

BERGLAND TOWNSHIP ZONING ORDINANCE

Adopted: April 17, 2008

Effective: April 28, 2008

20.000 TITLE

An ordinance enacted pursuant to the authority contained in The Zoning Enabling Act MCL 125.3208, as amended, for the establishment of zoning districts in the unincorporated portions of Bergland Township, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings, buildings, and structures, including tents and trailer coaches which may hereafter be erected or altered; for the regulation of the area of yards, courts, and other open spaces and the sanitary, safety and protective measures that shall be required for such dwellings, buildings, and structures, including tents and trailer coaches; for the designation of the maximum number of families which may be housed in buildings, dwellings, and structures, including tents and trailer coaches; to establish a zoning board of appeals, to grant authority to said board in addition to that expressly provided, in said Act, to provide standards to guide actions and decisions of said board; to provide for the enforcement of the provisions of said ordinance and penalties and other relief for the violation of said ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

20.001 PREAMBLE

In accordance with the authority and intent of The Zoning Enabling Act, as amended, the township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or energy conservation. The township further desires to assure adequate sites for industry, commerce, food production, recreation and residences; to provide for free movement of vehicles upon the streets and highways of the township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the township as a whole; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and buildings within the township so related as to provide for economy in government and mutual support, and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the township.

20.002 ENACTING CLAUSE

The Township of Bergland, County of Ontonagon, and State of Michigan ordains:

20.100 ARTICLE I - SHORT TITLE

20.101 This ordinance shall be known as the Bergland Township Zoning Ordinance.

20.200 ARTICLE II - DEFINITIONS

20.201 **GENERAL**

When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include plural number and words used in the plural number include the singular. The word “shall” is always mandatory and not merely directory. The word “building” includes the word “structure” and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

20.202 **SPECIFIC TERMS**

The following terms shall have the following meanings when used in the within ordinance:

20.203 **ACCESSORY BUILDINGS**

Shall mean a building or a portion of a building subordinate to and on the same lot as a main building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage.

20.204 **ACCESSORY USE**

The use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

20.205 **APARTMENT HOUSE**

A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service or utilities in common.

20.206 **BASEMENT**

That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

20.207 **BOARDINGHOUSE**

A dwelling in which lodging or meals, or both, are furnished to three or more quests for compensation.

20.208 **BUILDING**

A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support, or enclosure of persons, animals or property of any kind.

20.209 **DWELLING, SINGLE FAMILY**

A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
2. It has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations

for construction are different than those imposed by the township building code, then and in that event such federal or state standard or regulation shall apply.

3. It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet area, or in a separate structure of standard construction similar to or of better quality than the principal dwelling which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the township zoning inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the zoning board of appeals within a period of 15 days from the receipt of notice of said zoning inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concept involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent

attachment to the principal structure and construction of a foundation as required herein.

9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.
11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building code provisions and requirements.

20.210 DWELLING, TWO-FAMILY

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 20.209.

20.211 DWELLING, MULTIPLE-FAMILY

A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 20.209.

20.212 ESSENTIAL SERVICES

The term Essential Services means the erection, construction, alteration or maintenance by public utilities or township departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distributions systems, Collections, communications, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarms boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any building EXCEPT THOSE EXPRESSLY REFERRED TO HEREIN) reasonably necessary for the furnishing of adequate service by such public utilities or township departments or commissions or for the public health or safety or general welfare.

20.213 FAMILY

1. An individual or a group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit, or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living 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.

20.214 **HOME OCCUPATIONS**

Occupations engaged in within a dwelling by the resident or residents of the same complying with the following conditions and limitations.

1. Any operated in their entirety within the dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in or use of a residential-type garage upon the premises.
2. Are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month; provided, however, the zoning board of appeals shall have the authority to permit additional subordinate assistants who do not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three in number.
3. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
4. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
5. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
6. No occupation shall be conducted upon or from the premises which would constitute nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
7. Any such home occupation shall be subject to annual inspection by the zoning inspector of the township and may be terminated by order of such inspector whenever the same fails to comply with the zoning ordinance.
8. The Planning Commission shall have the authority to determine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

20.215 **HOUSE TRAILER OR MOBILE HOME**

Any vehicle, whether self-propelled or non-self-propelled, used or adapted to be used or so constructed as to permit its being used as a conveyance upon the public streets or highways and for occupancy as a dwelling or sleeping place for one or more persons, office or other business use, and whether or not the same has a foundation hereunder if said foundation is designed to permit the removal of such house trailer and its re-adaptation to use upon the public streets or highways.

20.216 **HOUSE TRAILER PARK OR MOBILE HOME PARK**

Any parcel or tract of land which three or more occupied trailer coaches or mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such trailer coaches.

20.217 **HOUSE TRAILER OR MOBILE HOME SITE OR SPACE**

A portion of the mobile home park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or trailer coach.

20.218 **HUNTING CAMP**

A structure used solely for recreational purposes and which is occupied fewer than 60 days per year. Such structure shall have a minimum of 400 square feet.

20.219 **JUNKYARD**

Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

20.220 **LOT**

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on a street.

20.221 **LOT AREA**

The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

20.222 **LOT, CORNER**

A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two *CORDS** of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curbed street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

1. ***CORD(s)**: a straight or curved line for the purpose of creating a boundary.

20.223 **LOT DEPTH**

The mean horizontal distance from the front street line to the rear lot line.

20.224 **LOT, INTERIOR**

A lot other than a corner lot.

20.225 **LOT, FRONT LINE**

That side of the lot abutting upon a public or private street right-of-way or abutting upon a lake; in the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage.

20.226 **LOT, REAR LINE**

Ordinarily that lot line which is opposite and most distant from the front lot line as herein before defined. In the case of an irregular-shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.

20.227 **LOT, SIDE LINE**

Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an Interior Side Lot Line.

20.228 **LOT WIDTH**

The mean horizontal distance between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

20.229 **NON-CONFORMING USES OR STRUCTURES**

A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

20.230 **OFFICE**

A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbance, nuisance, or annoyance beyond the confines of said rooms or building.

20.231 **RECREATIONAL VEHICLE**

A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pick-up campers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is 40 feet or more in overall length

shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to a mobile home.

20.232 **SETBACK**

The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

20.233 **ZONES OR ZONING DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of any of the districts or zones shown on the zoning map, the following rules shall apply:

1. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.
2. Where zone boundaries are indicated as approximately following street or alley lines or proper street lines, such lines shall be construed to be such boundaries.
3. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant there from, such lot lines shall be such boundaries.
4. If unsubsidized property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
5. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

20.234 **BOAT PIER**

A pier or dock projecting over the water to provide access and docking facilities for watercraft. Maximum length: 75 feet from waters edge.

20.235 **BOAT HOUSE**

A structure, with direct lake frontage access, which serves the primary function of protection and sheltering watercraft.

20.236 **BUFFER**

A 50 foot wide strip of land interior to the lot lines which maintains reasonable density and screening effect throughout the calendar year. No parking or permanent structures permitted in buffer area.

20.237 **LODGING ROOM**

A room for sleeping accommodations for consideration with or without bath, but without a kitchen.

20.238 **WATERS EDGE**

Waters edge shall be a line in the middle of the average high water recording mark and the average low water recording mark.

20.239 **STORAGE BUILDING**

A building or a portion of a building, which is primarily used for the storage of personal property of others for consideration.

20.240 **CONVENIENCE STORE**

A store selling consumer items such as groceries, beverages, sundries and other necessities.

20.241 **GAME RESERVE**

A special remote area set aside for the care of game animals under the strict regulation and control of the Michigan State Department of Natural Resources with annual inspections. Game reserve shall also include the terms, wildlife reserve and hunting preserve.

20.242 **LAKE FRONTAGE RESIDENTIAL "LFR"**

Real estate in the Lake Zoning District, having riparian rights which are contiguous to a body of water.

20.243 **LAKE RESIDENTIAL "LR"**

Real estate in the Lake Zoning District, which is not contiguous to a body of water and has no riparian rights.

20.244 **LAKE FRONTAGE LODGING "LFL"**

Real estate in the Lake Zoning District, having riparian rights which is contiguous to a body of water, that is designated for multi-room lodging for consideration.

20.245 **LAKE LODGING "LL"**

Real estate in the Lake Zoning District, designed for multi-room lodging for consideration, which is not contiguous to a body of water and has no riparian rights.

20.246 **BODY OF WATER**

Any collection of water within the Township, which has been designated upon the county maps as lakes, rivers and streams.

20.247 **MARINA**

A dock or basin providing secure moorings for boats, providing marine supplies, repair, fuel and bait dispensing and boat rentals.

20.248 **DRY MARINA**

A marina as defined herein that is not contiguous to a body of water, providing the services of a marina and additionally providing boat storage and boat sales and service.

20.249 **BED AND BREAKFAST**

A group of lodging rooms in connection with common areas, kitchen and dining areas, for the use and enjoyment of guests for consideration.

20.250 TRANSIENT LODGING

A single or multiple family dwelling, except for motels, hotels, resorts and other establishments that rented prior to adoption of this ordinance, where rent is charged on a weekly basis, for a period of up to seven days with not more than one rental party permitted to take occupancy during any given week, one or more times in a year.

ARTICLE III

20.300

ZONING DISTRICTS

20.301

DIVISION OF THE TOWNSHIP

The Township of Bergland shall be divided into zoning districts, as hereinafter described, within which districts no buildings or premises shall be used and no building shall hereafter be erected, altered or located except for the uses and purposes hereinafter set forth as “permitted uses” under each separate zoning district classification, or hereinafter set forth as “special exception uses” under each such zoning district classification; subject, however, to such major approval as is hereinafter required to be obtained from the planning commission for such special exception uses.

20.302

“AG” AGRICULTURAL DISTRICT

20.303 STATEMENT OF PURPOSE

Agricultural Districts are those open areas of the township where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included.

20.304 PERMITTED USES

1. Farm dwellings, barns, stables, silos, housing for farm labor and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses.
2. Agricultural, horticultural, viticultural, dairy farming, cattle raising, poultry raising, livestock raising, farm forestry and other similar bonafide farming or agricultural enterprises excluding, however, rendering plants, commercial fertilizer production or garbage feeding or disposal activities.
3. Greenhouses or Nurseries.
4. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto, not grown or produced upon the premises, but which are an unsubstantial part of said business including an advertising sign not more than eight square feet in area, advertising such products.
5. Home occupations as defined in the within ordinance.
6. Churches and parish houses, public schools and educational institutions and other municipal buildings, structures or uses.
7. Community building, parks, public recreational areas or golf courses.

8. Essential services.
9. Cemeteries.
10. Private landing fields.

20.305 **SPECIAL EXCEPTION USES**

1. Public utility and service buildings.
2. Additional single or two-family homes.
3. Nursing or convalescent homes.
4. Wildlife reserves.
5. Hunting preserves.
6. Animal feedlots and piggeries.
7. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with the spirit of this ordinance with the approval of the planning commission under the procedure and standards specified in the ordinance for special exception uses.
8. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.

20.R100 **“R-1” RESIDENCE DISTRICT**

20.R101 **STATEMENT OF PURPOSE**

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly low-density single-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area.

20.R102 **PERMITTED USES**

1. Private single-family dwellings.
2. Home occupations.
3. Schools, libraries and other municipal structures and uses.
4. Golf courses, parks and other municipally owned or operated public recreational facilities.
5. Churches.

6. Hospitals.
7. Essential public utility services, excluding buildings and regulator stations.
8. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of business.

20.R103 **SPECIAL EXCEPTION USES**

1. Private two or three-family dwellings.
2. Essential public utility service buildings, or gas or electric regulator stations or buildings.
3. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the planning commission under the procedure and standards specified in the ordinance for special exception uses.

20.R200 **“R-2” RESIDENCE DISTRICT**

20.R201 **STATEMENT OF PURPOSE**

This district classification is designed to permit a greater density of residential development than that provided in the “R-1” Residence District classification, together with other residentially related facilities which would serve the inhabitants of the area.

20.R202 **PERMITTED USES**

1. Any use permitted in the “R-1” Residence District.
2. Private two-family dwellings.

20.R203 **SPECIAL EXCEPTION USES**

1. Private three or four family dwellings.
2. Day nurseries for not more than six children.
3. Nursing or Convalescent home.
4. Essential public utility service buildings, or gas or electric regulator stations or buildings.
5. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent

thereto but which will comply with the spirit of this ordinance with the approval of the planning commission under the procedure and standards specified in the ordinance for special exceptions uses.

20.R300

“R-3” RESIDENCE DISTRICT

20.R301 **STATEMENT OF PURPOSE**

This district classification is designed to permit the greatest density of residential uses allowed within the township, together with other residentially related facilities designed to service the inhabitants of the area.

20.R302 **PERMITTED USES**

1. Any use permitted in the “R-2” Residence District.
2. Multiple dwellings, excluding hotels, motels and similar transient residence buildings.
3. Day nurseries.
4. Nursing and Convalescent homes.
5. Boarding and lodging homes.
6. Medical clinics and doctor’s offices for the treatment of human beings, provided that they are constructed in appearance as a residence.

20.R303 **SPECIAL EXCEPTION USES**

1. Hotels, motels and other transient-type residential buildings.
2. Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.
3. Establishments for the retail sale of meals provided that the same are constructed in appearance as a residence.
4. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.
5. Essential public utility service buildings, or gas or electric regulator stations or buildings.
6. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the planning commission under the procedure and standards specified in the ordinance for special exceptions uses.

20.R401 STATEMENT OF PURPOSE

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

20.R402 PERMITTED USES

1. Any use permitted in the “R-3” Residence District.
2. Mobile home parks, together with accessory buildings and uses customarily incident thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes unless the same are located upon a developed mobile home site; subject, however, to the following conditions and limitations.
3. Conditions and Limitations for Mobile Home Parks:
 - a. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated hereunder by the Michigan Mobile Home commission and the Michigan Department of Public Health.

20.R403 SPECIAL EXCEPTION USES

1. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.
2. Essential public utility service buildings, or gas or electric regulator stations or buildings.
3. Accessory buildings and uses incidental to a mobile home park such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities.
4. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the planning commission under the procedure and standards specified in the ordinance for special exceptions uses.

20.C101 STATEMENT OF PURPOSE

This district is designed to provide retail sales and commercial service uses catering to the general public as distinguished from industry or general business customers.

20.C102 PERMITTED USES

1. Retail sales businesses where no assembling, treatment or manufacturing is required.
2. Offices.
3. Banks, building and loan associations and other lending institutions.
4. Funeral parlors.
5. Restaurants.
6. Essential public utility services.
7. Indoor theaters.
8. Hotels, motels and apartment houses.
9. Cleaning and laundry service customer stations.
10. Rug weaving.
11. Barber shops and beauty parlors.
12. Shoe repair shops.
13. Churches.
14. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment facilities.

20.C103 SPECIAL EXCEPTION USES

1. Retail sales, business where assembly, treatment or manufacturing is required.
2. Automatic dry cleaning or laundry facilities.
3. Bait houses.
4. Gasoline stations.
5. Automobile repair garages.

6. Outdoor automobile sales.
7. Mining operations.
8. Indoor commercial recreation facilities.
9. Gambling institutions authorized and operating pursuant to the laws in the State of Michigan, United States.
10. Any uses allowed as permitted or special uses in any zoning district classification herein before set forth.
11. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the planning commission under the procedure and standards specified in the ordinance for special exceptions uses.

20.C200

“C-2” COMMERCIAL DISTRICT

20.C201 STATEMENT OF PURPOSE

This district is designed to permit commercial uses more extensive than the shopping center variety, occupying greater land areas for each use and catering to business and industrial customers as well as the general public. The district is designed to also permit the uses specified in the “C-1” Commercial District classification.

20.C202 PERMITTED USES

1. Any use permitted in the “C-1” Commercial District.
2. Any special exception uses permitted in the “C-1” Commercial District without the necessity of prior planning commission action, except for mining operations and legalized gambling institutions which shall require such prior approval and except also uses designated as “permitted uses” in District Classification “AG”, “R-1”, “R-2”, “R-3” and “R-4” which shall also require such prior approval.
3. Outdoor commercial recreation facilities.
4. Drive-in eating or fast food establishments.
5. Wholesales.
6. Enclosed warehouses.
7. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.

8. Sign shop.
9. Cider mill.
10. Nursery and greenhouses.
11. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land.

20.C203 **SPECIAL EXCEPTION USES**

1. Out-door theaters.
2. Veterinary hospitals.
3. Kennels and pet shops.
4. Bus terminals.
5. Cemeteries.
6. Automobile body and automobile paint shops.
7. Lumber yards.
8. Mining operations with incidental gravel processing.
9. Any special exception uses permitted in the “C-1” Commercial District without the necessity of prior planning commission action, except for mining operations and legalized gambling institutions which shall require such prior approval and except also uses designated as “permitted uses” in District Classification “AG”, “R-1”, “R-2”, “R-3” and “R-4” which shall also require such prior approval.
10. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the planning commission under the procedure and standards specified in the ordinance for special exceptions uses.

20.I100 **“I-1” INDUSTRIAL DISTRICT**

20.I101 **STATEMENT OF PURPOSE**

This district is designed for manufacturing assembling and fabrication businesses and commercial activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

20.I102 **PERMITTED USES**

1. Any use permitted in the “C-2” Commercial District.
2. Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings except for the following permissible outdoor activities.
 - a. Outdoor storage in the rear yard area which must not exceed 20% of the square foot area of the principal building upon the premises and which must be screened from adjoining premises of a higher use district classification and from public streets by solid fence, wall, or natural screening adequate for the purpose.
 - b. Delivery operations to and from said business.
 - c. Such other outdoor storage or activities as may be allowed under a variance permit by the zoning board of appeals which may be granted by said board where, in its discretion the same would not be a nuisance or annoyance to adjoining property owners and would be in accordance with the purpose of this zoning classification to create an industrial zone for activities which produce a minimum of adverse effect on adjoining premises and are compatible with one another and do not require large land areas for isolation or protection of adjoining premises or activities.
 - d. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.

20.I103 **SPECIAL EXCEPTION USES**

1. Motor freight warehousing businesses.
2. Gasoline and petroleum storage.
3. Ready-mix concrete and asphalt plants.
4. Lumber yards.
5. Mining operations and incidental gravel processing.
6. Auto body and auto paint shops.
7. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the

planning commission under the procedure and standards specified in the ordinance for special exception uses.

20.I200

“I-2” INDUSTRIAL DISTRICT

20.I201 STATEMENT OF PURPOSE

This district is designed for manufacturing, servicing, compounding, assembling and commercial businesses which require greater outdoor storage or activities and which, accordingly, require larger sites and may have a greater adverse effect on adjacent properties and the uses permitted in the preceding classifications.

20.I202 PERMITTED USES

1. Any use permitted in the “I-1” Industrial District.
2. Motor freight warehousing businesses.
3. Gasoline and petroleum storage.
4. Ready-mix concrete and asphalt plants.
5. Lumber yards.
6. Auto body and auto paint shops.
7. Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odor, dust, dirt, noxious gases, glare, heat, vibration psychological ill effects to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises and which do not involve outdoor storage or activities occupying more than 50% of the square foot area of the principal building located upon the premises.

20.I203 SPECIAL EXCEPTION USES

1. Building material storage yards for new materials.
2. Storage yards for machinery, trucks, or equipment in operating condition, provided adequate screening is installed and maintained, screening the same from adjoining premises and public highways.
3. Slaughter houses.
4. Mining operations and incidental gravel processing.
5. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the

planning commission under the procedure and standards specified in the ordinance for special exception uses.

20.I300

“I-3” INDUSTRIAL DISTRICT

20.I301 STATEMENT OF PURPOSE

This district is designed to accommodate those uses not otherwise expressly included in the foregoing district classifications of an industrial and commercial nature and which, by virtue of the lack of conditions and restrictions attached to the operations, should be located in isolated areas or be located on sufficiently large sites to minimize any adverse effect emanating there from upon adjacent premises.

20.I302 PERMITTED USES

1. Any use permitted in the “I-2” Industrial District.
2. Any kind of industrial manufacturing operations and operations for the servicing, compounding, assembling, or treatment of articles for merchandise which does not emanate noise, vibration, odor, smoke, dust, dirt, noxious gases, glare, heat or psychological ill effects to such an extent as would be a nuisance or annoyance to owners or occupants of surrounding premises.
3. Junkyards, subject to the provisions of the Bergland Township Junkyard Ordinance.

20.I303 SPECIAL EXCEPTION USES

1. Mining operations and incidental mineral processing.

20.L100

LAKE ZONING DISTRICT

20.L101 STATEMENT OF PURPOSE

This district classification is designed to preserve and protect the unique and valuable private recreational Lake Property, to protect the environment and to prevent overburdening of land surrounding a body of water, while also permitting environmentally positive, planned orderly development within strictly controlled guidelines.

20.L102 LAND USE DESIGNATIONS

All property within the Lake Zoning District shall have land-use designations as set forth below. Only the following enumerated uses will be permitted within the Lake Zoning District. The Lake Zoning District allows four distinct sub districts controlled for the use of the land.

The sub districts are as follows: (See Article II for definitions)

| | |
|-------|---------------------------|
| “LFR” | Lake Frontage Residential |
| “LR” | Lake Residential |
| “LFL” | Lake Frontage Lodging |
| “LL” | Lake Lodging |

20.L103 **PERMITTED USES**

| | |
|---------------|---|
| “LFR and LR” | Private single family dwelling, accessory buildings and home occupations. |
| “LFL and LL” | All uses permitted in LFR and LR and, multi-room lodging. |
| “LFR and LFL” | All permitted Lake District uses, also boat houses and piers. |

20.L104 **SPECIAL EXCEPTION USES**

| | |
|-------|--|
| “LFL” | All uses permitted in LFR and LR and bar, restaurant, boat rental, fuel dispensing, bait dispensing, marina. |
| “LL” | All uses permitted in LFL and laundry, convenience store, game reserve, storage buildings, dry marina. |

20.400

**ARTICLE IV
SPECIAL EXCEPTIONS**

20.401 **SPECIAL EXCEPTION STANDARDS**

In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.

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

With this in mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Commission, would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use; would not, in any manner, be detrimental or injurious thereto; would not, in any manner be detrimental or injurious to the use or development of adjacent properties to the occupants thereof, or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the Planning Commission for the allowance of such adaptability; and that the standards required by the board for the allowance of such Special Exception Uses can and will, in its judgment, be met at all times by the applicant.

20.402 **SPECIAL EXCEPTION PROCEDURE**

1. All applications for Special Exception Use Permits shall be filed with the township clerk and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a Special Exception Use Permit.

2. The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration and the owners and occupants of all property within 300 feet of the boundary of the property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered and published in a local newspaper between five and 15 days prior to the hearing. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

All notices shall describe the nature of special land use request, indicate the property which is the subject of the special land use request, state when and where the special land use request will be considered, and indicate when and where written comments will be received concerning the request.

3. Following such hearing, said Commission shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said Commission in its decision and shall be filed with the zoning enforcement officer of the township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economical well-being of the owners and occupants of the land in question, of the area adjacent thereto and of that community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or activity; be consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proper land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
4. The Planning Commission shall have the right to limit the duration of a Special Exception Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said commission after a hearing upon application of any aggrieved party.
5. The plot plan and specifications and all conditions, limitations and requirements imposed by the commission shall be recorded with the township and shall be incorporated as a part of the special exception permit. Violations of any of these at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.
6. Any property which is the subject of a special exception permit which has not been

used for a period of six months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purpose for which such special exception was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception uses shall thereupon terminate.

7. To insure compliance with the zoning ordinance and any conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, a certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the township clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

20.403 **EARTH REMOVAL, QUARRYING, GRAVEL PROCESSING, MINING AND RELATED MINERAL EXTRACTION BUSINESSES**

Prior to the approval by the Planning Commission of a special exception use for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the township, said commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the township zoning ordinance or in any other township ordinance controlling such operations.

1. **Location**

- a. All such operations shall be located on a primary road defined by the County, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- b. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger setback as may be required by the planning commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, than the planning commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support as set forth at all times maintained.

- c. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
- d. The permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
- e. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

2. Sight Barriers

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

3. Nuisance Abatement

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

- b. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- c. Hours. The operation shall be restricted to the hours of 7:00 am until 7:00 pm and no operations shall be allowed on Sundays.
- d. Fencing. All dangerous excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

4. **Reclamation of Mined Areas**

- a. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
- b. The following standards shall control reclamation and rehabilitation:
 - 1. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids to insure:
 - (i) That the excavated area shall not collect stagnant water and not permit the same to remain therein, or;
 - (ii) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - 2. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - 3. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.

4. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
5. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that building and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

5. Performance Bond

A performance bond or cash shall be furnished the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of such mining or excavating operations. The amount of guarantee shall not be less than \$3,000.00 per acre 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. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township and the township Planning Commission. In no event shall such financial guarantee be less than \$3,000.00.

6. Submission of Operational and Reclamation Plans.

No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, if any to be constructed, and the location and nature abutting improvements on adjoining property.
2. The number of acres and the location of the same proposed to be operated upon within the following 12-months' period after commencement of operations.
3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.

4. The location of the principal processing plant and distance of any proposed excavation or mining from the boundaries of the site.
5. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the township engineer. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the within ordinance to the boundaries of the site.
6. A map or plan disclosing the final grades and elevations to established following the completion of the mining operations, including the Proposed uses than contemplated for the land, future lakes and roads and such other matters as may evidence the bonafide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

7. Hearing

- a. After receiving an application for the grant of a special exception permit for an earth removal, quarrying, gravel processing, mining, related mineral extraction business accompanied by the required plans and specifications and permit fees, the zoning board shall hold a public hearing upon such application in the same manner preceded by the same notice as set forth in Section 20.402 of this ordinance pertaining to special exception uses.
- b. Opportunity shall be given to all present to be heard at such hearing.
- c. Following such hearing, said zoning board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a consideration of the following:
 1. The most advantageous use of the land, resources and property.
 2. The character of the area in question and its peculiar suitability, if any, for particular uses.
 3. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 4. The protection and preservation of the general health, safety and welfare of the township.
 5. The scarcity of value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.

6. Whether or not the operations were previously in existence proper to the adoption of the text provision concerning the same and the extent and character of such previous operations.
7. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special exemption permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special exception permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than 30 days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the township board.
8. **Liability Insurance**
All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists, in the amount of not less than \$300,000 for each person or property injured or damaged and not less than \$1,000,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the township clerk.
9. **Variances**
The zoning board of appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be effected.

**ARTICLE V
NON-CONFORMING USES**

20.500

20.501 The following regulations shall control lawful non-conforming uses in existence at the time of passage of this ordinance.

20.502 **CONTINUATION**

Lawful non-conforming uses or structures in existence at the time of this ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.

20.503 **LOSS OF USE IF 50% DESTROYED**

If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire or explosion or any act of God or the public enemy exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.

20.504 **LOSS OF USE AFTER ONE YEAR**

If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of land and structure shall be in conformity with this ordinance.

20.505 **CHANGE OF USE**

If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

20.506 **RESIDENCE IN NON-CONFORMING AREA**

Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.

ARTICLE VI

20.600 **SETBACK AND SIDE LINE SPACING AND FENCING**

20.601 **AGRICULTURAL, RESIDENTIAL AND C-1 COMMERCIAL**

In "A" Agricultural Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, "R-4" Residence Districts and "C-1" Commercial Districts there shall be a setback from all street right-of-way lines of not less than 25 feet for all buildings, provided that when 25% or more of all the frontage on one side of a street between two intersecting streets has at the time of the passage of this ordinance, been built up with permanent residences, the average setback of such residences, but not more than 25 feet, shall be the minimum setback line for that side of such street between such intersecting streets; no building in such districts shall be erected closer than five (5) feet to the interior side of the rear line of the lot or parcel of property upon which the building is located; provided, however, that private garages, erected not less than 60 feet from the front street line, may be erected not less than three (3) feet from the interior side line. When computing built-up frontage for a permanent residence, there shall be included the dwelling and *curbilage* thereof.

20.602 **COMMERCIAL AND INDUSTRIAL SETBACKS**

In Class "C-2" Commercial Districts, "I-1" Industrial Districts, "I-2" Industrial Districts and "I-3" Industrial Districts, the minimum setback line for commercial and industrial buildings shall be 75 feet from all street right-of-way lines abutting the property and there shall be a minimum setback line for the parking or storage of automobiles and vehicles outside buildings (other than private residences or buildings originally constructed as private residences) already existing on the effective date of this amending ordinance, on the side of the street between two intersecting streets, the

minimum setback for buildings on such side of the street between such intersecting streets shall be to the depth as established by such existing commercial or industrial building which is closest to the street line. In no event, however, shall vehicle parking be allowed on private premises closer than 25 feet to the street right-of-way line abutting such premises except where such parking is presently being conducted on the effective date of this ordinance, and no other parking area on the premises is available which would permit parking beyond said 25-foot setback requirement. There shall be no side or rear line restriction from interior lot lines for commercial and industrial buildings with such commercial and industrial districts unless otherwise specified in this ordinance. Any residential buildings, however, constructed within said district shall be set back not less than five (5) feet from such interior side and rear lot lines.

20.603 **MISCELLANEOUS**

It is further provided that notwithstanding anything herein contained to the contrary, the minimum setback line shall be 15 feet for gasoline pumps, display racks, air pumps, and other equipment; 75 feet for cars stored or placed upon property used for storage of parts or occupancy by, junk cars or used cars for the purpose of sale of parts or junk there from; and 25 feet for cars and other vehicles on property used for the sale of used cars. The minimum setback line for poultry or animal shelters, coops, barns or sheds shall be 75 feet; provided, however, that in platted property no such structures shall be erected closer than 20 feet to the interior side line of the lot upon which such structure is located.

20.604 **FENCING SETBACK**

All fences in residential zones shall be a minimum 25 feet from any abutting road. All fences shall be located within the property line of the property owner who is building the fence. The side of any fence facing a neighboring lot or fronting a roadway shall be fully finished, stained or painted. The minimum height for any fence shall be three (3) feet and the maximum height of eight (8) feet. All fences shall be kept in neat and orderly appearance and repair.

20.605 **WATERS EDGE SETBACK**

In the Lake Zoning District the minimum setback of any structure shall be 50 feet from the water's edge, and a minimum of ten feet setback from any side lot line except, that a boat house may be five feet from the water's edge. Mobile homes or travel trailers not permanently affixed to the real estate shall maintain the same setbacks as provided herein.

20.606 **PRIVY SETBACK**

No temporary outside toilets shall be erected closer than 15 feet to the side line of the premises upon which such structure is to be placed, provided, however, that such structure shall not be erected closer than 25 feet to any building used as a permanent habitation upon adjoining premises.

20.607 **STRUCTURE SETBACK**

In the Lake Zoning District the minimum setback of any structure shall be 50 feet from the adjacent right-of-way. Property owners shall maintain a buffer in this specified setback area. Exception from the buffer requirements are access driveways and road frontage for convenience stores and municipal buildings.

20.608 **BOAT HOUSE SETBACK**

In the Lake Zoning District the minimum setback of any structure used as a boat house as

defined herein shall be five feet from the water's edge. All other structural lot line setbacks and buffers shall apply to a boat house.

20.609 GAME PRESERVE SETBACK

In the Lake Zoning District the minimum setback for any land to be used for the purpose of a game reserve as defined in the ordinance shall be 500 feet from any property line or road right-of-way, unless the preserve is a non hunting preserve then 100 feet is required.

20.610 HUNTING CAMP SETBACK

No hunting camp shall be constructed within 500 feet of the right-of-way of a paved or improved gravel road.

20.611 LODGING SIDELINE SETBACKS

In the Lake Zoning District the minimum distance for a structure from the property, with multi-room lodging, shall be 200 feet from adjacent road right-of-ways and 100 feet from side lot lines.

20.612 BED & BREAKFAST SIDELINE SETBACKS

In the Lake Zoning District the minimum distance for a structure on the property, with multi-room lodging, shall be 200 feet from adjacent road right-of-ways and 100 feet from side lot lines.

**ARTICLE VII
AREA REQUIREMENTS**

20.700

20.701 MINIMUM FLOOR AREA

All private dwelling units, hereafter constructed containing not more than two bedrooms shall contain not less than 750 square feet of first-floor space as measured around the exterior of said dwelling. All private dwelling units here after constructed containing more than two bedrooms shall contain an additional 150 square feet of habitable floor area for each bedroom in excess of two within said dwelling unit; provided, however, that a three-bedroom, single-level private dwelling unit shall contain not less than 900 square feet of first-floor space as measured around the exterior of said dwelling.

20.702 WIDTH REQUIREMENT

No dwelling shall be less than 24 feet in width as measured along the exterior from elevation of the dwelling. Measurements and area requirements herein set forth shall be with regard to porches, garages, breezeways and carports.

20.703 DISPUTED FLOOR AREA

In the event of any controversy concerning what constitutes habitable floor area, the board of appeals is hereby given the authority to determine the same upon application thereto by either the building inspector or the township or by the applicant for a building permit.

20.704 MINIMUM LOT SIZE "LFR"

A lot fronting any lake within the Township, which is within the Lake Zoning District and classified as "LFR" shall have a minimum lot size of not less than 100 feet of waters edge frontage and a depth of not less than 200 feet.

20.705 MINIMUM LOT SIZE "LR"

A lot adjacent to any lake within the Township, which is within the Lake Zoning District and classified as "LR" shall have a minimum lot size of not less than five acres in area for each single family dwelling with a minimum 400 feet frontage.

20.706 **MINIMUM LOT SIZE "LFL"**

A lot fronting any lake within the Township, which is within the Lake Zoning District and classified as "LFL" shall have a minimum lot size of not less than 1,200 feet of waters edge frontage and a depth of not less than 600 feet, except as specified herein for a bed & breakfast.

20.707 **MINIMUM LOT SIZE "LL"**

A lot adjacent to any lake within the Township, which is within the Lake Zoning District and classified as "LL" shall have a minimum lot size of not less than 20 acres for each group of 30 lodging rooms, except as specified herein for a bed & breakfast.

20.708 **BED & BREAKFAST**

A Bed & Breakfast shall have the following lot size minimum:

1. If the Bed & Breakfast is contained in LFL area, the lot size shall be not less than 600 feet of water's edge frontage and have a lot depth of not less than 600 feet.
2. If the Bed & Breakfast is contained in LL area, the lot size shall be not less than 10 acres for each Bed & Breakfast containing eight or fewer lodging rooms.

20.709 **GAME RESERVE**

Real estate within the Township, which is to be used as a Game Reserve shall have a minimum size of 160 acres and shall maintain a 500 foot buffer from all property lines. A game reserve which does not permit hunting, shall have a minimum of 40 acres and shall maintain a 100 foot buffer from all property lines.

20.710 **BOAT HOUSE**

A boat house shall have not less than 200 square feet in area or greater than 500 square feet.

20.711 **LODGING ROOM**

A lodging room shall have not less than 180 square feet in area nor greater than 500 square feet.

ARTICLE VIII

20.800 **OFF-STREET PARKING OF MOTOR VEHICLES**

20.801 **ADEQUATE PARKING**

Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.

20.802 **PLAN REQUIRED**

A plan showing the required parking and loading spaces, including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

20.803 **PARKING SPACES**

Parking space shall be provided in the manner and location specified.

1. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or

reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.

2. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of light delivery type not to exceed one ton. Parking for skidders and logging vehicles shall be permitted for short term periods for storage or repairs not to exceed sixty (60) days. The parking of any other type of commercial vehicles, or buses, except for those parked on school property, is prohibited in a residential zone.

20.804 **REQUIREMENTS FOR ALL PARKING SPACES AND PARKING LOTS:**

1. Each automobile parking space shall be not less than 200 square feet or less than 10 feet wide exclusive of driveway and aisle space.
2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust-free surface resistant to erosion.
3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from the adjoining residential lots.
4. No parking space shall be closer than five (5) feet from the property line.
5. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four (4) feet or more than eight (8) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
6. All Off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
8. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plan and etc, are complied with.
9. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

20.805 **MINIMUM REQUIRED PARKING SPACES**

1. Apartment houses: Two parking spaces for family unit.

2. Office buildings: One parking space for each 200 feet of floor space utilized for work space for employees.
3. Retail stores, supermarkets, department stores, personal service shops, and shopping centers: One parking space for each 100 square feet area in the basement and on the first floor used for retail sales; one space for each 150 square feet of floor area on the second floor used for retail sales; one space for each 300 square feet of floor area on the third floor used for retail sales; and one space for each 400 square feet of any additional floor used for retail sale.
4. Manufacturing buildings: One parking space for each three employees on the maximum shift.
5. Libraries, museums and post offices: One parking space for each 100 square feet of floor area.
6. Bowling alleys: Three parking spaces for each alley.
7. Motels and tourist homes: One parking space for each separate unit.
8. Theaters, auditoriums, stadiums and churches: One parking space for each four seats.
9. Dance halls, assembly halls and convention halls without fixed seats: One parking space for each 100 square feet of floor area if to be used for dancing or assembly.
10. Restaurants and night clubs: One parking space for each 100 square feet of floor area.
11. Roadside stand: Two parking spaces.
12. Schools, private or public elementary and junior high schools: One parking space for each employee normally engaged in or about the building or grounds. Senior high schools and institutions of higher learning: One parking space for each employee normally engaged in or about the building or grounds and one additional space for each five students enrolled in the institution.
13. Other uses not specifically mentioned: In the case of buildings which are used for uses not specifically mentioned those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
14. Mixed uses in the same building: In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

20.806 VARIANCES TO PARKING REQUIREMENTS

The zoning board of appeals shall have authority to grant variances from the foregoing where it is satisfied under the circumstances prevailing that the requirements for off-street parking are unnecessarily too large for the particular development.

**20.900 ARTICLE IX
USE DISTRICT BOUNDARIES**

20.901 BOUNDARIES MAP

The location and boundaries of the zones established in the Township shall be shown on a

map entitled zoning map of Bergland Township and said map, section, or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

20.902 **LOCATION OF MAP**

The official copy of the zoning map, properly attested, shall be in the custody of the township clerk.

20.903 **AMENDMENTS TO MAP**

Such zoning map may be amended from time to time to reflect changes in zones and rezoning of property shown thereon in the same manner as amendments may be made to the text of this ordinance. Sue changes shall be recorded to scale on duplicate copies of the origin, official zoning map and shall be accomplished by written legal descriptions in appropriate amending ordinances.

20.904 **DESCRIPTIONS OF PROPERTIES**

1. All land contained within the Township of Bergland which is not specifically zoned by this ordinance is hereby designated as an Agricultural District. All land contained within the village of Bergland is described on the map attached hereto. Any request for zoning change shall follow the procedures as required by law.
2. The following property is rezoned to "Lake Zoning District".
 - a. All property within five thousand (5,000) feet of the east and west shoreline of Lake Gogebic and to the railroad tracks on the north shore of Lake Gogebic.
3. The Lake Zoning District boundaries which are designated: (See Article II for definitions)
 - A) "LFR" Lake Frontage Residential
 - B) "LFL" Lake Frontage Lodging
 - C) "LR" Lake Residential
 - D) "LL" Lake Lodging

All are real estate area, the district boundaries of each are controlled by the definition of the classification.

4. All real estate in the Lake Zoning District previously designated as Lake, River and streams (L.R.S.) are rezoned to "LFR", "LFL", "LR" and "LL".

**ARTICLE X
RESIDENTIAL BUFFER AREA**

20.1000

20.1001 **NEW COMMERCIAL**

As a result of the lack of zoning prior to the adoption of this ordinance, many residential dwellings have been constructed and located within areas that are now predominantly commercial or industrial. In order to protect such existing dwellings from new commercial or industrial activities or

structures, it is herein provided that no new commercial or industrial activities or structures shall hereafter be located closer than 100 feet to any such dwelling which is occupied for dwelling purposes and further such new commercial or industrial structures or activity shall be screened from adjoining dwelling in accordance with the provisions of Article XI of this ordinance.

20.1002 **EXCEPTION**

The foregoing provision shall not, however, operate to reduce the useable area of the adjoining commercial or industrial property under bona fide separate ownership on the effective date of this ordinance below 50%. If the same would cause such a result, this buffer area shall be accordingly reduced to permit such 50% use.

ARTICLE XI

20.110 **GENERAL LIGHTING AND SCREENING REQUIREMENTS**

20.1101 **LIGHTING**

All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

20.1102 **VIEW SCREENING**

Except as otherwise provided in this zoning ordinance, all premises used for business, commercial or industrial purposes and located within a "C-1" Commercial District or lower district classification shall be screened from adjoining premises located in an "R-4" Residence District or higher district classification by any of the following:

1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.
2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
3. No such planting area, wall or fence shall be closer than ten (10) feet from any adjoining street right-of-way line.

20.1103 **ADEQUACY OF SCREENING AND LIGHTING**

In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to determine whether the same is in violation of these screening and lighting provisions and the purpose therein sought to be accomplished of the screening of abutting business and residential properties and the prevention of nuisance from artificial lighting.

ARTICLE XII

20.1200 RECREATIONAL VEHICLES, TENTS AND TRAVEL TRAILERS

20.1201 TIME LIMIT

Recreational vehicles, tents, travel trailers and/or automobile trailers shall not be used for dwelling purposes within the township limits; provided, however, that travel trailers or automobile trailers may be used for temporary dwellings for a total period of not more than 21 days in any one year when located upon premises having running water and sewage facilities, and provided further that recreational vehicles, automobile trailers and travel trailers may be occupied for dwelling purposes within duly licensed travel trailer camps and subject to the requirements thereupon imposed.

20.1202 LOCATION

Recreational vehicles, tents, and travel trailers, automobile trailers, when not in use, shall be stored or parked as far back as possible to the rear of the lot of any R 1, R2, R3, R4 and the Lake District.

20.1203 MOBILE HOMES AS TEMPORARY RESIDENCE

Mobile homes which do not conform to the standards of Section 20.209 of this ordinance shall not be used for dwelling purposes within the township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided. A variance permit may be secured from the zoning board of appeals to use a mobile home as a temporary residence for a period not to exceed one year provided that the mobile home is located upon premises having running water and sewage facilities; and provided further that upon expiration of the one year period, the Zoning Board of Appeals may renew the permit for an additional period of one year upon sufficient showing that the house construction could not be completed within said one year but has substantially progressed during said period. Said board may require a performance bond conditioned upon the removal of the mobile home from the premises within the time limited in an amount satisfactory to said board.

ARTICLE XIII

20.1300 DISMANTLED, NON-OPERATING OR UNLICENSED MOTOR VEHICLES

20.1301 INOPERABLE AUTOMOBILE

No person, firm or corporation shall store, place or permit to be stored or placed, allowed to remain on any parcel of land for a period of more than 10 days in any one year a dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed structure, or is located in an approved junkyard by special exception as herein provided, or unless a variance therefore is first obtained from the township Zoning Board of Appeals to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

20.1302 OPERABLE AUTOMOBILE

No person, firm or corporation shall park or store upon premises within the township a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is kept within an enclosed building, approved junkyard, or unless a variance is first obtained therefore from the Zoning Board of Appeals, to be granted only in special hardship cases beyond the control of the applicant, where special peculiar circumstances exist,

where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

20.1303 **PURPOSE**

The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, and dilapidated non-operating motor vehicles upon any land in the township except within areas where a junk dealer is permitted to operate or the area is zoned for such purposes.

20.1304 **CUMULATIVE AFFECT OF OTHER LAWS**

These provisions shall not be construed as repealing any ordinance now in effect or thereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk but shall be construed as supplementary to any such ordinances, as well as any statutes of the state of Michigan relating thereto.

20.1305 **UNLICENSED OPERABLE VEHICLES**

No person, firm, or corporation shall store or park upon any premises within the township more than one unlicensed operable vehicle.

**ARTICLE XIV
ADVERTISING SIGNS AND BILLBOARDS**

20.1400

20.1401 **NO SIGNS IN RESIDENTIAL DISTRICTS**

No advertising signs or billboards of any kind or nature shall be erected in any "R-1" or "R-2" Residence District or any variation of the same except as follows:

1. In an "R-1" Residence District, a name plate not exceeding one (1) square foot in area containing the name and the home occupation of the occupant of the premises and a temporary sign pertaining to the construction, lease, hire or sale of a building or premises not exceeding eight (8) square feet in area may be installed or constructed.

20.1402 **OTHER DISTRICTS SIGNS**

In an "A" Agricultural, "R-3" Residence District classification or "R-4" Residence District classification or any variation of the same, a sign not exceeding 18 square feet in area advertising permitted services rendered or offered upon or from the premises where the same is situated (except for home occupation and temporary signs which may be governed by 1 above) may be constructed provided it is located not less than one-half the required building setback distance from the street right-of-way line abutting the property; it, in no way, constitutes a traffic hazard; is of a subdued nature commensurate with the residential or agricultural character of the neighborhood; is maintained in a neat and attractive manner; contains no neon or intermittent lighting or other bright or glaring lighting which would be nuisance or annoyance to a neighborhood which would create any electrical disturbance therein; and if projecting from a building or located over a sidewalk or passageway is not less than eleven (11) feet above such sidewalk or passageway.

20.1403 **SIGN PERMIT**

None of the foregoing signs shall be erected or installed until a permit is first obtained from the building and zoning inspector of the township.

20.1404 **BILLBOARDS IN COMMERCIAL DISTRICT**

Billboards may be erected in a "C-2" Commercial District provided they do not exceed 500 square feet in area, are set back from the road right-of-way; do not constitute a traffic hazard; are maintained in a neat and attractive manner; do not create a nuisance or annoyance by reason of lighting, electrical disturbance, or otherwise; and are not installed or constructed until a permit therefore has been received from the building and zoning inspector of the township.

20.1405 **BUSINESS SIGNS**

Advertising signs, advertising goods, products, services or activities sold, produced, rendered or available from or upon the premises where the same are located, may be installed or constructed within a "C-1" Commercial District or lower zoning district classification provided they are located not less than ten (10) feet from the side line of the property nor less than one-half the required building setback distance from the abutting street right-of-way line; in no manner constitutes a traffic hazard; are not less than eleven (11) feet above any sidewalk or passageway for pedestrians or vehicles beneath the same; are not a nuisance or annoyance by reason of lighting, electrical disturbance, or unreasonable size, and are not constructed or installed until a permit has first been obtained therefore from the building and zoning inspector of the township.

20.1406 **BILLBOARD PERMIT**

No advertising sign or billboard permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage, and foundation.

20.1407 **SIGNS AND BILLBOARDS**

Signs within business, commercial or industrial areas, as defined in the "Highway Advertising Act of 1972 (1972 PA 106) bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions of such statute, notwithstanding the provisions of the within zoning ordinance.

20.1408 **SIGNS IN LAKE ZONING DISTRICT**

1. Private residential in the LFR and LR districts shall not have personal signage in excess of four square feet.
2. One business sign is allowed per premises in the Lake Zoning District in the "LFL" or "LL" areas and may not exceed eighty square feet in informational area and shall have downward directional lighting or illumination. The sign may be constructed with a roof not exceeding twelve feet in height.

ARTICLE XV

20.1500 **MISCELLANEOUS PROTECTION REQUIREMENTS**

20.1501 **WATER**

Every structure hereafter erected for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities, where such services are available, with the exception of hunting camps.

20.1502 **PRIVIES**

No outside toilets shall hereafter be erected except such as may temporarily be needed during construction on the premises, or as otherwise authorized by applicable Michigan Public Health Laws and Regulations. In no event shall any outside toilets be allowed where sewer service is available or any matter contrary to the Bergland Township Sewer Use Ordinance.

20.1503 **BASEMENT RESTRICTIONS**

No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the zoning board of appeals for a limited period of two years to permit the construction of the above grade dwelling superstructure as shown on appropriate plans submitted by the applicant and provided said Board is satisfied of the applicant's ability and intent to complete such construction within said period.

20.1504 **GARAGE RESTRICTIONS**

Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.

20.1505 **ONE DWELLING PER 1/4 ACRE LOT**

Not more than one dwelling shall be constructed on any lot consisting of one-fourth acre or less, with a minimum lot width of 75 feet for unplatted property.

20.1506 **DOMESTIC ANIMALS**

The keeping of more than four dogs and four cats, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses* or livestock is prohibited within or upon any platted properties or lake zoning districts used primarily for residential purposes or within or upon any area located within 132 feet of such aforesaid platted properties or lake zoning districts unless such latter area is located in a "C-1" Commercial District classification or lower; provided, however, that any litter of dogs or cats which causes the aforesaid limit of four to be exceeded shall not constitute a violation of this provision for a period of four months after birth; and provided further, however, that no more than two such litters shall be allowed to so remain on the afore described premises within any consecutive 12-month period. All such poultry, pigs, hogs, horses*, livestock or more than four dogs and four cats shall also be prohibited in any area of the township if same become obnoxious by reason of odor or noise and all animals shall meet county ordinance requirements concerning vaccinations and licensing. The determination of the Zoning Board of Appeals, established under the statute and this ordinance, shall, in the absence of fraud, be conclusive on the question of whether such are so obnoxious.

Horses*: Horses shall be allowed in LL District, providing they meet the remaining provisions within this ordinance.

20.1506A **WILDLIFE FEEDING AND HABITAT**

It is not the intention of this ordinance to stop the feeding of wildlife for private enjoyment, however, no action shall be taken, within this township, which causes wildlife to gather in greater numbers than would occur naturally in an area, where such congregation restricts the use and/or enjoyment of neighboring properties or which otherwise creates a nuisance and is not otherwise regulated by the Department of Natural Resources.

20.1507 **LOT ACCESSIBILITY**

No dwelling unit shall be built on a lot unless the lot abuts upon a public street or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of 30 feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. All regulations contained in the ordinance shall apply to such easements of record in the same manner as if the same were dedicated streets.

20.1508 **ACCESSORY BUILDING OR USE PROHIBITED WITHOUT A PRINCIPAL BUILDING OR USE**

No accessory building or use shall be used or engaged in prior to the establishment of the principal building or use upon the premises except as a construction facility for said principal building. Such construction facility use shall terminate upon completion of the principal building or buildings upon the premises.

20.1509 **CLEAR VISION CORNERS**

All intersections of public streets shall be provided and maintained with a clear unobstructed vision corner extending not less than 20 feet from all right-of-way line intersections along said right-of-way line in the form of an isosceles triangle, within which no vehicle parking or obscuring structures, storage, growth or displays shall be located or allowed.

20.1510 **IMPROPER OFF STREET PARKING**

Off-street parking shall be prohibited in the areas between buildings and the abutting street line or lines within the "R-1" through "R-4" Residence District classifications except for such temporary parking within private driveways not exceeding 20 feet in width upon such properties or except where the same is permitted in a multiple use development.

20.1511 **OPEN SPACE**

No single family, two-family or multiple family dwelling or dwellings and buildings accessory thereto shall occupy more than 30% of the ground area of the lot or parcel upon which the same is located. .

20.1512 **RESIDENTIAL WATERFRONT USE**

1. Any development in the zoning district which shares a common lake front or stream area may not permit more than one single family home, cottage, condominium or apartment, to be used for each 100 feet of lake or stream frontage in such common lakefront or stream area as measured along at the water's edge of a lake or stream. This restriction is intended to preserve the quality of the waters, to preserve the quality of recreational use of all waters in the Township, protect our irreplaceable natural resources, protect from overcrowding and over burdening of the land, and protect the public health, safety, and welfare of the people. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.
2. The use of waters shall be restricted to that right of user and enjoyed by virtue of riparian rights and shall be confined to reasonable use by the owner or occupant of a riparian parcel which is contiguous to the water as of the effective date of this ordinance, provided, however, that if a riparian parcel is proposed to be used by persons other than those residing thereon or occupant residing thereon, for a park,

beach, picnic area or similar area for outdoor recreation, then in such event said use may be made of said riparian parcel only when permitted by the Zoning Board of Appeals, provided such use does not impair the natural appearance of said land or overcrowd the parcel or lake surface or tend to produce unreasonable noise or annoyance to surrounding properties, and provided that no use shall be made of any land or water for public or commercial beaches or recreational use operated for profit.

3. Where a plan for subdividing a parcel of land contiguous to a body of water is granted tentative approval by the Township, a recreational park bordering on said body of water may be dedicated for such purpose, the privileges of which and riparian rights of use incident thereto, are to be reasonably enjoyed by the owners and occupants of lots included in any plat or plats recorded within said parcel and only such owners and occupants, provided that said recreational park is dedicated at the time of recording the first plat in said parcel, and provided that said recreational park is dedicated for the use of owners and occupants of lots contained in such a recorded plat or plats at least fifteen (15) lineal feet of water frontage and fifteen (15) feet in depth to waters edge as platted shall be reserved in upland for the right of each lot of the size required by this Ordinance and which it is intended shall enjoy water rights, and provided further that in no event shall any plat not in conformity with the provisions of this Ordinance create any riparian rights in parcels of land so platted and such a nonconforming plat will not be approved for recording.

20.1513 BOAT HOUSE MINIMUM BUILDING REQUIREMENTS

1. A boat house shall comply with the Michigan State Construction Code in every respect, unless a variance is permitted by the code.
2. Boat houses shall have direct lake frontage, water edge access.
3. Boat houses can be constructed to a height of no greater than 12 feet as measured from the waters edge line of land.
4. Flat roofs are permitted on boat houses to be used as recreational decks so long as they provide a 36" safety railing. The safety railing may exceed the 12 foot height restriction.

20.1514 SPECIAL REQUIREMENTS OF MULTI-ROOM LODGING AND TRANSIENT LODGING WITHIN THE BERGLAND DISTRICT

1. Any real estate within the Lake Zoning District, which is classified as "LFL" or "LL" shall have no more than 30 lodging rooms contained upon the parcel of property as specified in the area requirements contained in Article VII of this ordinance.
2. No structure erected for the purpose of multi-room lodging within the Lake Zoning District shall be erected to a height of over two stories with a ridge line exceeding 30 feet.

3. All structures erected for the purpose of multi-room lodging within the Lake Zoning District shall be planned and designed to provide a minimum 200 foot buffer along the road right-of-way and 100 feet on the side property lines.
4. All transient lodging shall require a registration and an annual permit fee per dwelling unit, as set by the Township Board. Permits will be valid January 5 to January 4. There will be no fee proration.

20.1515 SPECIAL REQUIREMENTS FOR BED & BREAKFAST LODGING WITHIN THE LAKE ZONING DISTRICT

1. Any real estate within the Lake Zoning District, which is classified as "LFL" or "LL" and used for a bed & breakfast shall have no more than 8 lodging rooms contained upon the parcel of property as specified in the area requirements contained in Article VII of this ordinance.
2. No structure erected for the purpose of multi-room lodging within the Lake Zoning District and used as a bed & breakfast shall be erected to a height of over two stories with a ridge line exceeding 30 feet. All structures erected for the purpose of multi-room lodging within the Lake Zoning District and used as a bed & breakfast shall be planned and designed to provide a minimum 100 foot buffer along the right of way and on the side property lines.
3. All structures erected for the purposes and use as a bed & breakfast shall in addition to the eight lodging rooms for guest, have on premises lodging for the owner or manager or custodian of the property.

20.1516 NOISE PROTECTION

Noise(s) which interferes with public repose or the general use and/or enjoyment of neighboring properties or otherwise constitutes a nuisance shall be prohibited.

20.1517 OUTDOOR WOODBURNERS

The Township hereby adopts the DEQ standards which shall apply.

ARTICLE XVI

20.1600 ZONING BOARD OF APPEALS

20.1601 APPOINTMENT OF BOARD

A township zoning board of appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The board of appeals shall consist of three (3) to five (5) members; one member shall be a member of the Township Planning Commission. An elected officer of the township shall not serve as chairman of said board and an employee or contractor of the township board may not serve as a member or an employee of said board of appeals. One member may be a member of the township board.

20.1602 TERM OF OFFICE

The term of each member shall be three (3) years and until a successor has been appointed and qualified, which successor must be appointed not more than one (1) month after the expiration of

the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the township board and from the planning commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the township board.

20.1603 **CONFLICT OF INTEREST**

A member shall disqualify himself from a vote in which he has a conflict of interest.

ARTICLE XVII

20.1700 **BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY**

20.1701 **PERMIT REQUIRED**

No structure, in accordance with Bergland Township building codes, shall be erected, altered, or excavation started until a building permit for such erection or alteration shall have been issued.

20.1702 **OCCUPANCY PERMIT**

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted, or enlarged wholly or partly until a certificate of occupancy has been issued for that premise certifying that the structure or use complies with the provisions of this ordinance. Such occupancy permits shall be granted or denied within 30 days from the date that a written application is filed with the building inspector or zoning enforcement officer.

20.1703 **REQUIREMENT OF COMPLIANCE**

Prior to the issuance of such certificate of occupancy, the building inspector shall be satisfied that the building to be erected or that the alterations to be done shall comply in all respects with the building and health laws and ordinances and the provisions of these regulations. It shall be the duty of the applicant for such certificate of occupancy or permit to furnish to the building inspector such plans or other information as the building inspector may require in order to be reasonably satisfied that the building to be erected or altered will so comply. Fees shall be charged and paid to the Treasurer of the township upon the issuance by the building inspector of certificates of occupancy or building permits for all new construction projects, alterations, additions to, or repairs on all existing buildings or structures, to wit; as shall be determined by resolution of the township board.

20.1704 **EXPIRATION OF PERMITS**

All permits issued where the cost of remodeling, repairing or altering is \$10,000.00 or less, or in the case of a new structure where the permit fee for the structure is \$25.00 or less shall expire 12 months from the date of issuance.

20.1705 **RENEWAL OF PERMITS**

All expired permits may be renewed for an additional one-year at a fee of 50% of the original fee. All other permits shall expire 24 months from the date of issuance.

SITE PLAN REVIEW

20.1706 **PURPOSE**

The intent of this section is to provide for consultation and cooperation between the land developer and the township zoning board of appeals in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

20.1707 **SCOPE**

Except as hereinafter set forth, the zoning inspector shall not issue a permit for any construction or uses until a site plan, submitted in accordance with this section, shall have been reviewed and approved by the zoning board of appeals:

1. Single or two-family homes under separate ownership on an individual and separate lot for each one.
2. Interior accessory and subordinate buildings requiring no new or additional means of access thereto from adjoining Public roads or highways and complying with all zoning ordinance requirements.
3. Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access thereto from adjoining public roads or highways.
4. Special exception uses, buildings, and structures where site plan review shall be conducted by the Planning Commission instead of the Zoning Board of Appeals under the standards controlling special exception uses as well as the standards contained in the Site Plan Review Section.

20.1708 **OPTIONAL SKETCH PLAN REVIEW**

Preliminary sketches of proposed site and development plans may be submitted for review to the zoning board of appeals prior to final approval. The purpose of such procedure is to allow discussion between a developer and the zoning board of appeals to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

1. The name and address of the applicant or developer, including the names and addresses of any officers, of a corporation or partners of a partnership.
2. A legal description of the property.
3. Sketch plans showing tentative site and development plans.

The zoning board of appeals shall not be bound by any tentative approval given at this time.

20.1709 **APPLICATION PROCEDURE**

Requests for final site plan review shall be made by filing with the township clerk the following:

1. A review fee as determined by resolution of the township board based upon the cost of processing the review and as shall be on file with the township clerk for public information.
2. Seven copies of the completed application form for site plan review which shall contain as a minimum the following:

- a. The name and address of the applicant.
 - b. The legal description of the subject parcel of land.
 - c. The area of the subject parcel of land stated in acres, or, if less than an acre, in square feet.
 - d. The present zoning classification of the subject parcel.
 - e. A general description of the proposed development.
3. Seven copies of the proposed site plan which shall include as a minimum the following:

A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer; the topography of the site and its relationship to adjoining land; existing man-made features; dimensions of setbacks, locations, heights, and size of structures and other important features; percentage of land covered by buildings and that reserved for open space; dwelling unit density where pertinent; location of public and private right-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site; curbs, cuts, driving lanes, parking and loading areas; location and type of drainage, sanitary sewers, storm sewers, and other facilities; fences, landscaping, screening, proposed earth changes, environmental impact of the project, signs and on site illumination, and any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be demanded by the township building and zoning official or the zoning board of appeals.

20.1710 **ACTION ON APPLICATION AND PLANS**

1. Upon receipt of the application and plans, the township clerk shall record the date of the receipt thereof and transmit five (5) copies thereof to the chairman of the zoning board of appeals; one copy to the township building and zoning inspector and one copy to the township engineer.
2. A hearing shall be scheduled by the chairman of the zoning board of appeals for a review of the application and plans as well as the recommendations of the township engineer, and the township building and zoning inspector, with regard thereto. Members of the zoning board of appeals shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than 45 days following the date of the receipt of the plans and application of the township clerk.
3. The applicant shall be notified of the date, time and place of the hearing on his application not less than three (3) days prior to such date.

4. Following the hearing, the zoning board of appeals shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of the township zoning ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefore and delivered to the applicant. The zoning board of appeals may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the zoning board of appeals shall be made by the said board within 100 days of the receipt of the application by the township clerk.
5. Two copies of the approved final site plan with any required modifications thereon shall be maintained as part of the township records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the approval of the chairman of the zoning board of appeals for identification of the finally approved plans. If any variances from the zoning ordinance have been obtained from the board of appeals, the minutes concerning the variance, duly signed, shall also be filed with the township records as a part of the site plan and delivered to the applicant for his information and direction.

20.1711 **CRITERIA FOR REVIEW**

In reviewing the application and site plan and approving, disapproving or modifying the same, the Zoning Board of Appeals shall be governed by the following standards:

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects wherefrom upon owners and occupants of adjacent properties and the neighborhood..
3. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion of the discharge of storm waters.
4. That any adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of the township zoning ordinance are complied with unless an appropriate variance there from has been granted by the zoning board of appeals.
6. That all buildings and structures are accessible to emergency vehicles.
7. That the plan, as approved, is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of

lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to 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, to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area; its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

20.1712 **CONFORMITY TO APPROVAL SITE PLAN**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the zoning board of appeals. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the building and zoning inspector of the township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the zoning board of appeals may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the township zoning ordinance. Approval of the site plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

20.1713 **AMENDMENT TO SITE PLAN**

A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the zoning board of appeals for review in the same manner as the original application was submitted and reviewed.

20.1714 **SPECIAL EXCEPTION USE AND M.U.D. AND P.U.D.**

A multiple use development shall be recognized as a special exception use and controlled by the guidelines thereof. Control of such developments shall be the responsibility of the township Planning Commission but shall only be permitted as a special exception use in Zones "A", "R-1", "R-2", "R-3", "R-4", "C-1" and "C-2".

20.1715 **PURPOSE**

The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open spaces for park and recreational use. A permit may be issued for construction and occupancy of a multiple use development subject to compliance with the requirements, standards and procedures set forth in this ordinance.

20.1716 **GENERAL REQUIREMENTS FOR MULTIPLE USE DEVELOPMENTS**

Any application for a special exception permit must meet the following conditions to qualify for consideration as a multiple use development:

1. Minimum area: The minimum area required to qualify for a multiple use development special exception permit shall not be less than 10 contiguous acres of land.
2. Ownership: The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included (the holder of a written option to purchase land or the holder of an executory land contract shall, for purposes of such application, be deemed to be an owner of such land).
3. Location: Multiple use developments shall be allowed only within the "A", "R-1", "R-2", "R-3", "R-4", "C-1", and "C-2" Zones and providing the applicant can demonstrate that the proposed character of development will meet the objectives of multiple use developments.
4. Utilities: Public water, sanitary sewage and storm drainage facilities shall be provided as part of the site development. All electric and phone transmission wires shall be placed underground.
5. Approval: Approval by the zoning board of a sketch plan and detailed site plan for all multiple use developments is required. .

20.1717 **PERMITTED USES**

No structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:

1. Residential Uses:
 - a. Single-family detached dwellings, excluding mobile homes
 - b. Two-family dwellings
 - c. Apartments
 - d. Townhouses
 - e. Condominiums
 - f. Other multi-family dwellings
2. Commercial Uses designed and intended to serve the convenience needs of the people residing in the Multiple Use Development:
 - a. Food stores
 - b. Bakeries (retail only)
 - c. Barber or Beauty Shop
 - d. Banks and Financial Institutions
 - e. Shoe Sales and Repair Stores
 - f. Florist and Garden Shops
 - g. Hardware stores
 - h. Variety Stores
 - i. Book and Stationary Stores

- j. Dry Cleaning (pickup or coin operated only)
- k. Wearing apparel Shops
- l. Offices
- m. Drug Stores
- n. Post Office
- o. Full course menu, table top, indoor restaurants conforming in appearance to a residence; providing no "drive-in", "short order" or "car service" food or drink facility; and where any alcoholic beverages served are incidental to the sale of food.
- p. Private clubs, exempting those of which the chief activity is a service customarily carried on as a business

3. Accessory and Associated Uses Designed and Intended to Serve the Convenience Needs of the People Residing in the Multiple Use Development:

- a. Private Garages
- b. Storage Units
- c. Recreational Play Areas
- d. Churches
- e. Elementary and Secondary Schools

20.1718 **DESIGN REQUIREMENTS**

Within the multiple use development approved under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

1. Number of Dwelling Units Permitted: The maximum number of dwelling units permitted within the project shall be determined by dividing the net multiple use development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event, the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
2. Lot Area Requirements: The minimum lot area shall not be reduced by any permitted use more than 10% below that required in the district in which the project is located.
3. Setback and Yards: The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the Planning Commission to avoid, unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.
4. Minimum Lot Frontage and Width: The minimum lot frontage and width for any lot designated for single-family dwelling may be reduced 10% below the requirements of the district in which the multiple use development is located.
5. Screening: A screening area may be required by the Planning Commission along the perimeter of the development if deemed necessary to protect the values of adjoining under separate ownership.

6. Amount of Open Space Required: Within every multiple use development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Planning Commission must find the land thus designated to be:
 - a. Sufficient in size, suitably located, with adequate access, and
 - b. That evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.
7. Arrangement of Open Space: All required open space within a multiple use development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

20.1719 **APPLICATION PROCEDURE AND APPROVAL PROCESS**

1. Special exception use permit: When any multiple use development is proposed, before any building permit is granted, the developer shall apply for and secure approval of a Special Exception Use in accordance with the following procedures and obtain approval of a detailed Site Plan from the zoning board.
2. Application for Sketch Plan Approval:
 - a. In order to allow the zoning board and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a sketch plan of proposal to the Planning Commission. The sketch plan shall be drawn to approximate scale and clearly show the following information:
 1. Boundaries of the property.
 2. Location and height of all buildings.
 3. Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.
 4. Delineation of various residential and/or commercial areas indicating for each such area its size, number of buildings and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type, plus a calculation of the net residential density and commercial density.
 5. The interior open space system.
 6. The overall storm water drainage system.

7. If grades exceed 30% of portions of the site, have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.
 8. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
 9. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be recommended.
 10. A location map showing uses and ownership of abutting lands.
- b. In addition, the following documentation shall accompany the Sketch Plan:
 1. Evidence that the proposal is compatible with the objectives of the community's plan.
 2. General statement as to how common open space is to be owned and maintained.
 3. The Sketch Plan shall show the intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.
 - c. The Planning Commission shall hold a public hearing or hearings on the application for multiple uses development in accordance with the provisions of the ordinance for Special Exception Uses.
 - d. Following the public hearing, the Planning Commission shall, within 60 days, approve or disapprove the Sketch Plan or make modification thereto and so notify the applicant of its decision.
 - e. Approval of Sketch Plan shall not constitute approval of the detailed site plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan.
 - f. Request for changes in Sketch Plan. If it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Planning Commission, becomes unfeasible and in need of modification, the applicant shall then resubmit this entire Sketch Plan, as amended, to the Planning Commission pursuant to the above procedures.
3. Application for Detailed Site Plan Approval:
 - a. After receiving approval from the Planning Commission of a Sketch Plan, the applicant may prepare his detailed site plan and submit it to the Planning Commission for approval. However, if more than six months has elapsed between the time of Sketch Plan approval, the Planning Commission may

require a resubmission of the Sketch Plan for further review and possible revision.

- b. The detailed site plan shall conform to the Sketch Plan that has been given approval. It should incorporate any revisions or other features that may have been recommended by the Planning Commission at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- c. The detailed Site Plan shall include the following information:
 - 1. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within 300 feet of applicant's property.
 - 2. A topographic map showing contour intervals of not more than four (4) feet of elevation shall be provided.
 - 3. A site plan showing location, proposed use, and height of all buildings, location of all parking areas, with access and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for non-residential use, if any.
 - 4. A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
- d. Required Standards for Approval: The planning commission's review of the detailed Site plan shall include the following:
 - 1. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls and pedestrian movement.
 - 2. Location, arrangement, appearance, and sufficiency of off-street parking.
 - 3. Location, arrangement, size and entrances of buildings, walkways and lighting.
 - 4. Relationship of the various uses to one another.
 - 5. Adequacy, type and arrangement of trees, shrubs, and other

landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.

6. In the case of residential uses, the adequacy of useable open space for playgrounds and recreation.
 7. Adequacy of water supply, storm water and sanitary waste disposal facilities.
 8. Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
 9. Compliance with all regulations of the township zoning ordinance.
 10. Compatibility of adjoining uses on and off the site and preservation thereof.
- e. Action on the detailed site plan: The Planning Commission shall render its approval or disapproval and so notify the applicant and the zoning inspector.
 - f. Revocation: In any case where the construction on the multiple use development has not commenced within one year from the date of approval, the special exception use permit shall be null and void.

20.1720 **EFFECT OF APPROVAL**

1. After a detailed site plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.

**ARTICLE XVIII
ENFORCEMENT**

20.1800

10.1801 **ENFORCEMENT OFFICIALS**

The provisions of this ordinance shall be enforced by such township official as may from time to time be designated by resolution of the township board.

**ARTICLE XIX
REZONING AND APPEAL FEES**

20.1900

20.1901 **TOWNSHIP BOARD TO SET FEES**

The township board is hereby authorized to establish by resolution fees for application for amendments to the zoning ordinance and for appeals or applications to the Zoning Board of Appeals or Planning Commission to be paid to the township with such applications of appeals to help defray the cost to the township of such proceedings. Such fees may be altered by subsequent resolution of the Township Board in the discretion of said board.

**ARTICLE XX
PENALTY**

20.2000

20.2001 **MISDEMEANOR**

Any person, corporation or firm, who violates, disobeys, omits, neglects or refuses to comply with any provisions of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Enforcement Officer, Board of Appeals, Planning Commission or the Township Board issued in pursuance of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof, before any court having jurisdiction, he shall be punishable by a fine of not less than \$100.00 or greater than \$500.00 or by imprisonment not to exceed 90 days, or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance.

20.2002 **INJUNCTIVE RELIEF**

The foregoing penalties shall not prohibit the township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**ARTICLE XXI
VALIDITY**

20.2100

20.2101 **SEVERABILITY OF ORDINANCE**

Should any section, subsection, clause or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than the portion so declared to be invalid.

**ARTICLE XXII
AMENDMENTS AND SUPPLEMENTS**

20.2200

20.2201 **AMENDMENTS**

Amendments and supplements to this ordinance may be adopted as provided by law.

**ARTICLE XXIII
EFFECTIVE DATE**

20.2300

20.2301 **DATE OF PUBLICATION**

This ordinance shall take immediate effect upon the date of publication or 30 days thereafter according to law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Carl Bailey
Supervisor

Attest:
Pat MacArthur
Clerk