum Ground Floor Area	960 sq ft
Minimum Horizontal Dimensions	20 ft x 20 ft

T: DIMENSIONAL STANDARDS	
Accessory Structures	
Permitted Locations	Front, rear or side yard
Front Setback	35 ft
Side Setback	15 ft
Rear Setback	25 ft
Maximum Height	41 ft
Maximum Number	–
Maximum Ground Floor Area (cumulative)	Based on maximum impervious coverage

3.2.4 Fencing Standards

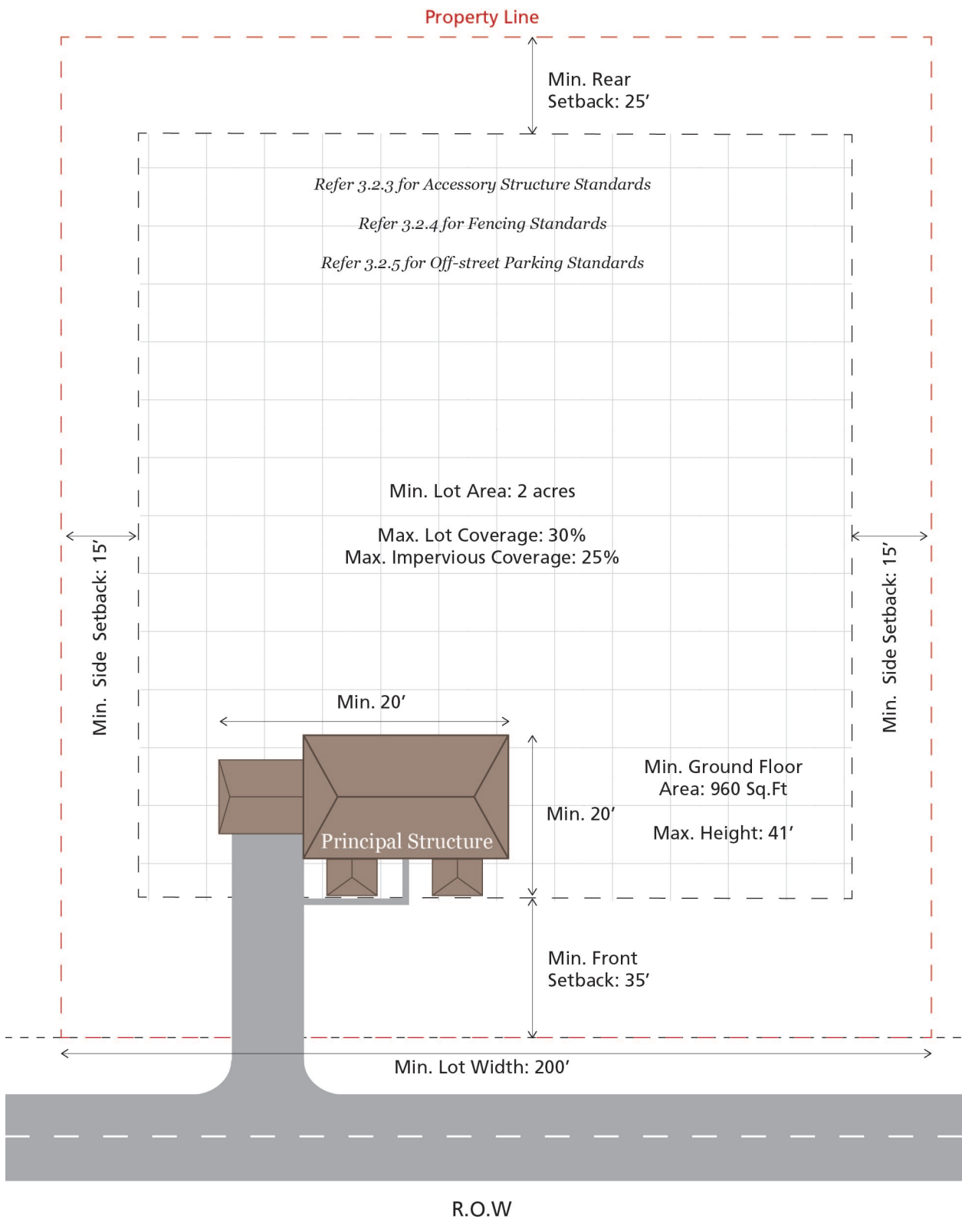
T: FENCING STANDARDS	
	Height Maximum
Front Yard Fences	4 ft
Rear & Side Yard Fences	8 ft

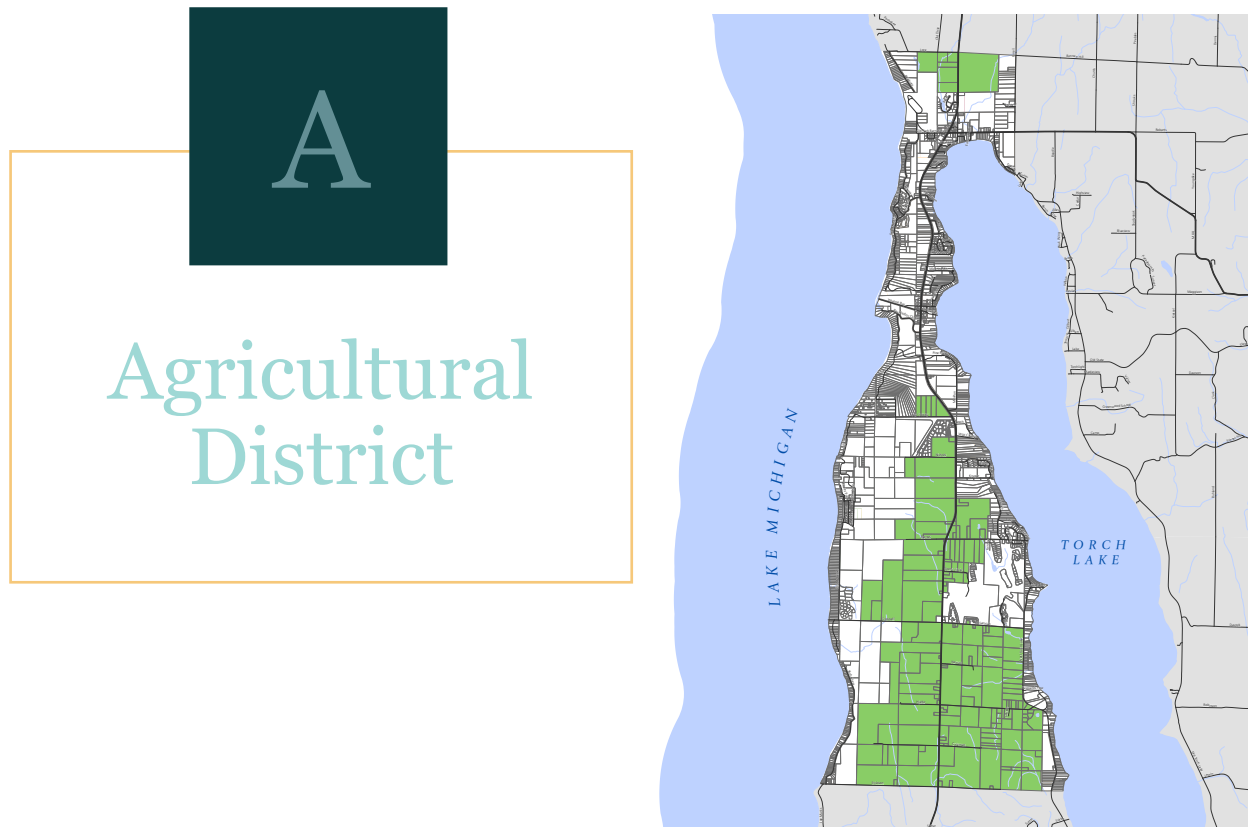
NOTE: Additional fencing standards located in Article 2.

3.2.5 Off-Street Parking & Loading Standards

T: OFF-STREET PARKING STANDARDS	
Item	All Uses
Off-Street Parking Lots	
Location	Side & Rear Yards Only
Front Setback	--
Side Setback	15 ft
Rear Setback	25 ft

NOTE: Additional parking and loading standards located in Article 5.





3.3 A: AGRICULTURAL

3.3.1 Intent & Purpose

The purpose of the Agricultural District is to encourage agricultural activities as a viable component of our economy. This encouragement will result from regulations that protect productive farmlands from encroachment by non-compatible uses, provide for a range of activities that are agriculturally oriented, and provide opportunities for development of both traditional and non-traditional agricultural activities. This district will also allow for pockets of land that are not suitable for agricultural usage to be developed for 1-unit residential use in a manner that protects the agricultural activities from the residential development and nuisance complaints from any resulting non-agricultural activities or development.

3.3.2 Regulated Uses

A: REGULATED USES			
A: Regulated Uses	Approval Type	Supplemental Standards	Maximum Parking
Accessory Buildings & Structures	By Right	§2.16	--
Accessory Dwelling Units	By Right	§6.3	2 / dwelling
Adult Day Care Homes	By Right		0.25 / guest
Adult Foster Care Family Homes	By Right		0.5 / bed
Agricultural Employee Housing	By Right	§6.4	1.5 / dwelling unit
Agricultural Processing Facility	SUP		1.5 / 1,000 sq ft
Agricultural Tourism	SUP	§6.5	1 / employee + 4 / 1,000 sq ft of sales area
Bed & Breakfast Establishments	By Right	§6.2	1 / guest bedroom
Cottage Industries	SUP	§6.13	1 / employee
Cultural Institutions	SUP		1 / 2 occupancy
Customary Agricultural Operations	By Right	§6.6	1 / employee
Educational Institutions	SUP		1 / 1,000 sq ft + 1 / classroom + assembly facility
Golf Courses & Facilities	SUP	§6.19	5 spaces / hole + 1 / employee
Greenhouses & Nurseries	By Right		1 / employee + 4 / 1,000 sq ft of sales area
Home Based Business	SUP	§6.14	--
Home Occupations	By Right	§6.12	--
Kennels	By Right	§6.16	1 / employee + 1 / 250 sq ft indoor area
Microbreweries	SUP		1 / 3 occupancy
Public Use – Critical	SUP	§2.14	1 / employee
Public Use – Essential	SUP	§2.14	1 / employee
Public Use – Supporting	SUP	§2.14	1 / employee
Riding Stables & Boarding Facilities	SUP		
Single Family Dwellings	By Right		No Maximum
Small Distilleries	SUP		1 / 3 occupancy
Small Wineries	SUP		1 / 3 occupancy
Tasting Rooms	SUP		1 / 3 occupancy
Telecommunication Towers	SUP	§6.26	--
Upland Game Bird Hunting Preserves	SUP	§6.29	1 / 3 occupancy

3.3.3 Dimensional Standards

A: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	200 ft
Minimum Lot Area	2 acres
Maximum Lot Coverage	30%
Maximum Impervious Coverage	25%
Principal Structures	

A: DIMENSIONAL STANDARDS	
Front Setback	35 ft
Side Setback	15 ft
Rear Setback	25 ft
Maximum Height	41 ft
Minimum Ground Floor Area	960 sq ft
Minimum Horizontal Dimensions	20 ft x 20 ft
Accessory Structures	
Permitted Locations	Front, rear or side yard
Front Setback	35 ft
Side Setback	15 ft
Rear Setback	25 ft
Maximum Height	41 ft
Maximum Number	–
Maximum Ground Floor Area (cumulative)	Based on maximum impervious coverage

3.3.4 Landscaping & Fencing Standards

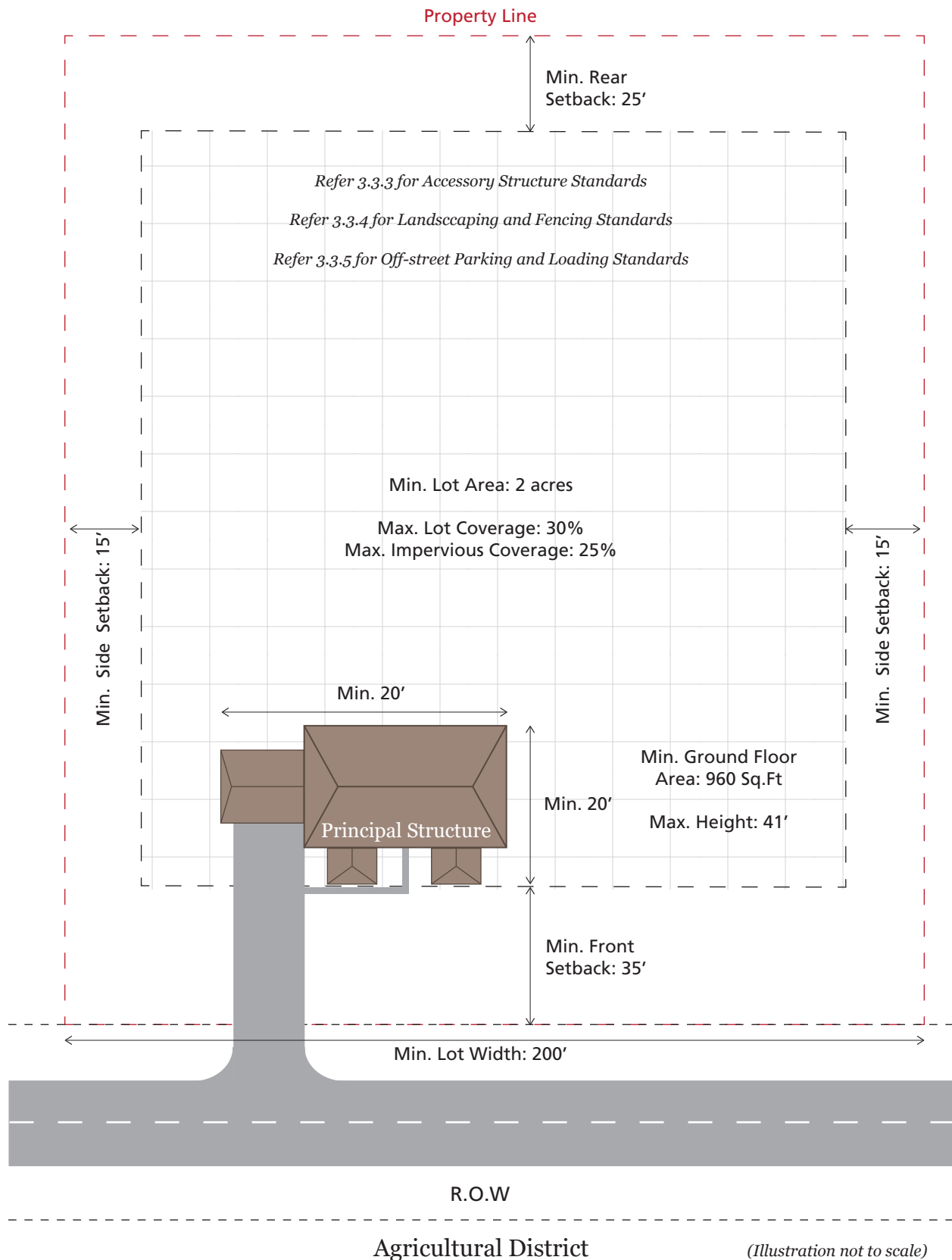
A: LANDSCAPING & FENCING STANDARDS		
Item	Residential Uses	All Other Uses
Lot Landscaping	--	--
Right-Of-Way Landscaping	--	--
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Front Yard Fences	4 ft	4 ft
Rear & Side Yard Fences	8 ft	8 ft

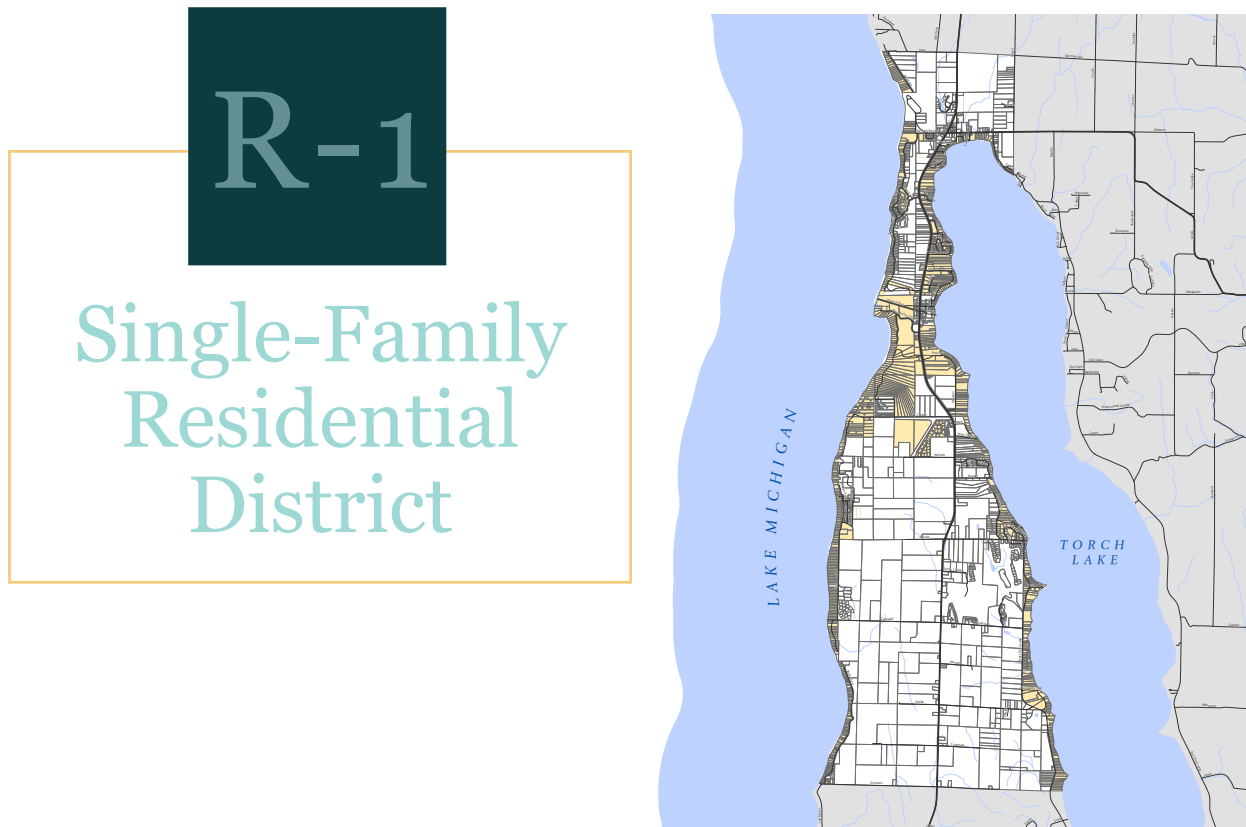
NOTE: Additional landscaping standards located in Article 5. Additional fencing standards located in Article 2.

3.3.5 Off-Street Parking & Loading Standards

A: OFF-STREET PARKING STANDARDS		
Item	Residential Uses	All Other Uses
Off-Street Parking Lots		
Location	Front, side, or rear	Side and rear Only
Front Setback	None	35 ft
Side Setback	None	15 ft
Corner Lot Setback	None	35 ft
Rear Setback	None	25 ft

NOTE: Additional parking and loading standards located in Article 5.





3.4 R-1: SINGLE FAMILY RESIDENTIAL

3.4.1 Intent & Purpose

The R-1 Single Family Residential District is intended to primarily accommodate single family dwellings on existing smaller and narrower lots due to past development patterns along the waterfronts. Permitted land uses within this district are established based upon, in part, the limited public services available and accompanying natural constraints. Purposeful site design standards will be required to protect the natural resources and water quality for environmentally sensitive properties. This zoning district strives to maintain an ecologically sound balance between human development activities and the environment in order to retain the Township's scenic and rural character.

3.4.2 Regulated Uses

R-1: REGULATED USES			
R-1: Regulated Uses	Approval Type	Supplemental Standards	Maximum Parking
Accessory Buildings & Structures	By Right	§2.16	--
Accessory Dwelling Units	By Right	§6.3	2 / dwelling
Adult Day Care Homes	By Right		0.25 / guest
Adult Foster Care Family Homes	By Right		0.5 / bed
Agricultural Tourism	By Right	§6.5	1 / employee + 4 / 1,000 sq ft of sales area
Bed & Breakfast Establishments	SUP	§6.2	1 / guest bedroom
Cottage Industries	By Right	§6.13	1 / employee
Cultural Institutions	SUP		1 / 2 occupancy
Home Based Business	SUP	§6.14	--
Home Occupations	By Right	§6.12	--
Public Use – Critical	SUP	§2.14	1 / employee
Public Use – Essential	SUP	§2.14	1 / employee
Public Use – Supporting	SUP	§2.14	1 / employee
Religious Institutions	SUP		1 / 3 occupancy
Single Family Dwellings	By Right		No Maximum

3.4.3 Dimensional Standards

R-1: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 ft
Minimum Lot Area	20,000 sq ft
Maximum Lot Coverage	30%
Maximum Impervious Coverage	40%
Principal Structures	
Front Setback	50 ft
Side Setback	10 ft
Rear Setback	35 ft
Maximum Height	35 ft
Minimum Ground Floor Area	960 sq ft
Minimum Horizontal Dimensions	20 ft x 20 ft
Accessory Structures	
Permitted Locations	Front, rear or side yard
Front Setback	50 ft
Side Setback	10 ft
Rear Setback	35 ft
Maximum Height	35 ft
Maximum Number	–
Maximum Ground Floor Area (cumulative)	Based on maximum impervious coverage

3.4.4 Landscaping & Fencing Standards

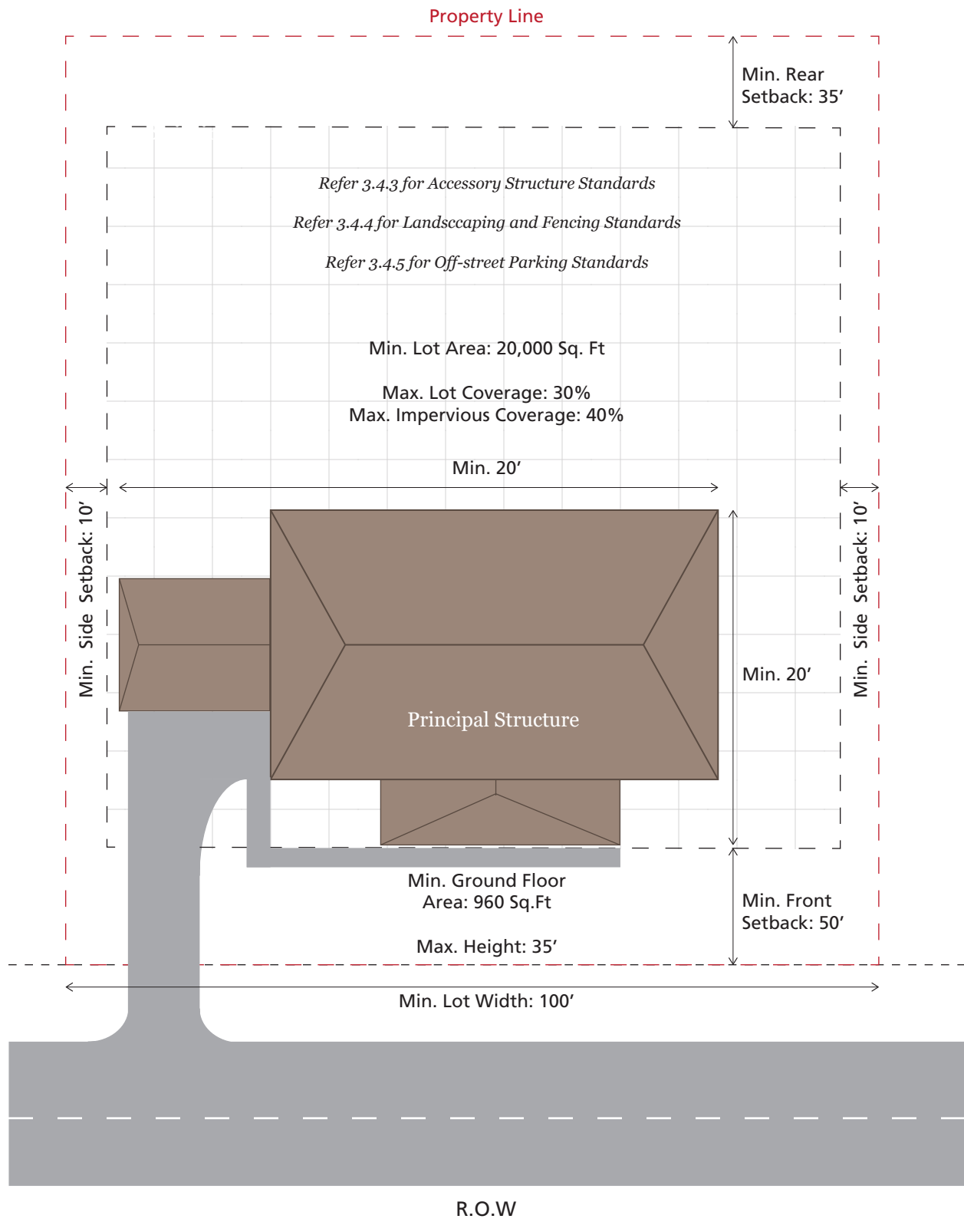
R-1: LANDSCAPING & FENCING STANDARDS		
Item	Residential Uses	All Other Uses
Lot Landscaping	--	--
Right-Of-Way Landscaping	--	--
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Front Yard Fences	4 ft	4 ft
Rear & Side Yard Fences	8 ft	8 ft

NOTE: Additional landscaping standards located in Article 5. Additional fencing standards located in Article 2.

3.4.5 Off-Street Parking & Loading Standards

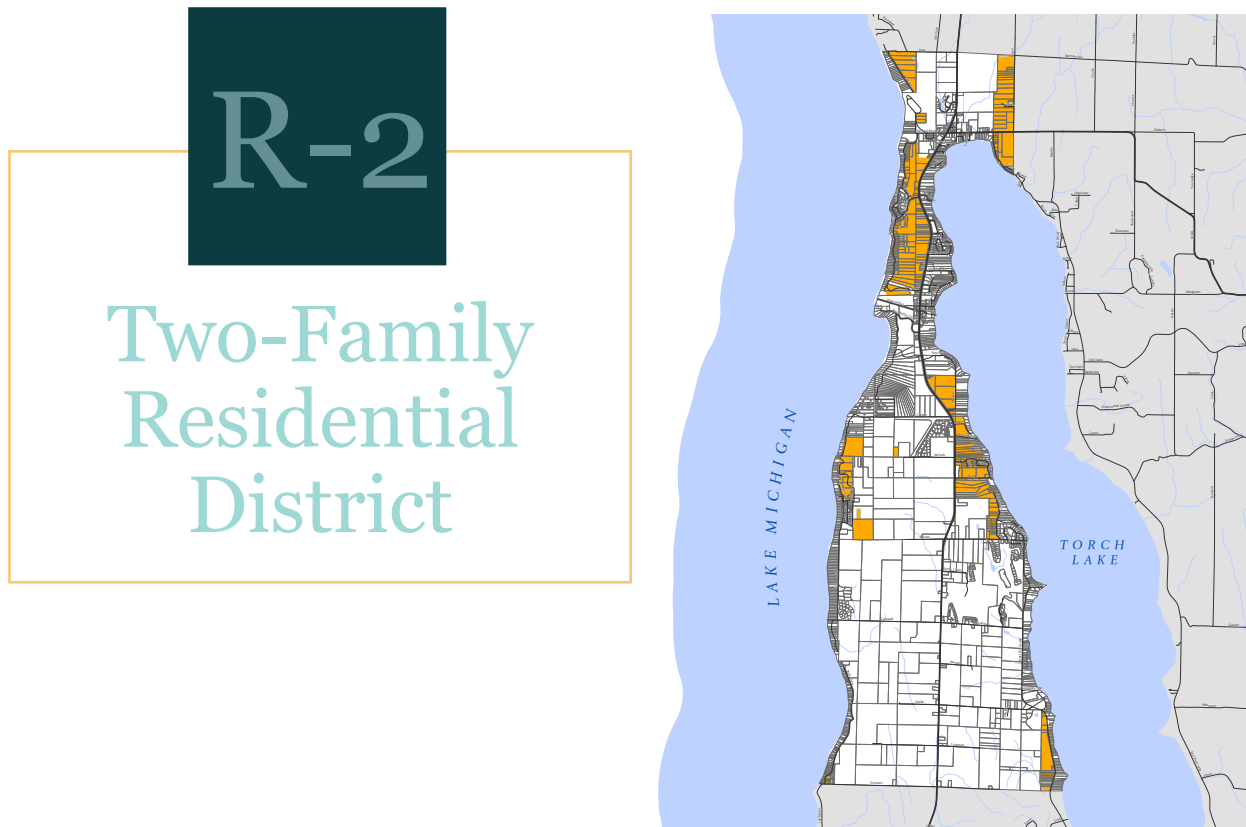
R-1: OFF-STREET PARKING STANDARDS		
Item	Residential Uses	All Other Uses
Off-Street Parking Lots		
Location	Front, side, or rear	Side and rear Only
Front Setback	None	35 ft
Side Setback	None	15 ft
Corner Lot Setback	None	35 ft
Rear Setback	None	25 ft

NOTE: Additional parking and loading standards located in Article 5.



Single-Family Residential District

(Illustration not to scale)



3.5 R-2: TWO FAMILY RESIDENTIAL

3.5.1 Intent & Purpose

The R-2 Two Family Residential District is intended to primarily accommodate single family and two family dwellings with a shared wall(s) on moderately sized lots due to infrastructure availability and existing uses. This district may include limited existing farms, and it is not the intent of this district to encourage the conversion of these agricultural lands to more intensive land uses, but to provide opportunities for residential development in a manner more compatible with the continuation of agricultural activities than traditionally provided for. Permitted land uses within this district are established based upon, in part, the limited public services available and accompanying natural constraints. Purposeful site design standards will be required to protect the natural resources and water quality for environmentally sensitive properties.

Land development options that cluster development patterns are encouraged to avoid or minimize development impacts on environmentally sensitive areas, forests, and farmland. This zoning district strives to maintain an ecologically sound balance between human development activities and the environment in order to retain the Township's scenic and rural character.

3.5.2 Regulated Uses

R-2: REGULATED USES			
R-2: Regulated Uses	Approval Type	Supplemental Standards	Maximum Parking
Accessory Buildings & Structures	By Right	§2.16	--
Accessory Dwelling Units	By Right	§6.3	2 / dwelling
Adult Day Care Homes	By Right		0.25 / guest
Adult Foster Care Family Homes	By Right		0.5 / bed
Assisted Living Facilities	SUP		0.25 / dwelling unit + 1 per employee
Bed & Breakfast Establishments	SUP	§6.2	1 / guest bedroom
Cottage Industries	SUP	§6.13	1 / employee
Cultural Institutions	SUP		1 / 3 occupancy
Duplex Dwellings	By Right		2 / dwelling
Educational Institutions	SUP		1 / 1,000 sq ft + 1 / classroom + assembly facility
Home Based Business	SUP	§6.14	--
Home Occupations	By Right	§6.12	--
Nursing Homes	SUP		0.5 / bed
Public Use – Critical	SUP	§2.14	1 / employee
Public Use – Essential	SUP	§2.14	1 / employee
Public Use – Supporting	SUP	§2.14	1 / employee
Religious Institutions	SUP		1 / 3 occupancy
Single Family Dwellings	By Right		No maximum

3.5.3 Dimensional Standards

R-2: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 ft
Minimum Lot Area	20,000 sq ft
Maximum Lot Coverage	50%
Maximum Impervious Coverage	55%
Principal Structures	
Front Setback	50 ft
Side Setback	10 ft
Rear Setback	35 ft
Maximum Height	35 ft
Minimum Ground Floor Area	1 Unit: 960 sq ft, 2 Unit 600 sq ft each
Minimum Horizontal Dimensions	20 ft x 20 ft

Accessory Structures	
Permitted Locations	Front, rear or side yard
Front Setback	50 ft
Side Setback	10 ft
Corner Lot Side Setback	50 ft
Rear Setback	35 ft
Maximum Height	35 ft
Maximum Number	–
Maximum Ground Floor Area (cumulative)	Based on maximum impervious coverage

3.5.4 Landscaping & Fencing Standards

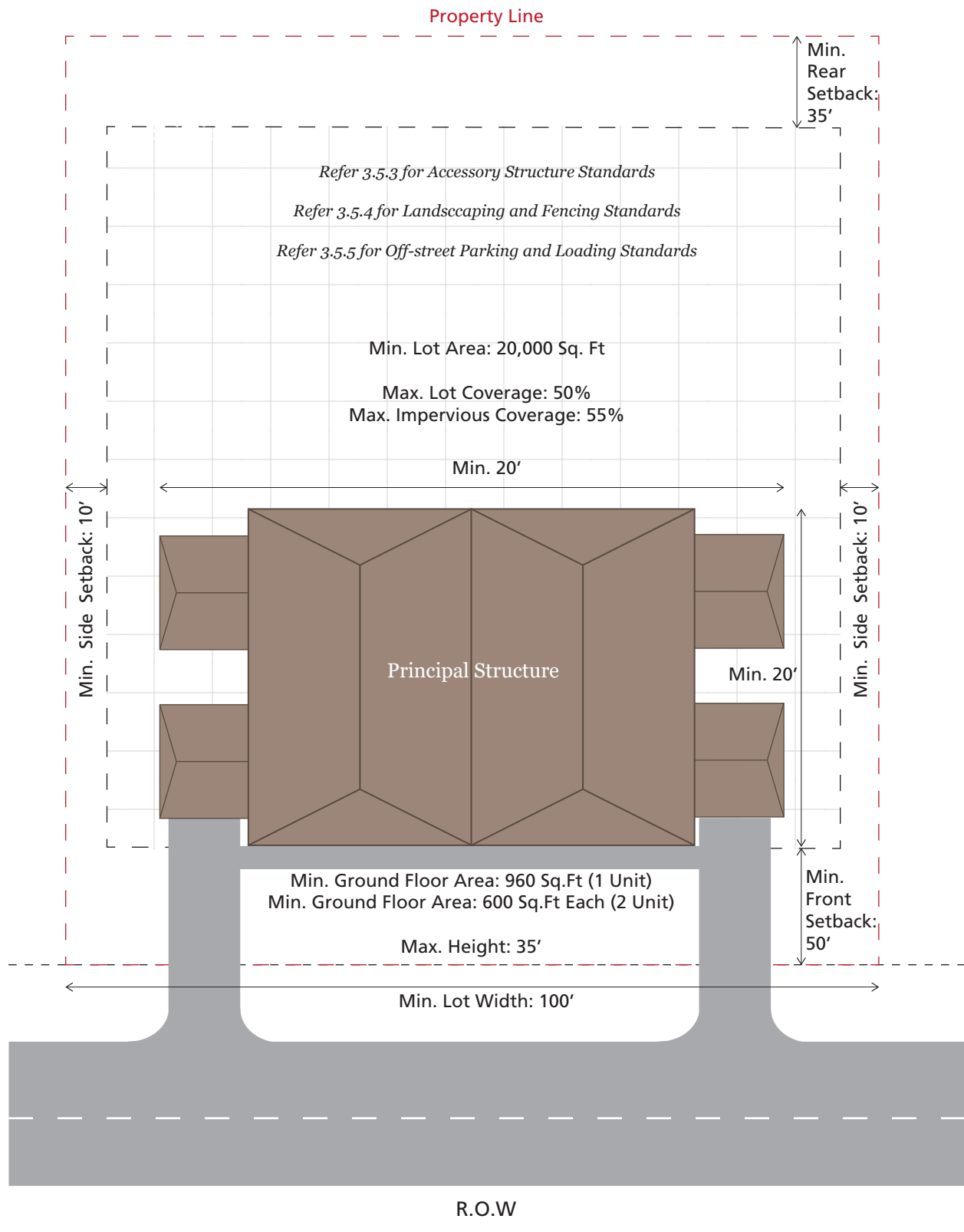
R-2: LANDSCAPING & FENCING STANDARDS		
Item	Residential Uses	All Other Uses
Lot Landscaping	--	--
Right-Of-Way Landscaping	--	--
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Front Yard Fences	4 ft	4 ft
Rear & Side Yard Fences	8 ft	8 ft

NOTE: Additional landscaping standards located in Article 5. Additional fencing standards located in Article 2.

3.5.5 Off-Street Parking & Loading Standards

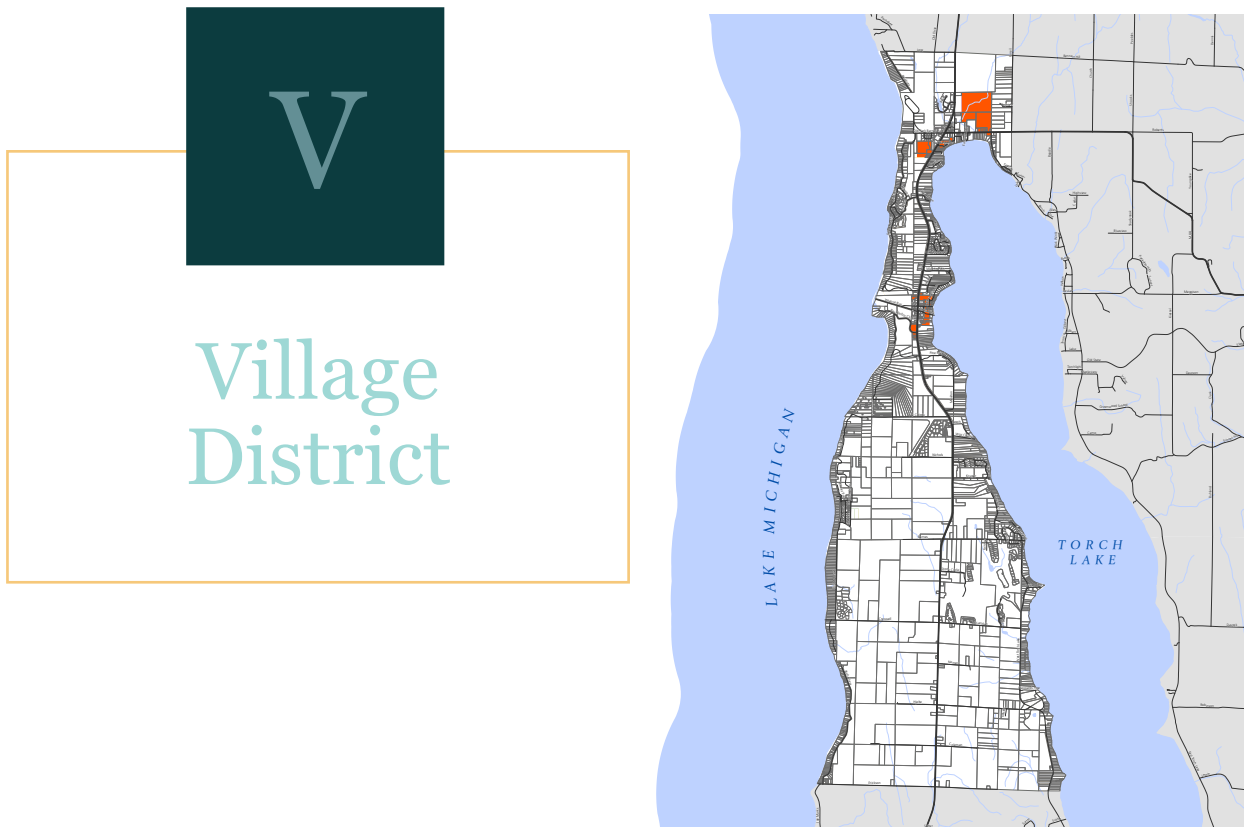
R-2: OFF-STREET PARKING & LOADING STANDARDS		
Item	Residential Uses	All Other Uses
Off-Street Parking Lots		
Location	Front, side, or rear	Side and rear Only
Front Setback	None	35 ft
Side Setback	None	15 ft
Corner Lot Setback	None	35 ft
Rear Setback	None	25 ft

NOTE: Additional parking and loading standards located in Article 5.



Two-Family Residential District

(Illustration not to scale)



3.6 V: VILLAGE

3.6.1 Intent & Purpose

Within the Township there are two unincorporated villages which are designated on the Zoning Map. Purposes of the Village District are:

- A. To encourage and maintain the mixture of residences and businesses on a neighborhood scale within the Village District.
- B. To maintain and enhance the existing small-town character of the unincorporated villages or “hamlets” of Eastport and Torch Lake through design enhancements and consistency.
- C. To accomplish the reuse and redevelopment of unused and/or under-utilized parcels within the district.
- D. To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- E. To guide future development within these “villages” consistent with the Torch Lake Township Master Plan.

3.6.2 Regulated Uses

V: REGULATED USES			
V: Regulated Uses	Approval Type	Supplemental Standards	Maximum Parking
Accessory Buildings & Structures	By Right	§2.16	--
Accessory Dwelling Units	By Right	§6.3	0.25 / guest + 1 per employee
Adult Day Care Facilities	SUP		0.25 / guest + 1 per employee
Adult Day Care Homes	By Right		0.25 / guest
Adult Foster Care Congregate Facilities	SUP		1.5 / employee
Adult Foster Care Family Homes	By Right		0.5 / bed
Adult Foster Care Large Group Homes	SUP		0.5 / bed
Adult Foster Care Small Group Homes	SUP		0.5 / bed
Animal Grooming	SUP		2 / grooming table
Assisted Living Facilities	SUP		0.25 / dwelling unit + 1 per employee
Bars, Taverns, Lounges	SUP		1 / 3 occupancy
Bed & Breakfast Establishments	By Right	§6.2	1 / guest bedroom
Business Services	SUP		1 / 200 sq ft
Child Care Centers	By Right		1 / employee + 1 / 10 children
Club, Lodge, Fraternal Organizations	By Right		1 / 3 occupancy
Contractor Establishments	By Right	§6.21	4 / 1,000 sq ft
Cottage Industries	SUP	§6.13	1 / employee
Cultural Institutions	By Right		1 / 3 occupancy
Duplex Dwellings	By Right		2 / dwelling
Dwelling Units Above 1st Floor Commercial	By Right		1.5 / dwelling unit
Educational Institutions	By Right		1 / 1,000 sq ft + 1 / classroom + assembly facility
Family Child Care Homes	SUP		1 / 3 children
Financial Services	SUP		1 / 150 sq ft
For-Profit Educational Facilities	SUP		1 / student + 1 / employee
Foster Family Group Homes	SUP		No Maximum
Foster Family Homes	SUP		No Maximum
Health Care Services	SUP		4 / exam room
Home Based Business	SUP	§6.14	--
Home Occupations	SUP	§6.12	--
Mortuaries and Funeral Homes	SUP		1 / 3 occupancy
Multiple Family Dwellings	By Right		1.5 / dwelling unit
Nursing Homes	By Right		0.5 / bed
Personal Services	SUP		1 / 150 sq ft
Professional Services	SUP		1 / 250 sq ft
Public Use – Critical	By Right	§2.14	1 / employee
Public Use – Essential	By Right	§2.14	1 / employee
Public Use – Supporting	By Right	§2.14	1 / employee
Religious Institutions	By Right		1 / 3 occupancy
Restaurants	SUP		1 / 3 occupancy
Retail Establishments	SUP		1 / 250 sq ft
Single Family Dwellings	By Right		No Maximum
Small Wineries	SUP		1 / 3 occupancy

V: REGULATED USES			
V: Regulated Uses	Approval Type	Supplemental Standards	Maximum Parking
Support Laboratories	SUP		5 / 1,000 sq ft
Tasting Rooms	SUP		1 / 3 occupancy
Veterinary Clinics	SUP	\$6.16	2.5 / employee

3.6.3 Dimensional Standards

V: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	50 ft
Minimum Lot Area	20,000 sq ft
Maximum Lot Coverage	50%
Maximum Impervious Coverage	55%
Principal Structures	
Front Setback	20 ft
Side Setback	10 ft
Rear Setback	15 ft
Maximum Height	41 ft
Minimum Ground Floor Area	960 sq ft
Minimum Horizontal Dimensions	20 ft x 20 ft
Accessory Structures	
Permitted Locations	Rear or side yard
Front Setback	20 ft
Side Setback	10 ft
Rear Setback	15 ft
Maximum Height	41 ft
Maximum Number	–
Maximum Ground Floor Area (cumulative)	Based on maximum impervious coverage

3.6.4 Landscaping & Fencing Standards

V: LANDSCAPING & FENCING STANDARDS		
Item	Residential Uses	All Other Uses
Foundation Landscaping	--	4 ft wide vegetative strip around the primary building containing a mixture of ground cover, ornamental trees, plants, grasses, and trees
Right-Of-Way Landscaping	--	1 tree and 6 shrubs per 30 lineal feet of right-of-way
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Front Yard Fences	4 ft	4 ft
Rear & Side Yard Fences	8 ft	8 ft

NOTE: Additional landscaping standards located in Article 5. Additional fencing standards located in Article 2.

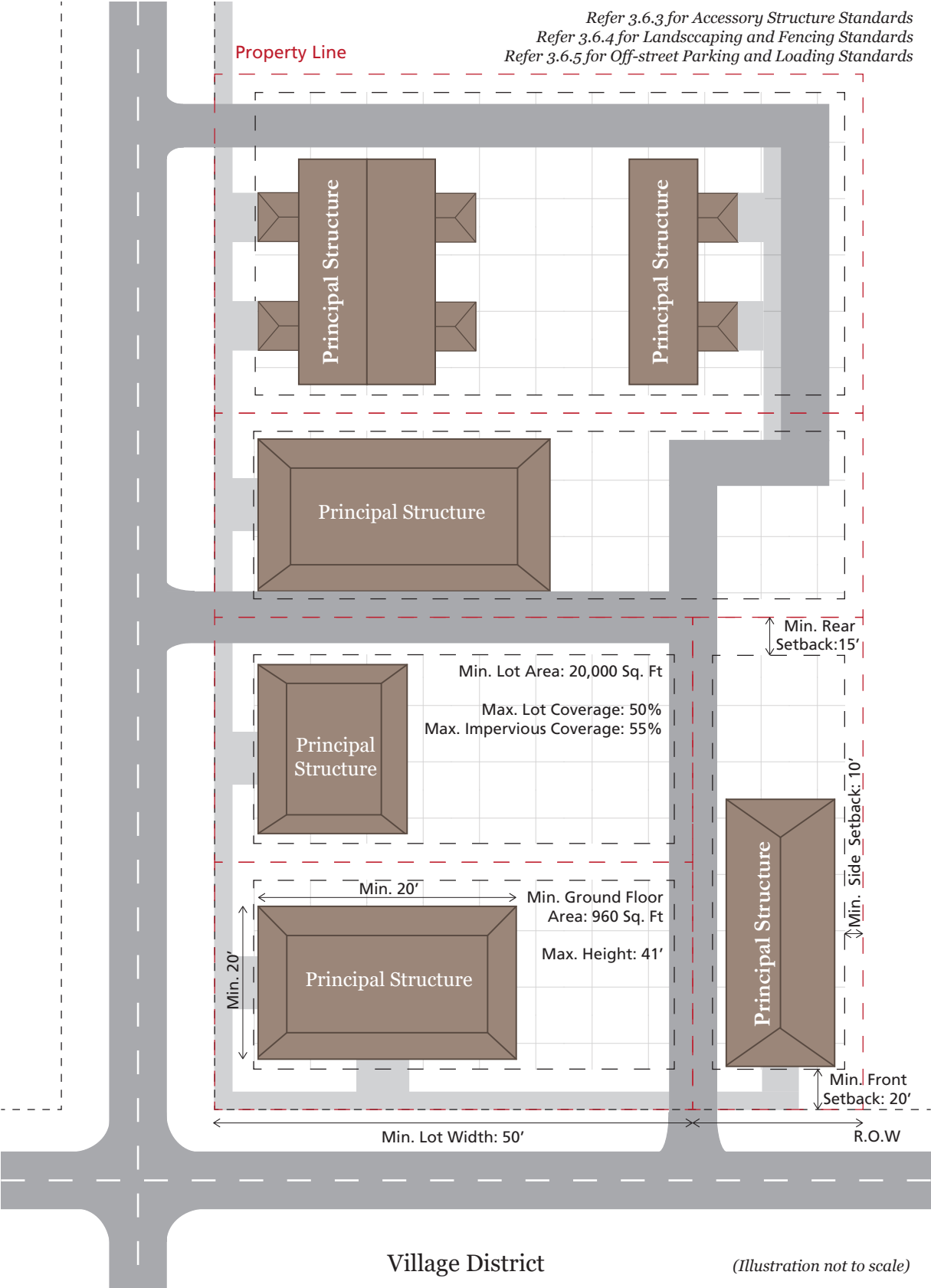
3.6.5 Off-Street Parking & Loading Standards

V: OFF-STREET PARKING & LOADING STANDARDS		
Item	Residential Uses	All Other Uses
Off-Street Parking Lots		
Location	Front, side, or rear	Side and rear only
Front Setback	None	20 ft
Side Setback	None	10 ft
Rear Setback	None	15 ft
Bicycle Parking	None	1 / 10 parking spaces
Loading Zones		
Location	--	Side and rear only
Screening	--	Vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Loading Spaces	--	1 per 10,000 sq ft

NOTE: Additional parking and loading standards located in Article 5.

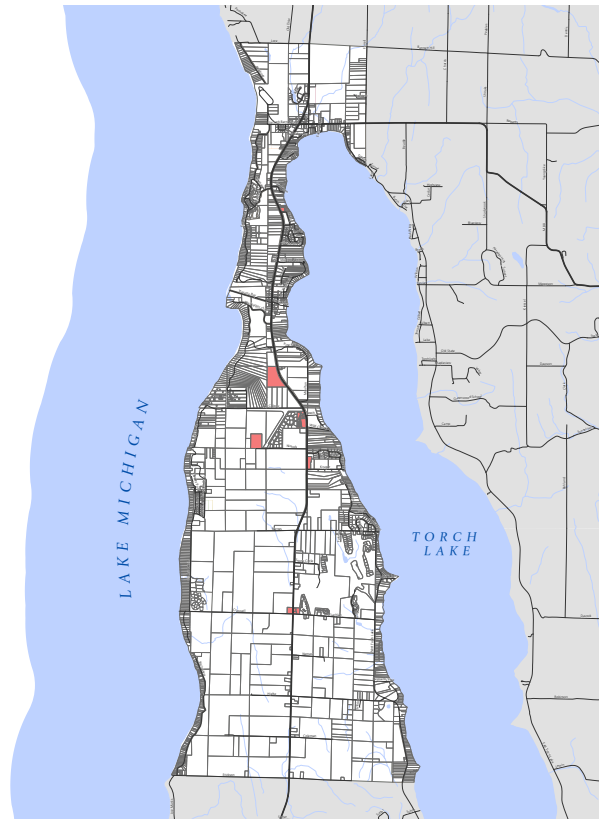
3.6.6 Additional Requirements

- A. The shape, placement, design, and quality of the built environment (building design, placement, and composition) are important elements in reinforcing a comfortable, human-scale environment, maintaining the hamlet attractiveness and economic vitality, equity in access, and providing a unique sense of place in the Village Business District. Accordingly, the standards in this section are intended to:
 1. Maintain the visual environment of the village hamlet, protect the general welfare, and ensure that property values, appearance, character and economic well-being are preserved through minimum design and appearance standards.
 2. Encourage creativity, imagination, innovation, and variety in architectural design and building composition
- B. Minimum standards for the use of exterior building façade materials are established in this Ordinance for the purpose of promoting harmony in the physical relationships between buildings
 1. Roofs shall have the appearance of a minimum pitch of 4/12 slope.
 2. The first floor shall contain a minimum of 40% of windows on all facades facing the road.
 3. Facades shall be constructed with high quality materials consisting of brick, stone, or other natural materials. Steel exteriors shall only be allowed on facades not facing the road right-of-way.
- C. All structures containing commercial uses shall be limited to 5000 sq ft





Commercial District



3.7 C: COMMERCIAL

3.7.1 Intent & Purpose

This district is intended to provide areas dedicated primarily to retail business, professional, and service establishments that supply commodities and perform services to meet the daily needs of the community. The district is also intended to provide locations for businesses that depend upon, or in some way are related to, the use of lakes and rivers.

3.7.2 Regulated Uses

C: REGULATED USES			
C: Regulated Uses	Approval Type	Supplemental Standards	Maximum Parking
Accessory Buildings & Structures	By Right	§2.16	--
Adult Day Care Facilities	By Right		0.25 / guest + 1 per employee
Adult Foster Care Congregate Facilities	By Right		1.5 / employee
Adult Foster Care Large Group Homes	By Right		0.5 / bed
Adult Foster Care Small Group Homes	By Right		0.5 / bed
Agricultural Processing Facility	SUP		1.5 / 1,000 sq ft
Airport Hanger in Airparks	By Right		2 / hanger
Animal Grooming	By Right		2 / grooming table
Assembly Facilities – Accessory Use	SUP		0.25 / 1 occupancy
Assembly Facilities – Principal Use	SUP		0.25 / 1 occupancy
Automobile Car Wash	By Right		2 / employee
Automobile Repair – Major inc boat and RV	SUP	§6.9	3 / stall
Automobile Repair – Minor inc boat and RV	SUP	§6.8	3 / stall
Automobile Sales & Rentals inc boat and RV	SUP	§6.10	1 / 5,000 sq ft outdoor display area + 1 / 150 sq ft indoor area
Automobile Service Stations inc boat and RV	SUP	§6.11	2 / pump + 1 / stall
Bars, Taverns, Lounges	By Right		1 / 3 occupancy
Bed & Breakfast Establishments	By Right	§6.2	1 / guest bedroom
Business Services	By Right		1 / 200 sq ft
Campgrounds	SUP	§6.7	2.25 / site
Child Care Centers	SUP		1 / employee + 1 / 10 children
Club, Lodge, Fraternal Organizations	SUP		1 / 3 occupancy
Contractor Establishments	SUP		4 / 1,000 sq ft
Contractor Storage Yards	SUP	§6.21	0.5 / 1,000 sq ft
Cottage Industries	SUP	§6.13	1 / employee
Cultural Institutions	By Right		1 / 3 occupancy
Drive In or Drive Through Services	SUP	§6.22	2 / window
Dwelling Units Above 1st Floor Commercial	By Right		1.5 / dwelling unit
Educational Institutions	By Right		1 / 1,000 sq ft + 1 / classroom + assembly facility
Family Child Care Homes	By Right		1 / 3 children
Farm Markets	By Right		1 / 250 sq ft
Financial Services	By Right		1 / 150 sq ft
For-Profit Educational Facilities	By Right		1 / student + 1 / employee
Foster Family Group Homes	By Right		No Maximum
Foster Family Homes	By Right		No Maximum
Health Care Services	By Right		4 / exam room
Hotels & Motels	By Right	§6.17	3 / room
Kennels	By Right	§6.16	1 / employee + 1 / 250 sq ft indoor area
Laundromat and Dry Cleaner	By Right		2 / employee

C: REGULATED USES			
C: Regulated Uses	Approval Type	Supplemental Standards	Maximum Parking
Lumber yard	SUP		1 / employee + 1 / 250 sq ft sales area
Manufacturing – Food Inc commercial bakeries	SUP		1.5 / 1,000 sq ft
Outdoor Sales & Displays	SUP	\$6.15	1 / 1,000 sq ft
Outdoor Storage	SUP	\$2.23	1 / 1,000 sq ft
Personal Services	By Right		1 / 150 sq ft
Professional Services	By Right		1 / 250 sq ft
Public Use – Critical	By Right	\$2.14	1 / employee
Public Use – Essential	By Right	\$2.14	1 / employee
Public Use – Supporting	By Right	\$2.14	1 / employee
Restaurants	By Right		1 / 3 occupancy
Retail Establishments- Convenience	By Right		3 / 1,000 sq ft
Retail Establishments – Food & Beverage	By Right		3 / 1,000 sq ft
Retail Establishments - General	By Right		3 / 1,000 sq ft
Small Distilleries	By Right		1 / 3 occupancy
Small Wineries	By Right		1 / 3 occupancy
Support Laboratories	By Right		5 / 1,000 sq ft
Tasting Rooms	By Right		1 / 3 occupancy
Telecommunication Towers	SUP	\$6.26	4 / establishment
Theaters	SUP		0.25 / 1 occupancy
Theater- Drive In	SUP		No Maximum
Veterinary Clinics	By Right	\$6.16	2.5 / employee

3.7.3 Dimensional Standards

C: DIMENSIONAL STANDARDS	
Lot Occupation	
Minimum Lot Width	100 ft
Minimum Lot Area	1 acre
Maximum Lot Coverage	70%
Maximum Impervious Coverage	85%
Principal Structures	
Front Setback	50 ft
Side Setback	10 ft
Rear Setback	35 ft
Maximum Height	41 ft
Minimum Ground Floor Area	–

C: DIMENSIONAL STANDARDS	
Accessory Structures	
Permitted Locations	Front, rear or side yard
Front Setback	50 ft
Side Setback	10 ft
Rear Setback	35 ft
Maximum Height	41 ft
Maximum Number	–
Maximum Ground Floor Area (cumulative)	Based on maximum impervious coverage

3.7.4 Landscaping & Fencing Standards

C: LANDSCAPING & FENCING STANDARDS		
Item	Residential Uses	All Other Uses
Foundation Landscaping	--	4 ft wide vegetative strip around the primary building containing a mixture of ground cover, ornamental trees, plants, grasses, and trees
Right-Of-Way Landscaping	--	1 tree and 6 shrubs per 30 lineal feet of right-of-way
Screening & Buffering	--	Side & rear property lines: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Front Yard Fences	4 ft	4 ft
Rear & Side Yard Fences	8 ft	8 ft

NOTE: Additional landscaping standards located in Article 5. Additional fencing standards located in Article 2.

3.7.5 Off-Street Parking & Loading Standards

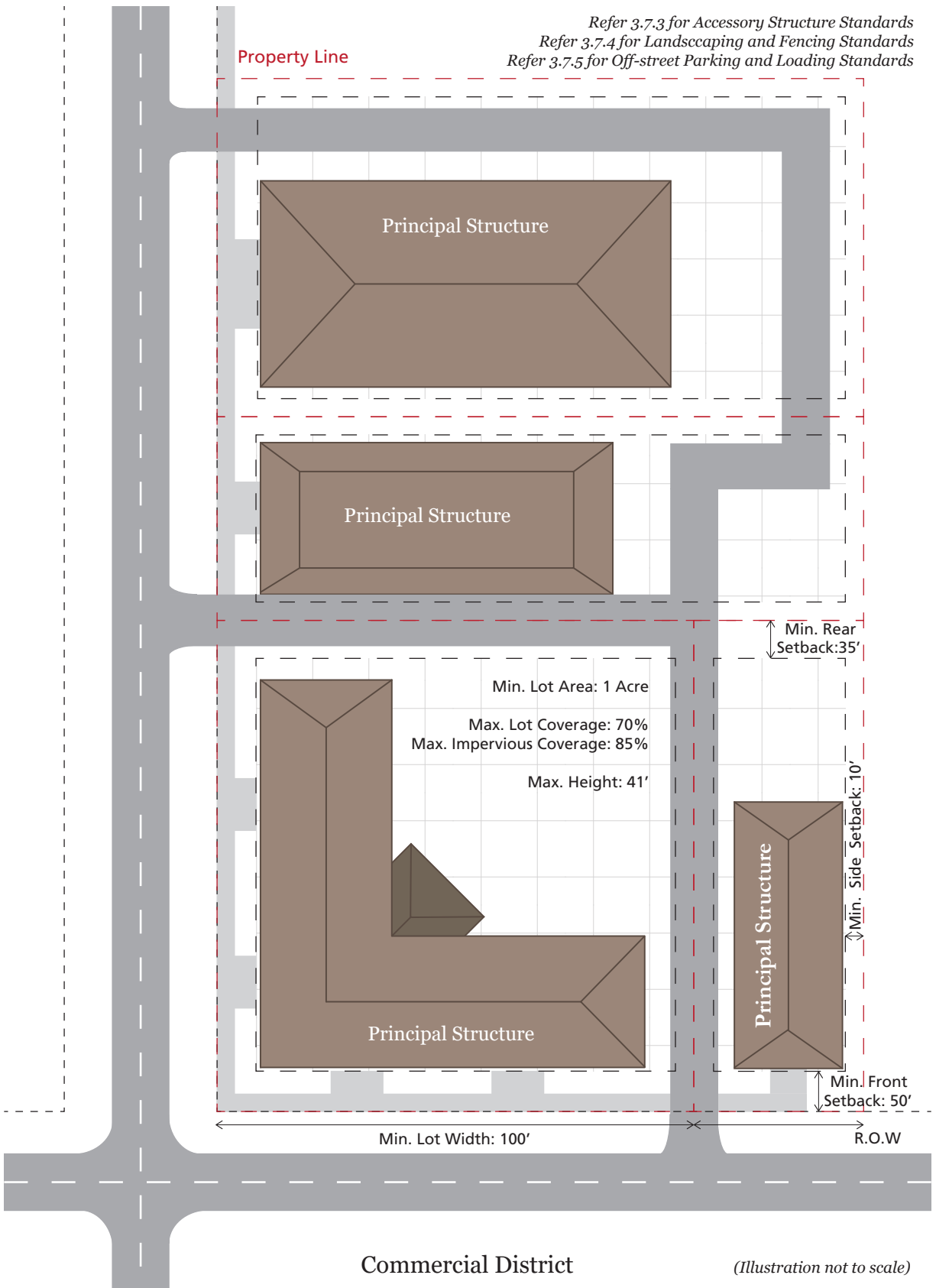
C: OFF-STREET PARKING & LOADING STANDARDS		
Item	Residential Uses	All Other Uses
Off-Street Parking Lots		
Location	Front, side, or rear	Side and rear only
Front Setback	None	50 ft
Side Setback	None	10 ft
Corner Lot Setback	None	50 ft
Rear Setback	None	35 ft
Bicycle Parking	None	1 / 10 parking spaces
Loading Zones		
Location	--	Side and rear only
Screening	--	Vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet.
Loading Spaces	--	1 per 10,000 sq ft

NOTE: Additional parking and loading standards located in Article 5.

3.7.6 Additional Requirements

The shape, placement, design, and quality of the built environment (building design, placement, and composition) are important elements in reinforcing a comfortable, human-scale environment, maintaining the Township attractiveness and economic vitality, equity in access, and providing a unique sense of place in the Commercial District. Accordingly, the standards in this section are intended to:

- A. Maintain the visual environment of the commercial district, protect the general welfare, and ensure that property values, appearance, character, and economic well-being are preserved through minimum design and appearance standards.
- B. Encourage creativity, imagination, innovation, and variety in architectural design and building composition.
- C. Minimum standards for the use of exterior building façade materials are established in this Ordinance for the purposed of promoting harmony in the physical relationships between buildings. Facades shall be constructed with high quality materials consisting of brick, stone, or other natural materials. Steel exteriors shall only be allowed on facades not facing the road right-of-way



4

Article 4 OVERLAY DISTRICTS

- 4.1. Intent & Purpose
- 4.2. Waterfront Overlay District
- 4.3. Village Business Overlay District

4.1 INTENT & PURPOSE

The Michigan Zoning Enabling Act, PA 110 of 2006 as amended, allows for the creation of special land development regulations to address problems and needs in specific areas through overlay districts. The overlay districts established under this Article have been created in order to implement the goals and objectives of the Torch Lake Township Master Plan or other planning documents, and to further protect the health, safety, and welfare of the community. In addition to the standards of the base zoning districts applicable to a particular site, the standards of the established special district shall also apply. To the extent there is a conflict between the standards with the applicable base zoning district, the standards of the overlay district shall apply.

4.2 WATERFRONT OVERLAY DISTRICT

4.2.1 Intent & Purpose

The waterways and lakes in and adjacent to Torch Lake Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a natural fashion to maintain the health of these waterways as well as the natural beauty of Northern Michigan. Thus, owners of waterfront lots have an added responsibility regarding the preservation and protection of these natural resources and community assets, water quality, and scenic and recreational values. The Waterfront Overlay District has been established to achieve this purpose.

4.2.2 Applicability

The standards of the Waterfront Overlay District shall apply to all private development and/or use of the portion of a lot or parcel within:

- A. Fifty (50) feet of the ordinary high water mark of Lake Michigan.
- B. Fifty (50) feet of the water's edge of Torch Lake.
- C. Fifty (50) feet of the normal stream bank of natural and built watercourses such as streams, rivers, channels, and established wetlands.

4.2.3 General Requirements

- A. All lots in the Waterfront Overlay District shall have a minimum of one hundred (100) feet on a waterbody.
- B. When a lot is located in the Waterfront Overlay District, the front setback shall be thirty five (35) feet from the road right of way.
- C. Compost piles, manures/fertilizers, livestock, small animal pens and other nutrient sources; solid waste, garbage, trash, discarded appliances, docks and hoists (except for off season storage between October and April) , motor vehicles (not including operational watercraft), and other unsightly or potentially polluting materials shall not be stored within the Waterfront Overlay District.

4.2.4 Structure Regulations

Except as provided herein, no structures or fences shall be allowed within the Waterfront

Overlay District except as allowed in this section. All structures shall comply with side setback requirements.

- A. One stairway with a maximum width of forty eight (48) inches per parcel with a maximum of one (1) structure per one hundred (100) feet of water frontage is allowed in the district. The stairway may include landing(s) with a width not exceeding 48 inches and an area(s) not exceeding 48 square feet.
- B. Ground level walkways with a maximum width of 48 inches are allowed in district. Walkways may reasonably traverse gullies, ditches, dune ridges, and other such depressions at a height more than ground level if they meet Antrim County building code requirements for safety and do not impede pedestrian travel along the shore of Lake Michigan.

4.2.5 Lake Access

The following regulations are intended to limit the number of non-riparian or non-littoral land parcels, site condominiums, or condominium units that have legal access to a body of water in order to preserve the long-term quality of the adjacent waters, to promote safety, and to preserve the quality of recreational use of all waters adjacent to the township. These regulations are intended to control funneling activity – the granting or existence of a legal property right benefiting non-riparian or non-littoral land parcels, site condominiums, or condominium units which authorizes the use of a riparian or littoral land parcel, or a portion thereof, to gain access to a body of water, whether such waterfront access is gained by easement; a common element or a limited common element in a condominium development; a covenant running with the land; a lease; or another legally recognized property interest. A riparian or littoral land parcel that is a lawful nonconforming lot of record as defined in this Ordinance shall be allowed to provide the same lake access and shall be subject to the same regulations as riparian or littoral land parcels under this section.

- A. Shared Waterfront Access. Except as provided herein, a total of not more than two (2) non-riparian or non-littoral land parcels, site condominiums, or condominium units, wherever located, may be benefited with legal access to a body of water over a riparian or littoral land parcel. For each non-riparian or non-littoral land parcel, site condominium, or condominium unit in excess of the two (2) benefited with the legal right to access a body of water over a riparian or littoral land parcel, the riparian or littoral land parcel providing the shared waterfront access shall have an additional fifty (50) feet on the water and an additional area equal to one-half (½) the minimum lot area for the zoning district in which located.
- B. Waterfront Use Regulations. The following use regulations shall apply to any riparian or littoral land parcel regardless of whether the riparian or littoral land parcel provides shared waterfront access:
 - 1. Except as provided in subsection 3 below, for each one hundred (100) feet, no person or entity may erect or maintain or cause to be erected or maintained:
 - a. More than one (1) dock
 - b. More than one (1) swim raft or other similar recreational devices or structures
 - c. Dock shall be limited to the length necessary to reach a continuous water depth

of four (4) feet

- d. Any portion of a dock located on any riparian or littoral land parcel which is situated parallel or approximately parallel to the shore of said parcel shall not exceed 50 percent of the waterfront.
 - e. No dock located on any riparian or littoral land parcel or swim raft or other similar recreational device or structure shall be erected or maintained in a manner which will impede the reasonable use of the waters by the owners of adjoining riparian or littoral land parcels or the general public lawfully using the water surface.
 - f. The locations of all docks, hoists, permanently moored boats and swim rafts or other recreational devices or structures shall comply with the side yard setbacks from the riparian boundary lines as determined under Michigan law.
 - g. Docks or swim rafts or other recreational devices or structures shared by the owners of adjoining riparian or littoral land parcels shall be allowed within the setbacks of the common lot line.
- 2. Except as provided in subsection 3 below, no person or entity shall moor or cause to be moored in a manner other than temporary mooring or anchorage as an incident of navigation more than three (3) registered watercraft for every one hundred (100) feet of the waterfront property line. For the purpose of determining the number of registered watercrafts permitted under this Ordinance, no more than four (4) personal watercraft, as defined in this Ordinance, shall be used for such calculations.
 - 3. For each additional 100 feet of the waterfront in excess of the first 100 feet of the waterfront provided for in subsections 1 and 2 above, one (1) additional dock and one (1) additional swim raft or other similar recreational devices or structures may be erected or maintained and three (3) additional registered watercraft may be moored.
 - 4. Exception. The above regulations concerning docks, however, shall not apply to public access sites (public road endings) under the jurisdiction of the township.

4.2.6 Shoreland Protection Strip

To minimize erosion, stabilize waterfronts, protect water quality, keep nutrients from entering waters, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen artificial structures, protect property values, and also to preserve the scenic values of waterfront areas, a natural vegetation strip shall be maintained on each parcel or lot between the ordinary high water mark or waters edge and a buffer line, each point of which is thirty (30) feet horizontal from and perpendicular to the ordinary high water mark or water's edge of a waterbody or the banks of a waterway.

- A. Existing vegetation shading water surfaces shall be preserved to the maximum extent possible.
- B. Existing natural ground cover and native vegetation shall be preserved to the fullest extent feasible, and where removed shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion, preserving property values, and

protecting community scenic values.

- C. Within the shoreline protection strip, twenty (20%) percent of existing trees and shrubs may be selectively pruned or removed to enhance a filtered or corridor view of the water from the principal structure and for reasonable private riparian access to the water. A corridor view shall be established through selective cutting only after the principal structure has been sufficiently constructed to locate windows, decks or other structure features intended to enjoy and utilize a water view. Said pruning and removal activities shall be inspected at the discretion of the Zoning Administrator and ensure that a live root system stays intact to provide for waterfront bank stabilization and erosion control. Tree-topping and clear cutting within the natural vegetation buffer is prohibited.
- D. Dead, diseased, unsafe or fallen trees and non-native exotic or noxious plants and shrubs, including poison ivy, poison sumac, purple loosestrife, Phragmites, etc. may be removed at the homeowner's discretion provided that no stumps are removed. Landowners are encouraged to consult with the Zoning Administrator before removing dead, diseased, unsafe or fallen trees from within the natural vegetation buffer. Planting of perennial native species (ground cover, shrubs and trees) in the natural vegetation strip is encouraged.
- E. The restoration of a natural shoreline protection strip conforming to the requirements of this Ordinance shall be a condition of a zoning permit for a new dwelling being issued for a lot or parcel that is included in the Waterfront Overlay District. Any and all fill material placed within the shoreline protection strip shall be removed. Only soils and/or rocks, consistent with the composition of the pre-existing on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. The shoreline protection strip shall be replanted solely with native vegetation as identified by the Northwest Michigan Invasive Species Network "Recommended Planting Guidelines for Municipalities". Native vegetation shall be required at a rate of one (1) tree and three (3) shrubs per twenty five (25) lineal feet of shoreline and shall meet the minimum size standards in the table below. The remainder of the natural vegetative strip shall be planted with native wildflowers, vines, grasses, rushes, sedges, and/or ferns.

PLANTING SIZE STANDARDS	
Native Plant Material	Minimum Size
Deciduous (canopy) Trees	2.5" caliper measured at 4' above grade
Coniferous (evergreen) Trees	6' height
Deciduous Shrubs	2' height
Upright Coniferous (evergreen) Shrubs	2' height
Spreading Coniferous (evergreen) Shrubs	18" spread

- F. Seawall shall be permitted with appropriate agency approvals.
- G. It is in violation of the zoning ordinance to alter or disturb the shoreland protection strip except as provided in this section. If altered or disturbed, the following corrective measures are required:

1. Any and all fill material placed within the shoreland protection strip shall be removed. Only soils or rocks, consistent with the composition of the pre-existing on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited unless it is to maintain an existing beach area.
2. The shoreland protection strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed. Any tree greater than 8 inches in diameter (8 inch in diameter measured at 4.5 feet above the ground) which was removed, shall be replaced at a rate of two trees for the first 8 inches in diameter, and one additional tree for each additional 4 inches in diameter of the original tree removed (i.e. if a 20" tree is removed—5 replacement trees would be required, 2 for the first 8" and 3 for the other [20"-8"] 12 inches of diameter of the removed tree.)

4.3 VILLAGE BUSINESS OVERLAY DISTRICT

4.3.1 Intent & Purpose

The village areas of the Township provide for a unique opportunity to create a mixture of uses while preserving the residential nature of the Township.

4.3.2 Applicability

The Village Business Overlay District shall be located on lots in the Village District with direct frontage on US 31, M 88, or Barnes Park Road.

4.3.3 District Regulations

All uses allowed in the Village District shall be allowed as a permitted use regardless of the approval process in the Village District unless listed below. In addition, the following additional uses shall be allowed following the proper review procedure for a special land use. Additional supplemental uses in Article 6 apply to the uses below.

Special Land Uses	
Agricultural Processing Facility	Contractors Storage Yards
Assembly Facilities-Principal Use	Hotels & Motels
Assembly Facilities-Principal Use	Kennels
Automobile Car Wash	Laundromat and Dry Cleaner
Automobile Repair-Major	Lumber Yard
Automobile Repair-Minor	Outdoor Seating
Automobile Sales and Rentals	Self Storage Facilities
Automobile Service Stations	Short Term Rentals
Retail Establishments over 5, 000 sq ft	Theaters

5

Article 5 SITE DEVELOPMENT STANDARDS

- 5.1. Intent and Purpose
- 5.2. Landscaping
- 5.3. Off-Street Parking & Loading
- 5.4. Exterior Lighting
- 5.5. Signs
- 5.6. Stormwater Management

5.1 INTENT AND PURPOSE

The purpose of the regulations contained in this Article is to:

- A. Protect the public health, safety, and general welfare.
- B. Promote harmonious and orderly development.
- C. Foster civic beauty by improving the appearance, character and economic value of agricultural, residential, civic, commercial, and industrial development.

5.2 LANDSCAPING

5.2.1 Intent & Purpose

The intent and purpose of the provisions in this section are to:

- A. Enhance the visual aesthetic of the Township and properties abutting public rights-of-way, thereby reducing conditions which may lead to community blight.
- B. Requiring buffering between conflicting land uses and zoning districts.
- C. Promote public health, safety, and general welfare.
- D. Protect and preserve the appearance, character, and value of the surrounding development.
- E. Promote the use of native plant materials while discouraging the use of invasive and non-native plant materials.

5.2.2 Applicability

- A. A Landscape Plan Required complying with this Article is required for the following:
 - 1. All new uses requiring site plan review in accordance with the requirements of Article 7.
 - 2. Additions to existing non-residential structures that increase the floor area by twenty-five percent (25%) or more.
 - 3. Any change to nonconforming landscape that does not meet the requirements of this section. This requirement shall apply only to that part of the landscaping that is nonconforming and undergoing a change; provided that normal maintenance, e.g. replacing dead material or other similar action, is permitted regardless of this requirement.
- B. Exceptions. The landscape plan requirement shall not apply to the following:
 - 1. The reconstruction of an existing structure of which fifty (50%) percent or less of the floor area was destroyed or ruined by events not within the control of the owner or operator, and where the reconstruction will not result in an increase in size of the structure, parking facilities, or paved areas.

2. Interior remodeling or façade improvements that do not result in an increase in size of the structure, parking facilities, or paved areas.
 3. Any use, building, or structure for which only a change of use is requested, and which requires no exterior structural or site modifications that increase its volume or scale.
- C. Application. All applicable projects shall submit a landscape plan as part of the site plan review process that contains the following:
1. A plan having the same scale and identifiers as the site plan to include a north arrow.
 2. Existing and proposed topography as required site plan.
 3. Location and size of all proposed plant materials.
 4. Zoning district classification(s) of the site and adjacent properties.
 5. Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition and quantities;
 6. Vegetation inventory of all trees with a caliper of twelve (12) inches or greater, measured at four and a half (4.5) feet above grade, and all invasive species, including their location and species type.

5.2.3 Standards and Criteria

A. Planting Materials:

1. Plant material shall be healthy, free of insects, diseases, and physical damage.
2. Unless otherwise specified, the minimum size for plant materials installed shall be as in the following table:

PLANTING SIZE STANDARDS		
Plant Material		Minimum Size
Deciduous (canopy) Trees		2.5" Caliper
Coniferous (evergreen) Trees		6' Height
Ornamental Trees	Single Trunk	2" Caliper
	Multiple Trunks	6' Height
Deciduous Shrubs		2' Height
Upright Coniferous Shrubs		2' Height
Spreading Coniferous Shrubs		18" Spread

3. The caliper shall be measured at a diameter at the breast height (dbh) of at least four and a half (4½) feet above the grade immediately around the tree.
4. All plantings shall be native species noted in the applicable Planting Zones for Michigan are required. In additions, Class 1 – 4 invasive species in the Northwest Michigan Invasive Species Network's Recommend Planting Guidelines for Municipalities shall be prohibited.

- B. Fractional Requirements: Where any calculation of required plant materials in this Article results in a fractional requirement shall be rounded up to the next whole number.
- C. Ground Cover: All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water features shall be replanted with ground cover or other approved materials.
 - 1. Ground cover may include: Maintained lawn area, non-invasive wildflowers, vines, grasses, rushes, sedges or ferns.
 - 2. Wood chips, mulch or rock provided this type of material does not exceed twenty (20%) percent of the total of any individual landscaped area.
- D. Plant Substitutions: The Zoning Administrator may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when the following are met.
 - 1. There is no reduction in the quality of plant material
 - 2. There is no significant change in size or location of plant material
 - 3. The new plant material is compatible with the area
 - 4. The new plant material is of the same general category (i.e., deciduous or evergreen trees) as the material being replaced
- E. Invasive Species Management: An applicant shall develop a removal and/or management strategy for invasive species identified on the vegetation inventory. Invasive species shall include those listed as Class 1 – 4 invasive species in the Northwest Michigan Invasive Species Network’s Recommended Planting Guidelines for Municipalities.
- F. Site Design: Landscape areas must be protected from vehicular traffic through the use of concrete curbs, vehicle stops, or other permanent barriers. Protecting significant trees requires locating buildings, roads, and sidewalks in areas of the site which will minimize tree destruction, as well as establishing Protected Root Zones (i.e. tree root buffer zones) to protect vegetation during an approved road widening, sidewalk construction, and cut-and-fill activities.
- G. Utilities: Where overhead and underground utilities are present, consideration shall be given to the location and mature height of species. Adjustments to the location, areas, and materials of required planting areas be approved by the Planning Commission to avoid conflict with these utilities provided, the intent and purpose of the planting or screening requirements are maintained.
- H. Maintenance: All required landscaped areas shall be maintained in a healthy condition and kept orderly in appearance. Irrigation shall be provided to all required landscaping by means of a piped underground system. The Planning Commission may waive the irrigation requirements if no additional planting is required, or if a reliable source of water is not reasonably available, so as long as the suitable alternative is presented that will ensure the health of the landscaping.
- I. Time Period: Required landscaping shall be installed prior to the granting of an occupancy permit. If a development is completed during a season when plants cannot

be installed, the developer shall submit a performance guarantee equal to the materials and labor for the required landscaping to ensure installation at the beginning of the next planting season.

- J. Replacement: When trees or shrubs planted in accordance with the requirements of this Section die or are removed for any reason, they must be replaced during the next suitable planting season in a manner, quantity and initial size approved by the Zoning Administrator.

5.2.4 Landscape Buffers and Screening

Effective screening shall be provided as required between incompatible land uses. The Planning Commission shall make the final determination on the required screening method based on site conditions and the specific land use, which may include the following separately, or in combination:

- A. Vegetated Screens: Vegetated screens shall consist of evergreen trees at a height required of the screen and spaced at an interval that achieves an effective screen at the time of planting. Deciduous trees may be incorporated for plant diversity provided the effectiveness of the screen is achieved.
- B. Berms: Berms shall be constructed with slopes no greater than one (1) foot of vertical rise for every three (3) feet of horizontal run with at least a two (2) feet flat surface on top and sodded to provide adequate protection against erosion. Berms shall be landscaped with one (1) deciduous or evergreen tree, and six (6) shrubs for every forty (40) lineal feet. Clustering of trees and shrubs is allowed after approval of the Planning Commission.
- C. Obscuring Walls or Fences: Obscuring walls or fences shall be constructed of durable materials and placed inside and along the property lines. The Planning Commission has the authority to require specific materials based on the site conditions and the nature of the use. Walls and fences shall include one (1) vine or shrub for every ten (10) lineal feet, planted on the exterior face of the structure.
- D. Greenbelts: Green belts shall occupy a prescribed buffer zone and consist of vegetated ground cover, along with one (1) deciduous or evergreen tree and six (6) shrubs for every forty (40) lineal feet of the applicable lot line. Clustering of trees and shrubs is allowed after approval by the Planning Commission.

5.2.5 Right-of-Way Landscaping

Where required by a district or use, right-of-way (ROW) landscaping shall be provided along the street frontage that meets the following standards:

- A. All ROW plantings shall be located outside of ROW but within 15 ft of the ROW.
- B. Required trees shall be evenly spaced. Required shrubs may be clustered.
- C. Existing vegetation in the ROW landscape buffer area that meets or exceeds the ROW landscaping requirements of this Article, shall leave the area undisturbed except as may be required to provide adequate access as determined by the Planning Commission or Zoning Administrator, as applicable.
- D. May be located outside of overhead powerlines.

5.2.6 Lot Landscaping

Additional trees may be required beyond those for screening, buffering and rights-of-way landscaping in order to preserve an effective tree canopy that reduces the urban heat island effect, mitigates sound and pollution, absorbs stormwater, and contributes to the rural character of the township. Lot landscaping requirements shall be applicable to all unpaved or undeveloped portions of a lot. See zoning district regulations in Article 3 for specific requirements based on district and use.

5.2.7 Existing Vegetation

- A. Preservation: Existing deciduous trees, evergreens, flowering trees, and shrubs shall be protected and incorporated into the site plan wherever feasible.
- B. Credit: Existing vegetation may be credited as detailed below for the purpose of calculating landscaping compliance provided that the plants are in healthy growing condition, are at least the minimum size, and are the appropriate species.

EXISTING LANDSCAPING CREDIT RATIO		
Vegetation Type	Maturation	Landscaping Credit
Deciduous Tree	3" of less caliper	1:1
Deciduous Tree	4" – 6" caliper	1:2
Deciduous Tree	7" – 9" caliper	1:3
Deciduous Tree	10" – 12" caliper	1:4
Deciduous Tree	Greater than 12" caliper	1:5
Coniferous or Ornamental Tree	6' of less height	1:1
Coniferous or Ornamental Tree	7' – 12' height	1:2
Coniferous or Ornamental Tree	13' – 16' height	1: 3
Coniferous or Ornamental Tree	Greater than 16' height	1:4
Shrub	Any Size	1:1

- C. Protection of Vegetation:
1. Preserved trees shall be protected with high visibility barriers around the protected root zone. The protected root zone shall be a radius one and a half (1 ½) feet from the trunk for every one (1) inch of the tree caliper.
 2. Visibility barriers shall be independently supported and not attached to any vegetation in the protected root zone.
 3. No grading, demolition, trenching, operation or storage of equipment, or other activity shall occur in the protected root zone.
 4. Where the Zoning Administrator determines that irreparable damage has occurred to a tree credited for preservation, the tree shall be removed and replaced in size and quantity as required in this section including those the tree credits.

5.3 OFF-STREET PARKING & LOADING

5.3.1 General Requirements

The following standards shall apply to all off-street parking areas except those for one- and two-family residential uses, and accessory dwelling units:

- A. Use: Off-street parking, loading, or stacking areas shall only be used for their approved purpose. All other uses are prohibited unless approved and/or permitted by the Township.
- B. Location:
 - 1. All off-street parking areas shall be on the same lot as the use it serves or within five hundred (500) feet, measured from the closest point of the building to the nearest point of the off-street parking area. Municipal or private parking lots for public use with or without a fee shall not be subject to this requirement.
 - 2. No off-street parking areas shall be located in the front yard on any lot unless expressly allowed in this Ordinance.
- C. Screening and Landscaping: All off-street parking areas shall be screened as required by the zoning district standards in Article 3.
- D. Tree Islands: Tree islands shall be installed when required by the district standards in Article 3 and shall meet the following requirements:
 - 1. Single-loaded aisles shall have one (1) tree island containing one (1) canopy tree at both ends of each row. The minimum dimensions for each island shall be nine (9) feet by eighteen (18) feet.
 - 2. Double-loaded aisles shall have one (1) tree island containing two (2) canopy trees at both ends of each row. The minimum dimensions for each island shall be twelve (12) feet by thirty-six (36) feet.
 - 3. Additional tree islands that are required shall be evenly spaced throughout the off-street parking area. The tree islands shall contain one (1) canopy tree each and shall have the minimum dimensions of nine (9) feet by eighteen (18) feet.
 - 4. Tree islands shall be surrounded by a concrete curb at a height of six (6) inches. In addition to the required canopy tree(s), the interior of the islands shall be vegetated with turf and may be used for stormwater management, however, snow storage is prohibited.
- E. Defined Area: Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to clearly define parking and loading spaces.
- F. Dimensions: Off-street parking areas shall be designed to the following minimum standards:

PARKING SPACE DIMENSIONAL STANDARDS			
Parking Angle	Stall Width	Stall Depth	Min.-Max. Aisle Width
Parallel	8 feet	22 feet	12 – 16 feet (one-way); 20 – 24 feet (two-way)
45 degrees	8.5 feet	20 feet	12 – 16 feet (one-way)
60 degrees	8.5 feet	20 feet	16 – 20 feet (one-way)
90 degrees	8.5 feet	18 feet	20 – 24 feet (two-way)
90 degrees – compact	8 feet	17 feet	18 – 22 feet (two-way)

- G. Surfacing: Parking surfaces shall be durable and dustless materials such as asphalt, concrete, brick, stone, or pavers. Gravel shall not be an allowable material under this standard. Exceptions to the surfacing materials may be permitted in the Agricultural zoning district by the Planning Commission in order to maintain a rural, agricultural character.
- H. Drainage: All off-street parking areas shall utilize Low Impact Development (LID) water quality technologies to collect and treat stormwater on site as required for site plan review.
- I. Curbs and Vehicle Stops: All off-street parking areas shall include curbs or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent areas, or landscape areas.
- J. Barrier-Free Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable.
- K. Exterior Lighting: Exterior lighting for new or redeveloped off-street parking, stacking, and loading areas shall comply with the exterior lighting standards of this Article.
- L. Maintenance: All parking areas shall be maintained in good condition and kept free of debris and garbage.
- M. Completion: All off-street parking, stacking, and loading areas indicated on a site plan shall be fully completed before the issuance of certificate of occupancy. In the case of phased developments, only the off-street parking, stacking, and loading areas associated with a given phase of development shall be required to be completed.
- N. Access Through Yards: Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. (These drives shall not be considered as structural violations in front or side yards.) Any walk, terrace, or like surface area not in excess of nine inches above the grade upon which placed shall not be considered to be a structure and shall be permitted in any required yard.

5.3.2 Parking Requirements

- A. Maximum Parking: To minimize excessive areas of pavement which detracts from the aesthetics of the township and contributes to higher rates of stormwater runoff, this section establishes a maximum number of parking spaces, as determined by each use.

There are no minimum parking requirements. The Planning Commission may grant an increase of up to twenty five (25%) percent of the maximum number of parking spaces if the following are met:

1. The applicant shall demonstrate to the Planning Commission that the additional parking is necessary based on documented evidence of actual use in similar communities and anticipated demand on the requested site.
 2. The increase in parking will have no undue burden on neighboring property owners and/or natural features.
 3. If granted, the additional spaces shall be constructed of pervious pavement, pavers, or similar pervious material acceptable to the Planning Commission.
 4. The request for additional spaces is based only on the original parking area. Without a change in use, only one (1) application for increasing the maximum parking area shall be considered.
- B. Calculating Maximum Parking Spaces: The following shall used to calculate the maximum number parking spaces:
1. Measurements based on square feet shall be determine by Usable Floor Area as defined in this Ordinance.
 2. The number of employees shall be based on the maximum number needed for the largest shift.
 3. Requirements based on the number of seats shall use a measurement of twenty four (24) inches of bench or pew space or twenty-five (25) square feet of floor as one (1) seat.
 4. Occupancy shall mean legal occupancy as determined by the fire department or other authorized agency.
- C. Use Not Specified: For uses not specified, the Zoning Administrator shall make an interpretation as to the maximum number for a proposed use based on similar uses prescribed in Article 3.
- D. Shared Parking: Joint use of an off-street parking area may be permitted for two (2) or more uses located on the same, adjacent, or nearby lots provided that the number of parking spaces does not exceed the sum of the maximum number of spaces allowed for each use sharing the off-street parking area. The owners of all lots used for or making use of shared parking areas shall record a commitment that is binding on future owners of the property(s) and shall be recorded with the Antrim County Register of Deeds and filed with the Township.
- E. Bicycle Parking: Bicycle parking shall be established for developments based on the standards for each zoning district in Article 3.

5.3.3 Access Management

- A. All off-street parking, loading and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street rights-of-way shall be prohibited.
- C. Where a parking area abuts a service drive, access shall be obtained from the service drive. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- D. Where a parking area has no access to a service drive but has access to two (2) or more streets, access shall be from the street with the lower daily traffic volume. The Planning Commission may waive this requirement if applicant can clearly demonstrate that the intent of the regulation, as express above, or physical barriers prevent compliance with the requirements of this section.
- E. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or in a residential zoning district.
- F. Cross Access Management:
 - 1. All off-street parking areas not accessed by a service drive shall be designed to allow internal vehicle circulation between adjacent lots by providing a location for cross access on the site plan.
 - 2. A cross access agreement shall be submitted to the Township and recorded with the Antrim County Register of Deeds prior to occupancy.
 - 3. The Planning Commission may waive this requirement if deemed impractical during site plan review due to topography, natural features, or vehicular safety factors if appropriate bicycle and pedestrian connections are provided between adjacent developments and uses.
- G. Curb Cuts:
 - 1. Except for one- and two-family residential developments, no driveway shall be located closer than twenty five (25) feet from a side property line unless neighboring properties have shared driveway access. This separation is intended to help control storm water runoff, permit snow storage on-site, and provide adequate area for any necessary on-site landscaping.
 - 2. One- and two-family residential dwellings shall be limited to one (1) driveway access point. The Zoning Administrator may permit a second driveway for properties that can meet the spacing as described in 3.a. below.
 - 3. All developments other than one- and two-family residential dwellings shall be limited to one (1) driveway access point.
 - a. Parcels exceeding six hundred (600) feet of road frontage may be allowed a second driveway access point as long as the distance between existing and proposed driveway access points meet the Michigan Department of Transportation's Guidelines for Unsignalized Driveway Spacing:

MDOT GUIDELINES FOR UNSIGNALIZED DRIVEWAY SPACING	
Roadway Speed	Spacing Guidelines
25 mph	130 feet
30 mph	185 feet
35 mph	245 feet
40 mph	300 feet
45 mph	350 feet
50 mph	455 feet
55+ mph	455+ feet

Source: Spacing for Commercial Driveways and Streets", MDOT Traffic and Safety Division Note 7.9, Table 1

5.3.4 Loading Zones

- A. In all zoning districts, every building or portion thereof that is occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street loading zones.
- B. Location:
 1. On-site loading zones shall only be in permitted yards based on the district standards in Article 3.
 2. Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street rights-of-way, internal drives, and off-street parking areas.
 3. Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.
- C. Modifications: The Zoning Administrator may approve a modification to the loading zone location or space requirements where it has been determined that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

5.4 EXTERIOR LIGHTING

5.4.1 Intent & Purpose

The provisions of this section are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky with the following objectives:

- A. Encouraging good lighting practices such that lighting systems are designed to save energy and money.
- B. Minimizing glare.
- C. Protecting the use and enjoyment of surrounding property.
- D. Increasing night time safety, utility, security, and productivity.
- E. Minimize dark sky light pollution.

5.4.2 Exemptions

The following uses and activities shall be exempt from the requirements of this section, provided they do not create glare perceptible to persons operating motor vehicles in the public rights-of-way:

- A. Upgrades: The Zoning Administrator may grant exceptions to the material, light source, or method of installation standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.
- B. Residential Lighting: Low intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided those lights are directed inward toward to the residential building or land.
- C. Holiday Decorations: Provided the decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.
- D. Flag Lighting: Luminaires used for the illumination of the flag of the United States of America.
- E. Temporary Lighting: Associated with an approved temporary event permitted by the Township.
- F. Statutory Authority: Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Section, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations, or lighting that is only activated at the time of power outages.

5.4.3 Shielding & Filtration

- A. All nonexempt exterior lighting shall be hooded and/or louvered to prevent light from spilling over onto neighboring properties and rights-of-way.
- B. All lighting fixtures shall have one hundred (100%) percent cut-off shielding that prevents light from being emitted above a horizontal plane from the lowest direct light emitting part of the luminaire.
- C. Light sources shall be located as to minimize the hazards of glare, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare from the light source.

5.4.4 Illumination

Illumination levels within a site shall ensure that a site is adequately, but not excessively lit, in order to provide visibility, safety, and security without unnecessarily contributing to light pollution and negatively impacting neighboring properties.

- A. Intensity: The maximum intensity of light within any site shall not exceed the following standards, measured in footcandles (fc) at grade:

EXTERIOR LIGHTING ILLUMINATION STANDARDS	
Lighting Location	Maximum Intensity
At any point within the site	10.0 fc
Average for the overall site	5.0 fc
At any property line or right-of-way	5.5 fc

- B. Color Temperature: All exterior lighting shall emit light measuring 4,000 K or warmer (between 0 K and 4,000 K) on the Kelvin scale.

5.4.5 Exterior Lighting Site Standards

- A. Hours of Operation: All exterior lighting shall be equipped with automatic timing devices and shall be shut off if no customers or staff are present between the hours of 10:00 pm and sunrise, except for lighting necessary for security purposes or for uses that continue after 10:00 pm or before sunrise.
- B. Pole Height: The maximum pole height for exterior lighting shall not exceed twenty two (22) feet, or the maximum height of the principal building, whichever is less.
- C. Wall Pack: Wall pack lighting shall be limited to above points of ingress and egress on side and rear facades for security purposes.
- D. Prohibitions: The following light sources and fixtures shall be prohibited:
1. Unshielded luminous tube (neon), fluorescent, or LED lighting used as accent lighting on facades
 2. Metal halide
 3. Mercury vapor
 4. High pressure sodium
 5. Halogen
 6. Animated, flashing, or moving lights
 7. Laser sources of light
 8. Search lights
 9. Tubular lighting

5.5 SIGNS

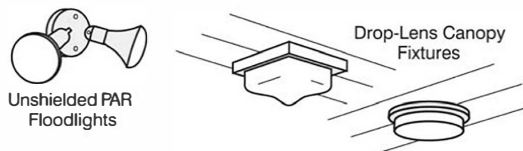
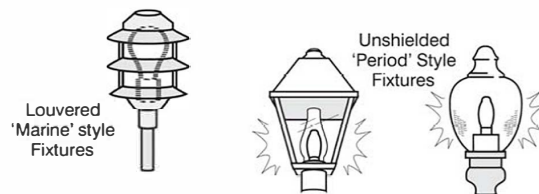
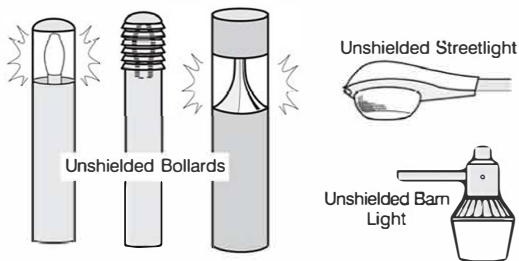
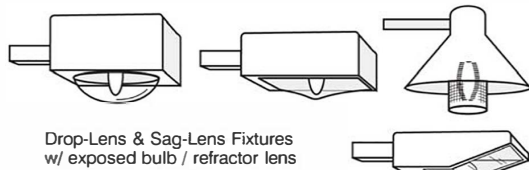
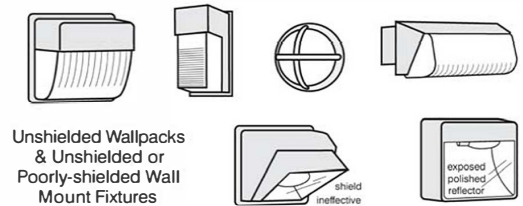
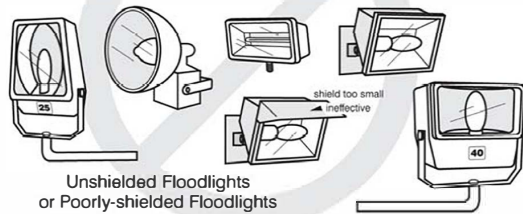
5.5.1 Intent and Purpose

The intent of this Section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising to minimize their harmful effects on the public health, safety, welfare, and traffic safety. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, it also recognizes that the failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business

Examples of Acceptable / Unacceptable Lighting Fixtures

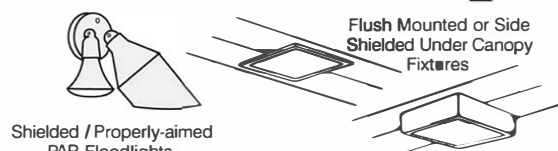
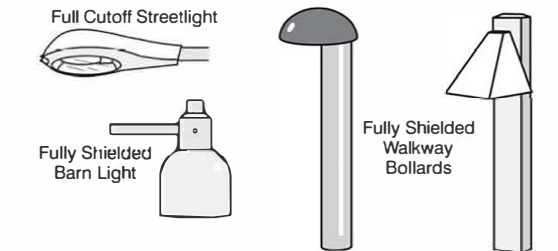
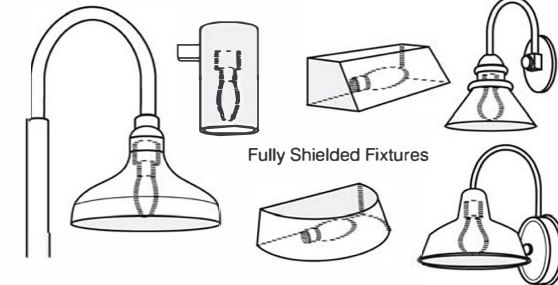
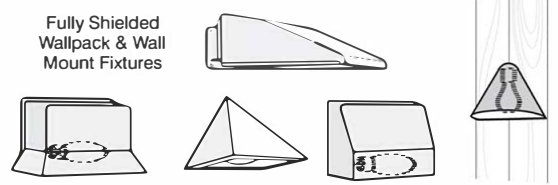
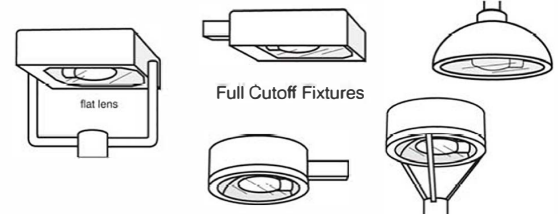
Unacceptable

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this section has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure signs, drivers' vision, or adjacent businesses.
- B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
- C. To keep signs within a reasonable scale proportional to the buildings they identify.
- D. To reduce visual distractions and obstructions to motorists traveling along, entering, or leaving streets.
- E. To promote a quality manner of display which enhances the scenic and rural character of the Township.
- F. To prevent the proliferation of temporary signs which might promote visual blight.
- G. To promote economic development by allowing a fair opportunity for each property owner to display their message in an attractive and clear way.

5.5.2 General Requirements

- A. Permit Required: Prior to the erection or structural alteration of a sign, a zoning permit shall be secured from the Zoning Administrator for approved uses only. Exceptions to the permit requirements of this subsection shall include the following:
 - 1. Address signs bearing only the property numbers, post box numbers, name of occupants, or other identification of the premises, limited to one (1) per building entrance and two (2) square feet in area.
 - 2. Historical signs designated by the township, or state or federal government.
 - 3. Government signs erected through the authorization of a government body, including street signs, legal notices, informational signs, and regulatory signs.
- B. Design and Condition: All signs and sign structures shall be properly maintained and kept in a good state of repair.
- C. Right-Of-Way: No sign shall be placed in or extend into any public right-of-way.
- D. Clear Vision Area: No sign above three (3) feet shall be placed in any required clear vision area.
- E. Traffic Interference: No sign shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse, or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- F. The requirements of this section shall not apply to any sign not visible from a public right-of-way.

5.5.3 Sign Measurements

A. Surface Area:

1. Signs shall not exceed the maximum allowable area permitted in this section for sign type, district or use. When not limited to one (1) sign of a specific type, the maximum area shall be determined by the cumulative total of all the signs of a specific type.
2. The area of a sign shall include the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided it does not contain any lettering, wording, or symbols.
3. Where the sign consists of individual letters, designs, or symbols attached to a structure, building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
4. Signs that consist of, or have attached to them, one or more three-dimensional (3-D) or irregularly-shaped objects, shall have a sign area of the sum of two (2) adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. Only one (1) face of a double-sided sign will be used to determine the area of the sign.
6. For V-shaped signs, either horizontally or vertically oriented, with interior angles greater than ninety (90°) degrees the sign area is the sum of both sign faces, otherwise the area is the same as for double-sided signs.

B. Height:

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade at the base of the sign.
2. Clearance for overhead projecting, awning, and canopy/marquee signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type, zoning district or use in which the sign is located.

5.5.4 Sign Illumination

Internal and external illumination of signs shall be permitted for all signs, except where limited or prohibited in this Section, subject to the following requirements:

- A. All illumination shall be concentrated on the area of the sign or landscape feature and directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property.
- B. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed underground in accordance with the National Electrical Code.

- C. All illumination shall emit light measuring three thousand degrees Kelvin (3,000 K) or warmer (between 0 K and 3,000 K) on the Kelvin scale and shall not exceed eight hundred (800) lumens.
- D. Internally illuminated signs shall have a dark background and light lettering.
- E. No sign shall include reflective materials.
- F. A sign incorporating an electronic message sign shall be considered an illuminated sign.

5.5.5 Prohibited Signs

The following signs shall be prohibited:

- A. Signs incorporating any manner of flashing, strobe, or moving lights, with the exception of approved electronic message signs.
- B. Animated Signs: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:
 - 1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, feather flags, and/or other devices or displays that respond to naturally occurring external motivation.
 - 2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - 3. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds one (1) hour. This prohibition shall not apply to permitted electronic message signs.
- C. Signs on park-type benches, trees, or utility poles.
- D. Abandoned signs.
- E. Inflatable signs.
- F. Roof signs.
- G. Pole- or pylon-mounted signs, except those associated with the installation of an approved billboard sign.
- H. Portable and vehicle signs parked primarily for the purpose of attracting attention to the message contained within, unless no other part of the site is available for parking.
- I. Any sign unlawfully installed, erected, or maintained.
- J. Signs that completely block the view of other signs.

- K. Any additional signage for a business that has an existing nonconforming sign.

5.5.6 Nonconforming Signs

A nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

- A. Expanded, altered or changed from a manual changeable letter sign to electronic changeable copy sign so as to increase the degree of nonconformity of the sign.
- B. Re-established after its discontinuance for one hundred eighty (180) days.
- C. Continued in use after cessation or change of the business or activity to which the sign pertains.
- D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50%) percent of the appraised replacement cost, as determined by the Zoning Administrator.

5.5.7 Removal Of Unsafe, Unlawful, or Abandoned Signs

A. Unsafe or Unlawful Signs:

1. Upon written notice by Zoning Administrator, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, it becomes so deteriorated that it is determined by the Zoning Administrator to be a nuisance, it is deemed unsafe by Zoning Administrator, or it is unlawfully erected in violation of any of the provisions of this Ordinance.
2. The Township may remove or cause to be removed the sign at the expense of the owner and/or lessee in the event the owner or the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the Township may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned Signs:

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove that sign within one hundred eighty (180) days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting or bracing structure, and structural trim.
2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in one hundred (180) days the Township may remove that sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Township may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

5.5.8 Permit Application & Approval Process

- A. Application and Approval: Application forms for a zoning permit to erect, alter, or move a sign shall contain or have attached to it the following information at a minimum:
1. Name, mailing address, email address, and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 3. If proposed to be attached to a building, its proposed location on the building and planned building height.
 4. A plot plan with dimensions of the sign, location on the lot, illumination source and method of construction and attachment to the building or placement in the ground.
 5. Name of person, firm, or corporation erecting the sign.
 6. Written consent of the owner of the building, structure, or lot to which or upon which the sign is to be erected.
 7. Other information as the Zoning Administrator may require establishing compliance with this Section.
 8. For temporary signs, the specific start and end dates that the sign is to be displayed.
- B. It shall be the duty of the Zoning Administrator, upon the filing of an application for a zoning permit for a sign, to examine the plans and specifications, and other data, and the premises upon which it is proposed to erect the sign.
- C. Revocation and Extensions of Sign Permits:
1. Any sign or other advertising structure regulated by this Ordinance, which is unsafe or insecure, is a menace to the public, has been constructed or erected, or is otherwise not in compliance with this Ordinance shall be a violation of this Ordinance.
 2. If the work associated with a sign authorized under a zoning permit is not completed within one (1) year after the date of issuance, the permit shall become null and void. However, the Zoning Administrator may grant a three (3) month extension without an additional fee if the extension is requested prior to the time the original zoning permit expires.

5.5.9 Freestanding Signs

FREESTANDING SIGN STANDARDS					
Definition			Example (for illustrative purposes only)		
A sign supported by structures or supports that are placed on, or anchored in, the ground, and that is independent and detached from any building or other structure.					
General Regulations					
A. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.					
B. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, right-of-way, or other areas required to remain unobstructed.					
C. Freestanding signs shall be located ½ the distance of the required front setback and not in the side setback.					
District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
T	–	–	–	Not permitted	–
A	20 sq ft	8 ft	1 / parcel	Illumination prohibited Min. 10 ft setback from ROW	Yes
R-1	10 sq ft	8 ft	1 / parcel	Illumination prohibited Min. 10 ft setback from ROW	Yes
R-2	10 sq ft	8 ft	1 / parcel	Illumination prohibited Min. 10 ft setback from ROW	Yes
V	50 sq ft	10 ft	1 / parcel	Min. 10 ft setback from ROW	Yes
C	50 sq ft	10 ft	1 / parcel	Min. 10 ft setback from ROW	Yes

5.5.10 Wall Signs

WALL SIGN STANDARDS					
Definition			Example (for illustrative purposes only)		
A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. Also known as a fascia sign, parallel wall sign, or band sign.					
General Regulations					
A. No portion of a wall sign shall extend out more than twelve (12) inches from the building wall on which it is affixed.					
District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
T	20% of façade, not to exceed 25 sq ft	12 ft	n/a	Illumination prohibited	Yes
A	20% of façade, not to exceed 25 sq ft	12 ft	n/a	Illumination prohibited	Yes
R-1	20% of façade, not to exceed 25 sq ft	12 ft	n/a	Illumination prohibited	Yes
R-2	20% of façade, not to exceed 25 sq ft	12 ft	n/a	Illumination prohibited	Yes
V	20% of façade, not to exceed 25 sq ft	12 ft	n/a		Yes
C	20% of façade, not to exceed 25 sq ft	12 ft	n/a		Yes

5.5.11 Small Temporary Signs

SMALL TEMPORARY SIGN STANDARDS					
Definition			Example (for illustrative purposes only)		
A type of non-permanent sign that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display.					
General Regulations					
A. Small temporary signs shall not reduce the unobstructed width of any sidewalk or pedestrian path by less than 4 feet. B. Illumination shall be prohibited C. A small temporary sign shall not be placed in any rights-of-way.					
District	Max. Area (total for type)	Max. Height	Max. Quantity (for type)	Limitations	Permit Required
T	8 sq ft	4 ft	–	Illumination prohibited	No
A	8 sq ft	4 ft	–	Illumination prohibited	No
R-1	8 sq ft	4 ft	–	Illumination prohibited	No
R-2	8 sq ft	4 ft	–	Illumination prohibited	No
V	8 sq ft	4 ft	–	Illumination prohibited	No
C	8 sq ft	4 ft	–	Illumination prohibited	No
WF	8 sq ft	4 ft	–	Illumination prohibited	No
VB	8 sq ft	6 ft	–	Illumination prohibited	No

5.6 STORMWATER MANAGEMENT

The property owner of any property which is changed or developed in any manner, shall be required to manage the stormwater such that the post-development runoff shall not increase the quantity, rate or velocity of stormwater leaving the property above the pre-development or natural conditions levels and shall not cause erosion. Stormwater drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe or through other stormwater facilities that will be developed at the same time as the proposed new use. Stormwater management efforts shall be consistent with the provisions of the Antrim County Uniform Stormwater Management Ordinance. In the case of conflicting regulations, between this Ordinance and the Antrim County Uniform Stormwater Management Ordinance, the more stringent of the two shall apply. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state trunkline ditch.

6

Article 6 SUPPLEMENTAL USE STANDARDS

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| 6.1. Intent & Purpose | 6.15. Outdoor Sales & Displays |
| 6.2. Bed and Breakfast Establishments | 6.16. Kennels & Veterinary Clinics |
| 6.3. Accessory Dwelling Units (ADUs) | 6.17. Motels and Hotels |
| 6.4. Agricultural Employee Housing | 6.18. Religious Institutions |
| 6.5. Agricultural Tourism | 6.19. Golf Courses & Facilities |
| 6.6. Customary Agricultural Operations | 6.20. Sexually Oriented Business |
| 6.7. Campgrounds | 6.21. Contractor Storage Yards |
| 6.8. Automobile Repairs - Minor | 6.22. Drive-In & Drive-Through Services |
| 6.9. Automobile Repairs - Major | 6.23. Self-Storage Facilities |
| 6.10. Automobile Sales & Rentals | 6.24. Extractive Industries |
| 6.11. Automobile Service Stations | 6.25. Telecommunication Tower or Alternate Tower Structures |
| 6.12. Home Occupations | 6.26. Wineries, Breweries, & Distilleries |
| 6.13. Cottage Industries | 6.27. Upland Game Bird Hunting Preserves |
| 6.14. Home Based Business | |

6.1 INTENT & PURPOSE

Those uses permitted by right and uses allowed by special use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. The uses listed in this Article are only allowed where listed in Article 3.

6.2 BED AND BREAKFAST ESTABLISHMENTS

- A. Bed and Breakfast Establishment as an Accessory Use: The bed and breakfast establishment shall be clearly incidental to the principal residence.
- B. Principal Residence: The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
- C. Maximum Number of Units: No more than three (3) bed and breakfast sleeping rooms shall be established.
- D. Kitchen Facilities: There shall be no separate cooking facilities for the bed and breakfast establishment, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.
- E. Parking: Off-street parking in the front yard is prohibited.
- F. The number of bathrooms and septic system size shall meet District Health Department requirements.

6.3 ACCESSORY DWELLING UNITS (ADU'S)

Accessory dwelling units (ADU's) are intended to provide flexible housing options in the Township by allowing homeowners to establish a second dwelling unit on their property. ADU's are subject to the following standards:

- A. Only one (1) ADU is permitted per property.
- B. ADU's shall be limited to permitted districts and properties with single-family dwelling units as the principal use. ADU's shall be subordinate to the single-family dwelling unit.
- C. The owner of the property shall live on site, either in the principal dwelling unit or the accessory dwelling unit.
- D. ADU's shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.
- E. ADU's may be attached to the single-family dwelling unit and may occupy a basement, first floor or second floor of the principal dwelling, or may occupy a separate, detached accessory building.
- F. All ADU's shall meet applicable building, fire, and health codes.
- G. Building materials and designs used on detached ADU's or additions to the principal dwelling for an attached ADU, shall be of similar style as that of the principal dwelling.
- H. The maximize size shall not exceed the size of the principal dwelling unit.

6.4 AGRICULTURAL EMPLOYEE HOUSING

- A. Location: The agricultural employee housing shall be located in an area that will present the least amount of impact to agricultural resources (e.g., close to existing access and other structures, and in a location that will present the least amount of disturbance to agricultural resources and operations).
- B. Size: Only one (1) tenant house in addition to the main dwelling for each ten (10) acres of farm land shall be allowed and must be built on land to allow for a future land division of two (2) acres and two hundred (200) feet for frontage.
- C. Occupancy: Agricultural employee housing shall be occupied by agricultural employees. The family members of an agricultural employee residing in agricultural employee housing are allowed occupants.

6.5 AGRICULTURAL TOURISM

- A. The minimum lot size shall be ten (10) acres.
- B. The property must be actively engaged in agricultural operations that comprise at least fifty (50%) percent of the lot.
- C. The Planning Commission may allow designated parking spaces to be of a gravel or vegetated surface if it is determined to have no discernible negative effect on surrounding property owners.
- D. The following agricultural or agriculturally-related uses and activities are under this Section:
 - 1. Seasonal "U-Pick" fruit and vegetable operations.
 - 2. Roadside market stands.
 - 3. Outdoor mazes of agricultural origin such as straw bales or corn.
 - 4. Value-added agricultural products or activities such as education tours, classes, lectures, seminars, or processing demonstrations.
 - 5. Bakeries selling baked goods containing produce grown primarily on-site.
 - 6. Playgrounds or equipment typical of a school playground, such as slides, swings, etc., not including motorized vehicles and rides.
 - 7. Petting farms, animal displays and pony rides.
 - 8. Wagon, sleigh, and hay rides.
 - 9. Nature trails.
 - 10. Open air or covered picnic area with restrooms.
 - 11. Historical agricultural exhibits.
 - 12. Kitchen facilities processing/cooking items for sale on or off premises.

13. Gift shops for agricultural or agriculturally related products.
14. Gift shops for non-agricultural products such as antiques and crafts.

6.6 CUSTOMARY AGRICULTURAL OPERATIONS

Including general farming, truck gardening, fruit orchards, nursery greenhouses not selling at retail on the premises, and the usual farm buildings, subject to the following:

- A. As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any standard listed above, the GAAMP shall control.
- B. The carrying out of such practices shall not generate any noise, odor, pollution, or other environmental impact which will have an adverse effect on adjacent properties.
- C. No storage or unusual accumulation of manure or odor or dust producing materials shall be permitted within one hundred (100) feet of any property line.
- D. No building for storage of mechanical equipment for agricultural purposes or housing of animals shall be permitted closer than one hundred (100) feet of any property line.
- E. No products shall be publicly displayed or offered for sale from the roadside unless otherwise permitted and approved.

6.7 CAMPGROUNDS

- A. A minimum lot size shall be ten (10) acres, and not less than six hundred (600) feet width.
- B. The lot shall provide direct vehicular access to a public road. The term “lot” shall mean the entire campground or travel trailer park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred fifty (150) feet from property lines.
- D. Campground perimeter shall be completely screened by natural terrain and well maintained vegetative screening.
- E. Campsites shall be located at least one hundred (100) feet from property lines.
- F. Campgrounds shall maintain all appropriate Federal, State, and local permits and licenses.
- G. All interior road shall have a finished surface of 20 feet.
- H. All campsites shall be vacant November through April.

6.8 AUTOMOBILE REPAIRS – MINOR

- A. All repairs shall be conducted within an enclosed building.
- B. Established parking spaces shall not be used for vehicle storage or repairs. All vehicles remaining on the property overnight shall be stored inside the building or in the rear yard behind a solid fence.

- C. The selling of vehicles and trailers shall be prohibited on-site unless approved as an automobile sales facilities.
- D. All hazardous materials resulting from the repair operations shall be properly stored and removed from the premises in a timely manner. The storage, use, and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents, and thinners, shall conform to all applicable federal, state, and local regulations.

6.9 AUTOMOBILE REPAIRS – MAJOR

- A. All repairs shall be conducted within an enclosed building or within a screened area in the rear or side yards.
- B. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround all areas designated for the temporary outdoor storage of equipment and materials or repairs. The finished side of any fence or wall shall face adjacent properties.
- C. Established parking spaces shall not be used for vehicle storage or repairs. All vehicles remaining on the property overnight shall be stored inside the building or in the rear yard behind a solid fence.
- D. The selling of vehicles and trailers shall be prohibited on-site unless approved as a automobile sales facility.
- E. All hazardous materials resulting from the repair operations shall be properly stored and removed from the premises in a timely manner. The storage, use, and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents, and thinners, shall conform to all applicable federal, state, and local regulations.

6.10 AUTOMOBILE SALES & RENTALS

Outdoor sales space for the exclusive sale, lease, or rental of new or used automobile, recreational vehicles, boats, trailers or similar items shall be subject to the following:

- A. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to capture all surface water accumulated within the area on site.
- B. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- C. No major automobile repair, as defined in this Ordinance, shall be done on the lot unless approved.
- D. All exterior site lighting shall be subject to the applicable requirements of Article 5.
- E. Elevated display stands of vehicles are prohibited.
- F. The minimum lot frontage requirement of a parcel for outdoor sales space for the exclusive sale, lease, or rental of new or used automobiles, recreational vehicles, boats, or trailers shall be one hundred (100) feet.
- G. All parking and display spaces shall have a raised curb or parking block located to prevent cars from parking on the lawn panel, grass, etc. Parking blocks shall be seventy two (72) inches long, eight (8) feet wide and five (5) inches tall.

- H. No vehicles shall be parked or displayed in any yard setback.
- I. No more than two (2) such uses shall be permitted within four hundred (400) feet of each other.

6.11 AUTOMOBILE SERVICE STATIONS

- A. Automobile service station buildings shall be located not less than fifty (50) feet from the road right-of-way, and side or rear property lines.
- B. No ingress or egress to an automobile service station shall be closer than fifty (50) feet from any intersection.
- C. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line, except for adjoining residential property line which shall require a fifty (50) foot setback, and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road, or public right-of-way.
- D. When adjoining residential property, screening at least six (6) feet in height shall be constructed parallel to the property line of such residential property. All obscuring walls or fences shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- E. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by natural screening at least six (6) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.

6.12 HOME OCCUPATIONS

- A. A zoning permit is not required, but that shall not be interpreted as any home occupation being relieved of the standards in this Section.
- B. Home occupations shall be operated in their entirety within the dwelling or an attached garage and shall occupy no more than twenty-five percent (25%) of the dwelling's ground floor area.
- C. Attached and detached residential garages may be used for incidental storage. The outdoor storage of goods and/or materials of any kind is prohibited.
- D. Home occupations shall be conducted only by the person or persons occupying the premises as their principal residence.
- E. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
- F. Home occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- G. No retail or other sales shall be permitted on the premises unless they are clearly incidental and directly related to the conduct of the home occupation. No outdoor storage of goods and/or materials of any kind.

- H. Home occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a home occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- I. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- J. There shall be no parking permitted within any setback areas.

6.13 COTTAGE INDUSTRIES

- A. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
- B. The floor area of such buildings used for a cottage industry shall not exceed twenty four hundred (2,400) square feet and must satisfy the maximum lot coverage for the zoning district.
- C. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.
- D. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a cottage industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition in excess of that typically associated with the use of the premises for residential purposes.
- E. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- F. Cottage industries shall be conducted only by the person or persons residing on the premises and up to three (3) additional employees or assistants.
- G. To ensure that the cottage industry is compatible with surrounding residential use, no more than three (3) vehicles associated with the cottage industry may be parked outside at any given time.

6.14 HOME BASED BUSINESS

- A. Home based businesses shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
- B. The floor area of such buildings used for a home based business shall not exceed twenty four hundred (2,400) square feet and must satisfy the maximum lot coverage for the zoning district.
- C. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring

property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.

- D. Home based business shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a cottage industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition in excess of that typically associated with the use of the premises for residential purposes.
- E. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- F. Home based business shall be conducted only by the person or persons residing on the premises and up to three (3) additional employees or assistants.
- G. To ensure that the home based business is compatible with surrounding residential use, no more than three (3) vehicles associated with the cottage industry may be parked outside at any given time.

6.15 OUTDOOR SALES & DISPLAYS

The outdoor display of goods for retail sale shall be allowed as an accessory use to an approved or permitted principal use where goods are commonly sold subject to the following standards:

- A. All outdoor displays shall be located within five (5) feet of the principal structure.
- B. Outdoor display areas located elsewhere on the property shall only be allowed if part of an approved site plan and must be screened from residential uses or districts.
- C. Outdoor displays shall not inhibit safe pedestrian circulation and shall not reduce the unobstructed width of any sidewalk below four (4) feet.
- D. Outdoor displays shall not be located within any public rights-of-way unless authorized by the applicable road agency.
- E. Outdoor displays shall not inhibit vehicle circulation onto or within the site and shall not be located within any off-street parking area. Clear lines of sight for pedestrians and vehicles shall not be obstructed by outdoor displays.
- F. Outdoor displays shall not be used as a means of creating additional signage on site.
- G. All outdoor display areas shall be kept clean and orderly and shall not generate trash onto neighboring properties.

6.16 KENNELS & VETERINARY CLINICS

- A. All kennels shall be operated in conformance with county and state regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined in a fenced area that is a minimum of fifty (50) feet from the property line and shall not be located in the front yard.
- C. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence and a vegetated evergreen buffer at least five (5) feet in height.

- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10:00 p.m. and 8:00 a.m.
- F. All principal use activities shall occur within an enclosed main building.
- G. All required state and local licenses and permits shall be obtained and maintained in good standing at all times.

6.17 MOTELS AND HOTELS

- A. Motels and hotels shall have a minimum lot width of one hundred fifty (150) feet at the road line.
- B. There shall be at least eight hundred (800) square feet of lot area per guest room.
- C. Each unit shall contain at least a bedroom and bathroom and a minimum gross floor area of two hundred fifty (250) square feet.
- D. Motels and hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

6.18 RELIGIOUS INSTITUTIONS

In recognition of many institutional uses that have been found to be reasonably compatible with residential uses, the Township may authorize the construction, maintenance, and operation of religious institutions subject to the following standards:

- A. Religious institutions in the residential and agricultural zoning districts shall require a minimum lot size of one (1) acre.
- B. Such uses shall be duly licensed by the Michigan Department of Licensing and Regulatory Affairs.
- C. Religious institutions may include child care centers, educational institutions, convents, parsonages, parish houses, or other similar housing for clergy upon appropriate review and approval.
- D. Fencing of outdoor play areas may be required, should it be determined that conditions exist in the immediate vicinity which could be hazardous to the user, children, or the public on the application for a special use permit indicates objectionable trespass could occur onto neighboring properties by the user children.

6.19 GOLF COURSES & FACILITIES

- A. Golf Courses and Country Clubs:
 - 1. These regulations shall not include stand-alone golf-driving ranges and miniature golf courses.
 - 2. The site area shall be a minimum of fifty (50) acres and have its main ingress and egress from a major thoroughfare.

3. Development features shall be so located as to minimize any possible adverse effects upon adjacent property. All principal and accessory buildings, structures, and parking areas shall not be less than two hundred (200) feet from any property line.
4. Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from all property lines and shall be enclosed with a protective fence six (6) feet in height, with entry limited by means of a controlled gate.

B. Driving Ranges Not Part Of A Golf Course:

1. All sites shall be located on a major thoroughfare and all ingress and egress to the site shall be from said thoroughfare.
2. All points of entrance and exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
3. A transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and neighboring property. Plant materials, grass and structural screens or fences of a type approved by the Planning Commission shall be placed within said transition strip.
4. A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.
5. All exterior lighting, off-street parking, signs, and landscaping and buffering shall comply with the standards of this Ordinance.

6.20 SEXUALLY ORIENTED BUSINESS

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

B. Standards:

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel within one thousand (1000) feet of any residence, public or private school, religious institution, public park, state licensed child care facility or residentially zoning district.
3. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land uses or zoning districts identified in this Section.
4. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
5. The proposed use must meet all applicable written and duly promulgated standards of Torch Lake Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
7. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that states:
 - a. "Persons under the age of 18 are not permitted to enter the premises", and
 - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
9. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
11. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - a. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;

- b. Shall be unobstructed by any door, lock, or other entrance and exit control device;
- c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
- d. Is illuminated by a light bulb of wattage of no less than 25 watts;
- e. Has no holes or openings in any side or rear walls.

6.21 CONTRACTOR STORAGE YARDS

- A. No equipment or materials shall be stored in the required front, side, or rear setbacks.
- B. If a building exists on a parcel, the outdoor storage of equipment and materials shall only occur in the side or rear yards.
- C. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround all areas designated for the outdoor storage of equipment and materials. The finished side of any fence or wall shall face adjacent properties.

6.22 DRIVE-IN & DRIVE-THROUGH SERVICES

- A. Ingress and egress points shall be located no closer than sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Driveways shall be limited to one (1) per parcel.
- B. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- C. A drive-through window shall provide queuing spaces for each drive-through window.

6.23 SELF-STORAGE FACILITIES

- A. All proposed self-storage buildings nearest to the primary access road shall be located perpendicular to the road.
- B. Proposed self-storage shall be setback at least one hundred (100) feet from public road right-of-way lines.
- C. A minimum of ten (10) acres is required.
- D. Effective year-round landscape screening is required to shield storage buildings from bordering public roads upon installation of proposed plant materials. Screening from neighboring properties is required.
- E. Nothing in this Section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property, and these standards do not apply to internal roads within a planned industrial or commercial park.
- F. No outdoor storage allowed.

6.24 EXTRACTIVE INDUSTRIES

The location of mining and extractive operations is dependent in large part, upon the sites which

contain natural deposits of material having economic value, particularly to the construction industry. Sites nearest to the built-up areas are generally more viable economically, but they could be more sensitive environmentally, because of their close proximity to homes and smaller building sites. The treatment of extractive operations as a special use is necessary to build in the flexibility needed to permit these activities where the resources are found, and at the same time, to afford protection to adjoining properties. Public agencies, government units, and private operations are subject to these regulations.

A. Site Plan Requirements: Site plans shall be submitted in accordance with the site plan requirements of Article 7, and in addition shall show:

1. Proposed location, area, boundaries and depth of excavation or fill.
2. Pertinent time schedules for starting and concluding dates of the proposed operation per permit.
3. Location of spoils dumps, sediment basins, earth stockpiles, machinery, fuel or hazardous waste, material storage buildings, or tanks.
4. Roads to be used by any hauling equipment and all planned ingress/egress points to the excavated area, stockpiled resources, and on-site equipment.
5. A statement on general surface and ground water conditions, including source flow, size and location of watershed and wetlands, and any possible impact on permanent bodies of water, water levels and wells in the area. If the operation plans to enter the aquifer a hydro-geological report shall be required.
6. A statement outlining the type of material to be extracted or deposited, the type of mining operation and processing equipment to be used and measures to control noise, air and water pollution, run-off/erosion and any steps to relieve any adverse effects to adjoining properties and the environment. An Emergency Plan for any accidental chemical, or other industrial spill, shall also be included.
7. Plans and statements outlining all work to be done on the reclamation, assuring that steps are taken to blend the site into the surrounding landscape or neighborhood as applicable.
8. The Planning Commission may accept the documents required for permits under the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, being Part 91 of the Act, provided, the terms, standards, and review requirements of the Zoning Ordinance are complied with. There shall be compliance with all applicable federal or state regulations. If a federal or state permit is required, then the special use permit shall not be issued or shall not become effective until the federal or state permit has been issued.
9. Permits shall contain the full extent of the operation as specified in each application, and any deviation or enlargement of the scope of operation shall require a separate permit.
10. The map scale of the site plan shall be sufficient to show the site operating details as required by each application. The site plan and special use permit application shall be reviewed and decided pursuant to Article 7. The special use permit shall be issued unless the Planning Commission finds after applying the criteria of Article 7 that serious consequences are likely to result to the health, safety and welfare of the township, its citizens or the environment from the issuance of the special use permit.

- B. Performance Standards: The following shall apply to all proposed extraction, mining, fill operations:
1. All excavations or extractive work shall maintain a minimum perimeter setback of fifty (50) feet from road rights-of-way and all property lines. The minimum perimeter setback may be increased up to one hundred (100) feet to compensate for:
 - a. That portion of any boundary contiguous to lands zoned “residential” and/or occupied for residential purposes, or
 - b. The maximum recorded (IGLD) high water level of Torch Lake and Lake Michigan, or
 - c. Any lake, stream, or creek within the Township. Controlled work in the fifty (50) or one hundred (100) foot setback area may be permitted if spoils, over burden, or other earth fill material replaces the resources removed, or if contouring or landscaping is an improvement to this process, as the work progresses (in cases of a pit).
 2. The working face of an excavation shall maintain slope angles sufficient to prevent erosion or earth disturbances of any kind to adjoining properties.
 3. Upon completion of the mining operation, or each phase of the project, the entire project shall be restored consistent with the original vegetation and top soil cover and in accordance with Farm Services Agency of U.S.D.A. recommendations. Sufficient native topsoil must be kept on the site as a ready resource to be used in reclamation work unless a guaranteed replacement plan is approved.
 4. Any open mining face which is higher than three feet (3') shall have fencing placed on the top of the same in such manner as to guard against persons from falling over the working face. Such fencing shall be at least four feet (4') high, and shall consist of at least a woven wire farm fence. In addition, berms, walls, and visual screening devices may be required, if necessary, to protect adjoining properties and/or persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed.
 5. The operation of mechanical equipment of any kind shall be limited by the day and/or the hour if the site is in a location that directly impacts homes, by creating an operating nuisance.
 6. All structures, equipment, and machinery of any kind shall be considered temporary and shall be removed from the site upon completion of the terms of the Special Use Permit. This item shall not apply to industrially zoned sites.
 7. Air pollution, noise, vibration, and safety factors shall be controlled within the limits governed by state and/or federal regulations applicable to the facility.
 8. If necessary, to protect the area, access routes serving the site may be limited as stated on the permit or as illustrated on the site plan, it being the intent to minimize the exposure of residential streets to earth moving vehicles.
 9. The location of earth stockpiles, machinery, equipment, and any buildings or fuel or hazardous material storage or containment structure, shall be approved by special use permit but only in terms to protect adjoining properties, and obtain the optimum use of

the site. Topography, vegetation, screening devices, refueling tanks or vehicles and physical isolation from residential properties shall be considered in locating site facilities and earth stockpiles.

- C. Site Reclamation: The final grading and land reclamation plan for each permitted excavation shall be in general accordance with the character of uses and natural features on adjoining lands to the extent practical. Excavations shall be finished with evenly contoured grades to blend in with the adjoining terrain. In Residential Districts, the final grade of an excavation may be required to be brought to a level to permit future residential development.
1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. An alternate reclamation plan may be filed for cases where continuous reclamation is not practiced or feasible, and a surety bond is provided therewith. A time table for the reclamation and rehabilitation of mined areas shall be agreed upon at the time of a permit being issued.
 2. Excavations which encounter groundwater or trap surface water, shall be treated in one or more of the following ways, as applicable to a particular situation:
 - a. Stagnant water conditions shall not be permitted to continue and back filling with approved materials may be required.
 - b. Where water is to remain, either by planned re-use or because no other option exists, the depth shall be sufficient to avoid stagnation, and the shoreline and bottom-land grade shall be uniform at one (1) foot vertical to four (4) feet horizontal (1:4) to a minimum distance of twenty (20) feet from the shoreline. The water depth shall be posted.
 - c. Depending on the nearness of residential neighborhoods, and access by children, the created water body may be required to erect a safety fence four feet high consisting of at least a woven wire farm fence, posted for no trespassing, or similar safety precautions deemed appropriate for the site.
 3. The final banks of all excavations shall be sloped at a grade which is not steeper than one (1) foot vertical to three (3) feet horizontal (1:3) from the top to the pit bottom, or otherwise be established to blend in with the adjacent terrain and/or stabilize at the soil's natural angle of repose.
 4. The original topsoil from the site shall be retained and replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired.
 5. Vegetation shall be required to be restored by seeding of grasses or sodding and/or the planting of trees and shrubs.
 6. Upon cessation of mining operations, and within a reasonable period of time not to exceed twelve (12) months thereafter, all plant structures, buildings, and equipment shall be removed, except for that necessary to manage on-site stockpiled materials. On-site stockpiled materials shall be removed within twenty four (24) months of the cessation of the mining operations. This does not preclude a re-start at another time upon permit renewal.

7. Specific site reclamation requirements may vary somewhat depending on the location of the site in terms of its exposure to view, physical isolation, influence on residential areas, sensitivity to the natural environment and/or re-use potential (or plan). The Planning Commission shall rule on such variations with reasons stated.

- D. Performance Guarantees: In those instances where a resource excavation/fill operation entails extensive reclamation work and/or safety precautions, financial guarantees or assurances as prescribed in Article 12 shall be required as a condition to issuing a Special Use Permit under the terms of this Ordinance, an annual review shall be conducted to ensure compliance. The Planning Commission may substitute a staged or phased excavation program wherein performance on reclamation shall be substantially completed prior to undertaking the next phase.

6.25 TELECOMMUNICATION TOWER OR ALTERNATE TOWER STRUCTURE

- A. Intent & Purpose: The purpose of this Section is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures, and antennas. The Township recognizes that it is in the public interest to permit the location of such facilities, however it also recognizes the need to protect the scenic beauty of Torch Lake Township from unnecessary and unreasonable visual interference, and that such facilities may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Section seeks to:

1. Protect residential areas from potential adverse impact of towers and antennas.
2. Encourage the location of towers in nonresidential areas.
3. Minimize the total number of towers throughout the community.
4. Encourage the joint use of new and existing tower sites rather than the construction of additional towers.
5. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact.
6. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.
7. Consider the public health and safety issues of telecommunication towers and alternative tower structures.
8. Avoid potential damage to adjacent property from tower failure.

In furtherance of these goals, Torch Lake Township shall give due consideration to the Torch Lake Township master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

- B. Standards for Telecommunication Towers and Alternative Tower Structures: In addition to the standards set forth in a particular zone and the standards set forth in Articles 7 and 8 of this Ordinance, the uses below must meet the following additional standards:

1. Application Requirements. The following information shall be provided in support of an application to construct a wireless telecommunication tower:
 - a. Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse, and that the proposed tower, as built, will withstand, at a minimum, winds of 70 miles per hour with one half inch of radial ice on the tower.
 - b. A map depicting the existing and known proposed location of wireless telecommunications facilities, including wireless telecommunication antenna attached to alternative tower structures, within Torch Lake Township as well as within the proposed service area radius.
 - c. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be reviewed annually and updated immediately upon any contact changes
 - d. A statement which indicates the applicant's intent to allow the collocation of other antenna, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity.
 - e. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/ termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project. To ensure proper removal of the project upon abandonment/termination, a bond, letter of credit or cash surety shall be:
 - 1) In an amount approved by the Township to be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments.
 - 2) Based on an estimate prepared by the engineer for the applicant, subject to approval of the Township, and provided to the Township prior to the issuance of a zoning permit.
 - 3) Used in the event the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project. The Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.
2. Evidentiary Requirements. The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other alternative towers, or alternative technology. Evidence submitted to demonstrate that no existing tower, alternate tower structure, or alternative technology can accommodate the applicant's proposed antenna shall consist of all of the following:

- a. No existing tower or alternative tower structure is located within the geographic area which meets applicant's engineering requirements.
 - b. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicants proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicants proposed antenna.
 - e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as cable microcell network using multiple low-powered transmitters or receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
3. Setbacks. The following setback requirement shall apply to all towers for which a special use permit is required:
 - a. Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line.
 - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
4. Security Fencing. Towers and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
5. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required:
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound from adjacent properties and right-of-ways. The standard buffer shall consist of a landscaped strip at least four (4') wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the

maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

6. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
7. Aesthetics. Towers and antennas shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property. However, this Section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
 - e. The tower is of monopole or lattice design.
8. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
9. Compliance with Codes: Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
10. Interference with Residential Reception: Transmission shall not interfere with television and radio reception to neighboring residential areas.
11. Signs: No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed on an antenna or tower. A sign will be placed on the fence

indicating the ownership of the tower and a telephone number of who to contact in case of an emergency. The name and telephone number must be fifty (50) point print.

12. Spacing: A tower shall not be located within two hundred (200) feet or three hundred (300%) percent of the height of the tower, whichever is greater, of an existing single family or multiple family dwelling unit, religious institution, educational institution, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the base of the single family or multiple family dwelling unit, religious institution, educational institution, or other structure normally used and actually used for the congregation of persons.
13. Removal of Abandoned Antennas and Towers: Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with removal, the owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within the ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special use permit given pursuant to this Section.
14. Limitation on Tower Height: No tower shall be constructed which is greater than one hundred ninety nine and one half (199.5) feet in height as measured from the point where the tower meets the earth to the highest point of the tower structure, including antenna. The restrictions in the building height definition of Article 3 do not apply to these structures.

C. Antenna Co-location on an Existing Tower or Structure:

1. No antenna or similar sending/receiving devices attached to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices attached to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

D. Performance Guarantees: In those instances where a resource excavation/fill operation entails extensive reclamation work and/or safety precautions, financial guarantees or assurances as prescribed in Article 12 shall be required as a condition to issuing a Special Use Permit under the terms of this Ordinance. The Planning Commission may substitute a staged or phased excavation program wherein performance on reclamation shall be substantially completed prior to undertaking the next phase.

6.26 WINERIES, BREWERIES, & DISTILLERIES

- A. Wineries, breweries and distilleries must be licensed by the U.S. Treasury, Bureau of Alcohol, Tobacco & Firearms; and the Michigan Liquor Control Commission, and in compliance with the regulations of the Michigan Liquor Control Commission, the Michigan Department of Agriculture & Rural Development, and the Michigan Department of Environmental Quality, and in compliance with Health District of Northwest Michigan regulations.
- B. The lot area is at least ten (10) acres. The minimum lot width shall be at least three hundred and thirty (330) feet.
- C. Parcels shall have a minimum of five (5) planted acres of fruit or other wine, beer or spirit crops maintained pursuant to generally accepted management practices.
- D. The total land area covered by buildings and structures used for beverage processing, storage and sales does not exceed two (2) percent of the contiguous lot area.
- E. The above ground portion of any individual building shall not be greater than twenty thousand (20,000) square feet.
- F. All buildings shall be set back at least fifty (50) feet from any lot line. If a building is open to the public, that building shall be set back at least one hundred (100) feet from any adjoining lot line. For buildings that are already on-site at the time of the application, these set back requirements may be reduced by the Planning Commission provided that any use of any such existing building do not adversely affect neighboring property. As a condition of granting a setback reduction, the Planning Commission may require landscaping, berms or buffering which is designed to reduce any adverse impacts on neighboring property.
- G. Indoor retail sales and food service areas shall occupy no more than twenty-five (25%) percent of the floor area devoted to wine, mead or cider processing and storage, or no more than four thousand (4,000) square feet, whichever is less.

6.27 UPLAND GAME BIRD HUNTING PRESERVES

- A. Hours of operation shall be limited to the hours of 8:00a.m. to 6:00p.m.
- B. Parking shall occur on the property and not along the roadway or in the road right-of-way.
- C. The site shall be adequately signed to notify the public and adjoining property owners as to the presence of the hunting preserve and the safety zones shall be signed in such a manner that all hunters shall be aware of the required safety zones.
- D. Hunting shall only be allowed during the portions of the year as allowed by the Michigan Department of Natural Resources (MDNR).
- E. The site shall be licensed by the MDNR and shall be surrounded by a fence at all times when hunting is occurring.

7

Article 7 SITE PLAN REVIEW

- 7.1. Intent & Purpose
- 7.2. Site Plan Review Required
- 7.3. Standards for Site Plan Approval
- 7.4. Site Plan Application Requirements
- 7.5. Site Plan Application Review Procedures
- 7.6. Site Plan Application Determinations
- 7.7. Record of Actions
- 7.8. Expiration & Revocation
- 7.9. Reapplication
- 7.10. Amendments & Modifications
- 7.11. Fees & Performance Guarantees

7.1 INTENT & PURPOSE

This Article governs the processes and standards for uses and structures which site plan approval is required under this Ordinance. The Article specifies the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

7.2 SITE PLAN REVIEW REQUIRED

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical and use changes in the property actually occurs as it was planned and represented by the developer, and approved by the Planning Commission. Site plan review shall be required for the following uses and circumstances:

- A. All new uses and/or structures except one-family or two-family residential units, associated accessory structures to one-family or two-family residential units, and agricultural buildings.
- B. Expansion or renovation of an existing use (structure or lot), other than use listed above, which increases the existing floor space more than twenty-five (25) percent.
- C. Other uses as required by this Ordinance.

7.3 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. Adequacy of Information: The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. Site Design Characteristics: All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- C. Site Appearance: Landscaping, earth berms, fencing, signs, walls, structures and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- D. Compliance with District Requirements: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Article 3, unless otherwise provided in these regulations.
- E. Privacy: The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

- F. Emergency Vehicle Access: All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- G. Circulation: Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications.
- H. Parking: Any off-street parking facility shall meet all applicable design standards of this Ordinance.
- I. Drainage: Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Drainage plans shall be subject to review and approval by the Township Engineer /consultant.
- J. Grading: All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance by limiting topographic modifications that result in a smooth natural appearing slope as opposed to abrupt changes in grade between the project and adjacent areas.
- K. Soil Erosion and Sedimentation: The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Antrim County Department of Building Safety standards.
- L. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjoining properties, directed downward, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
- M. Public Services: Adequate services and utilities shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- N. Screening: Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public rights-of-way, shall be effectively screened at an adequate height. All walls must be solid and constructed of durable material and cannot be located in required setbacks.
- O. Danger from Fire and Hazards: The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the Township to

respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.

- P. Health and Safety Concerns: Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise, dust, smoke and other air pollutants, vibration, glare, heat, fire and explosive hazards, gases, electromagnetic radiation, radioactive materials, and toxic and hazardous materials.
- Q. Phases: All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- R. Conformance: Site plans shall conform to all applicable requirements of state and federal statutes and the Torch Lake Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the site plan is granted.

7.4 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/Submissions
1.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	✓	
2.	A boundary survey of the property, to include all dimensions, setbacks, gross and net acreage, and legal description.	✓	
3.	The location and width of all abutting rights-of-way.	✓	
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels.	✓	
5.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	✓	
6.	Description of all existing and proposed structures referenced in item 5.		✓
7.	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	✓	
8.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	✓	✓

Article 7 SITE PLAN REVIEW

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/Submissions
9.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	✓	
10.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		✓
11.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	✓	
12.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	✓	
13.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	✓	✓
14.	Location, type and size of all above and below grade utilities.	✓	
15.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	✓	
16.	Location of any cross-access management easements, if required.	✓	
17.	Location of pedestrian and non-motorized facilities, if required.	✓	
18.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.		✓
19.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.		✓
20.	Plans to control soil erosion and sedimentation, including during construction.	✓	✓
21.	The method to be used to serve the development with water.		✓
22.	The method to be used for sewage treatment.		✓
23.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	✓	
24.	Elevations for all building facades.	✓	
25.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		✓
26.	Phasing of the project, including ultimate development proposals.	✓	✓
27.	General description of deed restrictions and/or cross-access management easements, if any or required.		✓
28.	The name and address of the property owner.	✓	✓
29.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	✓	✓
30.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	✓	

- A. Upon the recommendation of the Zoning Administrator, the Zoning Administrator may waive any of the above required items based upon a finding that it is not applicable.
- B. The Planning Commission, Zoning Administrator, or other party authorized by the Township may request any additional information it deems necessary in the review of a submitted site plan.

- C. Evidence must also be submitted which shows the plan has been submitted for review to all affected jurisdictions, including but not limited to Antrim County Road Commission, Antrim County Drain Commissioner, local fire and emergency services providers, Health Department of Northwest Michigan, Michigan Department of Transportation (MDOT), Michigan Department of Energy, Great Lakes, and Environment (MDEGLE), and Michigan Department of Natural Resources, where applicable. If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.
- D. All site plan drawings and application shall be submitted in quantities requested by the Zoning Administrator on sheets twenty-four (24) inches by thirty-six (36) inches or eleven (11) inches by seventeen (17) inches, and in digital PDF format.

7.5 SITE PLAN APPLICATION REVIEW PROCEDURES

- A. Pre-Application Conceptual Review: An applicant shall be required to attend a pre-application conceptual review with the Zoning Administrator to discuss in general the substantive requirements for the application prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements by the Township. Feedback provided by the Zoning Administrator and/or Township designee under a pre-application conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A pre-application conceptual review does not include a completeness or technical review by the Zoning Administrator.
- B. Completeness Review: All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent. The Zoning Administrator shall review the application for completeness in order to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance.
- C. Zoning Board of Appeals: When a site plan review is dependent on a variance by the Zoning Board of Appeals, the granting of the variance(s) shall be necessary before a determination is made on the site plan review.
- D. Technical Review: An application determined to be complete will undergo a technical review by the Zoning Administrator to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete and variance obtained, if necessary, the application will be placed on the agenda for consideration at the next regularly scheduled Planning Commission meeting.
- E. Conceptual Review:
- F. Administrative Review: The Zoning Administrator may review and make a determination on a site plan review application that meets all the standards provided below. Nothing in this section shall prohibit the Zoning Administrator or applicant from requesting the site plan review application be submitted to the Planning Commission for a determination.

1. The use is permitted by right in the established zoning district.
 2. Will result in less than one thousand five hundred (1,500) square feet of new building and/or impervious area.
 3. Will generate less than five hundred (500) trip ends per day as determined by the proposed land use activity based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.
- G. Planning Commission Review: All applications not determined by the Zoning Administrator shall be reviewed by the Planning Commission for a determination.

7.6 SITE PLAN APPLICATION DETERMINATIONS

The approving body shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application.

- A. Approval: The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
- B. Conditional Approval: The approving body may approve a site plan, subject to any conditions, to address necessary modifications, obtain variances, or for approvals from other agencies. Conditions imposed shall meet each of the following objectives:
1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- C. Denial: If the approving body determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare, or orderly development of the Township, it shall deny the application by a written decision which clearly sets forth the reason for such denial.

7.7 RECORD OF ACTIONS

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

- A. Minutes: All minutes from any meeting where the site plan was considered.
- B. Finding of Fact: The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.

- C. Final Site Plans: One (1) electronic pdf version and two (2) full size print sets (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.
1. Approved site plans shall include any required revisions and the date of the revisions. The print sets shall be marked "Approved" and signed and dated by the applicant and Planning Commission Chair if approved by the Planning Commission, or the Zoning Administrator if administratively approved.
 2. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Chair if denied by the Planning Commission, or the Zoning Administrator if administratively denied.
- D. Development Agreement: An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Chair and included in Master Deed if applicable.

7.8 EXPIRATION & REVOCATION

- A. Expiration: A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a zoning permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the approving body before the expiration date. The approving body may grant one (1) extension for a period of up to one (1) year.
- B. Revocation: If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification if not corrected. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance .
- C. Expiration of Application: During the course of any application review, if an applicant has failed to proceed meaningfully towards application completion or application decision for a period of one-hundred and twenty (120) consecutive calendar days, then the application shall be considered abandoned and expire. If the applicant would like to proceed following the one-hundred and twenty (120) days, a new application, documentation, and fee shall be required. This shall be processed as a new application.

7.9 REAPPLICATION

Whenever an application has been rejected by the Planning Commission or Zoning Administrator, a new application for the same request shall not be accepted by the Township for a period of one (1) year unless the Zoning Administrator determines that one (1) or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.

- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

7.10 AMENDMENTS & MODIFICATIONS

A previously approved site plan may be modified subject to the following procedures:

- A. Insignificant Deviations: The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.
- B. Minor Amendments: The Zoning Administrator may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Zoning Administrator may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the Zoning Administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.
- C. Major Amendments: All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

7.11 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Article 12.

8

Article 8 SPECIAL LAND USE APPROVAL

- 8.1. Intent & Purpose
- 8.2. General Standards
- 8.3. Special Use Permit Application Requirements
- 8.4. Special Use Permit Application Review Procedures
- 8.5. Special Land Use Determinations
- 8.6. Record of Actions
- 8.7. Expiration & Revocation
- 8.8. Reapplication
- 8.9. Amendments & Modifications
- 8.10. Fees & Performance Guarantees

8.1 INTENT & PURPOSE

This Article provides the review procedures and standards instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses, or which contain unique features. The procedures and standards apply to those special land use permit uses which are specifically designated as such in this Ordinance.

8.2 GENERAL STANDARDS

Each application for a special land use permit shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, including those for site plan review and the specific standards below:

- A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance, the Master Plan or any other plan adopted by the Township.
- B. Will be designed, constructed, operated, maintained, and managed so as to be appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public expense for public facilities and services.
- F. Will be in accordance with all required conditions of the district in which it will be located.
- G. Will not be detrimental to existing and/or other permitted land uses in the applicable zoning district.

8.3 SPECIAL USE PERMIT APPLICATION REQUIREMENTS

An application for special land use permit approval shall include a complete site plan review satisfying all the standards in Article 7 and a special land use permit application on a form provided by the Township, and a statement addressing all of the general standards for approval.

8.4 SPECIAL USE PERMIT APPLICATION REVIEW PROCEDURES

The procedures for a special land use permit application review shall follow those for a site plan review in Article 7 with the following modifications:

- A. Planning Commission Review: The Planning Commission shall:
 - 1. Review the application to determine if it satisfies the standards for special land use permits, and all other applicable standards of this Ordinance. Administrative review shall not be an option for special land use permit applications.
 - 2. Hold a public hearing to consider the proposed special land use permit application consistent with the procedures for a public hearing in Article 12.

3. The Planning Commission shall establish a finding of fact to make a determination to approve, approve with conditions, or deny the special land use permit application based on the standards for approval.

8.5 SPECIAL LAND USE DETERMINATIONS

- A. Approval: The special land use permit application shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and local, state, and federal statutes. Such approval shall affect only the lot or area thereof upon which the use is located.
- B. Conditional Approval: The Planning Commission may approve a special land use permit, subject to any conditions to address necessary modifications, obtain variances, or for approvals from other agencies. Conditions imposed shall meet the objectives outlined in Article 7.
- C. Denial: If the Planning Commission determines that a proposed special land use permit application does not meet the standards of this Ordinance, it shall deny the application.

8.6 RECORD OF ACTIONS

All decisions on a special land use permit application shall be recorded consistent with the requirements of Article 7 with the addition that the development agreement and final site plans be recorded at the Antrim County Register of Deeds Office and evidence of the record be submitted to the Township Clerk within forty-five (45) days.

8.7 EXPIRATION & REVOCATION

The standards and procedures for expiration and revocation of an approved special land use permit shall be the same as those for site plan review in Article 7.

8.8 REAPPLICATION

Whenever an application has been rejected by the Planning Commission, a new application for the same request shall not be accepted by the Township for a period of one (1) year unless the Zoning Administrator determines that one (1) or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

8.9 AMENDMENTS & MODIFICATIONS

The standards and procedures for amendments or modifications of an approved special land use permit shall be the same as those for site plan review in Article 7, with the exception that a major amendment to an approved special land use permit will require a new public hearing following the standards and process in Article 7.

8.10 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a special land use permit application shall be consistent with the requirements in Article 12.

9

Article 9 LAND DEVELOPMENT OPTIONS

- 9.1. Intent & Purpose
- 9.2. Planned Unit Development (PUD)
- 9.3. Open Space Preservation Development (OSPD)
- 9.4. Condominium Subdivisions

9.1 INTENT & PURPOSE

Development may be pursued in a variety of different ways. This Article sets forth the development options established by Torch Lake Township. Depending on the circumstances of particular development scenarios, these options may be used singly or jointly. The purpose of this Article is to set forth the regulations regarding the different land development options in order to protect the health, safety, and welfare of the citizens of Torch Lake Township. Where necessary the provisions relating to the different development options contain design standards that supplement or replace particular standards in Article 5 and Article 6, and procedures which supplement or replace particular procedures in Article 7.

9.2 PLANNED UNIT DEVELOPMENT (PUD)

9.2.1 Intent & Purpose

- A. The Planned Unit Development (PUD) option is intended to allow, with Planning Commission approval, private or public development which is consistent with the goals and objectives of the Torch Lake Township Master Plan and Future Land Use Map.
- B. The development allowed under this section shall be considered as an optional means of development only on terms agreeable to the Township.
- C. Use of the PUD option will allow flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the parcel in question; to provide proper housing including workforce housing; or to provide employment, service and shopping opportunities suited to the needs of the residents of the Township.
- D. It is further intended the PUD may be used to allow nonresidential uses of residentially zoned areas; to allow residential uses of nonresidential zoned areas; to permit densities or lot sizes which are different from the applicable district and to allow the mixing of land uses that would otherwise not be allowed; provided other community objectives are met and the resulting development would promote the public health, safety and welfare, reduce sprawl, and be consistent with the Torch Lake Township Community Master Plan and Future Land Use Plan Map.
- E. It is further intended the development will be laid out so the various land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
- F. The number of dwelling units for the PUD shall not exceed the number of dwelling units allowed under the underlying Zoning District, unless there is a density transfer approved by the Township.

9.2.2 Uses Permitted

- A. A land use plan shall be proposed for the area to be included within the PUD. The land use plan shall be defined primarily by the existing zoning districts applicable to the various land use areas of the PUD.

- B. Uses permitted and uses permitted subject to special use permit approval in this Ordinance may be allowed within the districts identified on the PUD plan, except that some uses may be specifically prohibited from districts designated on the PUD plan. Conditions applicable to uses permitted subject to special use permit approval shall be used as guidelines for design and layout but may be varied by the Planning Commission provided such conditions are indicated on the PUD plan.
- C. The Planning Commission may allow uses not permitted in the district if specifically noted on the PUD plan. All uses not permitted in the district, but part of an approved PUD plan must be specified in the approval and PUD agreement. The allowed uses not permitted in the district shall not occupy more than fifty (50%) percent of the developed area, excluding the area dedicated to circulation, parking, and utility infrastructure, at any given phase of development.

9.2.3 Height, Bulk, Density & Area Standards

The standards about height, bulk, density, and setbacks of each district shall be applicable within each district area designated on the plan except as specifically modified and noted on the PUD plan and approved by the Township.

9.2.4 Qualifying Standards

To qualify for the PUD option, it must be demonstrated that all of the following standards will be met:

- A. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.
- B. The PUD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.
- C. The PUD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the PUD.
- D. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request. Such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- E. The PUD must meet all of the following eight (8) objectives of the Township.
 - 1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.
 - 2. To permanently establish land use patterns which are compatible, or which will protect existing or planned uses.

3. To accept dedication or set aside open space areas in perpetuity.
4. To provide alternative uses for parcels which can provide transition buffers to residential areas.
5. To promote the goals and objectives of the Township Master Plan.
6. To foster the aesthetic appearance of the Township through quality building design and site development;; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
7. To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
8. To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201(h), or on parcels that contain unique cultural, historical or natural features which should be preserved.

9.2.5 Application Submission Procedures

The PUD application submission and review procedures follow four (4) primary steps: 1) pre-application submission and review, 2) submission of PUD plan and application materials, 3) preliminary review and recommended approval or denial of the PUD, and 4) final review and approval or denial of the PUD. This procedure is illustrated in the figure below and elaborated upon in the following subsections. A PUD plan involving a density transfer shall have the transfer approved through a special use permit as outlined in this Section after the pre-application submission and review step.

9.2.6 Pre-Application Submission And Review

- A. Any person owning or controlling land in the Township may make application for consideration of a PUD. Such application shall be made by presenting a request for a preliminary determination to whether a parcel qualifies for the PUD option.
- B. The request shall be submitted to the Planning Commission and the submission shall include the information required below.
 1. Proof the criteria set forth in the Qualifying Standards subsection above, are or will be met.
 2. A schematic land use plan containing enough detail to explain the role of open space; location of land use areas, streets providing access to the site, pedestrian, and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.
 3. A plan to protect natural features or preservation of open space or greenbelts.
 4. A stormwater management plan incorporating low impact development (LID) water quality technologies, such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.

- C. Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether the proposed schematic land use plan meets the minimum Qualifying Standards in this Section for the PUD option. If determined that the minimum Qualifying Standards have been met, then the applicant may continue to prepare a complete PUD plan and application on which a final determination will be made. Satisfying the minimum Qualifying Standards for the PUD option is not a guarantee for PUD approval.

9.2.7 Application Submission & Review

The application, reports, and drawings shall be filed in paper and digital format. Printed drawings shall be on 24" x 36" sheets. All drawings shall be provided to the Township in AutoCad™, MicroStation, or similar site civil / architectural drawing format requested by the Planning Commission. Other graphics and exhibits, text and tabular information shall be provided in Adobe Acrobat™ "Pdf" format. All drawings shall be created at a scale not smaller than one (1) inch equals one hundred (100) feet, unless otherwise approved by the Zoning Administrator .

- A. A proposed PUD plan application shall be submitted to the Planning Commission for review that contains the following:
 - 1. A boundary survey of the exact acreage prepared by a registered land surveyor or civil engineer.
 - 2. A topographic map of the entire area at a contour interval of not more than two feet. This map shall show all major stands of trees, bodies of water, wetlands and unbuildable areas.
 - 3. A proposed development plan showing the following, but not limited to:
 - a. Land use areas represented by the current zoning districts designation.
 - b. A circulation plan including vehicular circulation patterns, major drives and location of vehicular access, parking areas, non-motorized circulation patterns, pedestrian and bicycle facilities, and cross Sections of public and private streets.
 - c. Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.
 - d. The general location of nonresidential buildings including general land use types (e.g. retail, restaurant, office, etc.), parking areas, estimated floor areas, building coverage and number of stories or height.
 - e. The general location of residential unit types and densities and lot sizes by area.
 - f. The general location and type of all Low Impact Development (LID) stormwater management technologies.
 - g. Location of all wetlands, water and watercourses, proposed water detention areas and depth to groundwater.
 - h. The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership.

- i. A schematic landscape treatment plan for open space areas, streets, and border/transition areas to adjoining properties.
 - j. A preliminary grading plan, showing the extent of grading and delineating any areas, which are not to be graded or disturbed.
 - k. A public or private water distribution, storm, and sanitary sewer plan.
 - l. Elevations of the proposed buildings using traditional building materials shall be used. Materials such as exterior insulation finish system (EIFS), fluted concrete masonry units, concrete panels, panel brick, and scored concrete masonry unit block are not considered traditional building materials. Buildings shall be consistent with the character of the surrounding area.
 - m. A written statement explaining in detail the full intent of the applicant, showing dwelling unit types or uses contemplated and resultant population, floor area, parking, and supporting documentation, including the intended phasing plan for the development and supportive drawings.
- 4. A market study, traffic impact study, and /or environmental impact assessment, if requested by the Planning Commission or Board of Trustees.
 - 5. A pattern book or design guidelines manual if requested by the Planning Commission or Township Board.
- B. The Township Zoning Administrator will review the PUD plan application for completeness. Once deemed complete, the Township Zoning Administrator will conduct a technical review of the application. Upon completion of the technical review, the Township Zoning Administrator shall notify the Planning Commission Chair who will place the application on the agenda for a preliminary review by the Planning Commission.

9.2.8 Planning Commission Review & Decision

Planning Commission Review of Proposed PUD Plan:

- A. Review: Upon notification from the Township Zoning Administrator of a complete PUD plan application, the Planning Commission shall review the proposed PUD plan and make a determination about the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:
- 1. The proposed PUD still adheres to the Intent and Purpose and satisfies the Qualifying Standards of the PUD option and promotes the land use goals and objectives of the Township.
 - 2. All applicable provisions of the PUD Section shall be met. If any provision of this Section shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PUD area.
 - 3. There will be at the time of development, an acceptable means of disposing of sanitary sewage and of supplying the development with water and the road network, storm water drainage system, and other public infrastructure and services are satisfactory.

- B. Public Hearing: The Planning Commission shall hold a public hearing on the PUD plan and shall give notice as provided in Article 12.
- C. Finding of Facts: After the review and public hearing, the Planning Commission shall adopt a finding of fact relative to the PUD under consideration as the basis of their decision to approve or deny the application, along with any applicable conditions considering the standards for approval of a special land use permit and the qualifying standards of this section.
- D. Decision: If the Planning Commission shall decide to grant the application, it shall direct the Township attorney to prepare a PUD agreement setting forth the conditions on which such approval is based. Once the PUD agreement is prepared it shall be signed by the Planning Commission Secretary and the applicant.
- E. The PUD agreement shall become effective on execution after its approval. The PUD agreement shall be recorded at the Antrim County Register of Deeds' office by the applicant within forty five (45) day of execution. Once an area has been included within a plan under a PUD agreement, no development may take place in such area nor may any use of it be made except under such PUD agreement, unless under an approved amendment, or the plan under a PUD contract is terminated. Amendments to the PUD plan and/or PUD development agreement shall follow the processes in this Section.

9.2.9 Submission Of Final Site Plans & Development

Before any permits are issued for the PUD, final site plans and open space plans for a project area shall be submitted to the Planning Commission for review and approval of the following:

- A. Review and approval of site plans shall comply with Article 7, as well as this Section except as otherwise modified in the approved plan and PUD agreement.
- B. Before approving of any final site plans, the Planning Commission shall decide that:
 - 1. All portions of the project area shown on the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses under the PUD agreement.
 - 2. The final site plans are in conformity with the approved plans and PUD agreement.
 - 3. Provisions have been made under the PUD agreement to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PUD agreement.
 - 4. If development of approved final site plans is not substantially completed in three (3) years after approval, further final submittals under the PUD shall stop until the part in question is completed or cause can be shown for not completing same.
- C. A certificate of occupancy shall not be issued by the County for any use not allowed in the current zoning district but approved as part of the PUD plan in a given phase until the whole phase is complete. Certificates of occupancy may be issued for uses allowed by right or through special use permit in the current zoning district upon completion as long as all applicable conditions have been met.

- D. The applicant shall be required, as the PUD is built, to provide the Township with “as built” drawings in both paper and digital format following the same provisions outlined in this Section.

9.2.10 Termination & Expiration

- A. An approved plan under a PUD agreement may be terminated by the applicant or the applicant’s successors or assigns, before any development within the area involved, by filing with the Township and recording at the Antrim County Register of Deeds an affidavit so stating. The approval of the plan under the PUD agreement shall terminate on such recording.
- B. No approved plan under a PUD agreement shall be terminated after development begins except with the approval of the Planning Commission and of all parties interest in the land.
- C. Within one (1) year following execution of the PUD agreement by the Township, approved final site plans for an area embraced within the PUD must be filed as provided. If such plans have not been filed within the one (1) year period, the right to develop the approved plan under the PUD development agreement shall be automatically terminated unless an extension is requested in writing by the applicant. The applicant is entitled to one (1) extension of one (1) year by right and shall be approved by the Planning Commission upon request. The Planning Commission may approve two (2) additional extensions of one (1) year each if the applicant can demonstrate a need for the extension(s) acceptable.

9.2.11 Fees & Performance Guarantees

Fees and performance guarantees for review and approval of PUD plans under this Section shall be consistent with the requirements in Article 12.

9.2.12 Interpretation Of Approval

Approval of a PUD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the Township and the applicant.

9.2.13 Amendments To PUD Plan

Proposed amendments or changes to an approved PUD plan and/or PUD contract shall be presented to the Planning Commission and shall decide whether the proposed modification is of minor or major nature based on the criteria in Article 7. For the purpose of PUD’s, insignificant deviations shall be treated as a minor amendment.

- A. Minor Amendment: If determined to be a minor amendment, the Zoning Administrator may review and approve or deny the request. The PUD contract shall be modified to reflect any approved minor amendment.
- B. Major Amendment: If determined to be a major amendment, the Planning Commission shall hold a public hearing consistent with the requirements in Article 12 as part of its review and approve or deny the request. The PUD contract shall be modified to reflect any approved major amendment.

9.3 OPEN SPACE PRESERVATION DEVELOPMENT (OSPD)

9.3.1 Intent & Purpose

The purpose of an Open Space Preservation Development (OSPD) is to allow property zoned for residential uses to be developed with the same number of dwelling units but on smaller parcels than would otherwise be required by this Ordinance, in return for the preservation of part of the property in an undeveloped state.

9.3.2 Standards

- A. Density Calculation: The number of permitted dwelling units in an OSPD shall be no greater than if the subject property were subdivided based upon the minimum parcel size per dwelling unit as specified in Article 3 for the respective residential use in its respective zoning district.
- B. Reduction of Minimum Parcel Size: Minimum parcel size per dwelling unit in an OSPD shall be reduced to half that as specified in Article 3 for the respective use in its respective zoning district. If a subject lot of this reduced minimum parcel size is unbuildable, then the otherwise required setbacks for that lot shall be reduced by half.
- C. Required Open Space: At least half of the subject property in an OSPD, as designated by the landowner, shall remain perpetually in an undeveloped state, as that phrase is defined in this Ordinance, by means of a conservation easement. Otherwise unbuildable areas such as wetlands shall not qualify as land in an undeveloped state for purposes of meeting this standard.
- D. Conservation Easement: The conservation easement shall be granted by the landowner to the Township or to a nonprofit conservation organization approved by the Township Board. The conservation easement must be approved by the Township Board in order to fulfill the requirements of this Ordinance. The Township Board may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded by the landowner at the Antrim County Register of Deeds.

9.3.3 Procedure

The determination that the above standards have been satisfied by an OSPD shall be made by the Township as part of its review for the proposed land division, platted subdivision, or condominium subdivision.

9.4 CONDOMINIUM SUBDIVISIONS

9.4.1 Intent & Purpose

Michigan statutes provide for developments consisting of residential dwelling units and sites through procedures other than those authorized by the Land Division Act. The intent of this Section is to provide procedures and regulations for residential subdivisions implemented under the provisions of the Condominium Act (PA 59 of 1978, as amended) and to ensure that such developments are consistent and compatible with conventional platted subdivisions and promote the orderly development of the adjacent areas. Non-residential condominium projects shall not be subject to the provisions of this Section of the Ordinance.

9.4.2 General Provisions

For the purpose of this Section, a “Condominium Subdivision” is defined as a residential development proposed under the provisions of the Condominium Act (PA 59 of 1978, as amended) consisting of two or more dwellings on a single parcel.

9.4.3 Required Plan & Conditions

- A. Condominium Lots: The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this Section and to assure compliance with the provisions herein, these parcels shall be referred to as “condominium lots.”
- B. Area and Bulk Requirements: The description, size, location and arrangement of condominium lots shall conform to the requirements of this Ordinance that would otherwise be imposed on a conventional platted subdivision, including as follows:
 1. Each condominium dwelling unit shall be located within a condominium lot.
 2. The maximum size condominium lot per dwelling unit, the maximum dwelling unit height, the minimum yard setbacks, the minimum elevation, width of principal structure and the maximum percentage of condominium lot area covered by all structures shall conform with the requirements of the zoning district in which the Condominium dwelling unit is located.
 3. The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.
 4. Side condominium lots lines shall be essentially at right angles to straight roads and radial to curved roads.
 5. Narrow deep condominium lots shall be avoided. The depth of a condominium lot shall not exceed two and a half (2.5) times the width as measured at the building line.
 6. Corner condominium lots shall have extra width to permit appropriate building setback from both roads and orientation to both roads.
 7. Condominium lots shall contain a landscaped buffer at least 20 feet wide along any public or private road to restrict access to the public or private road, to minimize noise, and protect outdoor living areas.
 8. Condominium lots extending through a block and having frontage on two local roads shall be prohibited.
 9. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads. Condominium lots along US 31 and other Antrim County Primary Roads shall not front but shall back up to such roads.
 10. All condominium lots in developments other than a Conservation Subdivision or OSPD shall front upon a public road, private road, or frontage road.

- C. Streets: If a condominium subdivision is proposed to have private streets, they shall be designed to at least the minimum design, construction, inspection, approval, and maintenance requirements of the Antrim County Road Commission for private roads. All public streets within a condominium subdivision shall be constructed as required by the Antrim County Road Commission.
- D. Plan Application: Date and Information Required: The condominium subdivision developer shall submit a written application to the Zoning Administrator for approval of the condominium subdivision plan and also the fee established by the Township Board for review of such plans.
 - 1. Protective Covenants and Deed Restrictions: The condominium subdivision developer shall submit to the Zoning Administrator an electronic pdf and paper copy of any proposed protective covenants and deed restrictions.
 - 2. Site Plan: A site plan shall be submitted that satisfies all of the requirements in Article 7, as well as the following additional information:
 - a. A site report as described in the rules of the State Department of Public Health. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.

9.4.4 Application Submission Procedures

The procedures for application submittal for a special use permit shall follow those outlined in Article 8.

9.4.5 Approval, Conditions, & Denial

An application for a condominium subdivision shall be reviewed based on the standards for site plan review in Article 7 and Special Land Use Permits in Article 8, and shall follow the procedures for Site Plan Application Determinations in Article 7.

- A. Planning Commission Review: The Planning Commission shall:
 - 1. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance.
 - 2. Hold a public hearing to consider the proposed special uses consistent with the procedures for a public hearing in Article 12.
 - 3. The Planning Commission shall submit a recommendation including a finding of fact and make a decision to approve, approve with conditions, or deny the special land uses permit to the Township Board.
- B. Township Board Review: The Township Board shall:
 - 1. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance.
 - 2. The Township Board shall, based on a finding of fact, make a decision to approve, approve with conditions, or deny the special land uses permit.

9.4.6 Record of Actions

All decisions on a condominium subdivision shall be recorded consistent with the requirements of the Record of Action Section in Article 8, with the addition that the development agreement and final site plans be recorded at the Antrim County Register of Deeds Office and evidence of the record be submitted to the Township Clerk within forty five (45) days.

9.4.7 Expiration & Revocation

The standards and procedures for expiration and revocation of an approved special uses permit, or the reapplication for a condominium subdivision that has been denied either wholly or in part shall be the same as those provided in the Expiration & Revocation Section in Article 7.

9.4.8 Amendments & Modifications

The standards and procedures for amendments or modifications of an approved condominium subdivision shall be the same as those provided in the Amendments and Modifications Section in Article 8.

9.4.9 Fees & Performance Guarantees

Fees and performance guarantees associated with the review and approval of a condominium subdivision application shall be consistent with the requirements in Article 12.

10

Article 10 NONCONFORMITIES

- 10.1. Intent & Purpose
- 10.2. General Standards
- 10.3. Nonconforming Uses
- 10.4. Nonconforming Sites
- 10.5. Nonconforming Structures
- 10.6. Nonconforming Lots

10.1 INTENT & PURPOSE

It is the intent of this Ordinance to permit legal nonconforming uses, sites, structures, and lots to continue until they are removed. It is recognized that there exists within districts established by this Ordinance and subsequent amendments, uses, sites, structures, and lots which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

10.2 GENERAL STANDARDS

- A. Continuation: On or after the effective date of this Ordinance or any subsequent amendments, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this Article.
- B. Change in Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming use or structure which does not alter the nonconforming status.
- C. Issued Zoning Permit: Any zoning permits issued prior to the effective date of this Ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and proceeds meaningfully until completion.
- D. Exception for Repairs Pursuant to Public Order: Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this Ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

10.3 NONCONFORMING USES

- A. Continuance: A nonconforming use shall not be enlarged, changed, extended, or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of an existing structure, which was designed for such use, and which existed at the time the use became nonconforming.
- B. Enlargement or Expansion: A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded unless approved by the Zoning Board of Appeals, except as required by law or to comply with an order of the Building Official.
- C. Change of Use Regulations:
 - 1. Changes to Conforming Uses: Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.

2. Approval Standards: The Zoning Board of Appeals shall only approve the enlargement or expansion of an existing conforming structure for a nonconforming use or the change of use to another nonconforming use if it makes findings in support of each of the following:
 - a. The new use or expansion will not be contrary to the public interest.
 - b. The new use or expansion will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
 - c. The new use or expansion will be in harmony with the spirit and purpose of these regulations and the master plan goals, objectives, and policies.
 - d. The plight of the applicant for which the new use or expansion is sought is due to unique circumstances existing on the property and/or within the surrounding district.
 - e. Approval of the new use or expansion will not substantially weaken the general purposes of this Section or the regulations established in this Ordinance for the applicable zoning district.
 - f. The new use or expansion shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use or expansion as if the increment were a separate use.
 - g. The new use or expansion shall conform to all regulations and standards established this Ordinance.
 - h. The new use or expansion will not adversely affect the public health, safety, and welfare.

D. Abandonment.

1. If a nonconforming use is abandoned for any reason for a period of more than twelve (12) calendar months, any subsequent use shall conform to the requirements of this Article.
2. A nonconforming use shall be determined to be abandoned if two (2) or more of the following conditions exist that demonstrate intent on the part of the property owner to abandon the nonconforming use.
 - a. One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
 - b. The property, buildings and/or grounds are unsafe or unsanitary, as described in Ordinance 2021-02, as amended;
 - c. Cessation of business operations during the abandonment period;
 - d. Receipt of a written declaration by the property owner that the use will not be continued;
 - e. Removal of signs or other indications of the existence of the nonconforming use;
 - f. Removal of equipment or fixtures necessary for the operation of the nonconforming use;

- g. Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation; or
- h. Other actions, which in the opinion of the Zoning Administrator, constitute an intent by the property owner or lessee to abandon the nonconforming use.

3. Extensions.

- a. Upon request, the Zoning Administrator may approve an extension of the abandonment period up to an additional six (6) months.
- b. One (1) additional six (6) month extension may be granted if approved by the Zoning Board of Appeals.
- c. Extensions by the Zoning Administrator or Zoning Board of Appeals shall be considered only where a property owner can demonstrate a good faith effort to sell or lease the premises to another, similar use that is at least as conforming as the previous use.

10.4 NONCONFORMING SITES

Nonconforming sites may be continued, enlarged, or expanded in accordance with the following provisions:

- A. Applicable Standards: Various site design standards are established in Article 5: Site Development Standards and Article 6: Supplemental Use Standards of this Ordinance. Consequently, many development sites do not meet current requirements for such items as parking lot standards, landscaping, exterior lighting, storm water requirements and other design specifications. This subsection requires that such nonconforming sites be brought into conformance with all applicable development standards prescribed by this Ordinance.
- B. Authority to Continue: Any legal nonconforming site may be continued so long as it remains otherwise lawful subject to this subsection.
- C. Site Expansions: A nonconforming site on which there is a conforming use shall not be expanded or contracted unless the site is brought into conformance with the provisions of this Ordinance.
- D. Relocations: No structure shall be relocated within a nonconforming site until the site is brought into conformance with the provisions of this Ordinance.
- E. Change in Use: A nonconforming site shall be allowed to be occupied by another use permitted in the district so long as no exterior structural or site modifications are to occur. In the event the new occupant desires to provide exterior structural modifications, the site shall be brought into compliance with all applicable site development and use standards, unless a nonconforming site variance has been approved by the Zoning Board of Appeals.

10.5 NONCONFORMING STRUCTURES

Nonconforming structures may be continued, repaired, replaced, enlarged or expanding in accordance with the following provisions. Sites containing non-conforming uses shall not be enlarged, or expanded.

- A. Continuance of Nonconforming Structures: Subject to all limitations in this Article, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with the allowable standards of this Article.
- B. Repair and Maintenance of Nonconforming Structures: Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures.
- C. Replacement of Damaged Nonconforming Structures: Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint, does not increase the original usable floor area or volume of such structure.
- D. Enlargement or Expansion: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded with approval of the Zoning Administrator and meeting the following:
 - 1. The use occurring in the structure is a conforming use.
 - 2. Any expansion will result in the structure being more conforming to the requirements of this Ordinance (i.e.; closer to meeting the minimum structure size requirements of the zoning district)
 - 3. The expansion will meet the dimensional requirements of the zoning district (i.e. setbacks, height, lot coverage, etc.)
- E. Nonconforming Mobile Home: The Zoning Administrator may authorize a property owner to replace a nonconforming mobile home with another more conforming mobile home provided the following criteria are met:
 - 1. Approval of the Zoning Administrator must be obtained prior to removing the existing mobile home.
 - 2. The replacement mobile home must be more conforming in dimension and size than the mobile home it is replacing.
 - 3. If the existing mobile home is located in a setback, the replacement mobile home shall not encroach any further into the setback.

10.6 NONCONFORMING LOTS

- A. Lots Permitted for Use: Any nonconforming lot may be used for any purpose authorized by the district in which it is located, except those uses that specify a minimum lot size. Structures located on nonconforming lots are required to meet all required district regulations such as setbacks, height, lot coverage, etc.

11

Article 11 ZONING BOARD OF APPEALS

- 11.1. Authority
- 11.2. Membership
- 11.3. Alternates
- 11.4. Organization
- 11.5. Applications
- 11.6. Appeals of Administrative Decisions
- 11.7. Interpretation of Zoning District Boundaries
- 11.8. Interpretation of Zoning Ordinance Provisions
- 11.9. Variances
- 11.10. Hearings and Decisions
- 11.11. Reapplication
- 11.12. Fees
- 11.13. Limitations of Authority

11.1 AUTHORITY

There is hereby established a Zoning Board of Appeals (herein referred to as the “ZBA”), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected, and substantial justice done.

11.2 MEMBERSHIP

The Zoning Board of Appeals shall consist of five (5) members and two (2) alternates maybe appointed by the Township Board for staggering three (3) year terms as follows:

- A. One (1) member shall be a member of the Planning Commission, and one (1) member may be a member of the Township Board. An employee or contractor of the Township Board may not serve as a member.
- B. Members shall be selected from the electors of the Township and reside within the Township.
- C. The members selected shall be representative of the population distribution and of the various interests present in the Township.
- D. Members of the ZBA may be removed from office for inefficiency, neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the Township Clerk and a public hearing has been held by Township Board.
- E. Vacancies shall be filled for the remainder of the unexpired term by resolution of the Township Board.
- F. Members shall be appointed not more than one (1) month after the term of the preceding member has expired.
- G. A member of the ZBA who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on, or will vote on, as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
- H. In the event a ZBA member is elected to Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member’s seat on the ZBA shall be deemed vacant. Such vacancy shall be filled for the remainder of the unexpired term by appointment in the same manner as for regular appointments for full terms.

11.3 ALTERNATES

Alternate members may be called on a rotating basis to sit as members of the ZBA in the absence and recusals of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest. The alternate member appointed shall serve in the case involving the conflict of interest until a final decision is made.

11.4 ORGANIZATION

The ZBA shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings,

11.5 APPLICATIONS

Applications to the ZBA shall be filed with the Township, and a fee established by Township Board shall be paid at the time the application is filed. Applications shall be filed within 30 days of the decision to be appealed. Applications shall be accompanied by the following information, where applicable:

- A. Applicant's name, mailing address, telephone number, and email address.
- B. The address, location and tax identification number for each parcel involved in the request.
- C. Zoning classification of the subject parcel(s) and all abutting parcels.
- D. A site plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks, and other site improvements. Topographical features such as wetlands, dunes, and waters edge.
- E. A letter from the applicant summarizing the request and stating the reasons for the request based on the standards for approval.
- F. Any additional information deemed necessary by the Zoning Administrator or Zoning Board of Appeals to make a determination on the issue in question.
- G. For dimensional variances, any lot lines relevant to the variance must be staked by a professional surveyor prior to the hearing.

11.6 APPEALS OF ADMINISTRATIVE DECISIONS

- A. The ZBA shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such an appeal by the person, firm, or corporation aggrieved, or by an affected officer, department, board, or bureau of the Township shall be made within thirty (30) days of the action by filing an application with the Township Clerk.
- B. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the County Building Inspector certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the County Building Inspector would cause imminent peril to life or property.
- C. The ZBA shall reverse an administrative decision only after finding that the order, requirement, decision, or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

11.7 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on

the Zoning Map, or some ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of this Ordinance and Master Plan. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, watercourses, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections “A” through “D” above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board shall interpret the district boundaries.

11.8 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question and carry out the intent and purpose of this Ordinance, the Master Plan, or any applicable planning documents. This shall include use determinations upon appeal of an opinion issued by the Zoning Administrator, and the consideration of expanding a conforming structure for a nonconforming use, and the replacement of a nonconforming use with another nonconforming use, subject to the applicable standards in Article 10.

11.9 VARIANCES

The ZBA shall have authority in specific cases to authorize one or more dimensional or “non-use” variances from the strict letter and terms of this Ordinance by varying or modifying any of its regulations or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. Use variances shall be prohibited. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. The ZBA may grant a requested “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

- A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
- B. The variance requested is the minimum variance needed to provide substantial relief to the applicant and be fair to other property owners and be consistent with the spirit of the ordinance.

- C. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- D. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.

11.10 HEARINGS AND DECISIONS

The ZBA shall make no determination on a specific case until after a public hearing conducted in accordance with the requirements in Article 12. Each decision of the ZBA shall include a written record of the ZBA's findings and determinations in the case which shall be provided to the applicant. Failure to receive the written decision does not invalidate the decision by the ZBA.

11.11 REAPPLICATION

Whenever an application has been rejected by the ZBA, a new application for the same request shall not be accepted by the Township for a period of one (1) year unless the Zoning Administrator determines that one (1) or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

11.12 FEES

The Township Board may, from time to time, prescribe or amend a reasonable schedule of fees to be charged to applicants for applications to the ZBA. Such fees shall be paid to the Township at the time of filing the application.

11.13 LIMITATIONS OF AUTHORITY

- A. No order of the ZBA permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and completed in accordance with the terms of such permit.
- B. No order of the ZBA pertaining to the use of a structure or land shall be valid for a period longer than one (1) year unless such use is established within such period, except where such use is dependent upon the erection or alteration of a structure, in which case the one (1) year period shall begin after the certificate of occupancy is issued for the structure.
- C. The ZBA shall consider appeals of any decisions by the Planning Commission regarding requests, special land use permits, as defined in this Ordinance.
- D. The ZBA shall not have the authority to alter this Zoning Ordinance or Zoning Map.

12

Article 12 ADMINISTRATION, ENFORCEMENT, & VIOLATIONS

- 12.1. Zoning Administrator
- 12.2. Zoning Permits
- 12.3. Expiration of Application
- 12.4. Schedule of Fees
- 12.5. Performance Guarantees
- 12.6. Taxes & Other Monies Owed
- 12.7. Public Hearings
- 12.8. Violations & Penalties

12.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by the Supervisor with Township Board approval and on such terms as shall be determined by the Township Board. The duties of the Zoning Administrator may be delegated by the Township Board to another employee of the Township or a consultant approved by the Township Board. It shall be the duty of the Zoning Administrator to:

- A. Receive applications for zoning permits and issue or deny same.
- B. Inspect buildings, structures, or lots in order to determine compliance with the zoning permits issued in compliance with this Ordinance.
- C. Be in charge of the enforcement of this Ordinance. The Township Board may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The Township Board may instruct the Zoning Administrator in writing, to initiate a criminal complaint or other legal action.
- D. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary its terms in carrying out the Zoning Administrator's duties.
- E. Perform pre-application conferences, completeness reviews and technical reviews for all applications that include a site plan review, and to perform administrative reviews of applicable development applications.
- F. Other duties as may be required by the Township Board.

12.2 ZONING PERMITS

- A. General: No person shall erect, alter, expand, move or demolish a structure, whether temporary or permanent, to establish a new use or change in use for any parcel, without a zoning permit.
 - 1. The Zoning Administrator shall issue a zoning permit if the proposed structure or use is in compliance with the provisions of this Ordinance.
 - 2. The applicant shall furnish permits or approvals from all applicable agencies before the Zoning Administrator may issue a permit.
 - 3. A copy of each zoning permit will be retained by the Zoning Administrator as a part of the permanent records of the Township.
 - 4. The Zoning Administrator shall promptly inform the applicant of the denial of a zoning permit if the proposed structure or use does not comply with the provisions of this Ordinance.
 - 5. Issuance of a zoning permit, or approval of a site plan for a permitted use or special use permit does not waive the requirements to comply with all applicable local, state, and federal codes and statutes, including, but not limited to State Construction Code, Electrical Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code.
- B. Exemptions: Ground level decks and accessory buildings less than two hundred (200) square feet shall be exempt from the permit requirements of this ordinance. These structures shall conform to all setback and other requirements.

- C. Application: Each application for a zoning permit shall include the following minimum requirements:
1. Plot Plan: Drawn to scale illustrating:
 - a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and any building or other structure already on the lot.
 - c. The existing and intended use of the lot and all such structures upon it, including residential areas and the number of dwelling units that the building is intended to accommodate.
 - d. Such other information concerning the lot or adjoining lots as may be essential to determining that the provisions of this Ordinance are being observed.
 2. Property Boundaries: In cases where property boundaries are not clearly indicated by corner markers or other means, the Zoning Administrator may require, at the applicant's expense, the property to be located by a registered surveyor.
 3. Evidence of Ownership: All applications for zoning permits under the provisions of this Ordinance shall include the landowner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by one of the following means: current title policy or commitment, abstract or attorney's opinion of title, or such other evidence of ownership as the Zoning Administrator determines acceptable.
 4. Supporting Documentation: In the event the Zoning Administrator feels additional information is required before determining the suitability of an application for a zoning permit, the Zoning Administrator may request that the applicant submit such additional information such as building plans, surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.
- D. Voiding Permit: Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first construction code inspection. The applicant shall have the option of extending the permit by a maximum of one (1) year upon written notice to the Zoning Administrator. Said notice shall be filed no later than five (5) working days following the expiration of the permit. If a zoning permit expires, the applicant will have to reapply as a new application .
- E. Inspection: The owner of the property is solely responsible for meeting the conditions and terms of the zoning permit and this Ordinance.

12.3 EXPIRATION OF APPLICATION

During the course of any application review, if an applicant has failed to proceed meaningfully toward application completion or application decision for a period of one-hundred and twenty (120) consecutive calendar days, then the application shall be considered abandoned and expire. If the applicant would like to proceed following the one-hundred and twenty (120) days, a new application, documentation, and fee shall be required. This shall be processed as a new application.

12.4 SCHEDULE OF FEES

The fees for applications, permits and other requests shall be established by the Township Board. Fees must be paid before any review of an application is performed or a permit is issued. Certain applications, permits and requests are subject to the Torch Lake Township Escrow Policy, as defined in that policy.

12.5 PERFORMANCE GUARANTEES

To ensure compliance with the Ordinance and any conditions imposed, the Planning Commission and/or Township Board may require that a cash deposit, irrevocable letter of credit, certified check, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the zoning permit.

The Township shall not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. If requested by the applicant of the site plan review, the Township shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

For mining operations, a performance guarantee or cash shall be furnished the Township ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be not less than the amount required to rehabilitate and reclaim the area proposed to be mined or excavated in the following 12 months period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. The performance guarantee shall be reviewed bi-annually with the applicant submitting 3 bids to cover the cost of the work and the Township Engineer evaluating the bids to determine which amount is appropriate.

12.6 TAXES & OTHER MONIES OWED

When the Township receives an application for any new or amended zoning permit, site plan review, special use permit, any other application, or any request for a permit or approval required by this Ordinance, the applicant shall be required to present a signed statement from the Township Treasurer that all real and personal property taxes, fees, penalties, fines, assessments, general assessments, and other monies owed to the Township are current and paid up to date. The Township Treasurer's signed statement shall cover the accounts of all named applicants and all properties upon which the application or request is made. The Township shall take no action on any application or request until the applicant or requesting party acquires the Township Treasurer's signed statement that all of the above monies owed are current and paid up to date. The Township shall make no final decision on any application or request if any of the above monies owed become delinquent or remain unpaid during consideration.

12.7 PUBLIC HEARINGS

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2008, as amended, and the following:

A. Notice of the public hearing shall be:

1. Posted at the place the hearing will be held.
2. Published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the public hearing.
3. Sent by mail or personal delivery not less than fifteen (15) days before the date of the public hearing to:
 - a. The applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.
 - b. All occupants of structures within three hundred (300) feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner, who shall post the notice at the primary entrance to the structure.
4. Posting the notice on the Torch Lake Township website is encouraged but does not alleviate the notice of public hearing requirements listed above.

B. The notice shall include all the following:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

12.8 VIOLATIONS & PENALTIES

- A. Nuisance Per Se: Any uses, land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Municipal Civil Infraction: Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined above or who violates or fails to comply with any provision of this Ordinance, or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day such violation continues shall constitute a separate and

distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.

- C. Penalties: Any person who shall violate any provision of this Ordinance in any particular, who creates or maintains a nuisance per se, or who fails to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed five hundred dollars (\$500.00), and each day such violation continues shall be deemed a separate offense.
- D. Enforcement Official: The Zoning Administrator, or other Township Board designee, is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- E. Nuisance Abatement: In addition to enforcing this Ordinance as a municipal civil infraction the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

13

Article 13 AMENDMENTS & SEVERABILITY

- 13.1. Amendments
- 13.2. Conditional Rezoning
- 13.3. Severability
- 13.4. Repeal

13.1 AMENDMENTS

The Township Board may, after recommendation from the Planning Commission, amend, supplement, or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended, and the following:

13.1.1 Initiation Of Amendment

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, Zoning Administrator or by petition from one (1) or more residents or property owners of the Township. An amendment to the Official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, Zoning Administrator or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board, Planning Commission, or Zoning Administrator.

13.1.2 Application

An amendment to this Ordinance, except those initiated by the Township Board, Planning Commission or Zoning Administrator, shall be initiated by submission of a complete and accurate application to the Township Zoning Administrator, along with the required fee established by Township Board.

- A. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:
 - 1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
 - 2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
 - 3. The existing and proposed zoning district designation of the subject property and surrounding properties.
 - 4. A written description of how the requested amendment meets the criteria stated in this Section.
- B. In the case of an amendment to the text, the following information shall accompany the application and fee:
 - 1. Existing text of the ordinance that is requested to be changed.
 - 2. Proposed text to be incorporated into the Ordinance

13.1.3 Amendment Review Procedure

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

- A. Completeness Review: Upon receipt of an application to amend this Ordinance, the

Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.

- B. Technical Review: Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
- C. Public Hearing: Once reviewed and final language of the zoning amendment has been determined, if applicable, the Planning Commission shall hold a public hearing for all proposed amendments in accordance with the procedures in Article 12. Nothing shall limit the ability of the Planning Commission to hold multiple public hearings or a public hearing prior to the final language if they desire.
- D. Planning Commission Consideration and Recommendation: Subsequent to the public hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the Township Board. In considering an amendment to the Official Zoning Map (rezoning) or Ordinance text, the Planning Commission and Township Board may consider the following factors in making its findings and recommendations, although not all standards must be met in order to recommend approval of an amendment:
 - 1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 - 2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
 - 3. Compatibility with the character of the Township for all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
 - 4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Antrim County with unplanned capital improvement costs or other unplanned public expenses.
 - 5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
 - 6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
 - 7. The boundaries of the proposed district(s) in relationship to the surrounding area

and the scale of future development on the site.

8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
 9. Other factors deemed appropriate by the Planning Commission and/or Township Board.
- E. County Planning Commission Review and Recommendation: Following the Planning Commission recommendation, the Planning Commission shall submit the proposed amendment including any Zoning Map changes to the County Planning Commission for review and recommendation. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the proposed amendment, it shall be conclusively presumed that the County has waived its right to review.
- F. Township Board Action: The Township Clerk shall forward a copy of the proposed amendment, findings, and recommendation from the Planning Commission to the Township Board for consideration and final action.
1. The Township Board may adopt, reject, or modify the proposed amendment or may refer the amendment back to the Planning Commission for revision or further consideration.
 2. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment. If major changes are made to the amendment, a public hearing shall be required. Furthermore, the Township Board shall hold a public hearing if requested by an interested property owner. Any public hearing held by the Township Board shall follow the procedures in Article 12.

13.1.4 Effective Date

A notice of adoption of an approved amendment shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The amendment shall become effective eight (8) days after being published or at a date stated by the Township Board, whichever is greater.

13.1.5 Reapplication

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of one (1) year unless the Township Board determines that one (1) or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

13.2 CONDITIONAL REZONING

13.2.1 Intent & Purpose

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the Township must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the Master Plan, available infrastructure, and natural features. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. It is not the intent of this Section to provide for rezonings that are inconsistent with the Township Master Plan or surrounding land uses, nor is it the intent to provide a mechanism for circumventing any requirements of this Ordinance.

13.2.2 Conditional Rezoning Standards for Approval

The following standards shall be used as a basis upon which conditional rezoning requests will be reviewed and approved. The applicant's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.

A. Standards for Rezoning: The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested. Further, the Planning Commission and Township Board shall, at a minimum, consider all the following standards in rendering a decision on a request for conditional rezoning, although not all standards must be met in order to approve a conditional rezoning:

1. Will the proposed rezoning be in accordance with the basic intent and purpose of this Ordinance?
2. Is the proposed rezoning consistent with the Township Master Plan?
3. Have the conditions changed since the current zoning was adopted, or was there a mistake in the zoning ordinance that justifies a rezoning?
4. Will the rezoning correct an inequitable situation created by the zoning ordinance rather than merely grant special privileges?
5. Will the amendment set an inappropriate precedent?
6. Is the requested rezoning consistent with the existing or planned surrounding land uses?
7. If the rezoning is granted, could all requirements in the proposed zoning classification be complied with on the subject property?
8. Would the proposed rezoning be consistent with the trends in land development in the general vicinity of the subject property?

9. Would the proposed rezoning have a negative impact on public services, utilities, or roads?
10. Would the proposed rezoning negatively impact natural features on the site, such as woodlands or wetlands?

B. Other Required Approvals:

1. Any use or development proposed as part of an offer of conditions that would require a special use permit under the terms of this Ordinance may only be commenced if a special use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
2. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
3. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.

13.2.3 Application & Offer of Conditions

An owner of land may voluntarily offer in writing, conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below. For a request to be considered for a conditional rezoning, the following items shall be submitted to the Township:

- A. An application on a form provided by the Township and any applicable fees.
- B. A written proposal explicitly describing the proposed conditional rezoning.
- C. A conceptual site plan that includes the following items:
 1. Applicant's name, address, and telephone number.
 2. Scale, north arrow, and dates of submission and revisions.
 3. Zoning classification of applicant's property and all abutting parcels.
 4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the property and within one hundred feet of the property.
 5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking area, driveways, and other improvements proposed for the property.
 6. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
 7. Location of existing drainage courses, floodplains, lakes and streams, wetlands, and woodlands.

8. All existing and proposed easements.
9. Location of sanitary sewer or septic systems, existing and proposed.
10. Location and size of water mains, well sites and building service, existing and proposed.
11. A conceptual plan showing the specific proposed use(s) of the property.

13.2.4 Failure To Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

13.2.5 Conditional Rezoning Application Submission Procedures

- A. Pre-Application Conference: Prior to filing an application for a conditional rezoning, the applicant must informally meet with the Zoning Administrator, and other representatives as deemed necessary by the Township, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature and affords the applicant the opportunity to discuss the land use and planning policies of the Township. The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the Township employees, attorneys, agents or representatives at the pre-application conference have no legal force and are not legally binding promises, commitments or contracts.
- B. Completeness Review: Upon receipt of an application to amend this Ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.
- C. Technical Review: Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.

13.2.6 Conditional Rezoning Application Review

Complete conditional rezoning applications shall be reviewed following the procedures outlined below:

- A. Public Hearing: The Planning Commission shall set and hold a public hearing for all proposed conditional rezoning requests in accordance with the procedures in Article 12.
- B. Planning Commission Review and Recommendation: After the public hearing and consideration of the standards for conditional rezoning set forth in this Section, the Planning Commission may recommend to the Township Board approval as presented or denial of the conditional rezoning.
- C. County Planning Commission Review and Recommendation: Following the Planning Commission recommendation, the Planning Commission shall submit the proposed

amendment including any Zoning Map changes to the County Planning Commission for review and recommendation. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the proposed amendment, it shall be conclusively presumed that the County has waived its right to review.

- D. Township Board Review and Approval: After receipt of the Planning Commission's recommendation, the Township Board shall review the Planning Commission's recommendation consistent with the standards of this Section and deliberate upon the requested conditional rezoning and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the Planning Commission subsequent to the recommendation of the Planning Commission, then the Township Board shall refer such proposed additional or different conditions to the Planning Commission for review and recommendation within a time specified by the Township Board, and the Township Board shall then proceed to deny or approve the conditional rezoning.
- E. Amendment of Conditions: The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original conditional rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- F. Map Update: Following the approval and recording of decision, the zoning map shall be updated to reflect the conditional rezoning.

13.2.7 Approval

If the Township Board finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a development agreement of conditions acceptable to the owner and conforming in form to the standards of this Section and is recorded at the Register of Deeds. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance codified in this Ordinance adopted by the Township Board to accomplish the requested conditional rezoning. The statement of conditions shall:

- A. Be prepared in a form recordable with the Antrim County Register of Deeds.
- B. Contain a legal description of the land to which it pertains.
- C. Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land, unless the property is rezoned pursuant to Section 13.2.10.
- D. Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning.
- E. Contain the notarized signatures of all the owners of the property proceeded by a

statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions.

- F. The statement of conditions may be reviewed and approved by the Township attorney, with the applicant to pay all costs associated with such review and approval.
- G. The approved statement of conditions shall be filed by the owner with the Antrim County Register of Deeds within forty-five (45) days after approval of the conditional rezoning. The owner shall provide the Township with a recorded copy of the statement of conditions within forty-five (45) days of receipt.
- H. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more-restrictive provisions contained in the statement of conditions.

13.2.8 Compliance With Conditions

Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

13.2.9 Time Period For Establishing Development Or Use

The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the effective date by publication of the conditional rezoning, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended an additional eighteen (18) months by the Township Board if :

- A. It is demonstrated to the Township Board's sole satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
- B. The Township Board finds that there has not been a change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- C. The Township Board finds that the delay was caused by circumstances outside of the applicants control.

13.2.10 Reversion Of Zoning

If approved development and/or use of the rezoned land do not occur within the time frame specified in this Section, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2).

13.2.11 Subsequent Rezoning Of Land

When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to this Section, or upon application of the landowner, or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Antrim County Register of Deeds a notice that the statement of conditions is no longer in effect.

13.2.12 Amendment Of Conditions

- A. During the time period for commencement of an approved development or use specified pursuant to This Section, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the statement of conditions.
- B. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.

13.2.13 Township Right to Rezone

Nothing in the statement of conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act. (PA 110 of 2006, as amended).

13.3 SEVERABILITY

If any article, Section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

13.4 REPEAL

The prior Township of Torch Lake, Michigan Zoning Ordinance, adopted by the Township Board of the Torch Lake Township on _____, as amended, is hereby repealed in its entirety.

14

Article 14 DEFINITIONS

- | | |
|-----------------------------|------------------|
| 14.1. Rules of Construction | 14.15. "N" Terms |
| 14.2. "A" Terms | 14.16. "O" Terms |
| 14.3. "B" Terms | 14.17. "P" Terms |
| 14.4. "C" Terms | 14.18. "Q" Terms |
| 14.5. "D" Terms | 14.19. "R" Terms |
| 14.6. "E" Terms | 14.20. "S" Terms |
| 14.7. "F" Terms | 14.21. "T" Terms |
| 14.8. "G" Terms | 14.22. "U" Terms |
| 14.9. "H" Terms | 14.23. "V" Terms |
| 14.10. "I" Terms | 14.24. "W" Terms |
| 14.11. "J" Terms | 14.25. "X" Terms |
| 14.12. "K" Terms | 14.26. "Y" Terms |
| 14.13. "L" Terms | 14.27. "Z" Terms |
| 14.14. "M" Terms | |

14.1 RULES OF CONSTRUCTION

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

- A. The particular shall control the general.
- B. All words used in the present tense shall include the future.
- C. All words in the singular number include the plural number and all words in the plural number include the singular number, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary and the word "may" is permissive.
- E. The masculine gender includes the feminine and gender neutral.
- F. All measurements shall be to the nearest integer, unless otherwise specified herein.
- G. The words "used" or "occupied" includes the words "intended," "designed", "arranged to be used or occupied" and "maintained."
- H. The word "building" includes the word "structure." The word "structure" includes the word "building." A "building" or "structure" includes any part thereof. The word "dwelling" includes "residence." The word "build" includes the words "erect" and "construct."
- I. The word "person" includes "corporation," "copartnership," "partnership," "association," "incorporated association," "individual," or any similar entity.
- J. Words defined in this Article shall have their meaning construed as defined in this Article. Words or terms not defined in this article shall have the same meaning customarily assigned to them.
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or" the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- L. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
- M. The intent, when spelled out in a Section, dictates the meaning of any regulation.

14.2 "A" TERMS

ABANDONED SIGN: see **SIGN, ABANDONED**

ACCESSORY BUILDING (STRUCTURE): A building or structure, that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal building and/or structure to which it is exclusively related.

ACCESSORY DWELLING UNIT: See **DWELLING UNIT, ACCESSORY**

ACCESSORY USE: A use that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

ADULT DAY CARE FACILITY: A facility, other than a private residence, receiving at least three (3) but not more than twelve (12) adults to be provided with care for periods of less than 24 hours a day.

ADULT DAY CARE HOME: A private residence receiving fewer than six (6) adults to be provided with care for periods of less than 24 hours a day.

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE FACILITY: means a home or facility that provides foster care to adults. Subject to the limitations of the Adult Foster Care Facility Licensing Act, Michigan PA 218 of 1979, as amended.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

AGRICULTURAL ASSEMBLY SPACE: An agricultural tourism use designed to provide an assembly space for small-scale entertainment, weddings, birthday parties, corporate picnics, and other similar events on property that is actively engaged in agricultural processes.

AGRICULTURAL EMPLOYEE HOUSING: A residential use accessory to an established agricultural operation intended to provide temporary housing for employees of the agricultural operation and their families.

AGRICULTURAL PROCESSING FACILITY: One or more facilities or operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use and surrounding property.

AGRICULTURAL TOURISM: A use that involves the visiting of an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Also referred to as "ag-tourism" or "agri-tourism".

AIRPORT: Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

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

AMUSEMENT PARK: A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

APARTMENT: A room or suite of rooms in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

APARTMENT BUILDING: An apartment building has a combination of separate dwelling units arranged horizontally next to each other and/or stacked vertically upon each other and may include triplexes, quadplexes, rowhouses, and stacked flats. Apartment buildings are intended to provide three (3) or more dwelling units per lot with each being occupied by a separate family unit.

ARCHITECTURAL FEATURES: The components of construction, either permanent or temporary, that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

ASSEMBLY FACILITY: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors or outdoors as a principal or accessory use, including but not limited to schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

ASSISTED LIVING FACILITY: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATTIC: The area located between the ceiling of the highest habitable floor and the roof of the structure.

AUTOMOBILE: Every vehicle that is self-propelled.

AUTOMOBILE REPAIRS – MAJOR: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change. Automotive major repair also includes an establishment that provides for the removal and temporary storage (less than seven days) of vehicles, but does not include the disposal, permanent disassembly, or salvage, or the accessory storage of motor and/or recreational vehicles.

AUTOMOBILE REPAIRS – MINOR: The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

AUTOMOBILE SALES AND RENTALS: Storage and display for sale of more than two motor

vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

AUTOMOBILE SERVICE STATION: Any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity or where car washing services are sold. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories and supplies, including minor installation services or repairs customarily incidental thereto, and sale of convenience goods, food and beverages.

14.3 “B” TERMS

BASEMENT: That portion of a building below the first or ground-floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height. This definition shall include a cellar that may be below grade with an entrance separate from the principal building.

BED AND BREAKFAST ESTABLISHMENT: A private residence that offers sleeping accommodations to lodgers in the innkeeper’s (owner or operator) principal residence and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a transient person who rents a room in a bed-and-breakfast establishment.

BEDROOM: A room designed or used in whole or part for sleeping purposes and has a closet and window.

BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BUILDING: A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

BUILDING ENVELOPE: The area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

BUILDING HEIGHT, FEET: The vertical distance measured from the finished grade to:

- A. The highest point of the roof surface for flat roofs, excluding parapet walls.
- B. The deck line of mansard roofs.
- C. The average height between eaves and ridge for the highest gable, hip studio, and gambrel roofs.
- D. Seventy five (75%) percent of the height of an A-frame.
- E. The average ground level grade at the building wall when a building is located on sloping terrain.

BUILDING HEIGHT, STORIES: The vertical distance measured as the number of individual floors in a building that can be occupied. Stories does not include basements or attics as defined in this Ordinance, permitted rooftop patios, or architectural features such as cupulas, steeple, etc.

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

BUSINESS SERVICES: An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, urban planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate.

14.4 “C” TERMS

CAMPGROUND: Any parcel or tract or land upon which two (2) or more travel trailers, truck campers, tents or other similar portable units are placed, regardless of whether a charge is made thereof. The term also includes any building, structure, enclosure, driveway, equipment or facility used or designed and intended for use incidental to temporary living purposes in connection with the recreational pursuits for a limited amount of time.

CATERING SERVICES: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

CELLAR: See **BASEMENT**

CEMETERY: Land used for the burial of the dead, including a columbarium, crematorium, and/or mausoleum.

CENTRAL CLEANING FACILITY: A facility where textile materials, including but not limited to clothing and rugs, are dropped off directly by the customer or gathered at satellite locations for cleaning and future delivery or pick up.

CHANGE OF OCCUPANCY: The term “change of occupancy” shall mean a discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or, the expansion of a use.

CHILD CARE CENTER: A facility, other than a private residence, receiving one (1) or more children under thirteen (13) years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include those uses excluded under “Child Care Center” in the Child Care Organization Act (1973 PA 116 of 1973, as amended).

CHURCH: See **RELIGIOUS INSTITUTION**

CLUB: A group of persons organized for the purposes of participating in and/or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a “club” in this Ordinance.

COLOCATE: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent

to a wireless support structure or utility pole. Co-locate does not include makeready work or the installation of a new utility pole or new wireless support structure

COMMERCIAL USE: The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer. As used in these regulations, “commercial use” shall not include industrial, manufacturing, or wholesale businesses.

COMMERCIAL ZONING DISTRICTS: A zoning district primarily established for commercial land uses. Commercial zoning districts shall include those zoned General Commercial.

COMPREHENSIVE DEVELOPMENT PLAN: See **MASTER PLAN**

CONDOMINIUM: A condominium is a system of separate ownership of individual units in multiunit projects according to PA 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- A. **Condominium Act:** Shall mean Michigan PA 59 of 1978, as amended.
- B. **Condominium Lot:** That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Dimensional Standards for each district of this Ordinance.
- C. **Condominium Subdivision Plan:** Drawings and information that show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Condominium, as amended.
- D. **Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- E. **Common Elements:** Portions of the condominium project other than the condominium units.
- F. **Contractible Condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- G. **Conversion Condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. **Convertible Area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- I. **Expandable Condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- J. **General Common Elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.

- K. Limited Common Elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- M. Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

CONTRACTOR ESTABLISHMENTS: Establishments primarily engaged in retailing new building material and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or outdoors under covered areas. The staff is usually knowledgeable in the use of the specific products being retailed in the construction, repair, maintenance of the home and associated grounds.

CONTRACTOR STORAGE YARD: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

CONVALESCENT HOME: See **NURSING HOME**

COTTAGE INDUSTRY: An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes.

CULTURAL INSTITUTION: A public or non-profit institution that engages in the cultural, intellectual, scientific, environmental, educational, or artistic enrichment of the community. Examples include, but are not limited to museums, libraries, historical societies, art galleries, botanical societies, land conservation organizations, performing art centers, scientific societies, and wildlife conservation societies. Cultural Institutions do not include any school or institution primarily engaged in religious or sectarian activities.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

CUSTOMARY AGRICULTURAL OPERATION: Agricultural operations that include general farming, truck gardening, fruit orchards, nursery greenhouses not selling at retail on the premises, and the usual farm buildings.

14.5 “D” TERMS

DATA PROCESSING FACILITY: An establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

DECK: An open, unroofed porch or platform, either free standing or extending from a house or other building.

DENSITY: The number of dwelling units allowed per acre of land.

A. Gross Density: The number of units per acre of total land being developed.

B. Net Density: The number of units per acre of land devoted to residential use.

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets. Also referred to as a retention basin.

DEVELOPMENT: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

DRIVE-THROUGH: A business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a motor vehicle, typically through a window or other appurtenance to a building.

DRIVEWAY: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shaped drive located within a front yard is included within this definition.

DUPLEX: A building designed as a single structure, containing two separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING: Any building, or part thereof: containing sleeping, kitchen and bathroom facilities designed for and occupied by an individual or one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

DWELLING UNIT, ACCESSORY: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and is occupied either by an individual or family as their permanent residence.

DWELLING, MULTIPLE-FAMILY: A building designed for and occupied by three (3) or more families living independently in separate dwelling units.

DWELLING, ONE-FAMILY or SINGLE FAMILY: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only.

DWELLING UNIT: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by an individual or one (1) family for living, bathing, cooking, and sleeping purposes.

14.6 “E” TERMS

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

EDUCATIONAL INSTITUTIONS: Use of land or a building or buildings as or for an institution not for profit but for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction not including organizations that specialize in physical training or development of physical or manipulative skills, or for-profit schools.

ENGINEER, TOWNSHIP: the person or firm authorized by the Township to advise the Supervisor, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

ENFORCEMENT OFFICIAL: The Enforcement Official is the person or persons with the responsibility for enforcing and administering requirements of applicable Sections of this Ordinance. The Enforcement Official’s responsibilities may be delegated to the Zoning Administrator or other appropriate party so designated by the Township Board. Such titles do not refer to a specific individual, but generally to the office, department, or Township official(s) most commonly associated with the administration of the regulation being referenced.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

EQUIPMENT RENTAL ESTABLISHMENTS: An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies and similar goods and equipment, including storage and incidental maintenance.

EXCAVATION: The removal or movement of soil, sand, stone, gravel, or fill dirt on or from any parcel except common household gardening, farming and general ground care.

EXTRACTIVE INDUSTRY: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

14.7 “F” TERMS

FAÇADE: That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

FAMILY:

- A. One or more persons related by blood, marriage, or legal adoption plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or
- B. A collective number of individuals living together in one dwelling unit, under a relationship that

is continuing, non-transient, and domestic character, who cook and live as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAMILY CHILD CARE HOME: A state licensed facility in a dwelling unit in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family Child Care Home also includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

FARM: All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

FARM MARKET: A market operated as a part of a farming business, selling farm products produced on and off the proprietor's farm, as well as a limited number of household convenience goods.

FENCE: An artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, mark a boundary, or constitute an obstruction to human passage regardless of the component material.

FILL: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

FINANCIAL SERVICES: Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

FLOOR AREA, GROSS: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

FLOOR AREA, GROUND: The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached accessory buildings.

FLOOR AREA, USABLE: The gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings that have the potential to become usable for human habitation measured from the interior face of the exterior walls. Such floor area that is used or intended to be used principally for dedicated storage, mechanical equipment rooms, unfinished attics, enclosed porches, light and ventilation shafts, public corridors, public stairwells, utility rooms or restrooms shall be excluded from the computation of usable floor area.

FOR-PROFIT EDUCATIONAL INSTITUTIONS: An educational institution that are privately controlled entities that are operated as a business with the expectation to generate a positive monetary return.

FOSTER CARE: The provision of supervision, personal care, and protection in addition to room

and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation provided at a single address. Providing room under a landlord and tenant arrangement does not, by itself, exclude a person from the licensure requirement under the State of Michigan Adult Foster Care Facility Licensing Act (PA 218 of 1979, as amended).

FOSTER FAMILY HOME: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER CHILD: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

FRATERNAL ORGANIZATION: See **CLUB**

FREIGHT TERMINAL: A heavy distribution transfer facility for pick-up and distribution utilizing railroad or trucking modes of transit.

FRONTAGE: The portion of any property that abuts a private or public street or a waterway. A corner lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

FUNERAL HOME: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

14.8 “G” TERMS

GARAGE, PRIVATE: An accessory building designed or used for the storage or parking of motor driven vehicles, boats, personal treasures and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages do not have public repair facilities. A private garage may be either attached to or detached from the principal structures, but shall be located on the same lot as the principal structure.

GASOLINE SERVICE STATION: See **AUTOMOBILE SERVICE STATION**

GOLF FACILITY: A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms, maintenance structures, driving range, practice facilities, instruction, and training center. A golf facility may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required special use permit.

GRADE: The ground elevation established for regulating the number of stories and the height of a buildings or structures. The building grade shall be the level of the ground adjacent to the walls

of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

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

GROUND-MOUNTED SOLAR INSTALLATIONS: A private system installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

GROUP CHILD CARE HOME: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

14.9 “H” TERMS

HEIGHT OF BUILDING: See **BUILDING HEIGHT**

HEALTH CARE SERVICES: A clinic, business or institution that offers any type of healthcare to the public which requires as a condition precedent to the rendering of such care the obtaining of a license or other legal authorization. By way of example, without limiting the generality of this definition, healthcare services include services rendered by chiropractors, dentists, osteopaths, physicians, dietitians, surgeons, podiatrists, physical therapists, counselors, and psychiatrists. Healthcare services does not include a hospital.

HOME BASED BUSINESS:

HOME OCCUPATION: A use incidental and secondary to a property’s primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable requirements of this Ordinance.

HOSPITAL: An institution that is licensed by the State of Michigan to provide in-patient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as laboratories, medical testing services, training facilities, central service facilities, and staff offices, staff dormitories, or other staff living accommodations, cafeterias and gift shops.

HOTEL: A building occupied as a more or less temporary lodging place for individuals with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, that are occupied for hire, and typically providing services such as maid service, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen.

14.10 “I” TERMS

IMPERVIOUS COVERAGE: The part or percentage of the lot that is occupied by all buildings and/ or structures, and impervious surfaces. The percentage is determined by dividing the sum of the ground floor area of all buildings and structures on a lot and impervious surfaces by the net lot area.

IMPERVIOUS SURFACE: Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

INGRESS AND EGRESS: As used in this Ordinance, “ingress and egress” generally is used in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

14.11 “J” TERMS

JUNK: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

JUNK YARD: A lot, land, or structure, or part thereof, used for the collections, storage, and sale of waste paper, rags, scrap metal, discarded materials, or other junk, or for the collecting, disassembling, storage, salvage, or sale of parts or machinery or vehicles not in running condition.

14.12 “K” TERMS

KENNEL: Any premises, except where accessory to an agricultural use, where three (3) or more domestic animals, such as dogs and cats, are boarded, trained, bred or sold.

14.13 “L” TERMS

LANDFILL: A lot, land, or structure, or part thereof, used primarily for the disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or nontoxic waster material of any kind.

LANDING STRIP: A facility without the logistical support provided by an airport where aircraft take off and land. Landing strips do not include facilities for maintenance, repair, fueling, or storage of aircraft.

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

LIVE/WORK UNITS: A single unit (e.g. studio, loft, one-bedroom) consisting of both a residential and commercial/office component that is occupied by the same resident as their primary residence and primary occupation.

LOADING SPACE: A space that is safely and conveniently located on the same lot as the building being served, or group of buildings, for the temporary parking of delivery vehicles while loading and unloading merchandise or materials.

LODGE: See **CLUB**

LOT or ZONING LOT: For the purposes of enforcing this Ordinance, a lot is defined as a piece of land under single ownership or control that is sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. Single ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint

tenancy, or any similar entity. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of any of the following:

- A. Single lot of record.
- B. Portion of a lot of record
- C. Combination of lots of record, or portion(s) thereof.
- D. Condominium lot.
- E. Parcel or tract of land described by metes and bounds.

LOT AREA, GROSS: The net lot area plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

LOT AREA, NET: The total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or river. The net lot area shall be used in determining compliance with minimum lot area standards.

LOT, CONTIGUOUS: Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

LOT, CORNER: A lot abutting on and at the intersection of two (2) or more streets. For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.

LOT, INTERIOR: Any lot other than a corner lot with only one (1) lot line fronting a street.

LOT COVERAGE: The part or percentage of the lot that is occupied by all buildings and/or structures. The percentage is determined by dividing the ground floor area of all buildings and structures on a lot by the net lot area.

LOT DEPTH: The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

LOT, THROUGH or LOT, DOUBLE FRONTAGE: Any interior lot having frontage on two more or less parallel streets or a waterway and street(s) as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front lot line for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or more of the streets or waterway, the required minimum front yard setback shall be observed on the street or waterway where buildings presently front.

LOT LINE, FRONT: In the case of an interior lot, is that line separating said lot from the public or private right of way. In the case of a corner, or double frontage lot, is that line separating said lot from the road that is designated as the front on the plat, or that is designated as the front of the site plan review application or request for a zoning permit, subject to approval by the Planning Commission or Zoning Administrator. On a flag lot, the front lot line shall be the interior lot line parallel to and nearest the street from which access is obtained.

LOT LINE, REAR: That lot line opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped or a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the

front lot line and wholly within the lot. In cases in which the rear lot line definition cannot be easily applied, the Zoning Administrator shall designate the rear lot line. A corner lot shall not have a rear line.

LOT LINE, SIDE: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots in an interior side lot line. In cases in which the side lot line definition cannot be easily applied, the Zoning Administrator shall designate the side lot line(s).

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a plat, document or other formal map on file with the County Register of Deeds or in common use by the Township or County Officials, and which actually exists as so shown, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the County Register of Deeds.

LOT WIDTH: The straight-line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.

LOW IMPACT DEVELOPMENT (LID) STORMWATER MANAGEMENT: LID includes a variety of practices that mimic or preserve natural drainage processes to manage stormwater. LID practices typically retain rain water and encourage it to soak into the ground rather than allowing it to run off into ditches and storm drains where it would otherwise contribute to flooding and pollution problems. Examples include, but are not limited to rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.

14.14 “M” TERMS

MAIN ACCESS DRIVE: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

MAJOR THOROUGHFARE: See **STREET**

MANUFACTURED HOME: A factory-built home constructed off-site after June 15, 1976 and transportable in one or more Sections. A manufactured home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate. Manufactured homes include a permanent chassis constructed of metal beams that are structurally part of the dwelling, cannot be removed, and are supported by blocks and/or piers on footers.

MANUFACTURED HOME DEVELOPMENT: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

MANUFACTURING, FOOD: Establishments that transform agricultural products into products for intermediate or final consumption, distinguished by the raw materials (generally of animal or vegetable origin) processed into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers.

MANUFACTURING, LIGHT: The act of processing, assembling, fabricating, treating, and packaging of unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics. Light manufacturing does not include the process or extraction of raw materials or compounds.

MASTER PLAN: Any plan adopted or amended under this Michigan Planning Enabling Act, PA 33 of 2008, as amended. This includes, but is not limited to, a plan prepared by a planning commission authorized by the act and used to satisfy the requirement of Section 203(1) of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, Township plan, plan, or any other term

MEZZANINE: An intermediate floor or levels between the floor and the ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of such story in which the level or levels are located.

MICROBREWERY: A licensed brewery that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in Section 203 of the Michigan Liquor Control Code. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state, must be combined and all facilities for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility.

MICRODISTILLERY: As defined by Michigan Liquor Control Code.

MOBILE HOME: See **MANUFACTURED HOME**

MOBILE HOME PARK: See **MANUFACTURED HOME DEVELOPMENT**

MODULAR HOME: A factory-built home constructed off-site after 1971 and transportable in one or more Sections. A modular home is designed and constructed to the State's building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards. Also known as a factory built home.

MOSQUE: See **RELIGIOUS INSTITUTION**

MOTEL: See **HOTEL**

MOTOR VEHICLE: See **AUTOMOBILE**

MUNICIPALITY: Torch Lake Township, Antrim County, Michigan.

MUSEUM: A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary

curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

14.15 “N” TERMS

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS: Low intensity, neighborhood commercial uses intended to provide for the convenient day-to-day retail and supportive needs of the immediate surrounding residential area.

NONCONFORMING LOT: A lot that fails to meet the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

NONCONFORMING USE: A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

NONCONFORMING SITE: A lot, parcel, or development site that was lawfully established but that does not comply with the standards of Article 3, or other applicable site standards of this ordinance.

NONCONFORMING STRUCTURE: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

NONRESIDENTIAL ZONING DISTRICT: A zoning district primarily established for land uses other than dwellings. Nonresidential zoning districts shall include those zoned Commercial.

NUISANCE: Any offensive, annoying, or disturbing practice or object, that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

NURSERY: see **GREENHOUSE**

NURSING HOME: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with PA 139 of 1956, as amended.

14.16 “O” TERMS

OBSCURING WALL: Shall mean a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

OCCUPIED: Used in any manner. Includes the meaning of intent, design, or arranged for occupancy.

ORDINARY HIGH WATER: see: **WATER'S EDGE**

OFF-SITE PARKING FACILITY: A public or private off-street parking facility designed or intended to provide peripheral collection and storage of vehicles including accessory structures such as

passenger shelters. Off-site parking facilities may be surface lots or parking structures.

OPEN SPACE: That part of a parcel, including courts and/or yards, that is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot. Does not include land dedicated for street rights-of-way, off-street parking, an established use, or stormwater management.

OUTDOOR STORAGE: The keeping of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours in an unenclosed and uncovered area.

OUTSIDE SALES & DISPLAY: The outdoor standing or placement of immediately usable goods that are available for sale, lease, or rental and that are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

14.17 “P” TERMS

PARCEL: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA 59 of 1978, as amended) and has frontage on a public street.

PARKING LOT, OFF-STREET: An area within a lot or parcel that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

PARKING SPACE: An area of definite length and width. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that specific improvements, facilities, construction, or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

PERMITTED USE: A permitted use is a use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.

PERSON: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PERSONAL SERVICES: Enterprises serving individual necessities, such as barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry cleaning establishments, pressing, dyeing, tailoring, shoe repair, photographic studios, tattoo parlors, and travel agencies.

PERVIOUS SURFACE: A surface that permits full or partial absorption of storm water.

PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

PLANNED UNIT DEVELOPMENT (PUD): Means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where

necessary), provisions for public utilities, drainage and other essential services has been approved by the Township Board which has been, is being, or will be developed under the approved plan.

PLANNING COMMISSION: The Planning Commission of Torch Lake Township, Antrim County, Michigan as designated in the Michigan Planning Enabling Act, PA 33 or 2008.

PLOT PLAN: A plan that is prepared according to requirements stated in this Ordinance, containing information required for such a plan. A plot plan is less detailed than a formal site plan. A plot plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site plan.

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

PRINCIPAL USE: The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

PRIVACY SCREEN: An artificially constructed barrier of wood, wire, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

PRIVATE STREET or ROAD: See **STREET**

PROFESSIONAL SERVICES: A business that offers any type of professional service to clients which requires as a condition precedent to the rendering of such service the obtaining of a license, higher education degree, or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include those rendered by certified public accountants, public accountants, engineers, architects, planners, landscape architects, interior designers, attorneys at law, life insurance agents, advertising, environmental analysts, insurance agents, management consultants, title agents, and realtors. Professional services shall not include healthcare or financial services, or veterinarian clinics.

PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also **LOT LINE**.

PROTECTED ROOT ZONE: The area surrounding the trunk of a tree established with a radius of one and a half (1.5) feet for every one (1) inch caliper of trunk where to grading, cutting, storing or materials, or moving of machinery may occur.

PUBLIC USE: Basic services usually furnished by local government, but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

- A. **Critical:** such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.
- B. **Essential:** the erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety, or general welfare.

- C. **Supporting:** public uses such as, but not limited to, township hall, library, park, athletic fields, public recreational facility, open space, civic center, community center, official government offices, authority office, post office, special events authorized by the Township, etc., and associated facilities.

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage service or treatment, communication services, cable television services, telegraph, transportation, or water.

14.18 “Q” TERMS

14.19 “R” TERMS

RECREATION CAMP: An establishment consisting of a permanent building or group of permanent buildings used periodically by an association of persons where seasonal accommodations for recreational purposes are provided only to the members of such association and not to anyone who may apply.

RECREATIONAL FACILITY: An entity which receives a fee, whether by membership or daily passes, in return for the provision of some active recreational activity including but not limited to: gymnastic facilities, indoor soccer, bike & skate parks, racquet clubs, tennis and pickle ball courts, physical fitness facilities, swimming pools, athletic fields, yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness and including their ancillary support services.

RECREATIONAL LAND: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, sports fields, camping, swimming, picnicking, hiking, and nature trails.

RECREATIONAL VEHICLE: Any structure or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels or tracks to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and/or recreational purposes including pick-up coaches (campers), travel trailers, motorized homes, motorized watercraft, all-terrain vehicles, special terrain vehicles, snowmobiles, and utility trailers.

RECYCLING COLLECTION STATION: An accessory use, structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials. A recycling collection point may also include a facility for the temporary collection of used clothing and household goods.

RECYCLING FACILITY: A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. The presence of power-driven processing equipment distinguishes a processing facility from a collection facility. The facility receives and processes only residential and commercial recyclables.

RELIGIOUS INSTITUTION: A place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

RESEARCH AND DEVELOPMENT FACILITIES: An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

RESIDENTIAL USE: A use intended to provide one or more dwellings and may include allowed accessory uses and structures.

RESIDENTIAL ZONING DISTRICT: A zoning district primarily established for dwellings as a land use. Residential zoning districts shall include those zoned R-1 and R-2 zoning districts.

RESTAURANT: An establishment in which the principal use is the preparation and sale of food and beverages. The food and beverage may be consumed on-site, carried out, or offered for delivery. Restaurants may include the sale of prepared food and beverages to other establishments for resale or consumption.

RETAIL SALES ESTABLISHMENT: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RIDING STABLES & BOARDING FACILITIES: An establishment where horses or other animals that can be ridden by humans are kept for riding and boarding, and which offers access to the general public for a fee.

RIGHT-OF-WAY: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

RIVER: a flowing body of water with a drainage area of 80 or more square miles.

ROAD: See **STREET**

ROOF-MOUNTED SOLAR INSTALLATIONS: A private system installed as an accessory structure on the roof of a building that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

14.20 “S” TERMS

SALVAGE YARD: See **JUNKYARD**

SANITARY LANDFILL: See **LANDFILL**

SEAWALL: A structure that is constructed to break the force of waves and retain soil for the purpose of shore protection.

SELF-STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate controlled facilities.

SEMI-TRAILER: A trailer, that may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor, towing vehicle, or dolly.

SENIOR LIVING FACILITY: Licensed personal care facilities, other than hotels, adult foster care homes, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to twenty one (21) or more individuals who are age sixty (60) or older. Homes that are operated in conjunction with and as a distinct part of a licensed nursing home may serve twenty (20) or fewer adults.

SETBACK: The horizontal distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a front, side or rear lot line or Setback Measurement Line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

SEXUALLY ORIENTED BUSINESS: A business or commercial enterprise engaging in any of the following, or other similar uses:

- A. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
 - 3. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty five (25%) percent or more of the floor area or visible inventory within the establishment.
- C. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. Adult Motel: A hotel, motel, or similar commercial establishment that:

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

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

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

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

H. Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in Section 2 of Act No. 343 of the PAs of 1984, being Section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in Section 3 of PA 33 of 1978, being Section 722.673 of the Michigan Compiled Laws.
 - a. Specified Anatomical Areas: Means and includes any of the following:
 - 1) Less than completely and opaquely covered:
 - i Human genitals
 - ii Pubic region

- iii Buttocks
- iv Female breast below a point immediately above the top of the areola.
- 2) Human male genitals in a discernible turgid state even if completely or opaquely covered.
- b. Specified Sexual Activities: Means and includes any of the following:
 - 1) Human genitals in a state of sexual arousal.
 - 2) Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus.
 - 3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - 4) Excretory functions as part of or in connection with any of the activities set forth in 1) - 3) above.

SHORT TERM RENTAL: A commercial use of a dwelling where the dwelling is rented, intended to be rented, or sold for any term less than 30 consecutive days. This includes if the dwelling is sublet for less than 30 consecutive days. This does not include approved bed and breakfast or hotels/motels. (Amendment 2026-01, Effective March 5, 2026)

SIGN: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. See Article 5 for definitions of individual sign types.

SIGN, ABANDONED: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of billboard signs, or at least 360 days in the case of all other signs.

SMALL DISTILLERY: A licensed manufacturer of spirits annually manufacturing in this state not more than 60,000 gallons of spirits, of all brands combined.

SMALL WINERY: A licensed wine maker manufacturing or bottling not more than 50,000 gallons of wine in one calendar year. A small wine maker is not required to bottle wine it manufactures.

SOLAR ENERGY FARMS: A utility-scale commercial facility that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose is the wholesale or retail sale of generated energy off site.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or religious importance, that is organized and sponsored by a non-profit community group, congregation, organization, club or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a defined short period (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL LAND USE: Special land uses are uses, either public or private, that possess unique characteristics and therefore cannot be properly classified as a use permitted by right in a particular zoning district or districts. Special land uses include regulated land uses. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval, subject to the terms of this Ordinance.

STORY: That part of a building included between the surface of one floor and the surface of the next floor or the roof next above it. A story shall not include a basement, unhabitable attic or mezzanine as defined herein.

STREAM: a flowing body of water with a drainage area of less than 80 square miles.

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of streets are defined as follows:

- A. **Private Street:** Any street that is to be privately maintained and has not been accepted for maintenance by Antrim County, the State of Michigan, the federal government, or any other governmental unit, but that meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.
- B. **Public Street:** Any street or portion of a road that has been dedicated to and accepted for maintenance by Antrim County, State of Michigan, the federal government, or any other governmental unit.
- C. **Arterial Street:** A street that carries a high volume of traffic and serves as an avenue for circulation of traffic into, out of, or around the Township. An arterial road may also be a major thoroughfare.
- D. **Collector Street:** A street whose principal function is to carry traffic between local streets and arterial streets but may also provide direct access to abutting properties.
- E. **Cul-De-Sac:** A street that terminates in a vehicular turnaround.
- F. **Major Thoroughfare:** See **Arterial Street**
- G. **Local Street:** A street whose principal function is to provide access to abutting properties.

STREET LOT LINE: see **LOT LINE, FRONT**

STRUCTURAL ADDITION: Any alteration that changes the location of an exterior wall of a building or modifies the area of a building.

STRUCTURE: Anything constructed or erected, whether temporary or permanent, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, tents, greenhouses, sheds, antennae, swimming pools, and signs.

SUBDIVISION PLAT: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, PA 288 of 1967, as amended, and the Municipal land division regulations.

SUPPORT LABORATORY: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

SYNAGOGUE: See **RELIGIOUS INSTITUTION**

SWIMMING POOL: A structure or container designed to hold water to a depth of greater than twenty four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

14.21 “T” TERMS

TASTING ROOM: Means any of the following:

- A. A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures.
- B. A location on or off the manufacturing premises of a wine maker or small winemaker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled.
- C. A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured.
- D. A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured.
- E. A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured.

TELECOMMUNICATION TOWERS: Any structure designed and constructed primarily for the purpose of supporting one or more personal wireless service facility antennas, including but not limited to monopoles, guyed towers, and lattice towers.

TEMPORARY USE or BUILDING: A use or zoning permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

THEATER: An outdoor area or building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

THOROUGHFARE: See **STREET**

TOWNSHIP BOARD: The Board of Trustees of Torch Lake Township, Antrim County, Michigan.

TOWNSHIP PLANNER: The Township Planner is the person or firm designated by the Township

Board and Planning Commission to advise the Township on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

TRANSIT STATION: A building, structure, or area designed and used for persons changing transportation modes or routes.

TRANSPORTATION EQUIPMENT STORAGE: A lot intended to store fleet vehicles, either inside or outside, when not in use.

14.22 “U” TERMS

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

USABLE FLOOR AREA: See **FLOOR AREA, USABLE**.

UTILITY POLE: Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

UTILITY TRAILER: A small trailer that is not self-propelled that is designed to be pulled by an automobile, van, or pick-up truck and not to stay, sleep, or live in.

14.23 “V” TERMS

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

VEHICLE: See **AUTOMOBILE**

VETERINARY CLINIC: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

14.24 “W” TERMS

WALL: An upright structure, typically constructed of wood, masonry, or stone materials, that encloses, divides, or protects an area.

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive. May include frequent, heavy truck traffic, open storage of materials, or nuisances such as dust, noise and odors, and wholesale activities, but does not include on-site manufacturing.

WATERCRAFT: Any registered vessel or floating craft, either motorized, non-motorized, personal watercraft, or sail, designed to carry any number of passengers.

WATERCRAFT, PERSONAL: A registered motorized vessel or floating craft specifically designed to carry astraddle not more than four (4) passengers. For purposes of determining the number of watercraft permitted under this Ordinance, a personal watercraft shall be considered as one-half of a watercraft.

WATER'S EDGE: A point on the Lake Michigan shore at elevation 580.5 feet above the mean sea level. On inland lakes, river, and streams.

WETLAND: A wetland as defined by Part 303: Wetland Protection Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

WHOLESALE ACTIVITIES: Activities primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WIND TURBINE GENERATORS: An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WIRELESS COMMUNICATION EQUIPMENT: The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

WIRELESS SUPPORT STRUCTURE: Means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

WIRELESS TELECOMMUNICATION FACILITY: All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but is not limited to: radio and television towers; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; television reception antennae; satellite dishes; and governmental facilities that are subject to state and federal law or regulations that preempt municipal regulatory authority.

WIRELESS TELECOMMUNICATION SUPPORT STRUCTURE - TOWER: Any wireless telecommunication facility erected or modified to support attached wireless telecommunication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes, but is not limited to, any ground or roof-mounted pole, monopole, lattice tower, light pole, utility pole, wood pole, guyed wire tower, spire, other similar structure or combination thereof, or other structures that appear to be something other than a mere support structure.

14.25 "X" TERMS

14.26 "Y" TERMS

YARD: The open space on the same lot with a main building, unoccupied and unobstructed from the ground (grade) upward except as otherwise provided in this Ordinance, and as defined herein. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this Ordinance.

- A. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Unless otherwise specified, each yard with street frontage shall be considered a yard.
- B. **Side Yard:** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
- C. **Corner Lot Side Yard:** An open space between the principal building and the secondary street frontage extended from the front yard line to the rear property line.
- D. **Rear Yard:** An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but each lot shall only have one (1) rear yard.

14.27 “Z” TERMS

ZONING ADMINISTRATOR: The Township official(s) authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearings, and similar work.

ZONING BOARD OF APPEALS: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to serve as the Zoning Board of Appeals for Torch Lake Township.

ZONING DISTRICT: A portion of the incorporated area of the Township within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established under the provisions of this Ordinance.

ZONING PERMIT: A standard form issued by the Zoning Administrator, upon application and declaration by the owner or his duly authorized agent, granting approval for the construction or use for which an application was made. Also referred to as a land use permit.