

# **ZONING ORDINANCE**

## **TOWNSHIP OF HURON**

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**ZONING ORDINANCE  
TOWNSHIP OF HURON**

**ARTICLE I – TITLE, PREAMBLE, ENACTING CLAUSE AND SHORT TITLE**

**SECTION 1.01 TITLE:**

AN ORDINANCE enacted under P.A. 110 of 2006, as amended, and Public Act 168 of 1959 as amended to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and quasi-public or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; to regulate areas that have unique land resource problems or need special attention; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing the changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

**SECTION 1.02 PREAMBLE:**

The purpose of this Ordinance is to: improve the public health, safety, morals and general welfare: promote the use of lands and natural resources of the township in accordance with their character and adaptability: reduce hazards to life and property: lessen congestion on the public roads and streets: provide, in the interest of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used: facilitate the development of an adequate water supply and other public requirements: conserve life, property and natural resources: and to assist in the expenditure of funds for public improvements and service to conform with the most advantageous use of land, resources and properties.

**SECTION 1.03 ENACTING CLAUSE:**

The Township of Huron Ordains:

**SECTION 1.04 SHORT TITLE:**

This Ordinance shall be known and may be cited as the Zoning Ordinance of Huron Township.

## **ARTICLE II – CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

### **SECTION 2.01 CONSTRUCTION OF LANGUAGE:**

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implications between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either... or,” the conjunction shall be interpreted as follows:
  - a. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

### **SECTION 2.02 DEFINITIONS:**

Definitions used in this Ordinance: (Other definitions are those commonly found in Webster Dictionary)

- (1) **ACCESSORY USE, OR ACCESSORY:** A use which is clearly incidental to that customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When “accessory” is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants and/or caretakers.
  - B. Swimming pools for the use of the occupants of a residence, or their guests.
  - C. Domestic or agricultural storage in a barn or shed, toolroom, or similar accessory building or other structure.
  - D. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
  - E. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
  - F. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
  - G. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
  - H. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
  - I. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
  - J. Accessory signs, subject to the sign regulations for the district which the zoning lot is located.
  - K. A television satellite dish shall mean any device capable of receiving signals from a satellite
- (2) **ACCESSORY SIGNS:** Signs which identify, describe, illustrate or are used to direct attention to a use or activity on the site, which is permitted, as either a “Principal Use” or a “Use Authorized After Special Approval” in a zoned district.
- (3) **ADULT ENTERTAINMENT BUSINESS:** A business whose principal service activity is one, or a combination of more than one, of the following: adult bookstore, adult motion picture theater, adult mini-motion picture/video theater, or adult personal service establishment.
- (4) **ADULT FOSTER CARE HOME (STATE LICENSED):** A state licensed residential care facility in a private home which provides supervision or care, or both, to six (6) or fewer persons; this use shall be considered a residential use of property and a principal permitted use in all residential districts.

- (5) ADULT FOSTER CARE SMALL GROUP HOME (STATE LICENSED): A facility located in a private home with an approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (6) ADULT FOSTER CARE LARGE GROUP HOME (STATE LICENSED): A facility with approval capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (7) ALLEY: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
- (8) ALTERATIONS: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”
- (9) ANIMAL FEED LOT (LIVESTOCK FEEDLOT): A place of confined keeping of livestock or other animals for food, fur, pleasure, resale, or training purposes in yards, lots, pens, buildings or other areas not normally used for pastures or crops and in which abnormal amounts of manure or related other animal wastes may originate by reasons of keeping of such animals, all of which to also include chickens, ducks, geese and other fowl.
- (10) APARTMENTS: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
- (11) AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
- (12) ARCHITECTURAL FEATURES: Features of a building including cornices, eaves, gutters, belt courses, sills, lintels, chimneys and decorative ornaments.
- (13) AUTOMOBILE REPAIR AND AGRICULTURAL REPAIR: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame, or fender straightening and repair, painting, vehicle rust-proofing and any related activities.
- (14) AUTO REPAIR STATION: A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.
- (15) AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.



- (16) **BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year.
- (17) **BASEMENT:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- (18) **BED AND BREAKFAST:** See “Tourist House” definition.
- (19) **BLOCK:** The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and other barriers to the continuity of development, or Township boundary lines of Huron Township.
- (20) **BOARDING HOUSE:** A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, rooming, tourist house, a convalescent or nursing home, or a State Licensed or State Approved residential facility.
- (21) **BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.
- (22) **BUILDING HEIGHT:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.
- (23) **BUILDING LINE:** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.
- (24) **BUILDING SITE:** A lot, or a two dimensional condominium unit of land (i.e., envelope, footprint) with or without limited common elements designed for construction of a principal structure or a series of principal structures plus accessory building. All buildings sites shall have access to public or private roads or streets.
- (25) **CAMPGROUND:** A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of any organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units.
- (26) **CLINIC:** A building or group of buildings where human patients are admitted, but not lodged overnight, for examinations and treatment, with services available from a professional, such as a physician, dentist, or the like. (Other licensed profession of like nature, i.e. veterinarian).

- (27) CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
- (28) COMMERCIAL USE: The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise of personal services or the maintenance of office or recreation or amusement enterprises or garage and basement sales conducted on residential premises for more than ten (10) calendar days during a given one (1) year period.
- (29) COMMISSION: The Huron Township Planning Commission. The term “Planning Commission” shall mean the same.
- (30) COMMON ELEMENT: Portions of a condominium project other than the condominium units.
- (31) COMMUNICATION TOWERS/WIRELESS COMMUNICATION FACILITIES: shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included in this definition are citizen band radio facilities, short wave facilities, amateur radio facilities, satellite dishes, and governmental facilities subject to state or federal law or regulations that may preempt municipal regulatory authority.
  - (A) Attached Wireless Communications Facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this sub-definition.
  - (B) Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
  - (C) Colocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the township.
- (32) CONDOMINIUM: Individual ownership of a unit in a multi-unit building or development; said development is approved under Public Act 59 of 1978, as amended, and this Zoning Ordinance.

- (33) CONDOMINIUM SUBDIVISION: A condominium subdivision shall be equivalent to the term “subdivision” as used in this Zoning Ordinance and the Subdivision Control Act (Public Act 288 of 1967, as amended).
- (34) CONDOMINIUM SUBDIVISION PLAN: A plan illustrating the site (of development), survey, and utility plans; floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
- (35) CONDOMINIUM UNIT: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office business, industrial, recreational, or any other type of use approved by the Michigan Department of Commerce.
- (36) CONVALESCENT OR NURSING HOME: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.
- (37) DECK: An open, unroofed porch or platform extending from a house or other building - adjunct to principal use of property.
- (38) DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (39) DISTRICT: A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- (40) DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure or to provide self-service for patrons and food carry-out.
- (41) DWELLING UNIT: A house or a building or portion thereof having cooking facilities, which is occupied wholly as the home residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, camping trailer, motor home, truck camper, slide-in camper, chassis-mount camper, a single section mobile home without permanent foundation, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with provisions thereof relative to dwellings.

(42) DWELLING, SINGLE-FAMILY: A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

- A. It complies with the minimum square footage requirements of this ordinance for the district in which it is located.
- B. It has a minimum width across any front, side or rear elevation as designated for the zoning district of the property and complies in all respects with the County's 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 building code then in that event such federal or state standard or regulation shall apply.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the 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 shall, in addition thereto, 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.
- D. 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 will have any exposed towing mechanism, under carriage, or chassis.
- E. The dwelling is connected to the public sewer and water supply or to such private facilities approved by the Huron County Health Department.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, 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.
- G. 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.
- H. 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 and Urban 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.

- I. The foregoing standards shall not apply to a mobile home located in a 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 mobile home parks.
  - J. All construction required herein shall be commenced only after applicable construction permits have been obtained in accordance with the applicable building code provisions and regulations.
- (43) DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families living independently of each other. *(SEE DEFINITION FOR SINGLE FAMILY DWELLING)*
- (44) DWELLING, MULTIPLE-FAMILY: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. *(SEE DEFINITION FOR SINGLE FAMILY DWELLING)*
- (45) EFFICIENCY UNIT: A dwelling unit located within a commercial structure or another multi-unit residential structure consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing a total of not less than three hundred and sixty (360) square feet of floor area.
- (46) ENVIRONMENTAL AREA: An area of the shoreland determined by the Department of Natural Resources on the basis of studies and surveys to be necessary for the preservation and maintenance of fish and wildlife.
- (47) ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.
- (48) ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utility or municipal department for the public health, safety, and welfare in connection therewith, but not including buildings other than such buildings which are primarily enclosures or shelters for essential services equipment or service personnel.
- (49) EXCAVATION: Any breaking of ground, except common household gardening and ground care for agricultural purposes.

(50) FAMILY:

- A. One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single non-profit house keeping unit, plus no more than two (2) additional persons such as “roomers” or “boarders”.
- B. A collective body of persons living together in one house under one head, whose relationship is of a permanent and distinct domestic character based upon birth, marriage, or other domestic bond and cooking as a single housing keeping unit. This definition shall not include federation, group, coterie or organization; nor shall it include a group of individuals whose association is temporary in character or nature. A body of persons meeting this definition is also distinguished from a group occupying a hotel, club, boarding house, rooming house, fraternity, sorority house or group foster care facility.

(51) FARMING: The carrying on of any agricultural activity or the raising of animals as a source of income. A farm is all of the unplatted, contiguous, neighboring, or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees: provided further that orchard, hatchery, dairy, recreational, and similar specialized agricultural enterprises may be considered a farm. Farming includes the keeping and raising of animals for pleasure or as a source of income.

(52) FEEDLOT, LIVESTOCK: See Animal Feedlot.

(53) FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

(54) FLOOD HAZARD BOUNDARY MAP: (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

(55) FLOOR AREA, USABLE (FOR THE PURPOSES OF COMPUTING PARKING): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of “Usable Floor Area.” Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

- (56) GARAGE, PRIVATE: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.
- (57) GARAGE, SERVICE: Any premises used for the storage or care of motor driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for compensation, hire or sale.
- (58) GASOLINE SERVICE STATION: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.
- (59) GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- (60) GREENBELT (BUFFER STRIP): A strip of land which is planted with trees or shrubs acceptable in species and caliper to the Planning Commission to obscure or buffer an activity from an adjacent residential use.
- (61) GROUNDWATER: The subsurface water that completely fills the pore spaces of soils and void spaces of rock formations beneath the water table.
- (62) GROUNDWATER POLLUTION: The degradation of the groundwater quality to an unacceptable level in light of an intended use.
- (63) GROUNDWATER PROTECTION: Methods which shall be utilized to protect the groundwater from hazardous substances.
- (64) GROUP DAY CARE HOME: A private home in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children of an adult member of the family. This definition includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year. A state registered family day care home shall be considered a residential use of property and a principal permitted use in all residential districts.
- (65) HARMFUL INCREASE: Means an unnaturally high stage on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
- (66) HAZARDOUS SUBSTANCE: A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- (67) HIGH-RISK AREA: An area of the shoreland which is determined by the Water Resources Commission on the basis of studies and surveys to be subject to erosion.

(68) HOME OCCUPATION: Occupations engaged in within a dwelling, by the resident or residents of the same, complying with the following conditions and limitations:

- a. Are operated in their entirety within the dwelling or within any garage or accessory building located upon the premises.
- b. Are engaged in only 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 an additional subordinate assistant who shall not so reside within said dwelling.
- c. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any other purpose than that of a dwelling. In the residential district the maximum limit of the sign will be six square feet.
- d. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purpose.
- e. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- f. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the 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.
- g. 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.
- h. The zoning board shall have 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 on which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

(69) RESERVED FOR FUTURE USE

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



- (71) JUNK: Any motor vehicle, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.
- (72) JUNK YARD: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “Junk Yard” includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.
- (73) KENNEL: Any lot or premises on which three (3) or more dogs and/or other domesticated animals four (4) or more months old, are kept either permanently or temporarily boarded.
- (74) LIMITED COMMON ELEMENTS: A portion of the common elements (of a condominium project) reserved in the master deed for the exclusive use of less than all of the co-owners.
- (75) LOADING SPACE: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- (76) LOT: A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public or private street/road either dedicated to the public or designated on a recorded subdivision.
- (77) LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
- (78) LOT, INTERIOR: Any lot other than a corner lot.
- (79) LOT, THROUGH: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.
- (80) LOT, WATERFRONT: A lot having frontage on a body of water, such as a lake, bay, stream, river or canal, as well as front on a street. In such instances, the lot shall be defined as having two (2) front yards for setback purposes. The setback on the waterfront shall be ten (10) feet from the high water mark.

- (81) **LOT, ZONING:** A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.
- A zoning lot shall satisfy this ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.
- (82) **LOT AREA:** The total horizontal area within the lot lines of the lot.
- (83) **LOT/BUILDING SITE COVERAGE:** The part or percent of a lot or building site which can be occupied by buildings including accessory buildings.
- (84) **LOT OR BUILDING SITE DEPTH:** The horizontal distance between the front and rear building site property lines, measured along the median between the side lot lines.
- (85) **LOT OR BUILDING SITE LINES:** The lines bounding a lot or building site as defined herein:
- A) **Front Line:** In the case of an interior lot/building site line separating said lot/building site from the street. In the case of a through lot/building site, that line separating said lot from either street. In the case of a corner lot/building site, that line as designated on the building plans filed for approval with the Zoning Administrator.
  - B) **Rear Line:** That line opposite the front line. In the case of a parcel pointed at the rear, the rear line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front line and wholly within the building site.
  - C) **Side Line:** Any line other than the front line or rear line. A side line separating a lot or building site from a street is a side street line. A side line separating a lot from another lot or building site is an interior side line.
- (86) **LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or Township Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.
- (87) **LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.
- (88) **MAIN BUILDING:** A building in which is conducted the principal use of the lot upon which it is situated.
- (89) **MAJOR THOROUGHFARE OR COUNTY PRIMARY:** An arterial road or street which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond. (Designated by the Huron County Road Commission as a State Trunk Line or a County Primary Road).

- (90) MARINA: A boat basin with facilities for berthing and securing all types of recreational craft, as well as providing adequate supplies, provisions, service and fueling facilities.
- (91) MASTER PLAN: The General Development Plan for Huron Township adopted by the Planning Commission containing graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan, any amendment to such plan or parts thereof.
- (92) MEZZANINE: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.
- (93) MOBILE HOME (TRAILER COACH): Is a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational unit. (*SEE DEFINITION OF A SINGLE FAMILY DWELLING UNIT*).
- (94) MOBILE HOME PARK (TRAILER COURT): Any parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park. (*A MOBILE HOME PARK MUST BE LICENSED BY THE STATE OF MICHIGAN*).
- (95) MOTEL: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging, primarily to the public traveling by motor vehicle, for compensation.
- (96) NEW CONSTRUCTION: Means structures for which the “start of construction” commenced on or after the effective date of this amendatory ordinance.
- (97) NONACCESSORY SIGNS: Signs which identify, describe, illustrate or are used to direct attention to a use or activity which occurs or exists at a location other than the site where the sign is placed.
- (98) NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof lawfully existing on the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.
- (99) NONCONFORMING USE: A use which lawfully occupied a building or land on the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

- (100) NURSERY, PLANT MATERIALS: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises - including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
- (101) NUISANCE FACTORS: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.
- (102) OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.
- (103) OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.
- (104) OPEN STORAGE: Outdoor storage of building materials, sand, gravel, stone, lumber, equipment, materials to be recycled and other supplies.
- (105) PARCEL: A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory buildings, condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on a public or private street or road.
- (106) PARKING SPACE: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
- (107) PRINCIPAL USE: The main use to which the premises are devoted and the principal purpose for which the premises exist.
- (108) PUBLIC UTILITY: A person or firm, or corporation, municipal or township department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

- (109) RECOVERY HALFWAY HOUSE: A facility licensed by the Michigan Department of Public Health to provide substance abuse treatment and support services in addition to room and board to recovering alcoholics and drug abusers.
- (110) RECREATIONAL UNIT: Is a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit includes, Travel trailer, Camping trailer, Motor home, Truck camper, Slide-in camper and Chassis-mount camper. A recreational unit shall not be considered a dwelling unit. (*SEE DEFINITION OF "DWELLING, SINGLE FAMILY"*)
- (111) REHABILITATION HALFWAY HOUSE: A facility licensed by the Michigan Department of Corrections or the Federal Bureau of Prisons which provides supervision and rehabilitation support services in addition to room and board to criminal offenders.
- (112) SETBACK: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.
- (113) SHORELINE: That area of the shorelands where land and water meet.
- (114) SHORELAND: The land, water and land beneath the water which is in close proximity to the shoreline of Lake Huron.
- (115) SIGN: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.
- (116) SIGN, ACCESSORY: See accessory sign.
- (117) SIGN, NONACCESSORY: See nonaccessory sign.
- (118) SITE CONDOMINIUM PROJECT: A development project consisting of not less two (2) single family units established in conformance with the Michigan Condominium Act, P.A. 59 of 1978, as amended; this meaning is the same as a "condominium subdivision".
- (119) STORY: The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.
- (120) STORY, HALF: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

- (121) STREET: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.
- (122) STRUCTURE: Something natural, excavated or constructed, walled or roofed, designed primarily for the shelter, support or enclosure of persons, animals, property, or storage of any kind.
- (123) SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.
- (124) TEMPORARY USE OR BUILDING: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.
- (125) TOURIST HOME/BED AND BREAKFAST: A building in which there are eight (8) or less sleeping rooms occupied for a fee on a more or less temporary basis for individuals who are lodged without meals other than breakfast.
- (126) TOWNSHIP: Township of Huron, County of Huron, State of Michigan.
- (127) USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
- (128) VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. A variance is not an exception. See Article XIX. of this Ordinance for standards/criteria for the granting of variances.
- (129) WALL, OBSCURING (FENCE): A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
- (130) WIND ENERGY CONVERSION FACILITY (WECF) or Wind Energy Facility shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s).

- (131) YARDS: The open spaces on the same lot or building site with a building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

FRONT YARD: An open space extending the full width of the lot, parcel or building site, the depth of which is the minimum horizontal distance between the front lot/building site line and the nearest point of the main building.

REAR YARD: An open space extending the full width of the lot parcel or building site, the depth of which is the minimum horizontal distance between the rear lot/building site line and the nearest point of the main building. In the case of a corner lot, parcel or building site, the rear yard may be opposite either street frontage.

SIDE YARD: An open space between a main building and the side lot/parcel/building site line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot/parcel/building site line to the nearest point of the main building.

WATERFRONT YARD: On a waterfront lot or parcel, an open space between the shoreline or waterfront parcel line and the principal structure. In this instance, a waterfront lot has two (2) front yards (roadside and lakeside).

## **ARTICLE III – ZONING DISTRICTS AND MAP**

### **SECTION 3.01 KINDS OF DISTRICTS:**

For the purpose of this Ordinance, Huron Township is hereby divided into the following Zoning Districts: Residential, Agricultural, and Commercial.

### **SECTION 3.02 DISTRICT BOUNDARIES:**

The boundaries of each district are indicated on the Zoning Map, which is hereto incorporated and made part of this Ordinance, approved and attested by the Township of Huron. Said Map, and all notations, references and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein.

### **SECTION 3.03 DISTRICT BOUNDARIES INTERPRETED:**

The district boundaries are as shown on the approved Zoning Map, unless otherwise indicated. The district boundaries are located on the lot or plat lines as shown on the original plats on the record in the Register of Deeds office. Any questions concerning the location shall be determined by the Board of Appeals as hereinafter created.



## **ARTICLE IV – AGR-AGRICULTURAL DISTRICT**

### **SECTION 4.01 INTENT AND PURPOSE:**

The Agricultural Districts are designated to preserve those areas historically used for farming and animal husbandry, dairying, horticulture and other agricultural activities. At the same time, in order to provide a degree of flexibility, it is the intent of these provisions to allow single family, non-farming dwellings and related residential uses on larger parcels and certain limited uses unrelated to farming.

### **SECTION 4.02 PRINCIPAL PERMITTED USES AND STRUCTURES:**

In all AGR Agricultural Districts, no land or buildings or structures or part thereof shall be erected, used or structurally altered except for one or more of the following permitted uses or structures:

- A) All principal permitted uses as regulated in the R-1 One-Family Residential District with a minimum parcel size of one and one-tenth(1.10) acre for non-farming uses, providing that new single family dwellings have a minimum width across any front, side or rear elevation of 14 feet. These uses are adjacent to agricultural-related uses and therefore residents may be subjected to inconveniences or discomforts arising from agricultural operations which are protected by Public Act 93 of 1981, as amended (Right to Farm Act).
- B) A second detached single-family dwelling on a farmstead when said dwelling is used for the purpose of providing housing for family members or employees of said agricultural enterprise, subject to provisions of Section 14.19 of this ordinance.
- C) General and specialized farming operations including nurseries, greenhouses, beekeeping and similar agricultural enterprises, excluding animal feedlots/livestock feedlots, together with buildings and other installations necessary to such uses. No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals except as to serve only those persons residing on the premises, or as specified in Article XIV, General Provisions.
- D) Growing and harvesting of forest products.
- E) Publicly owned and operated libraries, parks, parkways and recreational facilities, not including campgrounds as defined by Act 368 of Pubic Acts of 1987.
- F) Cemeteries.
- G) Public, parochial and other private elementary schools offering courses in general education, and not operated for profit, provided said use has direct access to Township Primary road.
- H) Public and private stables, riding academies and kennels.
- I) Utility installations such as electric substation, gas regulator stations, water or sewage pumping stations (including storage yards) when operating requirements necessitate the locating of said installations within the district in order to serve the area.
- J) Private aircraft landing strips.

- K) Facilities offering the retail sale of any product produced on the farm or premises providing such sale shall be from the premises where the product is produced and that no permanent structures are erected in connection with such sales and all temporary structures are removed annually when such products are disposed of.
- L) Animal feedlots or livestock feedlots (including chicken and egg hatcheries) in new, existing or expanded structures provided the location of the feedlot shall be a minimum of 1/2 mile from a residential or commercial zoning district. Refer to Section 4.04 of this Ordinance for additional requirements.
- M) Veterinarian clinics, commercial kennels.

**SECTION 4.03 USES AUTHORIZED AFTER SPECIAL APPROVAL:**

In Agricultural Districts, the following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission pursuant to Article XV. of this Ordinance and the Township Zoning Act. Minimum yard setbacks of the AGR Agricultural District shall apply for all uses.

- A) All uses authorized after special approval in the R-1 One Family Residential District subject to provision of that district, provided these uses are located on a parcel of not less than one and one tenth (1.10) acre.
- B) Animal feedlots/livestock feedlots/chicken & egg hatcheries in new, existing, or expanded structures when located less than 1/2 mile from a residential or commercial zoning district. Refer to Section 4.04 of this Ordinance for additional requirements.
- C) Permanent saw mill operations providing all mill activities (sawing, planing, storage, loading & unloading) are situated at least 150 feet from public road rights-of-way and 600 feet from any adjacent residential structures.
- D) Facilities or businesses featuring the sale and outdoor display of farm machinery, fertilizers and other farm supplies including repair shops and facilities.
- E) Public or private campgrounds subject to the following:
  - 1. The campground is developed as provided in Act 368 of the Public Acts of 1987, Part 125, Section 12501 to 12516 and any associated Administrative Rules, as applicable.
  - 2. The perimeter of such campground which abuts land which is used or zoned for residential purposes is provided with a thirty (30) ft. wide landscape buffer strip consisting of a mixture of deciduous and coniferous (evergreen) vegetation having a density which provides maximum screening; said vegetation when planted shall have an initial height four (4) feet.
  - 3. All ingress and egress routes shall be directly onto a County Primary Road. Refer to Article II. Section 2.02 A. (89) of this ordinance.
  - 4. Off street parking provisions as determined by the Planning Commission.

- F) Golf courses, including miniature golf courses or par-3 courses, which may or may not be operated for profit, subject to the following provisions:
1. The site shall be so planned as to provide all access in accordance with Section 14.20 of this Ordinance.
  2. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
  3. All principal and accessory buildings shall be no less than 200 feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement. The lighting of a golf course so as to permit golfing after daylight hours shall be expressly prohibited.
- G) Class A, B, C & D Airports and associated facilities involved with aircraft operations may be permitted in the Agricultural District subject to the provisions of this Ordinance and the following special standards. If any of the requirements of this subsection are less than those in applicable state and federal statutes, the state and federal requirements shall prevail.
1. Airports, airfields, runway, hangars, beacons, and other facilities involved with aircraft operations shall be subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the Township. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies in considering an airport use. The area of the clear zone (as defined by FAA) shall be provided for within the land area under airport ownership.
  2. Yard and Placement Requirements:
    - a. The proposed site shall be at least two thousand six hundred forty (2,640) feet by five hundred (500) feet.
    - b. Any runway shall have a minimum length of one thousand five hundred (1,500) feet with a five hundred (500) foot clearance at each end of the runway.
    - c. The site in question shall have at least one (1) property line abutting a Major Thoroughfare, as defined.
    - d. No building or structure or part thereof shall be erected closer than sixty (60) feet from any property line.
    - e. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned for R-1 or R-2 residential uses.

3. Performance Requirements:  
Buildings, height limits, lighting, parking, and uses and activities shall be in accordance with applicable FAA and MAC regulations. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.
  4. Prohibited Uses:  
The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.
  5. Off-street parking requirements:
    - a. One (1) parking space shall be required for every three (3) airplanes stored on the site.
    - b. All off-street parking shall be provided pursuant to Section 14.05 and 14.06 of this ordinance.
- H) Sewage disposal facilities, subject to applicable state and federal provisions.
- I) Commercial composting and recycling facilities, subject to the following:
1. All traffic ingress and egress shall be from a county primary road or a state highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
  2. No residential subdivisions with officially filed plats should exist within one-half (1/2) mile of the facility.
  3. The parcel shall be no less than ten (10) acres and no greater than forty (40) acres in size. No more than seventy-five (75%) percent of the site may be used for active composting at any one time.
  4. No hazardous or toxic wastes, as defined by the Department of Natural Resources, may be deposited or stored.
  5. Routes for truck movement to and from the site shall be identified by the Huron County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
  6. No open burning shall be permitted and all processes involving the use of equipment for chipping, cutting, compressing, other than movement of compost materials, or packaging shall be conducted within a completely enclosed building.
  7. Adequate drainage measures shall be taken to prevent standing water on the site.
  8. No loading shall be allowed which is visible from adjacent roads/streets. Road side loading shall be allowed provided the loading dock is set back a minimum of seventy (70) feet from the road right-of-way line, or one hundred ten (110) from the road center line, whichever is greater.

9. All outdoor storage of refuse of any kind shall be visually screened from access roads and adjacent property by a complete screening fence made of materials compatible with the materials used in the principal structure. No refuse collection areas shall be permitted between a frontage road and building line.
  10. No retail sales shall take place on site.
  11. No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive or leave any composting site before 7:00 a.m. or after 8:00 p.m.
  12. Directional signs are allowed as provided in this Ordinance.
  13. One (1) off-street parking space shall be provided per employee at peak shift and one (1) space shall be provided for every five (5) acres of land in use for composting.
  14. All composting/recycling operations shall also be in conformance with all Department of Environmental Quality Guidelines for Operations.
- J) Light Industrial after Section 14.28 Site Plan Review.
- K) Accessory buildings and uses customarily incidental to any of the above uses. Non-accessory storage buildings are allowed if they contain at least 650 square feet and are up to 15 feet to the peak.
- L) Limited Use Storage Buildings are permitted when in compliance with the following:
- 1) Such building shall be designed to achieve compatibility with the surrounding area.
  - 2) Construction must comply with all State and County building codes; permits are required.
  - 3) All storage must be located inside the building.
  - 4) Storage building must comply with 100 ft. setbacks; the perimeter of such facility must be provided with a twenty (20) ft. wide landscape buffer strip consisting of a double row of coniferous (evergreen) trees having a density which provides maximum screening; said vegetation when planted shall have a minimum initial height of two (2) ft., and which shall grow to not less than six (6) ft. in height at maturity. A privacy fence (minimum of 6 ft. in height) may be installed in lieu of trees.
  - 5) All ingress and egress routes shall be directly onto a hard-surfaced road.
  - 6) Sign Regulation (refer to Section 14.10).
  - 7) Exterior Lighting (refer to Section 14.11).
  - 8) Hours. The operation shall be restricted to the hours of 6 o'clock a.m. until 8 o'clock p.m.

- M) Private hunting clubs, hunting preserves, or private preserves for the purpose of providing land for game bird hunting, including accessory lodging facilities, subject to the following limitations and conditions:
- 1) Such uses shall be in compliance with the Natural Resources and Environmental Protection Act, Act 451, P.A. 1994, Part 417 (Private Shooting Preserves), relative to licensing, required acreage, exterior boundary signs, etc. Such use shall not include an operation involving animals other than game birds as listed in “The Shooting Preserve Commission Order”, adopted by the Natural Resources Commission at its July 8, 1993 meeting and becoming effective on August 1, 1993.
  - 2) Lodging facilities are limited to those individuals utilizing the private hunting club, hunting preserve, or private shooting preserve. Said lodging shall be limited to the following:
    - a) A single housekeeping unit consisting of no more than eight (8) sleeping rooms with a common kitchen and bath facilities.
    - b) Development is subject to setback and unit size per requirements for residential structures located in the Agricultural District, and further subject to Planning Commission approval.
    - c) Where campground facilities (rustic cabins) are proposed within the preserve, applicable campground licenses shall be secured, pursuant to P.A. 368 of 1978
- N) Private hunting clubs, hunting preserves, or private preserves for the purpose of providing land for captive wild animal hunting (breeding and dealing), including accessory lodging facilities, subject to the following limitations and conditions:
- 1) Such use shall be in compliance with the Natural Resources and Environmental Protection Act, Act 451, P.A. 1994, Part 427 (Breeders and Dealers) and Part 401 (Wildlife Conservation) relative to permits, required acreage, exterior boundary signs, perimeter fencing, township approval, etc.
  - 2) Lodging facilities are limited to those individuals utilizing the private hunting club, hunting preserve, or private shooting preserve. Said lodging shall be limited to the following:
    - a) A single housekeeping unit consisting of no more than eight (8) sleeping rooms with common kitchen and bath facilities.
    - b) Development is subject to setback and unit size per requirements for residential structures located in the Agricultural District, and further subject to Planning Commission approval.
    - c) Where campground facilities(rustic cabins)are proposed within the preserve, applicable campground licenses shall be secured, pursuant to P.A. 368 of 1978.

O) Quarrying, mining, and related mineral extraction

- 1) No person, corporation, firm, company or other business entity shall engage in or otherwise cause earth removal, quarrying, gravel processing, mining and/or related mineral extractions in Huron Township except with a special use permit.
- 2) Prior to the granting of a special use permit for quarrying, mining, and related mineral extraction businesses in any area of the township, the Planning Commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in this ordinance or in any other township ordinance controlling such operations.
- 3) Location
  - a) All such operations shall be located on a primary road, as 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, it may require that the applicant construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such 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 to adequately protect adjoining properties.
  - c) No such excavation operation shall be permitted within 150 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.
  - 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.
  - 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.
- 4) Sight barriers - in all cases or as deemed necessary by Planning Commission.

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, as determined by the Planning Commission.

- a) 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 the 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.
  - b) 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 at six feet in height.
  - c) 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.
- 5) 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, excessive noise and vibrations which are not necessary in the operation of such equipment. Noise levels occurring during operation of the mining area shall not exceed levels set by state and federal law.
  - 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 6 o'clock a.m. until 8 o'clock p.m. and no operations shall be allowed on Sundays or legal holidays, or Saturdays, except with the specific approval of the Planning Commission.
- 6) Reclamation of mined areas
- a) Reclamation: rehabilitation of mined areas shall be commenced immediately upon termination of mining or excavation of one acre or more and shall be completed within one year thereafter. 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 to either: a water-producing depth of not less than five feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-toxic, non-noxious, non-inflammable 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 back-filled 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 foot vertical to three feet horizontal.
  - (3) Top soil of a quality equal to that occurring naturally 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 buildings 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.
- 7) A performance bond or cash shall be furnished to the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the issuance of a use permit. The amount of guarantee shall be not less than \$5,000.00 per acre or fraction thereof 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 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 vertical to three

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 Planning Commission. In no event shall such financial guarantee be less than \$5,000.00 in amount.

8) Submission of Operational and Reclamation Plans

Prior to the issuance of any use permit, the Planning Commission shall require that a plan be submitted disclosing compliance with all of the provisions of the ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

- a) A written legal description of tract of land involved in the operation.
- b) A site plan which shall include a time table of the planned mining, excavation, reclamation, and rehabilitation of the area together with a report from a qualified soil scientist, soil engineer, or geologist, indicating the effect the project will have on the water shed. The site plan shall also include the following:
  - (1) A North arrow, scale and date;
  - (2) Shading indicating the extent of land area on which mineral removal operations and activities will take place;
  - (3) The location, width and grade of all easements or rights of way on or abutting the lands;
  - (4) The location and nature of all structures on the lands;
  - (5) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
  - (6) Existing elevations of the lands at intervals of not more than five feet;
  - (7) Typical cross sections showing the estimated depth of extraction in relation to the water table.
  - (8) Mineral processing and storage area;
  - (9) Proposed fencing, gates, parking areas and signs;
  - (10) Roads for ingress to and egress from the lands, including on-site roads, current and future, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
  - (11) A map showing access routes between the subject lands and the nearest county primary arterial road;
  - (12) Areas to be used for ponding;
  - (13) A report from the engineering firm as to the effect of mining operation on the quality of subsurface waters on adjoining properties.

- c) 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.
  - d) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
  - e) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
  - f) Soil boring tests shall be made around the perimeter of the excavation if 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 engineer submitting the plan. The written consent of the owners of adjoining premises and of the Township Board shall be required if mining operations are to be closer than specified in this ordinance to the boundaries of the site.
  - g) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide 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.
- 9) Hearing
- a) After receiving an application for the grant of a permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall 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 5,000 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 spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- b) Opportunity shall be given to all present to be heard at such hearing.
- c) Following such hearing, said Planning Commission 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 this 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 or 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 prior 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 approval 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 approval 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.

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.

10) Liability Insurance

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$100,000.00 for each person or property injured or damaged and not less than \$300,000.00 for injury or damages 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 Planning commission prior to the issuance of a use permit.

11) Variances

The Planning commission 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.

12) This section shall not apply to operations under way as of the date of this Ordinance; however, any expansion of excavation operations to lands not currently under excavation shall be controlled by this section and compliance shall be required.

P) Wind Turbines are an acceptable use for property within the Agricultural District, after receiving Special Approval.

**SECTION 4.04 GENERAL, SETBACK AND LOCATIONAL STANDARDS FOR FEEDLOT OPERATIONS:** (Refer to Section 4.02(L) and 4.03(B).

GENERAL STANDARDS:

- 1) The owner of any animal feedlot shall be responsible for the storage, transportation and disposal of all animal manure generated in a manner consistent with the Right To Farm Act, the MSU Cooperative Extension Service Bulletins, the Michigan Department of Health, and the Best Management Practices for Disposal Practices.
- 2) All manure from confinement storage pits or holding areas, when removed, shall be incorporated, knifed in, or disposed of in a reasonable manner. Each feedlot shall have sufficient area, ownership or long term agreement, to permit proper storage, incorporation or disposal of the manure.
- 3) No animal manure shall be disposed of within the right-of-way of any public road or street.
- 4) All vehicles used to transport animal manure on township, county, or state highways, or through municipalities shall be leak proof.

SETBACK AND LOCATIONAL STANDARDS:

- 1) No new feedlot shall be located within a Floodplain.
- 2) No new feedlot shall be located within 1/2 mile of a Township or County park.
- 3) New feedlot operations in new, existing, or expanded structures located within 1/2 mile of a residential or commercial zoned district are permitted only after authorization of the Planning Commission (Special Approval Use Permit is required).

- 4) Existing feedlot operations located within 1/2 mile from a village or city limits or a residential or commercial zoned district at the time of adoption of this Ordinance may remain in operation. Proposed expansion of existing feedlots or new feedlots located within 1/2 mile of the above noted areas shall require a Special Approval Use Permit.

**SECTION 4.05 AREA, HEIGHT, BULK AND PLACEMENT STANDARDS:**

See Article IX., Schedule of Regulations, for regulations on height and bulk of buildings, the minimum size of lots, for land use, the density permitted, and setbacks requirements. In addition, refer to Article II., Section 2.02 (a) (41) for dwelling unit width/size. New residential structures in the AGR district are required to be a minimum of 14 ft. across any front, rear or side length.

**SECTION 4.06 ACCESSORY STRUCTURES AND USES** in the AGR Agricultural District are regulated by provisions found in Section 14.04 of this ordinance.

**SECTION 4.07 JUNKED OR WRECKED AUTOMOBILES, TRUCKS, OR MOTOR VEHICLES:**

Within the agricultural district, it shall be unlawful for any person, firm, or corporation to park, store, or locate junked or wrecked automobiles, trucks, or motor vehicles, more than a combined maximum of three (3).

**SECTION 4.08 RIVER PROPERTY:**

The river frontage zone shall be 1320 feet from the center line of the river bed (measured perpendicular). In this zone any lot shall contain at least 330 feet of width (measured parallel with the river) and consist of one and one tenth acre or more. A minimum of 1000 square feet of living space shall be required in a one story residence, and 1500 square feet shall be required in a two story residence. Rivers shall be described as the main channels of the waterways known as the Willow River and the New River.

**SECTION 4.09 OFF-STREET PARKING** for uses in the AGR Agricultural District are regulated by provisions of Sections 14.05 and 14.06 of this ordinance.

**SECTION 4.10 SITE PLAN REVIEW** is required pursuant Section 14.28 of this Ordinance for all Uses Authorized after Special Approval in the Agricultural District, except single family residential dwellings and accessory buildings.

## **ARTICLE V – R-1 AND R-2 SINGLE FAMILY RESIDENTIAL DISTRICTS**

### **SECTION 5.01 INTENT AND PURPOSE:**

The R-1 and R-2 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district. Certain complimentary religious, educational, recreational and cultural facilities as well as two family dwellings may also be permitted as special approval uses.

### **SECTION 5.02 PRINCIPAL PERMITTED USES AND STRUCTURES:**

In all R-1 & R-2 Single Family Residential Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or part, except for one or more of the following uses or structures.

- A) In R-1 Single Family Residential Districts, one family detached dwellings are permitted subject to Article II, Section 2.02 A. (42) and Article IX, Section 9.01 (Schedule of Regulations, Limitations for Height, Area, Bulk and Placement by Zoning District, of this Ordinance and further subject to a minimum width of twenty (20) feet across any front, side, or rear elevation.

In R-2 Single Family Residential Districts, one family detached dwellings are permitted subject to Article II, Section 2.02 A. (42) and Article IX, Section 9.01 (Schedule of Regulations, Limitations for Height, Area, Bulk and Placement by Zoning District) and further subject to a minimum width of fourteen (14) feet across any front, side, or rear elevation.

- B) Accessory buildings and uses customarily incidental to the permitted uses, subject to provisions of Sections 14.04 of this Ordinance.
- C) Temporary buildings incidental to construction of the permitted structures, for a period not to exceed one (1) year.
- D) Home occupations, subject to provisions of Article II, Section 2.02 (68) of this Ordinance.
- E) Planned Unit Developments as provided in Article XI and condominiums within a condominium project as provided Article XII of this Ordinance.
- F) Mobile home parks subject to P. A. 96 of 1987, as amended, and General Rules related thereto as adopted by the State Mobile Home Commission; said act being adopted by reference.
- G) Publicly owned and operated parks and playgrounds with customary buildings and structures.
- H) State licensed residential (Foster Care homes) facilities providing resident services for up to six (6) persons under twenty-four (24) hour supervision or care, or both. This use shall not apply to foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to correctional institutions.

- I) State licensed or approved family day care facilities where one (1) to six (6) children are cared for in a private home on less than a twenty-four (24) hour basis. All employees of the facility must reside on the premises. At least four hundred (400) square feet of outdoor play area must be provided on the premises. Off-street parking for three (3) vehicles must be provided for on the premises.
- J) Essential services, as defined Article II, Section 2.02 A. (48) of this Ordinance.
- K) Signs as provided in Article XIV, Section 14.10 of this Ordinance.

**SECTION 5.03 USES AUTHORIZED AFTER SPECIAL APPROVAL:**

In the Single Family Residential Districts, the following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission pursuant to the provisions of Article XV of this Ordinance and the Township Zoning Act, as amended.

- A) Boarding, lodging and tourist homes, i.e., bed and breakfast homes, providing service is limited to three (3) non-housingkeeping sleeping rooms for six (6) or less persons. Two (2) off-street parking spaces shall be provided for the principal family and one (1) additional off-street parking space shall be provided for each sleeping (room).
- B) Two-family dwellings providing each unit has a minimum of seven hundred twenty (720) square feet of habitable floor space and is completely separated from each other.
- C) Personal service shops, such as beauty and barber shops, tanning salons, etc, in a private home which are limited to one (1) chair or booth and provided additional off-street parking space is located on the premises.
- D) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, but not including storage yards, when operating requirements necessitate locations within the district to serve the immediate vicinity and such use is not injurious to the surrounding neighborhood.
- E) State licensed group day care facilities where seven (7) to twelve (12) children are cared for in a private home on less than a twenty-four hour basis, subject to the following provisions:
  - 1) At least one member of the staff must reside on the premise.
  - 2) There must be at least six hundred (600) square feet of fenced (min. 4 ft.in height) outdoor play area provided on the premises. A group day care home shall not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment, except on a corner lot.
  - 3) Off-street parking for four (4) vehicles shall be provided on the property.
  - 4) The proposed group day care facility shall not be located closer than 1,500 feet of any of the following facilities as measured along a street, road or other public thoroughfare, excluding an alley: another licensed group day care home; an adult



foster care large group home; a licensed facility offering substance abuse treatment and rehabilitation services to seven (7) or more people; a community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

- 5) One (1) non-illuminated sign, two (2) square feet or less in size, is permitted on the wall of the principal structure located on the property. (The sign shall be similar to that for a home occupation - name of day care operator and address).
  - 6) Hours of operation shall not exceed sixteen (16) hours in a twenty-four period, and activity shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m.
- (F) State licensed Adult Foster Care Small Group Home with a capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation, subject to the following provision:
- 1) A state licensed adult foster care small group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
  - 2) One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
  - 3) The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
- G) Cemeteries, when occupying a site of ten (10) or more acres and having direct access to a major thoroughfare.
- H) Governmental uses when found to be necessary for the public health, safety, convenience or welfare.
- I) Churches and other facilities normally incidental thereto, provided ingress and egress from such site is onto a County primary road. No buildings shall be located less than fifty (50) feet from any other lot in any residential district.
- J) Multi-family dwellings subject to Section 14.28 Site Plan Review. All conditions and requirements of a single family dwelling must be met.
- K) Non-accessory storage buildings (no dwelling on the parcel) are subject to the following:
- 1) One (1) non-accessory storage building shall be permitted on a single parcel or tract, with said building limited to a single story, a maximum of 1,200 square feet of floor area, a maximum wall height of 16 feet, and an overall (ridge) height of 30 feet (both measured from average grade); and,
  - 2) The storage building shall be located in an area on the property according to setbacks found in Section 9.01; and,

- 3) A buffer area shall be incorporated within all setback areas to minimize any negative impact of such building on adjacent land; natural vegetation, if present, is encouraged and additional landscaping shall be added, as determined by the Planning Commission, to adequately buffer the storage building from adjacent property; and,
- 4) The storage building shall be constructed of exterior material(s) which are aesthetically appealing in color and design, which shall be reviewed and approved as part of the Special Approval application; and,
- 5) All subsequent residential uses on the property shall comply with applicable zoning provisions of this Ordinance as well as with foundation, fire separation, and other construction-related codes for residential uses; and,
- 6) Land in combination with any approved storage building, shall remain in compliance with standards noted herein; standards of this section shall not be eligible for appeal under Article XIX, Section 19.03, subsection C.

**SECTION 5.04 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:**

Area, height, bulk, and placement requirements unless otherwise specified are as provided in Article IX, Schedule of Regulations, of this Ordinance.

**SECTION 5.05 ACCESSORY STRUCTURES** and uses are subject to provisions of Article XIV, Section 14.04 of this Ordinance.

**SECTION 5.06 OFF-STREET PARKING PROVISIONS** are provided under Article XIV, Sections 14.05 and 14.06 of this Ordinance.

**SECTION 5.07 SITE PLAN REVIEW** is required pursuant to Article XIV, Section 14.28 of this Ordinance for all new construction and for all Uses Authorized After Special Approval in the R-1 and R-2 Single Family Residential Districts, except for single family residential dwellings and residential accessory buildings on platted lots or lots of record.

**ARTICLE VI – RESERVED FOR FUTURE USE.**

## **ARTICLE VII – COM-GENERAL COMMERCIAL DISTRICT**

### **SECTION 7.01 INTENT AND PURPOSE:**

The COM General Commercial District is, as herein established, designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas as well as to provide sites for more diversified business types. Further, it is designed to accommodate uses such as residential, offices, banks and personal services which can serve as transitional areas between single-family residential and commercial uses, and to provide a transition between major thoroughfares and residential districts in areas plotted in small lots. Certain automobile-related uses, waterfront uses, uses requiring larger parcels and/or featuring regional commercial uses are permitted after review by the Planning Commission.

### **SECTION 7.02 PRINCIPAL PERMITTED USES AND STRUCTURES:**

In a COM General Commercial Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance and subject to the limitations contained below:

- A) All principal permitted uses and uses authorized after special approval in the AGR District, subject to conditions of the District.
- B) Office buildings including medical and dental clinics but not veterinary clinics having outdoor kennels, financial establishments, funeral homes, municipal buildings and uses, but not including outdoor storage yards.
- C) Generally recognized retail businesses which supply commodities on the premises, such as, but not limited, to: groceries, meats, dairy products, baked goods or other foods, pharmacy products, dry goods, clothing, notions, hardware, office supplies, convenience foods, and other similar uses, excluding outdoor storage yards.
- D) Eating and drinking establishments having a seating capacity of 150 or less patrons.
- E) Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.); tailor shops, self-service laundries and dry-cleaners; beauty parlors, barber shops, tanning salons; physical cultural centers, photographic studios.
- F) Business service establishments performing services on the premises such as office machine repair, printing, blue-printing.
- G) Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.
- H) Off-street parking lots, subject to provisions of Sections 14.05 and 14.06 of this Ordinance.
- I) Other uses which are similar to the above and subject to the following provisions:
  - 1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.

- 2) All business, servicing or processing excepting for off-street parking or loading/unloading space shall be conducted within completely enclosed buildings.
  - 3) Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.
  - 4) Off-street parking and loading/unloading space shall be provided as required in Sections 14.05 and 14.06 of this Ordinance.
- J) Signs as provided in Section 14.10 of this Ordinance.
- K) Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to Section 14.04 of this Ordinance.

**SECTION 7.03 USES AUTHORIZED AFTER SPECIAL APPROVAL:**

In the Commercial Districts, the following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review and approval of the Planning Commission pursuant to the provisions of Article XV of this Ordinance and the Township Zoning Act, as amended.

- A) Gasoline service stations for the sale of gasoline, oil and minor accessories and including automotive repair activity where repair activity is conducted within a completely enclosed building; storage of disabled motor vehicles and parts therefrom is prohibited.
- 1) The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets/roads immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection, measured from the road right-of-way, or from adjacent residential districts.
  - 2) The minimum lot area shall be one and one tenth acre, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles, including lubricating facilities, may be permitted, subject to all other provisions herein required.
  - 3) A six (6) ft. high screening fence shall be constructed along those property lines which abut a Residential zoning district.
- B) Restaurants or other establishments serving food or beverage with a seating capacity greater than 150 persons, except those businesses having the character of a drive-in (where food is served to persons in a vehicle).
- C) Private clubs, fraternal organizations and lodge halls.
- D) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- E) Business schools and colleges or private schools operated for profit.

- F) Outdoor display lots and showrooms for exclusive sale of new or used automobiles, recreational units, farm implements, or for rental trailers and or automobiles, subject to the following provisions:
1. The lot or area shall be provided with a durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  2. Access to the sales lot shall be at least sixty (60) ft. from the intersection of any two (2) roads/streets.
  3. No major repair or major refinishing shall be done on the lot and no disabled motor vehicles or parts therefrom shall be stored on the property unless stored in a completely enclosed building or screened from public view.
  4. All lighting shall be shielded from adjacent residential areas.
- G) Motels or other transient guest lodging facilities, other than bed and breakfast establishments, provided that access to the site so as not to conflict with the adjacent business or adversely affect traffic flow on a major thoroughfare, and that each unit shall contain not less than two hundred (200) sq. ft. of floor area.
- H) Businesses that have a drive-in or open front character, provided that the following can be met:
1. The setback for buildings or canopies shall be a minimum of forty (40) ft. from the right-of-way line of any State trunkline or County Primary Road.
  2. Access drives to the property shall be located at least sixty (60) feet from the intersection of any two (2) roads/streets.
  3. All lighting shall be shielded from adjacent residential areas.
  4. A four (4) ft. high screening fence shall be provided when abutting or adjacent to residential districts.
- I) Veterinary hospitals or clinics, and/or commercial kennels with outdoor animal runs, provided the outdoor areas are fenced and not located within the setback areas.
- J) Nurseries which have outdoor storage or display of plants, plant materials, garden supplies, lawn furniture, playground equipment subject to the following:
1. The storage and/or display of any materials and/or products shall meet all setback requirements of the principal building.
  2. All loading and parking areas shall be provided on the site.
  3. The storage of any soil, fertilizer, or other loose, unpacked materials shall be contained so as to prevent any effects on adjacent properties.
- K) Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, or similar forms of indoor commercial recreation which are located at least fifty (50) feet from any front, rear or side property line when said use or building is adjacent to a residential zoned property.

- L) Outdoor commercial recreational facilities such as tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf facilities, golf driving ranges, baseball batting cages, basketball courts, children’s amusement parks, water-slides or similar commercial leisure-time activities, providing all areas or equipment sites are not located in the front yard setback area nor closer than 50 feet from any property line that abuts a residential zoning district; and further, that such activity areas are provided with a security fence around its perimeter. Such perimeters that abut a residential zoning district shall be provided with a six (6) ft. high obscuring wall/fence along the common property line.
- M) Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.
- N) Waterfront uses customarily incidental to recreational boating including sales, service and storage facilities.
- O) Adult entertainment businesses, as defined in Section 2.02 A.(3) of this Ordinance, subject to the following provisions:
  - 1) All adult entertainment business locations shall be located a minimum of one thousand (1,000) feet from another adult entertainment business, residence, governmental building, park, library, civic building or church.
- P) Arcades and amusement centers where mechanical, electronic or other devices, excluding music devices, which may be operated or played by placing or depositing coins or slugs, or by paying therefore either in advance of or after use, involving in its use either skill, games, chance, amusement or pleasure including, but not limited to, tape machines, card machines, pinball machines, bowling game, shuffleboard, marble game machine, horse racing machines, basketball (baseball, football, hockey, etc.), electronic video games, or any similar devices, where five (5) or more such devices are located at one establishment or center, subject to:
  - (1) New establishments shall be located five hundred (500) feet or more from properties zoned for residential use and five hundred (500) feet from any existing arcade or amusement center.
- (Q) Wholesale stores, storage facilities, warehouse buildings, distribution plants.
- (R) Light industrial subject to Section 14.28 Site Plan Review.

**SECTION 7.04 HEIGHT, AREA, BULK AND PLACEMENT REGULATIONS:**

See Article IX, Schedule of Regulations, of this Ordinance which provide standards which limit the height and bulk of buildings, the minimum size of lots or parcels by permitted land use, and providing minimum setback requirements.

**SECTION 7.05 OFF-STREET PARKING AND LOADING/UNLOADING:**

Provisions are found in Sections 14.05, 14.06, 9.01 and 9.02 of this Ordinance.

**SECTION 7.06 ADDITIONAL REGULATIONS:**

The storage of all material, objects, equipment, machinery and inoperable/unlicensed motor vehicles, other than for heating/cooling, shall be wholly within a completely enclosed building or screened from public view.

**SECTION 7.07 SITE PLAN REVIEW** is required pursuant to Section 14.28 for all new construction and uses in the COM District, except for single family residential dwellings on platted lots or lots of record.

**ARTICLE VIII – RESERVED FOR FUTURE USE**

**ARTICLE IX – HURON TOWNSHIP – SCHEDULE OF REGULATIONS**  
**LIMITATIONS FOR HEIGHT, AREA, BULK AND PLACEMENT BY ZONING DISTRICT**

**SECTION 9.01 SCHEDULE OF REGULATIONS; LIMITATIONS FOR HEIGHT, AREA, BULK AND PLACEMENT:**

Zoning District	Lot Width (minimum) Feet	Lot Area (minimum) Sq. Ft.	Lot Coverage (maximum) Percent	Height of Buildings (maximum) Stories Ft.		Yard Requirements, Unobstructed (minimum) – Feet				Floor Area per Dwelling (Grd. fl)	
						SIDES					
						Front	LEAST One	TOTAL Two	Rear		
AGR Agriculture (1)	110 Note: must be > 1/4 depth of parcel	1.10 Acre 1/4 Ratio	15%	2 1/2	35	50 (a)	20 (b,e)	40	30 (c)	900 14 ft. minimum width	
R-1 and R-2 Single Family Residential	100 (d)	15,000 (d)	25%	2 1/2	35	50 (a)	6 (b,e)	12	10 (c)	900 R-1: 20 ft. minimum width  R-2: 14 ft. minimum width	
COM Commercial	100	1.10 acre	25%	3	40	50 (a)	20 (b, h, j, k)	40	20 (c, i, j)		

**ALL NEW DWELLING UNITS SHALL COMPLY WITH PROVISIONS OF SECTION 9.02 D FOR THE DISTRICT WHERE THE PROPERTY IS LOCATED.**

**SECTION 9.02 NOTES TO SCHEDULE OF REGULATIONS:**

- (a) Front setback.
- (b) Side setback.
- (c) Rear setback.
- (d) Single lots created after the effective date of this ordinance shall conform to the “minimum lot size” requirements of the above table. Subdivisions being platted in conformance with Act 288 of P.A. 1967 (now known as the Land Division Act, as amended, and wishing to plat lots of such size as is required in the R-1 or R-2 classification shall be zoned R-1, One-Family Residential or R-2, One-Family Residential, as a prerequisite to meeting the requirements of said act.



- (e) In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard of the district in which located.
- (f) Reserved.
- (g) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line of fronting roads/streets. Parking plan layout and points of access must receive Planning Commission approval prior to development.
- (h) If permanent access is provided to the rear of the property by a public alley or a driveway, the side yard requirement may be waived, except as otherwise specified in applicable Building Codes, provided that if walls of structures facing interior side lot lines contain windows, or other openings, side yards of not less than twenty (20) feet shall be provided.  

On a corner lot, side yards shall be twenty-five (25) feet on the sides bounded by a public street or a residential district.
- (i) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (j) On a zoning lot of three (3) acres or more in area, side and rear setbacks shall be sixty (60) feet in depth when abutting a R-1 or R-2.
- (k) Off-street parking shall be permitted in a side yard setback with Planning Commission approval.
- (l) See Section 4.07 River Property
- (m) In the case where the property line abuts Lake Huron the setback shall be ten (10) feet from the high water mark or at such other distance as the Zoning Administrator in his sole discretion decides. Erosion or high water being factors to consider.

## **ARTICLE X – RESERVED FOR FUTURE USE**

## **ARTICLE XI – P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL)**

### **SECTION 11.01 INTENT:**

The intent of this chapter is to provide an optional method for residential land development, which allows for flexibility in the application of the standards governing the type of residential structures permitted and their placement on the property. A planned Unit Development will provide for the development of residential land as an integral unit which incorporates within a single plan the location and arrangement of all buildings, drives, parking areas, utilities, landscaping, and any other improvements or changes within the site. Deviation from the specific site development standards of this Zoning Ordinance may be allowed, so long as the general purposes for the standards are achieved and the general provision of the Zoning Regulations observed. A Planned Unit Development shall be designed to achieve compatibility with the surrounding area, and shall also be designed to encourage innovation and variety in the design, layout, and type of residential development; to achieve economy and efficiency in the use of land, natural resources, and energy; to provide for efficiencies and economies in providing public services and utilities and to encourage the development of more useful open space.

### **SECTION 11.02 DEFINITIONS:**

For the purpose of this section the terms and words herein are defined as follows:

#### **PLANNED UNIT DEVELOPMENT:**

A residential development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities, and services which will be for the common use of the occupants of the Planned Unit Development.

#### **COMMON OPEN SPACE:**

Lands within the Planned Unit Development, under the common ownership of all residents in the Planned Unit Development, to be used for park, recreation, or environmental amenity. These lands shall not include public or private streets, driveways, or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious area of roofs and paving constituting not more than ten (10) percent of the total open space.

#### **ATTACHED SINGLE FAMILY DWELLING:**

A single family dwelling unit attached to one or more other single family dwelling units by means of a common party wall or by a connecting wall or similar architectural feature such as a garage or carport, and with such dwelling having its own private entrance.

#### **HOME OWNERS ASSOCIATION:**

An association of all owners of a project organized for the purpose of financing, administering, managing and maintaining the common open space and common property and facilities. This association shall be described in all covenants, deeds or other recorded legal documents which affect the title to any land within the development.

**SECTION 11.03 DEVELOPMENT STANDARDS AND MODIFICATIONS:**

A Planned Unit Development will be developed in accord with the following standards except that, upon recommendation of the Township Planning Commission, the Township Board may waive a part or all of these requirements where, because of parcel size or shape or other extenuating factors, such a restriction would be to the detriment of quality development, and through site design any adverse affects to adjoining properties can be eliminated. *ARTICLE XII, REGULATION FOR CONDOMINIUM DEVELOPMENT, SHALL BE USED WHEN DEVELOPING CONDOMINIUMS WITHIN A PLANNED UNIT DEVELOPMENT.*

- A) Minimum size requirement: three (3) acres  
 Exception: The Township Board, after receiving a recommendation from the Planning Commission, may approve a Planned Unit Development for a site of no less than one (1) acre in area when, because of location, parcel size and/or shape, and the type of development proposed, it is determined to be in the general interest of the Township to allow such development.
- B) Permitted principal uses:
  - 1) R-1 Single Family Residential Districts:
  - 2) Single family dwellings
  - 3) Two family dwellings
  - 4) Attached single family dwellings limited to a cluster of units not more than seventy-five (75) feet in length.
- C) Allowable Densities: The maximum density permitted in a Planned Unit Development shall be the density allowed in the zoning district where the property is located. Where a Planned Unit Development includes lands in more than one zoning district, the dwelling units must be distributed in accord with the permitted uses and the allowable density of the zoning district in which the portions of the project are located (See Section 9.01).
- D) Permitted Accessory Uses:
  - 1) Common open space for passive or active recreation, and golf course area specifically for the residents of the Planned Unit Development.
  - 2) Streams or ponds.
  - 3) Parking lots.
  - 4) Other uses which, as the result of the site development plan review process, are determined to be designed to serve the residents of the Planned Unit Development.
- E) Common Open space: At least forty (40) percent of the total land area within a Planned Unit Development shall be in common open space, and it shall be located and designed so as to provide optimum access for all dwelling units located in the project and be of such size and shape so as to be able to provide useful areas in the development of recreational facilities to meet the needs of the occupants of the dwelling units.
- F) Unified Control: All lands within a proposed Planning Unit Development shall be under the control of a single applicant, with that applicant being an individual, partnership, corporation, or group of individuals, partnerships or corporations. All buildings,

structures, landscaping and other improvements in a Planned Unit Development shall be under the unified control of the same applicant or contractually transferred to an equally responsible organization or individual with the approval of the Township Board.

G) Access and Circulation:

- 1) Roadway access for Planned Unit Developments will be reviewed in accord with standards set forth by the County Engineer and County Road Commission.
- 2) Private (Collector) Roadway Width: Minimum Right-of-way: 66 feet, or a R.O.W. approved by the Planning Commission/Township Board after review by the Road Commission. Roadways shall be a minimum of 20 feet in width and hard-surfaced with a dustless material in accordance with specifications by the Huron County Road Commission. Width of access roads to individual units or to groups of units having six (6) or less units shall be determined by the Planning Commission based on plans submitted.
- 3) Walkways will be provided within the Planned Unit Development as part of the site Development Plan requirements and as dictated by internal circulation requirements, and walkways shall connect to external walks providing access to schools, parks and other pedestrian traffic generators.

H) Off-street parking requirements:

1) Spaces required:

1 bedroom units - two spaces.

2+ bedroom units - two spaces.

Guest parking: The number of guest parking spaces shall be equal to at least ten (10) percent of the total spaces required for all dwelling units in the project, and shall be provided in addition to those required for the dwelling units.

2) Design and Layout, R-1 Zoning Districts;

Parking must be arranged so as to be compatible with the surrounding development. Parking for residents and guests must be located so as to be directly and conveniently accessible to the entrances to all dwelling units. Common garages under a single roof are permitted.

Parking Lot Size: Parking space dimensions shall be in accord with Sections 14.05 and 14.06 of this Ordinance.

A single parking area shall contain not more than ten (10) parking spaces.

Within a parking area, no more than five (5) spaces shall be permitted in a continuous row without being interrupted by landscaping.

Parking and Storage Areas: Separate parking and storage areas may be provided to accommodate motor homes, campers, boats, and similar vehicles and equipment. Such areas shall be isolated and screened from both within and outside the Planned Unit Development.

- 3) Parking lot screening: Parking areas in excess of 5 spaces shall be screened from adjacent roads and buildings with hedges, fences, walls, dense plantings or berms.

- 4) Lighting: All areas shall be adequately lighted. Lighting shall be so arranged as to direct light away from any residential buildings.
- I) Yard Requirements, Site Perimeter:
    - 1) Where a Planned Unit Development abuts a R-1 Zoning District, all structures shall be at least 25 feet from any perimeter boundary line, except that such structures in excess of 40 feet in length shall be set back an additional foot for every 5 feet of building length parallel to said boundary.
    - 2) Where a Planned Unit Development abuts a zoning district other than a residential district, all structures shall be set back at least 15 feet from any perimeter boundary line.
    - 3) Where a Planned Unit Development abuts a Residential Zoning District, no intensive recreational building or facility shall be located within 40 feet of any perimeter boundary line.
    - 4) Except for single-family detached dwelling units, where a Planned Unit Development abuts a Residential Zoning District, no parking area shall be within 25 feet of any perimeter boundary line.
  - J) Yard Requirements, Interior: Yards in the interior of a Planned Unit Development may be less than those required in the zoning district within which located. Development may occur without any provision for interior yards, but in no case shall buildings be closer than 10 feet from each other (zero lot line development).
  - K) Underground Utilities: All utilities within a Planned Unit Development shall be constructed underground.
  - L) Lot size: Lot sizes may be reduced from the regulations of the R-1 or R-2 zoning district. Provisions may be made for developments without lot area.
  - M) Dwelling Unit Access: Dwelling units may front on and take access from private roadways which are part of the commonly held lands within the development.

#### **SECTION 11.04 APPLICATION PROCEDURES:**

Applications are to be filed with the Huron Township Board with the understanding that the applicant shall be responsible for engineering, legal, professional, and special meeting fees incurred by the Township.

- A) Applicant: An application for approval of a Planned Unit Development shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.
- B) Preapplication Conference: An applicant shall meet with the Township supervisor prior to the submission of a formal application. The purpose of the conference is to review procedures necessary for the submission of an application. Special problems concerning utilities, street access, site design, and zoning will be identified to enable the developer to better plan for the project. Time requirements for plan approval shall be reviewed.

- C) Preliminary Plan Application: Before submitting a final plan, an applicant shall submit a preliminary plan of the Planned Unit Development, in accordance with requirements set forth in this Section. This plan shall show the name, location and principal design elements so as to enable the Township staff to make a determination as to whether the Planned Unit Development is in conformance with the requirements of the Zoning Ordinance. The approval of a preliminary plan shall confer on the applicant the conditional right that the general terms and conditions under which the preliminary plan approval was granted will not be changed.
- D) Final Plan Application: Upon approval of a preliminary plan application, a developer shall prepare and submit a final plan application in accordance with the requirements set forth in this Section. A final plan submitted in accordance with an approved preliminary plan shall warrant approval by the Township Planning Commission and Township Board. Upon approval of a final plan application by the Township Board, the developer may obtain necessary building permits for the construction of the Planned Unit Development.
- E) Submission Requirements - Preliminary Plan Application.
  - 1. Applicant's name, address, phone number, proof of property interest, and the name, address, and phone number of the architect, engineer, or designer preparing the application. (2 copies)
  - 2. A written legal description of the total site area proposed for the development. (2 copies)
  - 3. A site plan and supporting maps and drawing(s) containing the following information at a scale of not more than 1" = 100' and sufficiently dimensioned so as to identify the size and location of the various elements of the plan. (2 copies)
    - a) Location map;
    - b) Site topography, existing and proposed, interval no greater than two (2) feet;
    - c) The location of all existing and proposed buildings and structures;
    - d) Public and private roadways within and adjacent to the site;
    - e) Walkways within and adjacent to the site;
    - f) Park areas, driveways, and loading and service areas;
    - g) Open areas, and a description as to use;
    - h) A written tabulation of statistical data concerning the site, including the number of dwellings units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces provided;
    - i) A general landscape plan of landscaping within the site. Specific details of plant size shall be shown for any landscaping provided to comply with any required screening within the project;
    - j) The location and screening of any outside trash containers;
    - k) The location and size of all existing utilities and drainage facilities;
    - l) The general location and size of all proposed utilities and drainage facilities;
    - m) The dimensions of all parcels to be created as a part of the development;

F) Submission Requirements - Final Plan Application.

- 1) Applicant's name, address, phone number, proof of property interest, and the name, address and phone number of the architect, engineer, or designer preparing the application. (2 copies)
- 2) A written legal description of the total site area proposed for development. (2 copies)
- 3) A letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of development. (2 copies)
- 4) A site plan and supporting maps and drawings containing the following information at the scale of not more than 1' = 100', and dimensioned so as to identify the size and location of the various elements of the plan (12 copies).
  - a) A location map;
  - b) Site topography, existing and proposed, interval no greater than two (2) feet;
  - c) The location of all existing and proposed buildings and structures;
  - d) Public and private roadways within and adjacent to the site;
  - e) Walkways within and adjacent to the site;
  - f) Park areas, driveways, and loading and service areas;
  - g) Open areas, and description as to use;
  - h) A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces provided.
  - i) A general landscape plan of landscaping within the site. Specific details of plant size shall be shown for any landscaping provided to comply with any required screening within the project;
  - j) The location and screening of any outside trash containers;
  - k) The dimensions of all parcels to be created as a part of the development.
- 5) The Organizational structure of the homeowner's association to be formed for the operation and maintenance of all common open space and common property and facilities within the development.
- 6) A copy of all covenants pertaining to the development. (2 copies).
- 7) Plans and specifications for all sanitary sewers/septic systems, storm drainage, water and roadways within the project. Said plans and specifications shall be prepared by a professional engineer in accordance with the standards of the Department of Public Health of the State of Michigan, as they pertain to public utilities.

**SECTION 11.05 PRELIMINARY PLAN - PLANNING COMMISSION REVIEW AND APPROVAL:**

- A) Public Hearing and Notice. The Planning Commission shall conduct a public hearing on the proposed Planned Unit Development. Notice of said public hearing shall be published in the local newspaper not less than five (5) but not more than fifteen (15) days prior to the date of the public hearing. All property owners of lands within 300 feet of the property in question shall be notified by first class mail.
- B) Planning Commission Action: After a study of the application for a Planned Unit Development, and within sixty (60) days of receipt of said application, the Planning Commission shall recommend to the Township Board the approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action and any modifications and conditions of approval or denial. The decisions of the Planning Commission shall be based on: (1) the standards incorporated in Section 11.03 of this Article and any other applicable standards set forth in ordinances and regulations of the Township; (2) a determination that the development is not detrimental to the health, safety, and welfare of the community; (3) a determination that the development shall not be detrimental or injurious to the character of the neighborhood in which located and that the development is compatible with said neighborhood.

**SECTION 11.06 TOWNSHIP BOARD REVIEW AND APPROVAL - PRELIMINARY PLAN:**

- A) Public Hearing and Notice: Upon receipt of a recommendation from the Planning Commission, The Township Board shall conduct a public hearing on the proposed Planned Unit Development. Notice of said public hearing shall be published in the local newspaper not less than five (5) but not more than fifteen (15) days prior to the date of the public hearing. All property owners of lands within 300 feet of the property in question shall be notified by first class mail.
- B) Township Board Action: Within 45 days after receipt of a recommendation from the Planning Commission, the Township Board shall conduct a public hearing and shall approve, approve with modification, or disapprove the proposed Planned Unit Development. The basis for Township Board action and any modifications or conditions of the approval of the Planned Unit Development shall be set forth in writing as part of the official Board action.  
This review and approval by the Township Board shall be based on: (1) the standards incorporated in Section 11.03 of this Article and any other applicable standards set forth in ordinances and regulations of the Township; (2) a determination that the development is not detrimental to the health, safety, and welfare of the community; (3) a determination that the development shall not be detrimental or injurious to the character of the neighborhood in which it is located and that the development is compatible with said neighborhood.
- C) Developer Action: After receiving Township Board approval of the preliminary plan, the developer may proceed with the installation of any public works improvements, as defined



in this Ordinance, required to serve the development. Said improvements shall be in accordance with the approved preliminary plan, and plans and specifications shall have been approved by the Township. The developer shall have paid to the Township the required amount for said engineering inspections prior to the Township's performance of inspection services. In no event will the developer be permitted to proceed with any further or additional construction or development until receiving final plan approval.

**SECTION 11.07 FINAL PLAN - REVIEW AND APPROVAL:**

- A) A developer may submit to the Township Board for final plan approval, all or part of the plan, for which preliminary approval has been received. Any final plan for a part of the larger development shall be such that its proportional share of the common space shall be included in and contiguous to the area to be developed, and said partial development shall be capable of standing on its own with respect to necessary improvements, circulation, facilities and open space.
- B) Planning Commission Action: After a study of the proposed final plan for a Planned Unit Development or part thereof, the Planning Commission shall, within thirty (30) days of the receipt of said plan, recommend to the Township Board approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action. The Planning Commission shall recommend approval of a final plan unless it is determined that said final plan is not in accordance with the approved preliminary plan, or unless said final plan, when a part of a total proposed plan, does not represent a proportion of all critical elements of said plan.
- C) Township Board Action: Within thirty (30) days of the receipt of a recommendation from the Planning Commission, and after the execution of the agreement by the developer, as required in Subsection 4 (below) of this Section, the Township Board shall approve, approve with modification, or disapprove the final plan. A final plan shall be approved unless it is determined that it is not in conformance with the approved preliminary plan or that said final plan, when a part of the total proposed plan, does not represent a proportional part of all the critical elements of said plan. The Township Board shall set forth in writing the basis for its decision and any conditions relating to an affirmative decision.
- D) Agreement Required: Prior to final plan approval by the Township Board, the developer shall have executed, and submitted in duplicate to the Township Board, an agreement with the Township setting forth: (1) the specific location and use of all common lands and common facilities within the development; (2) the organizational structure of the homeowner's association and the provisions for implementation of transfer of control to said association from the developer; (3) the methods for levying assessments on the common lands and facilities, both with respect to taxes and operation and maintenance fee; (4) provisions enabling the Township to enter into and maintain such common lands and facilities which the developer or homeowner's association has failed to do so, along with procedures for assessing such costs back to the development; (5) provisions whereby the Building Inspector shall not issue a Certificate of Occupancy until all the

required improvements as set forth in the site plan have been completed, or a financial guarantee sufficient to cover the cost of any improvements not completed, has been provided to the Township as prescribed in Section 11.08 below; (6) Provisions to allow the Township to enter and complete such improvements if the developer has failed to do so within the state period of time.

This agreement shall be approved as to form and content by the Township attorney.

- E) A copy of the approved final plan shall be transmitted to the Building Inspector of the County.

**SECTION 11.08 APPROVAL PERIOD:**

- A) Preliminary Plan: The length of approval of the preliminary plan for a Planned Unit Development shall be 18 months from the date of Township Board action. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Township Board twice, each for a period of one year.
- B) Final Plan: The length of approval of a final plan for a Planned Unit Development shall be two (2) years from the date of Township Board action. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Board twice, each for a period of one year. Where a Planned Unit Development is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two years from the date of issuance of a building permit.

**SECTION 11.09 PERFORMANCE GUARANTEE:**

- A) Condition for Issuance of Temporary Certificate of Occupancy: If, when a certificate of occupancy is requested, all required site improvements have not been completed, the Building Inspector may issue a temporary certificate of occupancy upon receipt from the developer by the Township Clerk of a financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount sufficient to cover the cost of outstanding improvements.
- B) Covered Improvements: The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with provisions of the Zoning Ordinance and any conditions attached to the Planned Unit Development approval, and said improvements shall include, but not be limited to: roadways, lighting, utilities, sidewalks, screening and drainage.
- C) Exemptions: This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of 1967, as amended, being Sections 560.101 to 560.293 of M.C.L.
- D) Completion Time: All required improvements covered by the performance guarantee shall be completed within 240 days of the issuance of the temporary certificate of occupancy. In the event all required improvements are not completed within the time

period provided, the Township, by resolution of the Township Board, may proceed to have such work completed and reimburse itself for the cost thereof from the security furnished by the proprietor.

- E) Release of Performance Guarantee: Upon the written request of the developer for the release of all or a portion of the financial security provided for the completion of the improvements, and upon certification by the Building Inspector that the proportion of the financial security requested to be released is equal to or less than the proportion of the improvements installed at the date of such request, the Chairman of the Township Board may authorize the release of such financial security of the developer or to such other source as shall be directed by the developer. Any written request from the developer seeking a release of a portion of the financial security shall be accompanied by the written certification from the developer's engineer or architect certifying what part of the improvements have, in fact, been completed.

**SECTION 11.10 AMENDMENTS TO PLANS:**

Minor changes in the location, siting, or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances unforeseen at the time the final development program was approved. No change authorized under this section may increase by more than ten (10) percent, or decrease by more than twenty (20) percent, the size of any building or structure, not change the location any building or structure by more than ten (10) feet in any direction; provided, notwithstanding, anything in the foregoing, the Zoning Administrator may not permit changes beyond the minimum or maximum requirements set forth in this Ordinance.

All other changes in the Planned Unit Development, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of the Planned Unit Development.

**SECTION 11.11 SUBDIVISION REQUIREMENTS:**

Any Planned Unit Development which will result in the creation of parcels of land under separate ownership, as defined in Act 288 of 1967, as amended, the Subdivision Control Act, or Act 59 of 1978, as amended, the Condominium Act, shall comply with the provisions of those Acts.

## **ARTICLE XII – REGULATION OF CONDOMINIUM DEVELOPMENTS**

### **SECTION 12.01 INTENT:**

The intent of this chapter is to provide regulations and standards governing the development of condominiums within the Township of Huron. These provisions apply to residential, commercial and industrial uses on individual building sites and planned unit developments.

### **SECTION 12.02 INITIAL INFORMATION:**

Notice is required to be given to the Township of Huron and the County of Huron [pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act)], a person, firm or corporation intending to develop a condominium project shall provide the following information:

- A) The name, address and telephone number of: (1) All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee); (2) All engineers, attorneys, architects, planners or registered land surveyors associated with the project; and, (3) The developer or proprietor of the condominium development.
- B) The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
- C) The acreage content of the land on which the condominium development will be developed.
- D) The purpose of the development (for example, residential, commercial, etc.).
- E) Approximate number of condominium units to be developed on the subject parcel.
- F) Whether or not a community water system is contemplated.
- G) Whether or not a community septic system is contemplated.

### **SECTION 12.03 INFORMATION TO BE KEPT CURRENT:**

The information shall be furnished to the Township and the County of Huron, Building & Zoning Departments and shall be kept updated until such time as a Certificate of Occupancy has been issued.

### **SECTION 12.04 SITE PLANS FOR NEW PROJECTS:**

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Section 14.28 of this Ordinance. In addition, appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy shall be submitted to the County.

**SECTION 12.05 SITE PLANS FOR EXPANDABLE OR CONVERTIBLE PROJECTS:**

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 14.28 of this Ordinance.

**SECTION 12.06 MASTER DEED, RESTRICTIVE COVENANTS & “AS-BUILT” SURVEY TO BE FURNISHED:**

The condominium development developer or proprietor shall furnish the following: One (1) copy of the recorded Master Deed; one (1) copy of all restrictive covenants, and two (2) copies of an “as-built survey”. The “as-built survey” shall be reviewed for compliance with the Township’s Zoning Ordinance. Fees for this review shall be established by resolution of the Township Board.

**SECTION 12.07 MONUMENTS REQUIRED:**

**SITE CONDOMINIUM PROJECTS:**

All condominium developments which consist in whole or in part of condominium units which are residential, or commercial building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

- A) All monuments used shall be made of solid iron or steel bars at least one-half inch (1/2”) in diameter and thirty-six inches (36”) long and completely encased in concrete at least four inches (4”) in diameter.
- B) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- C) If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- D) If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch (1/2”) in diameter shall be drilled and grouted into solid rock to a depth of a least eight inches (8”).
- E) All required monuments shall be placed flush with the ground where practicable.
- F) All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches (18”) long and one-half inch (1/2”) in diameter, or other approved markers.

- G) The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to the Township of Huron, whichever the proprietor selects in an amount to be established by the Township Board, by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

**ALL CONDOMINIUM PROJECTS:**

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 7 (A) above.

**SECTION 12.08 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS:**

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

**SECTION 12.09 OCCUPANCY:**

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

**SECTION 12.10 SITE CONDOMINIUMS:**

A) REVIEW PROCEDURES:

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Township Board following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board, the Planning Commission shall consult with all applicable offices or agencies (zoning administrator, township attorney, road commission, etc.) regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and the Huron Township Zoning Ordinance. The review process shall consist of two steps:

- 1) **PRELIMINARY PLAN REVIEW:** In the preliminary plan review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Zoning Ordinance and Masterplan. Plans submitted for preliminary review shall include information specified in items 1 - 4 of the Submission Requirements as set forth below.

- 2) **FINAL PLAN REVIEW:** Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final review by the Planning Commission. Final plans shall include information as required by items 1 - 8 of the Submission Requirements as set forth below. Such plans shall be reviewed by the Township Zoning Administrator, Township Attorney, etc. Further, such plans shall be submitted for review and comments to all applicable local, township, and state agencies as may be appropriate, and as determined by the Planning Commission.

The Township Board may grant approval of the final plans after receiving the recommendation of the Planning Commission, and following expiration of the time allotted to other parties to review and comments on said plans.

- B) **EXHIBITS REQUIRED:** In addition to the requirements of Section 66 of the Condominium Act and the requirements for site plans contained in Section 14.28 of this Zoning Ordinance, all plans for site condominium projects presented for approval shall contain the following information:
  - 1) Survey of the condominium subdivision site.
  - 2) A survey or drawing delineating all natural features on the site including, but not limited to: ponds, streams, lakes, drains, floodplains, wetlands, and woodland area.
  - 3) The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
  - 4) A generalized plan for the provision of utilities and drainage systems.
  - 5) A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
  - 6) A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to utility companies or the township for repair and maintenance of all utilities.
  - 7) A street construction and maintenance plan for all streets within the proposed condominium subdivision.
  - 8) A storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities.
- C) A site condominium development, whether intended for residential, commercial, or industrial use shall be subject to all of the requirements and standards of the applicable Zoning District in which the development is located.
- D) The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this ordinance. All newly created streets, regardless of whether they are to be in public or private ownership, shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in the Plat Development and Street Construction Manual, as amended, issued by the Huron County Road Commission.

(1) LOCATION ARRANGEMENT AND DESIGN OF STREETS:

- a) The street layout shall provide for continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
- b) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- c) Should a proposed condominium development border on or contain an existing or proposed major thorough fare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- d) Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
- e) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the condominium subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be developed, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
- f) Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.

(2) RIGHT-OF-WAY AND PAVEMENT WIDTHS:

Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

a) STREET TYPE	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH
All types of streets	66 feet	24 feet*
Cul-de-sac	75 ft. Radius	45 ft. Radius



Width of actual street surface may be reduced depending upon usage & character of development after review and approval by the Planning Commission.

- b) On-street parking shall be prohibited unless the street has been designed to accommodate parking in a manner approved by the Planning Commission.
- c) Minimum length for cul-de-sac streets shall be 140 ft. Maximum length for cul-de-sac streets shall be 1,000 ft.
- d) Access to streets across all ditches shall be provided by the proprietor with the Huron County Road Commission's specifications and procedures for driveway installation.
- e) The Township may require that all or a portion of the streets be dedicated as public streets. All streets which are not dedicated to the public shall be properly maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to insure that streets will be properly maintained.

(3) EASEMENTS:

- a) Location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve feet (12') wide and six feet (6') from each proposed condominium unit site.
- b) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies.
- c) Easements six feet (6') in width, three feet (3') from condominium unit site shall be provided where needed along side condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company).

(4) CONDOMINIUM UNITS:

Condominium units within site condominium developments shall conform to the following standards:

- a) The lot size, width, depth and shape in any site condominium shall be appropriate for the location and type of development contemplated.
- b) Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the District in which the site condominium is proposed.

- c) Condominium units situated on corners in residential condominium subdivisions shall be at least ten feet (10') wider than the minimum width permitted by the Zoning Ordinance. In instances where the minimum required lot width is greater than 100 feet, this requirement shall not apply.
  - d) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
  - e) Condominium units intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setback, and other requirements in accordance with the Zoning Ordinance.
  - f) Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed in the Zoning Ordinance for "lots".
  - g) Side condominium unit lines shall be at right angles or radial to the street lines.
  - h) Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.
  - i) Condominium units shall have a front-to-front relationship across all streets where possible.
  - j) Where condominium units border upon bodies of water, the front yard may be designated as the water front side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the water front side.
- (5) **BLOCKS:**
- a) Maximum length for blocks shall not exceed one thousand three hundred feet (1,300') in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
  - b) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
- (6) **NATURAL RESOURCES:** The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor, and the provision of adequate barriers, where appropriate, shall be required.

- (7) SIDEWALKS: Sidewalks shall be installed in all single-family detached site condominium developments. Sidewalks shall be a minimum of five (5) feet in width along both sides of collector and minor streets and six feet (6') in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Notwithstanding the above, in instances where the average width of condominium units is greater than or equal to sixty-five feet (65'), sidewalks along internal streets shall not be required.
- (8) "RESERVED" FOR FUTURE USE.
- (9) UTILITIES:
- (10) STORM DRAINAGE: An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the Drain Commission or other appropriate agency, shall be required in all developments. Adequate provision shall be made for proper drainage of storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Planning Commission may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the County when, in the opinion of the Huron County Planning Commission, dedication of the same would be in the best interest of the County.
- (11) SEWAGE DISPOSAL: When a proposed site condominium is located within, adjacent to or reasonably near the service area of an available public sanitary sewer system, sanitary sewers and other appurtenances thereto, as approved by the County, shall be installed in such a manner as to serve all condominium units. Where a public sewer system is not available, on-site sewage disposal systems may be employed providing they are approved by the Huron County Health Department. The County may require that all sanitary sewers be installed within the public rights-of-way or within the general common elements and dedicated to the County, when, in the opinion of the Huron County Planning Commission, dedication of the same would be in the best interest of the County.
- (12) WATER SUPPLY: When a proposed site condominium is located within, adjacent to, or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances thereto, as approved by the Planning Commission, shall be constructed in such a manner as to adequately serve all condominium units shown on the condominium subdivision plan, both for domestic use or business use and fire protection. In the event of the non-availability of a public water supply system, a private water supply system shall be provided by the developer as regulated by the Huron County Health Department. The Huron County Planning Commission may require that all water lines and

appurtenances connecting to the public water supply system be installed within the Public rights-of-way or within the general common elements and dedicated to the County when, in the opinion of the Huron County Planning Commission dedication of the same would be in the best interest of the County.

- (13) **REQUIREMENTS FOR UNDERGROUND WIRING:** The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Zoning Administrator and the approval of the Planning Commission at time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.
- (14) **STREET NAMES AND SIGNS:** For the purpose of insuring proper response by emergency vehicles, road/street name signs and traffic control signs shall be installed within the condominium development in accordance with the standards of the Huron County Road Commission. Street names shall be designated in a manner so as not to duplicate or be confused with pre-existing streets within the Township or postal zone. For private streets (roads) in addition to the above requirements, a sign meeting County Road Commission standards with the words "Not a Public Street" shall be installed and maintained at all points where private streets meet public streets.
- (15) **STREET LIGHTING:** For the purpose of protecting public safety, street lights meeting the standards of the Huron County Road Commission and the public utility providing such lighting shall be installed and maintained within the condominium development at all street intersections. The condominium association shall be responsible for the full cost of operation of street lights.
- (16) **FINAL DOCUMENTS TO BE PROVIDED:** After submittal of the condominium plan and bylaws as part of the Master Deed, the Proprietor shall furnish to the Township and County a copy of the site plan on a mylar sheet of at least thirteen by sixteen inches (13" x 16") with an image not to exceed ten and one-half by fourteen inches (10 1/2" by 14").

## **ARTICLE XIII – FLOOD HAZARD AREAS**

### **SECTION 13.01 INTENT AND PURPOSE:**

- A) It is the intent and purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in the township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program.
- B) Further, the objectives of this Article include:
  - 1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
  - 2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
  - 3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
  - 4. The maintenance of stable development patterns not subject to the influence of flood damage;
  - 5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and,
  - 6. To preserve the ability of floodplains to carry and discharge a base flood.

### **SECTION 13.02 DELINEATION OF THE FLOOD HAZARD AREA OVERLAY ZONE:**

- A) The flood hazard area zone shall overlay existing zoning districts delineated on the official Huron Township Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas of special flood hazards (Zone A) designated by the Federal Insurance Administration in the Flood Hazard Boundary Maps for all townships under Township Zoning jurisdiction. All flood maps and amendments thereto, which are adopted by reference, appended, and are declared to be part of this ordinance. The term flood hazard area as used in this ordinance shall mean the flood hazard area zone.
- B) In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases the more stringent requirement shall be applied.

**SECTION 13.03 DEVELOPMENT:**

Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements of this Ordinance and the following standards:

- A. The requirements of the underlying zoning district and applicable general provisions of this ordinance must be met.
- B. All necessary development permits shall have been issued by all appropriate local, state and federal authorities including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

**SECTION 13.04 RESERVED.**

**SECTION 13.05 RESERVED.**

**SECTION 13.06 DISCLAIMER OF LIABILITY:**

- A) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. More severe floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage.

This ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of Huron Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

## **ARTICLE XIV – GENERAL PROVISIONS**

### **SECTION 14.01 CONFLICTING REGULATIONS:**

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

### **SECTION 14.02 SCOPE:**

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

### **Section 14.03 NONCONFORMING USES, BUILDINGS, STRUCTURES, OR PARCELS:**

(1) DESCRIPTION AND PURPOSE.

Within the districts established by this ordinance or amendments thereto, there exists uses, buildings, structures, parcels and characteristics of uses which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or an amendment thereto. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their expansion or survival beyond their present level of development.

(2) CONTINUANCE OF NONCONFORMING USES, BUILDINGS, STRUCTURES OR PREMISES.

Except where specifically provided to the contrary and subject to the provisions of this section, the lawful use of any building or structure, or of any land or premises, which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance then on the effective date of such amendment, may be continued, although such use does not conform with the provisions of this ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this section, a building or structure which is existing and lawful on the effective date of this ordinance, or in the case of an amendment, may be maintained and continued, although such building or structure does not conform with the provisions of this ordinance or any amendment thereto.

(3) EXPANSIONS.

Structures or buildings nonconforming by reason of height, area, setback and/or parking/loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, setback, and or parking/loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.

Any use of a building or structure, which is nonconforming by reason of parking/loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking/loading space, shall not thereafter be permitted to use such additionally acquired parking/loading space to meet requirements for any extension, enlargement or change of use which requires greater areas for parking/loading space.

- A. Unless otherwise provided in this section, no existing building, structure or parcel devoted to a use not permitted by this ordinance, in the district in which it is located, shall be extended, enlarged, altered, remodeled, modernized, or moved, except in changing the use of a building, structure or parcel to a use permitted in the district in which it is located.
- B. Unless otherwise provided in this section, no nonconforming structure may be extended, enlarged, altered, remodeled or modernized in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- C. Should a nonconforming building or structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. A nonconforming use may be extended throughout any part of a building or structure so long as any part of the building or structure was manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance. However, at no time shall such use be extended to occupy any land outside such building.
- E. A structure or building, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district; and, the nonconforming use may not thereafter be resumed.
- F. Where nonconforming use status applies to a building or structure, or land in combination, removal or destruction of a building or structure shall eliminate the nonconforming status of land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50% of the replacement cost at the time of destruction.
- G. A nonconforming use of a building, structure or land may be changed to another nonconforming use of a more restricted nature and classification.
- H. A nonconforming use of any building or structure, or of any land or premises which is nonconforming for reasons other than height, area, setback, and/or parking/loading space provisions, may hereafter be expanded, extended or enlarged provided:
  - 1) All expansions, extensions, or enlargements shall not exceed 50% of the area of the original nonconforming building or use;



- 2) Such expansions, extensions, or enlargements are authorized by the Zoning Board of Appeals.

In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

- i) Whether the extension or enlargement will substantially extend the probable duration of such nonconforming use.
- ii) Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of the ordinance. In considering the request, the Zoning Board of Appeals shall make a determination that the expansion would not be contrary to public health, safety or welfare, or the spirit of the (zoning) ordinance, that the use or structure does not and is not likely to significantly depress the value of nearby properties, that the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of the ordinance with which the use or structure does not conform.

(4) RESTORATION AND REPAIR.

All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God, public enemy, or other cause, it may be rebuilt or restored if the cost thereof does not exceed fifty (50) percent of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God, or public enemy, and the cost of rebuilding or restoration exceeds one-half (1/2) the floor area of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board of Appeals. In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

- A Whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use.
- B Whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district. In considering the request, the Zoning Board of Appeals shall also make a determination that the restoration of the nonconforming use would not be contrary to public health, safety or welfare, or the spirit of the (zoning) ordinance, that the use or structure does not and is not likely to significantly depress the value of nearby properties, that the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of the ordinance with which the use or structure does not conform.

A building or structure on an existing lot of record in the district which is nonconforming by reason of height, lot area, width, yard requirements and/or parking/loading space provisions only, which is damaged by fire, wind, Act of God, or public enemy, may be rebuilt or restored as a matter of right, regardless of the value of the building or structure after rebuilding or restoration is complete.

(5) CHANGE OR DISCONTINUANCE.

The nonconforming use of a building or structure or of any parcel shall not be:

- 1) Reestablished after a discontinuance, vacancy, lack of operation, or otherwise for a period of twelve (12) consecutive months.
- 2) Reestablished after it has been changed to a conforming use.

(6) REPLACEMENT COST.

Replacement cost as used in this section is the cost of restoring the building or structure to its original condition as determined by the Building Inspector.

(7) REMOVAL OF NONCONFORMING STATUS.

A nonconforming building, structure or parcel may be made conforming by appropriate action or modifications which cause the building, structure or parcel to fulfill the requirements of the district in which it is located. In the case of a nonconformity which would be permitted as a special use by the ordinance, the nonconforming status may be removed upon issuance of a special use permit after the appropriate action has been taken in accordance with the provisions of this ordinance.

(8) BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE.

Any building or structure shall be considered existing and lawful, if, on the effective date of this ordinance or amendment thereto, a building permit has been issued, a substantial start has been made toward construction, and construction is thereafter pursued diligently to conclusion.

(9) All repairs and maintenance work to keep a conforming building or structure in sound condition may be made. All changes must conform to the zoning ordinance. All new structures require a new site permit.

**SECTION 14.04 ACCESSORY BUILDINGS:**

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform with, all regulations of this Ordinance applicable to main building (yard setbacks, lot coverage, height, etc.).
2. Accessory buildings shall not be erected in any required yard/setback area.

3. In the R-1 and R-2 Districts, no more than two (2) unattached storage/accessory buildings may be located on any single parcel, subject to setback, lot coverage, and other standards (size/height) of this Ordinance. The following limitations apply to the size/height of accessory buildings:

- a) R-1 & R-2 Districts (subdivision): the size of any accessory building shall not exceed 900 s.f. of ground floor area or exceed the ground floor area of the dwelling, whichever is less, nor have a wall height exceeding 10 ft. above grade or an overall height exceeding 15 feet to the midline of the roof (from original grade). Total ground coverage of all buildings on the parcel shall not exceed 25% of the parcel.
- b) R-1 & R-2 Districts (unplatted, 1 or more acres in size): size of accessory buildings limited to 1200 s.f. ground floor area, 12 feet high walls (from existing grade), and 15 feet to the midline of the roof. Total ground coverage of all buildings on the parcel shall not exceed 25% of the parcel in question.

EXCEPTION: The Zoning Board of Appeals shall have the authority to review and approve an accessory building that is larger than stated above, based on the following:

Approval of an accessory building larger in size/height than noted above (a & b) is based on the existing pattern(s) of development in the immediate area, aesthetics of the area, and location of the proposed building with respect to dwellings and other buildings located on nearby parcels. The size and appearance of the proposed (larger) building shall be such that it conforms to the appearance/style of buildings and type of development in the area. Approval of a larger building may be conditioned upon additional landscaping, modification of certain structural features on the proposed building (style, roof design, etc.), and/or other conditions which keep the building from negatively impacting the area.

On unplatted parcels having a size of 2 acres or more, the Zoning Administrator, after review of the proposed development plans and inspection of the site and neighborhood, shall have authority to waive the size/height requirements contained herein (a & b) above, where it can be demonstrated that the proposed structure is in keeping with land use conditions in the immediate area (size, aesthetics, existing buildings, etc.), provided that said waiver does not result in a storage structure exceeding 2000 s.f. of floor area or a wall height of 14 ft. above grade (20 ft. overall height).

- 4. No accessory building shall be located closer than ten (10) feet to any main building unless it is built in accordance with applicable building code provisions for fire separation. No accessory building shall be located closer than ten (10) feet to any structure on any adjacent lot or parcel. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- 5. When an accessory building is proposed on a corner lot (where the side street line is a front line for residences along said side street), the side street setback (from r.o.w. line) shall not be less than the established setback of buildings on the adjacent lot or 15 feet from said r.o.w. line, whichever is more (25 ft. is the normal front yard setback). If a garage door faces the side street line of a corner lot, a minimum distance of 18 feet shall be provided between the garage and street property line. Where the vehicular entrance

to the structure is provided elsewhere, an accessory building shall not be located nearer than 15 ft. to any street right-of-way line (corner lot scenario; side street line setback).

6. On double frontage parcels, accessory buildings shall be subject to front yard setbacks on both frontages.
7. On water front parcels, an accessory building may be located in front of the principal building (road side) provided said structure is at least twenty-five (25) feet from the right-of-way line and five (5) feet from the side line.
8. In the case of waterfront lots where property is also owned across the road from the waterfront parcel, accessory building(s) may be erected on a parcel across the street (where no principal structure is located), with the approval of the Zoning Board of Appeals, providing the new construction complies with yard/setback, size & height standards for accessory buildings and the garage/storage building use and appearance does not conflict with development located on adjoining property.
9. A private garage in the R-1, and R-2 Districts shall only be used for storage of items and uses incidental to those residential dwellings. Accessory buildings shall not be used for housekeeping purposes or commercial enterprises.
10. In all residential districts, construction of an unattached garage or storage area may precede the construction of the principal dwelling. Accessory buildings shall not be utilized for housekeeping purposes.
11. Recreational units (travel trailers, RV's, truck campers, pop-ups, etc.) are defined as accessory buildings when stored on developed residential parcels. Said units shall not be parked/stored on vacant residentially zoned lots (where there is no residential structure), nor be parked or stored in the front yard of lots except for loading/unloading purposes (limited to 96 hours in the front yard for loading/unloading); any storage in side and rear yards shall be located as though the recreational unit was an accessory building (for setback purposes). Off road vehicles shall display an ORV sticker, where applicable. Recreational units shall not be connected to water or sewer/septic systems or be utilized for housekeeping purposes.
12. Recreational units (travel trailers, RVs, truck campers, pop-ups, etc.) are defined as buildings when stored on undeveloped residential or agricultural parcels. They must meet minimum setback standards required for those districts. These recreational units are allowed on the premises for a period of 120 days during a 365 day period.

**SECTION 14.05 OFF-STREET PARKING REQUIREMENTS:**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

1. Off-street parking spaces may be located within a non-required side or rear yard and within the required rear yard setback unless otherwise prohibited in this Ordinance. Off-street parking shall not be permitted within a required front or side yard setback unless otherwise provided for in this Ordinance.

2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership by the applicant shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and shall be subject to the provisions of Section 14.04 - ACCESSORY BUILDINGS.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the same of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited on any approved parking facility authorized under the provisions of this Ordinance.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
11. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA in ARTICLE II, DEFINITIONS, SEC. 201 shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

**SCHEDULE**

<b>USE</b>	<b>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</b>
<b>a. RESIDENTIAL</b>	
(1) Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
(2) Residential, Multiple Family	Two (2) for each dwelling unit
(3) Housing for elderly	One and one-half for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, two (2) spaces per unit shall be provided.
<b>b. INSTITUTIONAL</b>	
(1) Churches or temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit.
(2) Homes for the aged, convalescent homes	One (1) for each four (4) beds.
(3) Private clubs or Lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, township, or state fire, building or health codes.
(4) Private golf clubs, Swimming pool clubs, Tennis clubs, or similar uses	One (1) for each two (2) members, families or individuals plus spaces required for each accessory use, such as a restaurant or bar.
(5) Golf courses open to the general public. except miniature or or "par 3" courses	Six (6) for each golf hole and one (1) for each employee, plus spaces required for each accessory use, such as a restaurant or bar.
<b>c. COMMERCIAL</b>	
(1) Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair.
(2) Dance halls, pool or billiard parlors, roller or skating rinks exhibition halls without fixed seating	One (1) for each two (2) persons allowed within the maximum occupancy load established by local, township, or state fire, building or health codes.
(3) Establishment for sale and consumption on the premises, of beverages food or refreshments	One (1) for each one hundred (100) sq. ft. of floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, township, or state fire, building or health codes, whichever is the greatest.

**SCHEDULE (continued)**

<b>USE</b>	<b>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</b>
<b>c. COMMERCIAL (continued)</b>	
(4) Furniture and appliance, household equipment, repair shops showrooms of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) s.f. of usable floor area plus one (1) additional space for each two (2) persons employed therein.
(5) Gasoline service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
(6) Laundromats and dry cleaners	One (1) for each two (2) washing and/or dry cleaning coin operated machines.
(7) Miniature or "Par-3" golf courses	Three (3) for each hole plus one (1) for each employee.
(8) Motel, hotel, or other commercial lodging establishments	(1) for each occupancy unit plus one (1) for each employee.
(9) Motor vehicle sales and service establishments	One (1) for each two hundred (200) sq. ft. of usable floor space of sales room and one (1) for each auto service stall in the service room.
(10) Nursery school, day nurseries, or child care centers	One (1) for each three hundred and fifty (350) s.f. of usable floor area.
(11) Retail stores except as otherwise wise specified herein	One (1) for each one hundred and fifty (150) s.f. of usable floor area.
(12) Marinas	One (1) for each berth, not to include area required for winter boat storage.

**SECTION 14.06 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:**

Whenever the off-street parking requirements in Sec. 14.05 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with one (1) set of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Space Plus Maneuvering Lane	Total Width of Two Tiers of Space Plus Maneuvering Lane
0 (parallel parking)	N/A	9 ft.	23 ft.	N/A	N/A
30 to 53	16 ft.	9 ft.	20 ft.	36 ft.	56 ft.
54 to 74	19 ft.	9 ft.	20 ft.	39 ft.	62 ft.
75 to 90	22 ft.	10 ft.	20 ft.	42 ft.	62 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly identified and defined drives shall be provided for all vehicles.  
Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned R-1 One-Family Residential District.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from adjacent property located in any R-1 One-Family Residential District.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area on all sides next to an R-1 or R-2 Residential District.  
When a front yard setback is required, all land between said wall and front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped. The ground area and all landscaping shall be kept neat and orderly in appearance and all living plant materials shall be maintained in a healthy, growing condition.
8. Required off-street parking shall be surfaced with a material that shall provide a durable, smooth and dustless surface; and shall be graded and provided with adequate drainage to dispose of all collected surface water; and, if surfaced with concrete or asphalt, shall conform to the following, with either:



- a. Six (6”) inches of Portland Cement Concrete; or
  - b. Two (2”) inches of asphalt surface laid over a base of crushed stone with a compacted thickness of six (6”) inches.
- 9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
  - 10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
  - 11. The Board of Appeals, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements, where, in unusual circumstances, no good purpose would be served by compliance with requirements of this Section.

**SECTION 14.07 OFF-STREET WAITING AREA: DRIVE-THROUGH FACILITIES:**

- 1. An off-street waiting space is defined as an area ten (10) feet wide by twenty-four (24) feet long and shall not include the use of any parking space, street, alley or sidewalk.
- 2. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided three (3) off-street waiting spaces (stacking lane) for each service window.

**SECTION 14.08 RESERVED FOR FUTURE USE.**

**SECTION 14.09 PLANT/GREENBELT MATERIALS:**

Whenever in this Ordinance a greenbelt of planting is required it shall be planted within six (6) months from the date of issuance of certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable material equal in characteristics to the plant materials listed with the spacing as required shall be provided.

SUGGESTED PLANT MATERIALS

EVERGREEN TREES Minimum five (5) feet in height

Juniper	Hemlock	Fir
Pine	Spruce	Douglas-Fir

NARROW EVERGREENS Minimum three (3) feet in height

Column Hinoki Cypress	Blue Columnar Chinese Juniper
Pyramidal Red-Cedar	Swiss Stone Pine
Irish Yew	Douglas Arbor-Vitae
Columnar Giant Arbor-Vitae	

TREE-LIKE SHRUBS Minimum four (4) feet in height

Flower Crab	Russian Olive	Mountain Ash
Dogwood	Redbud	Rose of Sharon
Hornbeam	Hawthorn	Magnolia

LARGE DECIDUOUS SHRUBS Minimum six (6) feet in height

Honeysuckle	Viburnum	Mock-Orange
Forsythia	Lilac	Ninebark
Cottoneaster	Hazelnut	Euonymus
Privet	Buckthorn	Sumac

LARGE DECIDUOUS TREES Minimum eight (8) feet in height

Oak	Hard Maple	Hackberry
Birch	Planetree (Sycamore)	Beech
Ginkgo	Honeylocust	Sweet-Gum
Hop Hornbeam	Linden	

1. PLANT MATERIAL SPACING:

- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall be not less than five (5) feet in height.
- d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height.
- e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
- f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall be not less than six (6) feet in height.
- g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.

2. TREES NOT PERMITTED:

- |                             |                                 |
|-----------------------------|---------------------------------|
| a. Box Elder                | e. Willows                      |
| b. Soft Maples (Red-Silver) | f. Horse Chestnut (nut bearing) |
| c. Elms                     | g. Tree of Heaven               |
| d. Poplars                  | h. Catalpa                      |

**SECTION 14.10 SIGN REGULATION:**

1. The following conditions shall apply to all signs erected or located in any use district.
  - a. All permanent freestanding signs shall conform to all applicable codes and ordinances of the County and/or Local Community, and, where permitted, shall be approved by the Zoning Administrator, and a permit issued within five (5) days after receipt of such request.
  - b. No sign, except those established and maintained by the City, Township, State or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
  - c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving five (5) acres or more under one (1) ownership, the Board of Appeals may modify the height limitation.
  - d. All directional signs required for the purpose of orientation, when established by the City, Township, State or Federal governments, shall be permitted in all use districts.
  - e. Accessory signs shall be permitted in any use district.
  - f. Nonaccessory signs shall be permitted in all districts except in the R-1 residential district and shall relate to businesses in the Township; except that nonaccessory signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and ordinances of the Township, approved by the Zoning Administrator, and a temporary permit issued.
  - g. Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
  - h. Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.
  - i. Political Campaign signs announcing candidates seeking public office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise, are permitted in any use district. These signs shall be confined within private property and removed within fourteen (14) days after the election for which they were made.
2. In addition to 1. above, the following limitations shall apply to signs in the various use districts as follows:

## USE DISTRICTS - REQUIREMENTS

### **R Districts (R and AGR)**

For each dwelling unit, one (1) nameplate not exceeding two(2) square feet in area.

For structures other than dwelling units, one (1) identification sign not exceeding thirty-two (32) square feet in area

Freestanding signs shall not exceed six (6) feet in height.

### **AGR Districts**

Directional/non-advertising signs not to exceed 32 sq. ft. in area and located outside of a sight zone. Freestanding signs shall not exceed six (6) ft. in height (from average grade).

### **COM District**

No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.

Freestanding accessory signs shall not exceed fifty (50) square feet in area and shall not exceed thirty-five (35) feet in height or the height of the building.

Freestanding nonaccessory signs shall not exceed two hundred (200) square feet in area and shall not exceed forty (40) feet in height or the height of the building.

Freestanding nonaccessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent R-1 Residential District.

## **SECTION 14.11 EXTERIOR LIGHTING:**

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawn or parking lots.
3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

**SECTION 14.12 RESIDENTIAL ENTRANCEWAY:**

In all Residential Districts, so called entranceway structures including, but not limited to: walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Sec. 14.13 CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes of the Township and shall be approved by the Zoning Administrator and a permit issued.

**SECTION 14.13 CORNER CLEARANCE:**

No vision obscuring fence, wall, shrubbery, or sign above a height of two (2) feet from the established road grades shall be permitted within the triangular area formed at the intersection of any road right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

**SECTION 14.14 PROTECTIVE SCREENING – WALLS & FENCES:**

1. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to residential ZONED property, a wall as follows:

USE	REQUIREMENTS
(a) Off-street parking area	6’ high wall/fence
(b) COM District	6’ high wall/fence
(c) Drive in restaurant	6’ high wall/fence
(d) Utility buildings, stations and/or sub- stations	6’ high wall/fence
(e) Marinas	6’ high wall/fence

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting R-1 or R-2 Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if, in specific cases, it would not service the purposes of screening the intended area effectively. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be of major consideration of the Planning Commission in reviewing such request.
3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rust proof and easily maintained.

Obscuring walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so constructed, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas and any abutting Single Family Residential District shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.
5. The Planning Commission may waive or modify the foregoing requirements when cause can be shown that no good purpose would be served by them, provided that in no instance shall a required wall be permitted to be less than four (4) feet in height except where Sec. 14.13 applies.

In consideration of request to waive wall requirements between nonresidential and residential district, the Planning Commission shall determine whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Commission may temporarily waive wall requirements for an initial period not to exceed twelve (12) months.

Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver.

**SECTION 14.15 FENCES (RESIDENTIAL R-1 and R-2):**

GENERAL PROVISIONS:

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback whichever is greater.

No wall or hedge planting shall exceed a height of three (3) feet within any residential R-1 front yard. Clear vision fences are permitted in front yards but shall not exceed four (4) feet in height. On a corner lot or parcel, no fence, wall or planting shall be allowed except as may be permitted by the Zoning Administrator who shall be reasonably assured that such fence, wall or planting will not interfere with traffic visibility across a corner.

2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.

3. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
5. A permit shall be secured prior to erection, construction, replacement or substantially repairing of any fence, other than on property used for agricultural purposes.
6. It shall be the obligation and sole responsibility of persons obtaining fence permits under this Ordinance and erecting fences to determine the location of property or lot lines. The Township shall not determine property or lot lines, and the issuance of a permit to erect a fence shall in no way be construed as a determination of the correct, valid, or legal location for the fence, or prejudice in any way the rights of adjacent or abutting property owners.
7. Sight Zones: Within the limits of sight zones, fences (and hedges) shall not exceed two (2) feet in height above grade, except that such restriction shall not apply to clear vision fences. Such sight zones shall be determined as follows:
  - a. Street/Road Corners: The triangle formed by legs measured twenty-five (25) feet on each side of a street/road corner, measured at the intersection of the right-of-way lines.
  - b. The right triangles formed on each side of driveways, measured ten (10) feet along the property line or right-of-way line for one leg, and the outside edge(s) of the driveway for the other leg.

#### **SECTION 14.16 SWIMMING POOLS:**

1. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
  - a. Private pools shall not require Planning Commission review and approval.
  - b. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
  - c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
  - d. No swimming pool shall be located less than fifty (50) feet from any front lot line.
  - e. For the protection of the general public, all swimming pools shall be completely enclosed by a child-proof barrier not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the

gate not readily available for children to open; said installation shall also be in accordance to other codes in effect. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

- f. The pool shall be in compliance with any other regulation of the community where said pool is located.

**SECTION 14.17 LAND DIVISION ACCESS REQUIREMENTS:**

All divisions/splits of land shall comply with provisions of P.A. 591 of 1996 and P.A. 87 of 1997, being the Land Division Act, State of Michigan. Where land does not abut an existing public or private road or private easement, and a new access route is proposed, standards for the new access route(s) are noted below:

- A) The legal description of the access route shall be recorded with the description of the new parcel(s); and,
- B) Where three (3) or more parcels (new divisions) are established having a new common entry drive, such entry drive, access easement, and/or roadway shall have a minimum right-of way width of sixty-six feet (66’); and,
- C) Where establishment of new parcels (divisions) is limited to two (2) with a common entry drive, such entry drive, access easement, and/or roadway shall have a minimum right-of-way width of forty feet (40’); and,
- D) Access roads, as described in paragraph B & C above, shall be constructed to meet the standards of the Huron County Road Commission for public roads, including but not limited to: minimum road bed design, driving surface material, slope, shoulder width, drainage, adequate visibility, location of ingress/egress onto an existing road, and cul-de-sac radii. Signage for new access routes shall be installed, meeting standards for size and location of the Huron County Road Commission for public roads; and,
- E) Where new access roads cross a watercourse, drainage way, channel, or stream, bridge(s) or other structures providing access over such watercourse(s) shall be designed and constructed so as to permit use and provide access to emergency vehicles, i.e., fire trucks, ambulances, tow trucks, road maintenance equipment, etc.

**SECTION 14.18 ONE DWELLING PER LOT:**

In the R-1, R-2, and AGR Districts, except as otherwise provided for through Planned Unit Developments and Section 14.19 below, no more than one (1) residential structure shall be placed on a building lot or parcel.

**SECTION 14.19 FARMSTEAD DWELLINGS:**

A second single-family dwelling on a farmstead is permitted when said dwelling is used for the purpose of providing housing for family members or employees of said agricultural enterprise, provided the second dwelling is in compliance with all other provisions of this Ordinance. A



separate tax parcel is not required; however, the second dwelling must be located so as to be in compliance with setback and lot size provisions when the dwelling unit is sold and/or altered in use to be of a non-farm dwelling purpose.

**SECTION 14.20 ACCESS TO MAJOR THOROUGHFARE OR COLLECTOR STREET:**

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare. Provided, however, that access driveways may be permitted to other than a major thoroughfare, where such access be provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare is zoned for multiple-family use or any nonresidential uses; is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall apply only if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

**SECTION 14.21 HIGH RISK EROSION AND ENVIRONMENTAL AREAS:**

Any use, development, or addition in any area of the Township regulated by the Shorelands Protection and Management Act of 1970, as amended (being 245 P.A. of 1970, as amended) shall require Site Plan Review and Special Approval Use Review by the Planning Commission. The Planning Commission shall be provided with all data required by any other agency under the Act in addition to that required under this ordinance.

**SECTION 14.22 MINIMUM GRADES:**

The grade line at a house within fifty (50) feet of the roadway shall not be less than one fourth (1/4) of an inch per foot above the established grade as determined by the Huron County Road Commission. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such runoff thereon.

**SECTION 14.23 PONDS:**

Ponds must be constructed in such a manner that they have a 4 ft. horizontal to 1 ft. vertical slope, to a depth of 4 feet around the perimeter of the pond.

1. For ponds not meeting the above requirement, and for the protection of the general public, all ponds shall be completely enclosed by a child-proof barrier not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open; said installation shall also be in accordance to other codes in effect. Gates shall be capable of being securely locked when the pond is not in use for extended periods. A site permit is required.

**SECTION 14.24 RESERVED FOR FUTURE USE.**

**SECTION 14.25 KEEPING OF PETS AND LIVESTOCK IN R-1 AND R-2 DISTRICTS:**

A special permit will be required to keep any animals other than the following: Two or fewer dogs over 4 months of age, two or fewer cats over 4 months of age, horses: (a) a minimum of 5 acres will be required for up to two horses. (b) up to six horses will be allowed on ten acres or more.

**SECTION 14.26 RESERVED FOR FUTURE USE.**

**SECTION 14.27 OUTDOOR STORAGE AND WASTE DISPOSAL:**

All uses established or placed in operation in any Zoning District after the effective date of the Zoning Ordinance shall comply with the following limitations:

- (1) All outdoor storage facilities which exceed two hundred (200) square feet shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- (2) No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.
- (3) All materials or wastes shall not be allowed to accumulate on the premises in such a manner as to extend above the height of the enclosing wall or fence, be unsightly, constitute a fire hazard, or contribute to unsanitary or hazardous conditions.

**SECTION 14.28 SITE PLAN REVIEW (ALL DISTRICTS):**

The purpose of site plan review is to determine compliance with provisions set forth herein and to promote the orderly development of the Township, the stability of land values and investments and general welfare and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance. The following provisions in this section shall apply to all site plan review procedures unless otherwise provided in this Ordinance. The procedures of this section shall be minimum requirements, and additional procedures may be required by this Ordinance or by the Township Planning Commission.

1. A site plan shall be submitted to the Planning Commission or the Zoning Administrator for approval of the following:
  - a. Any use or development for which the submission of a site plan is specifically required by any provision of this Ordinance.
  - b. Any use, development, or addition except single-family and two-family residential, for which off-street parking areas are required.
  - c. Any use in a COM District, except single-family and two-family residential uses, lying contiguous to, or across a street from, a single-family residential (R-1, R-2) district.
  - d. Any use except single or two-family residential and normal farming operations which lie contiguous to a major thoroughfare.
  - e. All non-residential uses permitted in the single-family, (R-1, R-2) districts such as, but not limited to: churches, schools, and public facilities.
  - f. Any use which requires Authorization by Special Approval.

2. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this ordinance. No site plan shall be considered until same has been reviewed by the Zoning Administrator.
3. The following information shall be included on the site plan:
  - a. A scale of not less than 1"=50' if the subject property is less than three (3) acres and 1"=100' if three (3) acres or more.
  - b. Date, north arrow, and scale.
  - c. The dimensions of all lot and property lines, showing the relationship of the subject property abutting properties.
  - d. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
  - e. The location of all existing and proposed drives and parking areas.
  - f. The location and right-of-way widths of all abutting streets and alleys.
  - g. The names and addresses of the architect, planner, designer, engineer, or person responsible for preparation of the site plan.
  - h. Summary schedules and views should be affixed as applicable for residential developments involving more than 1 building or providing more than 2 living units, which gives the following data:
    - i). The number of dwelling units proposed (by type), including typical floor plans for each type of dwelling unit.
    - ii). The number and location (by code if necessary) of one bedroom units, two bedroom units, etc.
    - iii). The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub-areas or staging areas (excluding all existing rights-of-way), and also indicate total square footage of rights-of-way for each sub-area or staging area.
4. Typical elevation views of the front and side of each type of building.
5. Groundwater Protection Standards:
  - a. The project and related improvements shall be designed to protect the natural environment including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.
6. In the process of reviewing the site plan, the Planning Commission shall consider the following minimum criteria, among other things:
  - a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
  - b. The traffic circulation features within the site and location of automobile parking area with respect to any matters as will assure:

- 1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
    - 2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - c. Whether the sewage disposal facilities and water supply will be safe and adequate.
  - d. Whether the location, use, and the nature of the operation will be in conflict with the primary permitted uses of the District or neighborhood.
  - e. Whether the use will be more objectionable to adjacent and nearby properties than the operation of the primary uses of the District; by reason of traffic, noise, vibration, dust, fumes, odor, fire hazard, glare, flashing lights, or disposal of waste or sewage.
  - f. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.
  - g. Whether the use will encourage utilization of land in accordance with its character and adaptability.
  - h. Whether the use will promote the public health, safety, morals, and general welfare of the community.
7. Two copies of the site plan, including all required additional or related information, shall be presented to the Zoning Administrator, or his designee, by the petitioner or property owner or his designated agent. The Zoning Administrator, or designate, shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Notice of said meeting shall be in conformance with the provisions of P.A. 110 of 2006, as amended, governing site plan review and such other notice as may be prescribed by the Planning Commission. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the Site Plan in accordance with this Section. Conditions imposed shall be based in part on one or more of the following purposes.
- a. To insure that public service can accommodate increased loads caused by the proposed use.
  - b. To insure protection of the natural environment and/or the conservation of resources and energy.
  - c. To insure compatibility between the proposed use and adjacent land uses.
  - d. To promote the beneficial uses of all lands within Huron Township.
- Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission Meeting. The Planning Commission may, as it deems necessary to promote the purpose of this Ordinance, require landscaping, screening walls or fences, drives, lighting, sidewalks, drainage, and other improvements. As used in this section, "improvements" means those features and actions associated with a project which

are considered necessary by the Planning Commission when granting Site Plan approval, to protect natural resources, or the health, safety, and welfare of the residents of and future users or inhabitants of the proposed project or project area.

When approved, at least two copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission. One of these two approved copies shall be kept on file by the Township Zoning Administrator, and the other approved copy shall be returned to the petitioner or his designated representative.

Any changes deemed necessary, after final approval, requires mutual consent of both the Planning Commission and the petitioner.

8. To insure compliance with the provisions of this section and any conditions imposed hereunder, a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought may be required by the Township Board to be deposited with the Clerk of the Township to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Deposit of the performance guarantee is not required prior to the issuance of said permit. The Township may return any unused portion of the cash deposit to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses.
9. Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township shall return any unused portion of the fee to the applicant.
10. When the construction of a building or creation of a use is found to be in nonconformance with the approved Site Plan, the Planning Commission may fully and finally revoke, by official action its original approval by giving the owner evidence in writing of such action, which becomes effective ten days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten day period, at which time he shall so notify the Planning Commission, who may then, by official action, defer revocation.

## **ARTICLE XV – SPECIAL APPROVAL USE PERMITS**

### **SECTION 15.01 SPECIAL APPROVAL USE PERMITS - APPROVAL PROCEDURES:**

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 review certain uses designated as “Uses Permitted on Special Approval” within the various zoning classifications as set forth in the Ordinance.

Such uses have been selected because of unique characteristics which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause them to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

The burden of proof of facts which might establish a right to a Special Use Approval under the foregoing conditions shall be upon the applicant.

All applications for Uses Permitted on Special Approval shall be accompanied by a site plan and shall be processed in accordance with, and subject to all the provisions of Site Plan Review. The Planning Commission shall have the responsibility to review and approve Special Approval Use Permits. It shall be the Planning Commission’s responsibility to insure that specific conditions associated with each use are complied with.

Action of the Township Planning Commission on any such matter shall be taken only after an application in writing shall be filed with the Zoning Administrator and shall be governed by the required procedure for an application pursuant to P.A. 110 of 2006, as amended, including holding a hearing. Developers of projects, which require a Special Approval Use Permit and zoning variances, shall apply for and be issued a Special Approval Use Permit before applying for zoning variances. Developers of projects which require a Special Approval Use Permit must begin work on the project within one (1) year of issuance of the permit unless otherwise agreed upon by the Planning Commission.

The issuance of any permit shall not be approved unless the Planning Commission shall find, in each case, that:

1. All requirements set forth in this Ordinance will be complied with;
2. The use and any proposed structures to be utilized in connection therewith will not create any threat to the public health, safety and welfare, and will not unduly aggravate any traffic problem in the area;
3. The proposed use will not be injurious to the surrounding neighborhood;
4. The proposed use will not be contrary to the spirit and purpose of this Ordinance. The Planning Commission may require such conditions as it may deem reasonably necessary to promote the spirit and intent of this Ordinance;
5. All proposed structures, equipment or material shall be readily accessible for fire and police protection;

6. The proposed use shall not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district;
7. The proposed use shall provide sufficient space for off-street parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this Ordinance for its particular district or use;
8. Any proposed building shall not be out of harmony with the predominant type of building in the particular district by reason of its size, character, number of employees, location or intended use;
9. If applicable, groundwater protection is incorporated into the design of the site and proposed facility.

**SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:**

Because the uses referred to hereinafter possess unique characteristics making it impractical to include them to a specific use district classification, they may be permitted after consideration by the Planning Commission, pursuant to the provisions of Sections 15.01 of this Ordinance. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential (R-1, R-2,) District unless otherwise specified.

These uses require special consideration since they service large areas and require sizable land areas, creating problems of control with reference to abutting use districts. Those uses which fall specifically within the intent of the section are as follows:

1. **OUTDOOR THEATERS:** Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in AGR District only. Outdoor theaters shall further be subject to the following conditions:
  - a. The proposed internal design shall receive approval from the Zoning Administrator as to adequacy for drainage, lighting and other technical aspects.
  - b. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
  - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
  - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
2. **WIRELESS COMMUNICATION FACILITIES,** including radio/TV towers, utility towers, cellular telephone towers, transmitting or receiving towers, structures and facilities incidental thereto, shall be permitted in the Agricultural (AGR) Districts, provided said use (tower) shall be located on a continuous parcel of not less than one (1) acre having a

road frontage of 150 ft. with a tower setback from all property lines a distance equal to the tower and antenna height, unless engineering plans and specifications document an “engineered” fall distance criteria which is less than the tower/antenna height.

Performance standards:

- 1) The plans of the tower construction shall be certified/sealed by a registered structural engineer. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- 2) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- 3) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet. Accessory structures shall not exceed 600 s.f. of gross building area.
- 4) All towers must meet the standards of the Federal Aviation Administration and the Federal Communication Commission.
- 5) Towers shall be located so that they do not interfere with reception in nearby residential areas.
- 6) The base of the tower and any guy supports shall be fenced with a minimum 6 ft. high fence.
- 7) The tower shall be removed by the property owner or lessee within six (6) months of being abandoned.
- 8) Colocation Review: applicant(s) for zoning approval to construct a new wireless communication facility (tower) shall demonstrate that a feasible colocation on a nearby facility is not available for the coverage area and capacity needs. A map indicating the location of nearby wireless communication facilities (towers) shall be provided, and it shall be the responsibility of the applicant to demonstrate that such facilities do not have the capacity or location for colocation. All applications for new and/or modified wireless communication facilities (towers) shall demonstrate colocation capacity.

3. WATER SUPPLY AND SEWAGE DISPOSAL PLANTS:

All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.

- a. Municipal water supply and sewage disposal plants, to serve the immediate vicinity, shall be permitted in all use districts.
- b. Sewage disposal systems that are designed to disperse waste water from sources outside the Township over large tracts of land shall not be permitted.
- c. All operations shall be completely enclosed by a cyclone type fence, not less than six (6') feet high.



4. SAND, GRAVEL, TOPSOIL, ORE AND MINERALS:

All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.

No fixed machinery shall be erected or maintained within fifty (50') feet to any street right-of-way line or property line in order to insure sub-lateral support to surrounding property.

Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6') feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50') feet to the top or bottom of any slope.

No slope shall exceed an angle with the horizontal of forty-five (45°) degrees.

No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Planning Commission.

The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface by the commercial operation.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the community in general.

Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.

When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable topsoil, of a quality approved by the Planning Commission shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.

Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150') feet apart.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, an individual, or to the community in general. The applicant shall provide evidence that the proposed extractive operation will not in any way contaminate the surface water or the water table of the area. On-site testing by a qualified soil scientist is required.

5. **WIND ENERGY FACILITIES:** The purpose of this Section is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) in Huron Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by Wind Energy Facilities.

a. **DEFINITIONS.** As used in this Section, the following terms shall have the meaning indicated:

TOWNSHIP BOARD shall mean the Huron Township Board.

COMMISSION shall mean the Huron Township Planning Commission.

TOWNSHIP shall mean the Township of Huron.

FAA shall mean the Federal Aviation Administration.

HUB HEIGHT shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.

MET TOWER shall mean a meteorological tower used for the measurement of wind speed.

MICHIGAN TALL STRUCTURE ACT (Act 259 of 1959) shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.

NON-PARTICIPATING PARCEL means a parcel of real property which is not under lease or other property agreement with a Wind Energy Conversion Facility (WECF) owner/operator.

PARTICIPATING PARCEL means a parcel of real property which is under lease or other property agreement with a Wind Energy Conversion Facility (WECF) owner/operator.

WIND ENERGY CONVERSION FACILITY (WECF) or WIND ENERGY FACILITY shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, located on private land which is under lease or other property agreement with a WECF owner/operator, whose main purpose is to supply electricity to off-site customer(s). It includes substations, MET towers, cables and wires and other buildings accessory to such facility.

WIND ENERGY FACILITY SITE PERMIT is a permit issued upon compliance with standards of this Article.

WIND ENERGY FACILITY SITE PLAN REVIEW is the process used to review a proposed Wind Energy Facility.

WIND TURBINE shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Article if it both has a total height greater than 150 feet and nameplate capacity of greater than 100 kilowatts.

b. **REGULATORY FRAMEWORK.**

1) **ZONING.** A Wind Energy Facility may be constructed on land that is located within Huron Township with a special use permit; subject to provisions and standards of Section 15.02 Wind Energy Facility Site Plan Review of this Article.

- 2) PRINCIPAL OR ACCESSORY USE. A Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to Section 15.02 of this Article.
- c. APPLICABILITY.
    - 1) A Wind Energy Conversion Facility (WECF) or Wind Energy Facility (WEF) shall be permitted in Agricultural Districts with a Special Approval Use Permit. Wind Energy Facility Site Plan Review standards shall be used when reviewing an application for a wind energy facility permit.
  - d. WIND ENERGY FACILITIES SITE PLAN REVIEW PROCEDURE. The following process shall be utilized when reviewing an application for a Wind Energy Facility Special Use Permit:
    - 1) Site Plan Review Required. Wind Energy Conversion Facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Permit pursuant to this Article. The Wind Energy Facilities Site Plan must be reviewed and approved by the Huron Township Planning Commission pursuant to standards contained herein. A site plan which does not fully comply with the standards of this Article shall be submitted to the Huron Township Board for further review and possible approval. Modifications of development standards shall be based on a recommendation by the Planning Commission that said modification is in the best interest of the Township and the applicant. Where modification of a standard is requested, the Huron Township Board shall hold a public hearing prior to consideration of a modified site plan. An applicant proposing a Wind Energy Facility must submit the following site plan materials:
      - a) Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
      - b) Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth of underground wiring), access roads (including width), substations and accessory structures;
      - c) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility;
      - d) Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 4 feet.
      - e) Anticipated construction schedule; and
      - f) Description of operations, including anticipated regular and unscheduled maintenance.

- 2) Application Fee. An applicant for a Wind Energy Facility shall remit an application fee to the Township in the amount specified in the fee schedule adopted by resolution of the Huron Township Board. This schedule shall be based on the cost to the Township of the review which may be adjusted from time to time.
- 3) Application Material. The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility. A site plan which differs from these standards can be approved only upon the review of the Planning Commission and approval of the Huron Township Board that the modification is in the best interest of the Township and applicant.
  - a) Avian Analysis. The applicant shall submit an avian study to assess the potential impact of proposed Wind Energy Facilities upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.
  - b) Visual Appearance; Lighting; Powerlines. The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:
    - (i) Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.
    - (ii) The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment.
    - (iii) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
    - (iv) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
    - (v) The electrical collection system shall be placed underground within the interior of each parcel at a minimum depth of 5 feet designed to accommodate the existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to Township and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

- c) Setbacks, Separation and Security. The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility; provided, however, that pursuant to Section 5.d)1 of this Article a reduction to the standard setbacks and separation requirements may be permitted if the intent of this Article would be better served thereby.
- (i) Inhabited structures: On a participating parcel, each wind turbine shall be set back from the nearest inhabited structure a distance of no less than 1320 feet. Where a wind energy facility is proposed in the vicinity of a non-participating parcel, each wind turbine shall be set back from the nearest residence, school, hospital, church, or public library on a non-participating parcel a distance no less than 1640 feet. A lesser setback may be approved pursuant to Section 5.d)1 of this Article if the intent of this Article would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure.
  - (ii) Property line setbacks: Excepting locations of public roads (see below), drain rights-of-way and parcels with inhabited structures, wind turbines shall not be subject to a property line setback. Along the border of the Wind Energy Facility, there shall be a setback distance equal to two (2) times the Hub Height of the wind turbine. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Where a turbine location is proposed nearer to an internal property line than one and one-half (1.5) times the Hub Height of the wind turbine, an easement shall be established on the abutting parcel(s).
  - (iii) Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 500 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
  - (iv) Communication and electrical lines: Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined from the existing power line or telephone line.
  - (v) Tower separation: Turbine/tower separation shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics [prevailing wind, topography, etc.] of the particular site location. At a minimum, there shall be a separation between towers of not less than three (3) times the turbine (rotor) diameter; and, the Wind Energy Facility shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

- (vi) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.
- d) Wind Turbine/Tower Height (Total Height). The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. Generally, the Hub Height shall be limited to 499 feet from the existing grade unless modification of this maximum height is approved pursuant to Section 5,d)1 of this Article. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and guidelines as part of the approval process.
- e) Sound.
  - (i) On participating parcels, audible sound or the sound pressure level from the operation of a WEF shall not exceed 50 dBA or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence. On any nonparticipating parcel, audible sound or the sound pressure level from the operation of the Wind Energy Facility (WEF) shall not exceed 45 dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence, school, hospital, church or public library existing on the date of approval of any WEF Site Permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the Wind Energy Facility to demonstrate compliance with this standard.
  - (ii) In the event audible sound from the operation of the Wind Energy Facility contains a steady pure tone, the standards for audible sound set forth in subparagraph (i) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
  - (iii) The ambient sound level absent any and all turbine sound shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient sound levels shall be measured at a building's exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone. Ambient sound level measurements shall be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed thirty (30) mph at the ambient sound measurement location.

- (iv) Any sound level falling between two whole decibels shall be the lower of the two.
- (v) In the event the sound levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be approved provided that the following has been accomplished:
  - (a) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the sound limitations imposed by this Article, and that consent is granted to allow sound levels to exceed the maximum limits otherwise allowed; and
  - (b) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent sound impact easement must be recorded in the Huron County Register of Deeds office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that sound levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.
- f) Minimum Ground Clearance.

The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.
- g) Signal Interference.

No Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Wind Energy Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- h) Safety.
  - (i) All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - (ii) Wind Turbine towers shall not be climbable on the exterior.
  - (iii) All access doors to wind turbine towers and electrical equipment shall be lockable.
  - (iv) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.

- e. CERTIFICATION. Operation of a wind energy facility shall require certification of compliance; a certification report from the wind facility's owner/operator is required within twelve (12) months of the facility's initial operation (start-up) date. The post-construction certification report shall confirm the project's compliance with provisions of this code as well as all other all applicable laws and conformity with wind industry practices.
- f. INSPECTIONS. The applicant (owner/operator) shall submit annual reports to the Planning Commission or its designated officer confirming continued compliance with applicable Township ordinances. This requirement shall not preclude the Township from undertaking a separate compliance report, where confirmation of data provided by the facility's operator is desired. The cost of a township-sponsored report shall be reimbursed to the township by the facility's owner/operator through an escrow fund established pursuant to the 'schedule of fees for wind energy facilities', adopted from time-to-time by the Township Board.
- g. COMPLAINT RESOLUTION. The Michigan Zoning Enabling Act allows a local unit of government to enact through ordinance regulations to achieve specific land management objectives and avert or solve specific land use problems; see MCL 125.3201(3). The Thumb area has been designated as a primary wind zone area and as a result it is anticipated that Huron County will experience substantial growth in wind energy facilities. In light of the foregoing, the Township has developed a process for the resolution of complaints unique to wind energy systems. A description of a complaint resolution process shall be established by an applicant of a wind energy facility permit as part of its initial application for zoning approval. The process is intended to facilitate resolution of complaints concerning the construction or operation of the wind energy facility from nearby residents and/or property owners. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. A complaint resolution process approved through a wind energy facility permit shall be prepared utilizing, at a minimum, guidelines which are established by resolution of the Township Board after recommendation by the Planning Commission; and, said process shall not preclude the Township from pursuing any and all appropriate legal action on a complaint.
- h. DECOMMISSIONING. The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township (to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc.). The bond shall be in favor of Huron Township; provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.



6. DISPOSAL AREAS:

Disposal areas - Type I wastes, Type II wastes, Type III wastes, inert materials, or sites designed to receive dredge materials, as herein defined are permitted in any district subject to the requirements of this ordinance.

Petitions for the granting of permits for the use of areas as disposal sites, other than Type I, shall be filed with the Zoning Administrator by the owner(s) or leaseholder(s) of the land proposed for such use. Petitions shall be submitted in conformance with the provisions of Article 15 - Uses Authorized by Special Approval, and Section 14.28 - Site Plan Review, of this Ordinance.

All disposal areas are subject to the requirements of Public Act 451 of 1974, being the Natural Resources and Environmental Protection Act. A permit is required. If deemed necessary, the Huron Township Planning Commission, may require copies of all data submitted to any State or Federal Agency pursuant to any law, ordinance or permit process. Each request shall be for a single type of disposal area. Each request shall be considered on its own merits. These regulations are designed to supplement those contained in P.A. 641 of 1978, as amended, and administrative rules adopted thereunder, as well as P.A. 64 of 1979, as amended.

a. TYPE I DISPOSAL AREAS.

Definition - An on-land disposal facility designed and operated to accommodate hazardous waste, as defined under Public Act 64 of 1979, as amended - the Hazardous Waste Management Act.

Sites proposed in Huron Township, for the disposal of Type I - Hazardous Waste, must conform to all provisions of P.A. 64 of 1979, as amended. Copies of all applications and data associated with the site construction permit process shall be filed with the following public bodies - the Huron County Board of Commissioners, the Huron County Solid Waste Management Planning Committee, and the Huron County and Township Planning Commissions. Written comments by each body will be filed with the State designated site approval board established pursuant to P.A. 64 of 1979, as amended.

b. TYPE II DISPOSAL AREAS.

Definition - An on-land disposal facility designed and operated to accommodate general types of solid waste, including, but not limited to, garbage and rubbish, but excluding hazardous waste.

- 1) The location of all proposed Type II disposal sites must be in conformance with an approved Huron County Solid Waste Management Plan, prepared pursuant to Public Act 641 of 1978, as amended.

- 2) Setbacks for Type II disposal areas shall be no less than the following:

Proposed Type II disposal areas shall be sufficiently distant from pre-existing development so as not to be injurious to the health, safety, and welfare of the inhabitants of the immediate vicinity. In no instance shall the

proposed filling activity of the disposal area be carried on closer than one thousand (1000) feet from any residential dwelling.

c. TYPE III AND INERT WASTE DISPOSAL AREAS.

Definitions: Type III Disposal Area - An on-land disposal facility designed and operated to accommodate large volumes of certain solid waste having minimal potential for groundwater contamination (e.g. - construction and demolition wastes and trees.)

Inert Materials - Substances that will not decompose, dissolve, or in any way form a contaminated leachate upon contact with the water or other liquids percolating through them when disposed of on land (e.g. - metal casting wastes, bottom or fly ash, clean glass).

- 1) All Type III and Inert material disposal areas sites shall conform to all requirements of Public Act 641 of 1978, as amended.
- 2) Setbacks for Type III and Inert material disposal areas shall be no less than the following:
  - (a) Proposed areas, adjacent to any R-1, R-2, or C-1 District - 200 feet; provided, however, an earth berm of not less than ten (10) feet in height and a setback of not less than one hundred (100) feet may be utilized in place of the two hundred (200) foot setback.
  - (b) Proposed areas lying adjacent to any AGR District or a public right-of-way - 100 feet; provided, however, an earth berm of not less than ten (10) feet in height, may also be required where, in the opinion of the Planning Commission, such berm is necessary for the adequate screening of the site from public view. Said earth berm may be included within the one hundred (100) foot setback.

d. DREDGE DISPOSAL AREAS.

Definition - An on-land disposal facility designed to accommodate materials dredged from the bottomlands of Lake Huron.

Proposed dredge disposal areas, on sites of less than five (5) acres in size are exempt from the provisions of this section but are subject to all applicable township and state laws and ordinances.

Proposed dredge disposal areas shall be sufficiently distant from pre-existing development so as not to be injurious to the health, safety, and welfare of the inhabitants of the immediate vicinity. In no instance shall the proposed filling activity of the disposal area be carried on closer than five hundred (500) feet from any residential home. All sites shall be maintained in a neat, orderly condition so as to prevent injury to single property, an individual or to the community in general. The applicant shall provide evidence, to the satisfaction of the Planning Commission, that the proposed use of the site as a disposal area will not in any way contaminate the water table of the area.

Sale or disposal without compensation of stockpiled dredge materials is permitted.

7. WATERFRONT MARINAS: Waterfront marinas defined - an area designed to accommodate recreational and commercial boating along with those activities and services related to harbor and waterway improvements, thereby facilitating navigation and providing safe and economical waterfront recreational development. The following uses shall be permitted when established in conjunction with a marina operation. It being the specific intent that these uses shall not be permitted as individual or freestanding uses:

- a. Boat fuel stations.
- b. Commissary facilities for the provision of food, beverages, and the like to be stored aboard boats.
- c. Public launching ramps.

Marinas shall be permitted in all districts. All such uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this sub-section are less than those in applicable state statutes, the state requirements shall prevail. All marinas shall further be subject to the following conditions:

- a. All dredging, construction and/or development shall be subject to the requirements of applicable codes and ordinances of the Township.
- b. The flushing or discharge of boat toilets, discarding of waste or refuse from boats in marinas is prohibited. Water supply and waste disposal methods shall be in accord with Act 167 of 1970, as amended, and/or Michigan Department of Public Health Marina Sanitation Rules.
- c. Public launchings permitted in any marina having a public launching ramp, shall be limited as follows: The number of public launchings permitted shall be limited to the number of parking spaces available to the general public for the parking of vehicles and boat carriers in any such marina, and likewise the number of public launchings shall be limited in direct proportion to the available harbor spaces in any such marina as hereinafter required, whichever number of parking spaces or harbor spaces is the smaller.

Harbor accommodations: Any marina having a public launching ramp shall provide harbor space or spaces directly connected with such marina, capable of accommodating as many boats as there are parking spaces for vehicles and boat carriers on the lands of such marina. The foregoing requirements as to harbor space is to assure protection to boats launched at such public ramp from the turbulent waters caused by storms or high winds. Before any such ramp and attendant facilities are constructed a plan shall be submitted to the Planning Commission to determine if all provisions of this section have been complied with.

- d. All lighting for external illumination of the parking area, buildings, grounds or waters, shall be directed away from and shall be shielded from adjacent residential areas.

8. UTILITY-SCALE LARGE SOLAR ENERGY SYSTEM (LSES) where the primary use of land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for sale, delivery, or consumption of the generated energy by more than one end user.

SPECIAL USE Large-scale ground-mounted solar photovoltaic installations shall be considered special use and need a Special Use Permit. LSES are permitted in all districts, Agricultural, Commercial, Recreational, and Residential. Prior to construction a special use permit must be obtained.

#### REQUIREMENTS

- 1) All applications for a LSES must be accompanied by detailed site plans certified by a registered engineer licensed in the State of Michigan and have the following information.
  - a. The LSES shall have a minimum of 100 feet from any non LSES structure.
  - b. Minimum area shall be 5 acres.
  - c. The height of the panels shall not exceed 15 feet.
  - d. Side set back shall be 50 feet from lot lines.
  - e. Road set back of 50 feet and residential set back 50 feet. Accessory structures of LSES shall conform to the requirements of the zone in which they are built.
  - f. Advertising is prohibited except reasonable identification and safety warnings of the operator.
  - g. Sound from the LSES shall not exceed 45 dBa measured at the outside perimeter.
  - h. Fencing: In order to prevent trespassing and for safety the LSES shall be enclosed by a suitable four foot high fence. The perimeter may also require buffering from adjacent parcels especially near residential zones. Electric fencing is prohibited.
  - i. Glare: Solar panels shall be placed and arranged so that reflected radiation or glare shall not be directed at adjacent buildings, properties, or roadways. Solar panels, frames, and components shall have non-reflective surfaces.
  - j. Lighting: Shall be only that which is required for safety and maintenance. Lighting shall be reasonably shielded from abutting properties and roadways.
  - k. Access Roads: Shall be of a quality and width to provide easy access for maintenance and emergency vehicles. The access road must be maintained in good order by the operator.
  - l. At the discretion of the Planning Commission all collection lines and interconnections shall be located and maintained underground within the LSES.

FEES Fees shall be established by the Huron Township Board for siting and the special use permit. An escrow account must be established for covering all reasonable cost and expenses such as lawyers, consultants, complaints, etc. and shall be replenished promptly as needed for the duration of the LSES.

#### DECOMMISSIONING

- 1) Financial Surety. The applicant for a LSES shall provide a form of surety either through an escrow account or bond to cover the cost of removal, in the event that the Huron Township Board must remove the installation, in an amount determined to be reasonable by the Huron Township Board. The amount shall include a mechanism for calculating increased removal costs.
- 2) The LSES shall be considered abandoned when it fails to operate for 12 months.
- 3) Physical removal of the LSES in its entirety.
- 4) Disposal of all solid and hazardous wastes in accordance with local, state, and federal regulations.
- 5) The ground must be restored to its original condition within 365 days.

#### SEVERABILITY

The provision of this amendment is declared to be severable and if any provision, section, or part of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall affect the particular provision, section, or part involved in such decision and shall not affect or invalidate the remainder of such amendment, which shall continue in full force.

#### INDIVIDUAL SOLAR ENERGY SYSTEM

Because Individual Solar Energy Systems are unique to the individual zone, lot, and abutting properties, such use of land may be authorized by a site permit for an accessory structure. The requirements of this permit shall be handled on an individual basis by the zoning administrator upon approval of the Planning Commission.

In addition to the requirements of this amendment, the Planning Commission may impose additional conditions on the approval of a LSES as condition of a special use permit.

## **ARTICLE XVI – GENERAL EXCEPTIONS**

### **SECTION 16.01 AREA, HEIGHT AND USE EXCEPTIONS:**

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

### **SECTION 16.02 ESSENTIAL SERVICES:**

Nothing in this Ordinance shall be construed to prohibit the construction alteration or maintenance by private companies or public departments or agencies of the various transmission, distribution or disposal systems that are essential for the preservation of the public health, safety or general welfare such as: Gas, electricity, telephone, water and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes, cables, traffic signals, hydrants and other similar equipment or accessories reasonably necessary to provide adequate service of said companies or agencies.

Essential services serving the Township of Huron shall be permitted as authorized and regulated by law as well as the ordinances of the Township of Huron. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Township shall receive the review and approval, after a public hearing, of the Huron Township Planning Commission, with the same notice as required by the site plan review process. Such review of the Huron Township Planning Commission shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the Township.

### **SECTION 16.03 VOTING PLACE:**

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

### **SECTION 16.04 HEIGHT LIMIT:**

The height limitations of this Ordinance shall not apply to chimneys, church spires, farm buildings, flag poles, public monuments, or wireless transmission towers; provided however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Use Authorized by Special Approval.

### **SECTION 16.05 LOT AREA:**

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted, other than uses requiring special approval for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that no more than one (1) dwelling unit or structure of any type of use shall occupy any lot except in area for each permitted use.

**SECTION 16.06 LOTS ADJOINING ALLEYS:**

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

**SECTION 16.07 YARD REGULATIONS:**

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

**SECTION 16.08 PORCHES AND DECKS:**

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

**SECTION 16.09 PROJECTIONS INTO YARDS:**

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

**SECTION 16.10 ACCESS THROUGH YARDS:**

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

**SECTION 16.11 LOTS HAVING WATER FRONTAGE:**

Those residential lots or parcels having water frontage and abutting a public or private thoroughfare shall maintain the yard on the water side as an open unobscured yard, excepting that a boat well shall be permitted. Accessory structures shall be permitted in the front yard between the minimum front setback line and the main building provided that the minimum front yard setback remains open and unobstructed. All waterfront improvements shall be subject further to all applicable rules and regulations as may be imposed by the Department of Natural Resources.

**SECTION 16.12 SPECIAL PURPOSE STRUCTURES:**

- A. Permanent special purpose structures under 35 square feet in area are exempt from the requirements of this ordinance provided the following provisions are met:

WELL ENCLOSURES:

1. Not within the road right of way or clear vision area.
2. Does not block the view from a driveway, intersection, or roadway.

- B. Temporary special purpose structures under 35 square feet in area are exempt from the setback requirements of this ordinance provide the following provisions are met:

SCHOOL BUS SHELTERS:

1. Not within the road right of way or clear vision area.
2. Does not block the view from a driveway, intersection, or roadway.

HUNTING BLINDS:

1. Four hundred and fifty feet from a residence (other than occupant).
2. Adjacent landowner does not file a written complaint with the planning commission or its agent.
3. It is designed and constructed to hunt the land on which the occupant has permission to hunt.

- C. All special purpose structures must:

1. Be constructed in such a manner and form that it blends into, and is appropriate with, adjacent construction.
2. Not be hazardous to health & safety.

- D. Access structure to the shore of Lake Huron shall be limited to a stairway and/or handicap ramp(s) or a sloped grade at the discretion and approval of the Zoning Administrator. No site permit is required.



## **ARTICLE XVII – ADMINISTRATION AND ENFORCEMENT**

### **SECTION 17.01 ADMINISTRATION:**

The provisions of this ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his department as the Township Board may delegate to enforce the provisions of this Ordinance.

### **SECTION 17.02 DUTIES OF ZONING ADMINISTRATOR:**

The Zoning Administrator shall have the power to grant site permits and to make inspections of buildings or premises as necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

### **SECTION 17.03 PLOT PLAN:**

The Zoning Administrator shall issue a site permit when site plan review is not required by this Ordinance provided that this Ordinance has been complied with and further provided that the application therefor is accompanied by plans and specifications including a plot plan, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

**SECTION 17.04 PERMITS:**

The following shall apply in the issuance of any permit:

1. Permits Not to be Issued: No site permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. Permits for New Use of Land: No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use not permitted in that district.
3. Permits for New Use of Building: No building or structure, or part thereof, shall be changed to or occupied by a use not permitted in that district.
4. Permits Required: No building or structure, or fence or part thereof, shall be hereafter erected, altered, or moved unless a site permit shall have been first issued prior to such work. The term "altered" shall include any changes which will affect the provisions contained in this Ordinance.

**SECTION 17.05 ENFORCEMENT:**

The Zoning Administrator shall enforce the provisions of this Ordinance. Any action which is thought to be in violation shall be reported to the Zoning Administrator.

1. Inspection of Violation. The Zoning Administrator shall inspect each alleged violation and shall order a correction in writing of all conditions found to be in violation of this Ordinance.
2. Correction Period. All violations shall be corrected within thirty (30) days following the receipt of an order to correct from the Zoning Administrator. In those instances, however, where in the Zoning Administrator's opinion, a longer time for compliance is required, it may be granted. Any correction period which extends beyond the thirty (30) day period shall be clearly stated by the Zoning Administrator on the Notice of Correction, along with the reason for the extended correction period.
3. Penalties. For each day that a violation continues beyond the correction period, a separate offense shall be declared.

**SECTION 17.06 FEES:**

Applicants, for permits required for this Ordinance, shall pay to the township at the time application for such permit is made, fees in accordance with township schedule of fees in force at the time of the application. All fees so collected shall be deposited in the general fund of the township. If work, excavation, or construction is started before a permit has been issued fee will double the standard amount. A second offense by the same party will triple the standard amount.

## **ARTICLE XVIII – PLANNING COMMISSION**

### **SECTION 18.01 TOWNSHIP PLANNING COMMISSION:**

The Huron Township Planning Commission has been established as specified in Act 168 of the Public Acts of 1959, as amended, being the Township Planning Act. All powers, duties and responsibilities, provided by P.A. 110 of 2006, as amended, being The Township Zoning Act for zoning commissions created thereunder, are transferred to the Planning Commission by resolution of the Township Board as provided in Act 168 of the Public Acts of 1959, as amended. The Planning Commission shall perform the duties of said zoning commission as provided in these Acts, together with such other powers and duties as are given to such Planning Commission by the provisions of this ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

### **SECTION 18.02 MEMBERSHIP, COMPENSATION AND FUNDING:**

- (a) The Planning Commission shall consist of seven (7) members who shall individually be representative of important segments of the economic, governmental, social life, and development of the township, in accordance with the major interests as they exist in the township, such as agriculture, recreation, education, government, transportation, industry, and commerce. The Township Board shall establish the basis for representative membership on the commission. A majority of commission members shall not hold another office or position in the township government. Up to 2 members may be members of the township board. The term of each appointed member shall be for 3 years, except that upon first appointment of the membership by the board, the terms of office may be varied to permit the establishment of overlapping terms of office. The township board shall provide for the filling of a vacancy in the membership of the commission for the unexpired terms and may remove a member for nonperformance of duty or misconduct upon public hearing.
- (b) Members of the commission may receive the same compensation and mileage, but not to exceed that provided for members of the township board. The members of the commission may be reimbursed for actual, reasonable, and necessary expenses incurred in the discharge of their duties

### **SECTION 18.03. OFFICERS, MEETINGS, PROFESSIONAL ADVISORS, AND RULES:**

- (a) The Planning Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from its appointive members, and create and fill such other offices or committees as it may deem advisable. The commission may appoint advisory committees outside of its membership. The terms of all officers shall be one (1) year.
- (b) The Planning Commission shall hold meetings as often as is determined necessary, but not less than 4 regular meetings shall be held each year. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations which record shall be a public record.

- (c) The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

**SECTION 18.04. DEVELOPMENT PLANS; DUTIES OF COMMISSION;  
COORDINATING AGENCY; ZONING PLAN:**

It shall be a function of the township planning commission to make a plan for the development of the township, which plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the township as a whole. The plan with accompanying maps, plats, charts, and all pertinent and descriptive explanatory matter shall show the Planning Commission's recommendations for the development of the township. In the preparation of a township development plan, the Planning Commission shall make careful and comprehensive studies of the existing conditions and probable growth of the territory within its jurisdiction. Such plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the township which will be in accordance with present and future needs for best promoting the health, safety, morals, order, convenience, property and general welfare of the inhabitants, as well as for efficiency and economy in the process of development. It shall be the duty of the township planning commission to: (1) make studies, investigations, and surveys relative to the economic, social and physical development of the township; (2) formulate plans and make recommendations for the most effective economic, social and physical development of the township; (3) cooperate with all departments of the county, state and federal governments and other public agencies concerned with programs directed towards the economic, social and physical development of the township, and seek the maximum coordination of the township programs of these agencies; and (4) consult with representatives of adjacent townships in respect to their planning so that conflicts in over-all county plans may be avoided.

The township planning commission may serve as a coordinating agency for all planning committees and commissions within the township.

The township planning commission shall adopt and file with the township board recommendations as to the following:

- (a) A zone plan for the township, which shall be based upon an inventory of conditions pertinent to zoning of the township and the requirements of The Township Rural Zoning Enabling Act.
- (b) The establishment of zoning districts including the boundaries of those districts.
- (c) The text of a zoning ordinance with the necessary maps and zoning regulations to be adopted for a zoning district or the township as a whole.
- (d) The manner of administering and enforcing the zoning ordinance.

**SECTION 18.05. ZONING AMENDMENTS:**

The Huron Township Board may from time to time, on the recommendation from the Planning Commission or on petition, amend, supplement or change the District Boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in P.A. 110 of 2006, as amended, being MCL 125.321 et seq.

**SECTION 18.06. APPROVAL OF PUBLIC IMPROVEMENTS:**

- (a) After the Planning Commission has adopted the Master Plan of the Township, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Township or in the planned section and district until the location, character and extent thereof shall have been submitted to, and approval recommended by the Planning Commission.
- (b) The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its membership.
- (c) The failure of the Planning Commission to act within sixty (60) days after the official submission to the commission shall be deemed approval.
- (d) The Planning Commission shall promote public understanding of and interest in the Master Plan and shall publish and distribute copies of the plan and of any report, and employ such other means of publicity and education as it determines necessary.

**SECTION 18.07. SPECIAL APPROVAL USE PERMITS:**

The Planning Commission shall review all Special Approval Use requests. In doing so, the procedures and standards of Article XV of this Ordinance shall be followed.

**SECTION 18.08. PLANNED UNIT DEVELOPMENT:**

The Planning Commission shall review and recommend all Planned Unit Developments, condominium developments, and site condominiums as detailed in Articles XI and XII of this Ordinance.

**SECTION 18.09. SITE PLAN REVIEW:**

The Planning Commission shall conduct Site Plan Review as described in Section 14.28 of this Ordinance.

**SECTION 18.10 OTHER PROVISIONS:**

In cases where the Township Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each case and shall notify such parties, who may in its opinion be affected thereby, as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the spirit and purpose of this Ordinance.

## **ARTICLE XIX – BOARD OF ZONING APPEALS**

### **SECTION 19.01 CREATION AND MEMBERSHIP:**

There is hereby established a Board of Appeals which shall perform its duties and exercise its powers as provided by P.A. 110 of 2006, as amended, in such a way that the objective of this ordinance shall be observed, public safety secured, and substantial justice done.

### **SECTION 19.02 MEMBERSHIP OF BOARD OF APPEALS:**

The Board of Appeals shall consist of the following three members:

1. First member shall be the chairman of the Township Zoning Board.
2. Second member shall be a member of the Township Board appointed by the township board.
3. Third member and an alternate shall be selected and appointed by the Township Board from among electors residing in the unincorporated area of the township.
4. A member shall disqualify himself from a vote in which he has a conflict of interest.

### **SECTION 19.03 JURISDICTION AND APPEALS:**

The Board of Appeals shall hear and decide appeals from the review of any legal order, requirements, decisions, or determinations made by an administrative official charged with enforcement; and any of the provisions of the ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under the ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of any such administrative official, or to decide in favor of the applicant any matter which they are required to pass under this ordinance to effect any variation of this ordinance. Such appeal shall be taken, within such time as shall be prescribed by the Board of Appeals by general rules. An appeal shall be accompanied by a filing fee set by the Township Board to be deposited in the general fund of the township. The officer from whom the appeal is taken shall forthwith record upon which action appeal was taken.

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 affected.

### **SECTION 19.04 FEES:**

All fees will be set by the Huron Township Board.

**SECTION 19.05 TEMPORARY PERMITS:**

Temporary Permits: Permit, upon proper application, temporary uses, not otherwise permitted in any district, not to exceed twelve (12) months, with the granting of one 12 month extension being permissible, which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Huron, shall be made at the discretion of the Board of Appeals.
4. In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either de-mountable structures related to the permitted use of the land, recreation developments such as but not limited: golf driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
5. The use shall be in harmony with the general character of the district.

**SECTION 19.06 DECISIONS:**

- A. In consideration of all proposed variances to this Ordinance, the Board shall, before granting any variance from the Ordinance in a specific case, first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, or morals or welfare of the inhabitants of the Township of Huron. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning map.
- B. Variances. The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED the request for variance complies with the following STANDARDS FOR GRANTING OF A VARIANCE:

1. Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would be unreasonable, prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.
2. Whether a grant of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.
3. Whether the plight of the owner is due to unique circumstances of the property and not to general conditions in the area.
4. Whether the problem is self created. (If the owner created the problem from which relief is sought, then no variance is warranted).

C. RULES: The following rules shall be applied in the granting of variances:

1. The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the variance requested.
2. Any conditions or modifications desired by the Board of Appeals shall be recorded in the minutes of the appropriate Board of Appeals meeting. The Board of Appeals may, as it deems necessary, to promote the purpose of the Ordinance, require landscaping, walls, fences, drives, lighting, sidewalk, drainage, and other improvements. As used in this section, "improvements" means those features and actions which are considered necessary by the Board associated with granting approval, to protect natural resources, or the health, safety, and welfare of the residents living in the general vicinity of the appeal.
3. Each variance granted under the provisions of this ordinance shall become null and void unless:

The construction authorized by such variance or permit has been commenced within twelve (12) months after the granting of the variance.

The occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance.

### **SECTION 19.07 ORDERS:**

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify an order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of this Zoning Administrator from whom the appeals is taken.



**SECTION 19.08 NOTICE:**

The Board shall make no decision except in a specific case and after a public hearing conducted by the Board. Notice of the public hearing shall be given as required by P.A. 110 of 2006, as amended, and the Board may, by general rule or in specific cases, provide for such other notice as it deems appropriate.

**SECTION 19.09 MISCELLANEOUS:**

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

## **ARTICLE XX – INTERPRETATION**

In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control.

## **ARTICLE XXI – VESTED RIGHTS**

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

## **ARTICLE XXII – ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

### **SECTION 22.01 PENALTIES:**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a civil infraction per violation. Upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) per violation and the costs of prosecution.

### **SECTION 22.02 PUBLIC NUISANCE PER SE:**

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

### **SECTION 22.03 OWNER'S LIABILITY:**

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a civil infraction. Upon conviction thereof shall be subject to a fine of not more than five hundred dollars (\$500.00) and the costs of prosecution.

### **SECTION 22.04 EACH DAY A SEPARATE OFFENSE:**

A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

### **SECTION 22.05 RIGHTS AND REMEDIES ARE CUMULATIVE:**

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

### **SECTION 22.06 ENFORCEMENT PROCEDURE FOR VIOLATIONS:**

- (1) Investigation of the violation by the Zoning Administrator;
- (2) Zoning Administrator serves landowner with written notice of the violation;
- (3) A Sheriff's Officer will give a police report;
- (4) A lawyer, employed by the Township, will issue a warrant;
- (5) The warrant shall be served by the Sheriff or an appointed township official.
- (6) Court proceedings begin.

## **ARTICLE XXIII – SEVERANCE CLAUSE**

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

**ARTICLE XXIV – EFFECTIVE DATE**

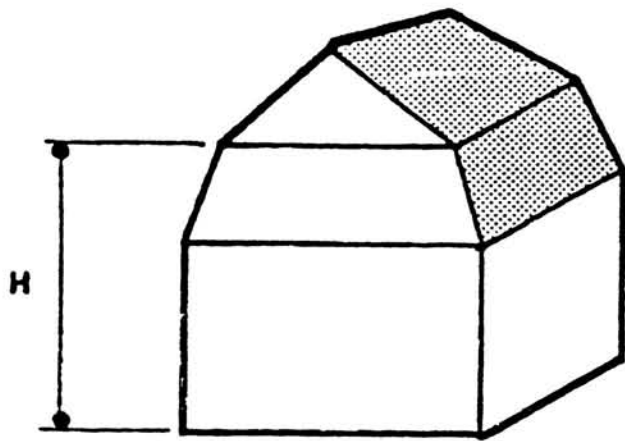
As provided for in P.A. 110 of 2006, as amended, substantial and significant amendments to the original Huron Township Zoning Ordinance, were considered. Public Hearings have been held on said amendments; the provisions of this Ordinance, as revised and including said amendments, are hereby given immediate effect upon its compliance with the provisions of P.A. 110 of 2006, as amended.

Made and passed by the Board of the Township of Huron, Michigan

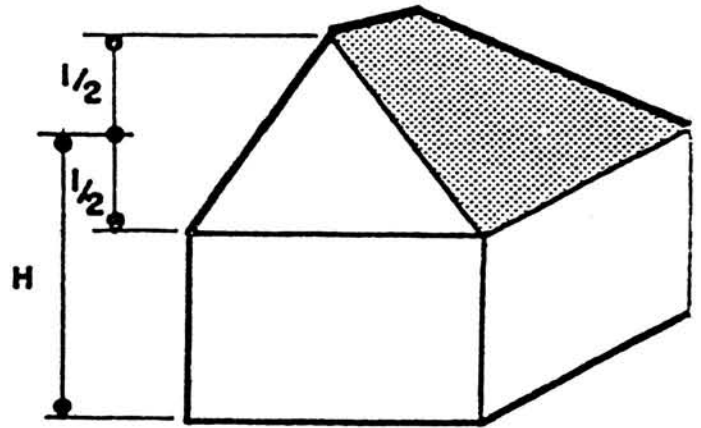
on this 15th day of October, A.D. 2018.

1. Date of Public Hearing: October 10, 2018
2. Date of Publication: October 25, 2018
3. Date of Adoption by Township Board: October 15, 2018
4. Date Ordinance shall take effect: November 1, 2018

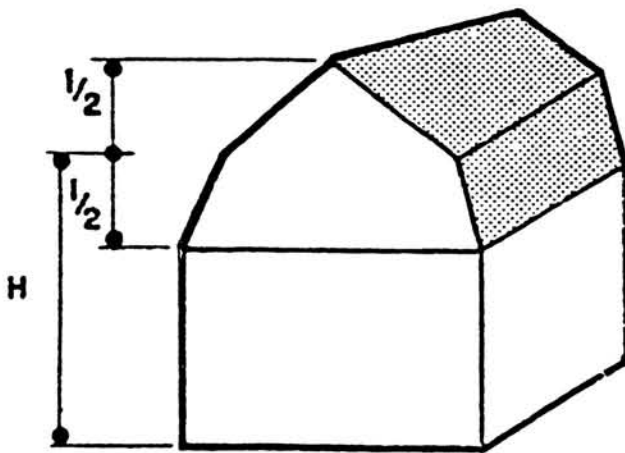
## **APPENDIX**



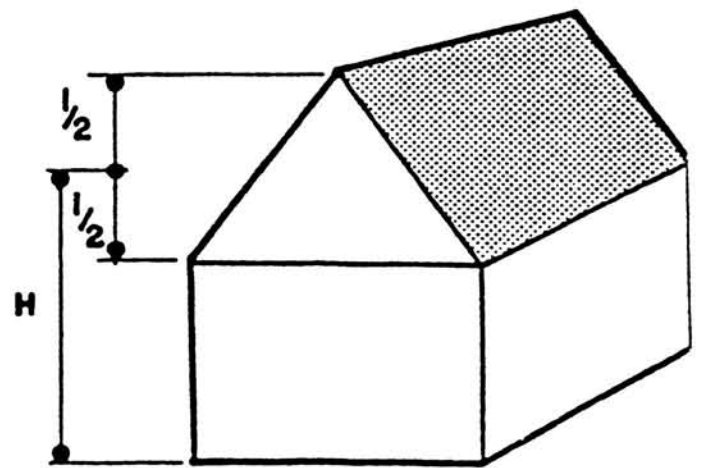
MANSARD ROOF



HIP ROOF



GAMBREL ROOF



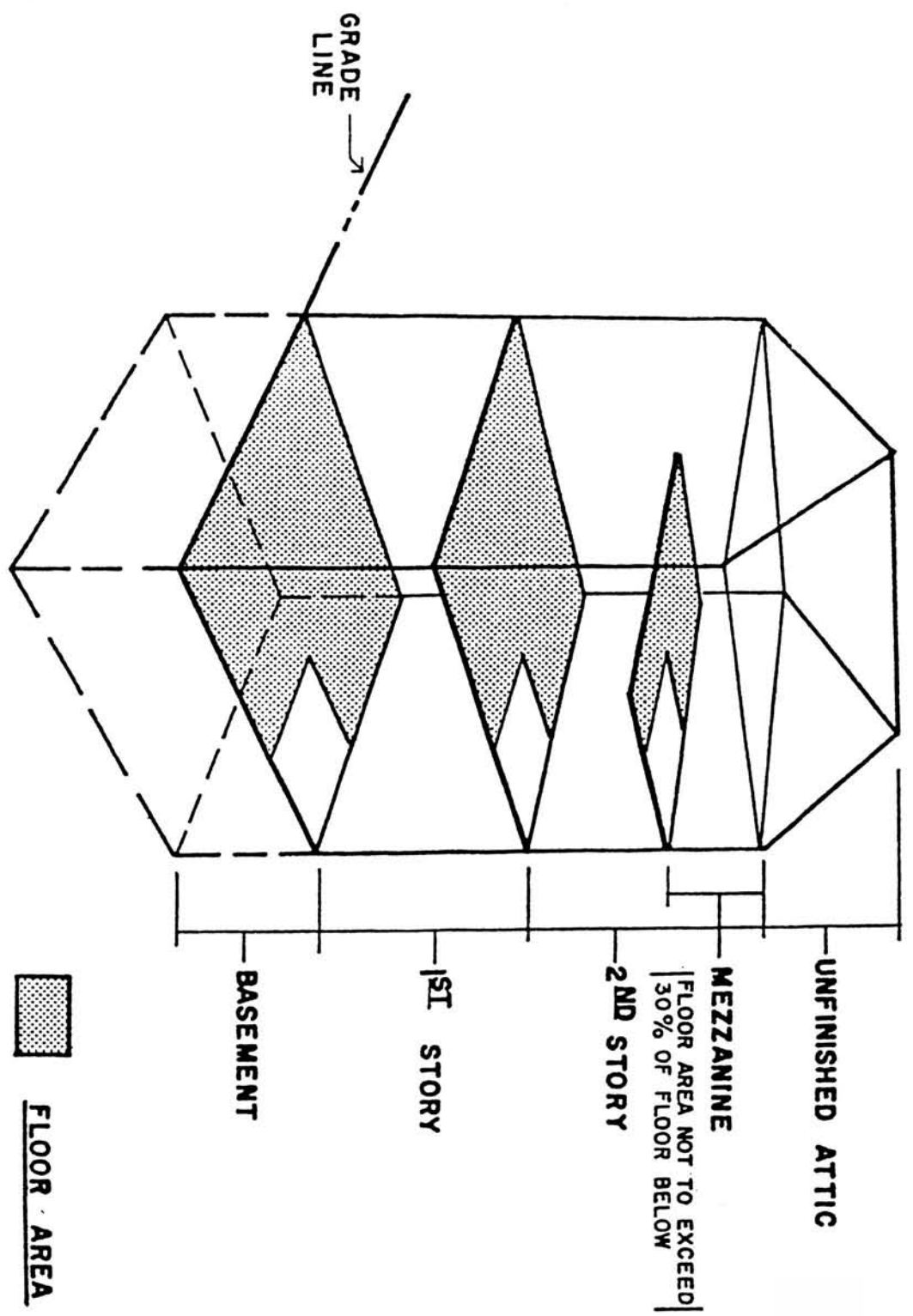
GABLE ROOF

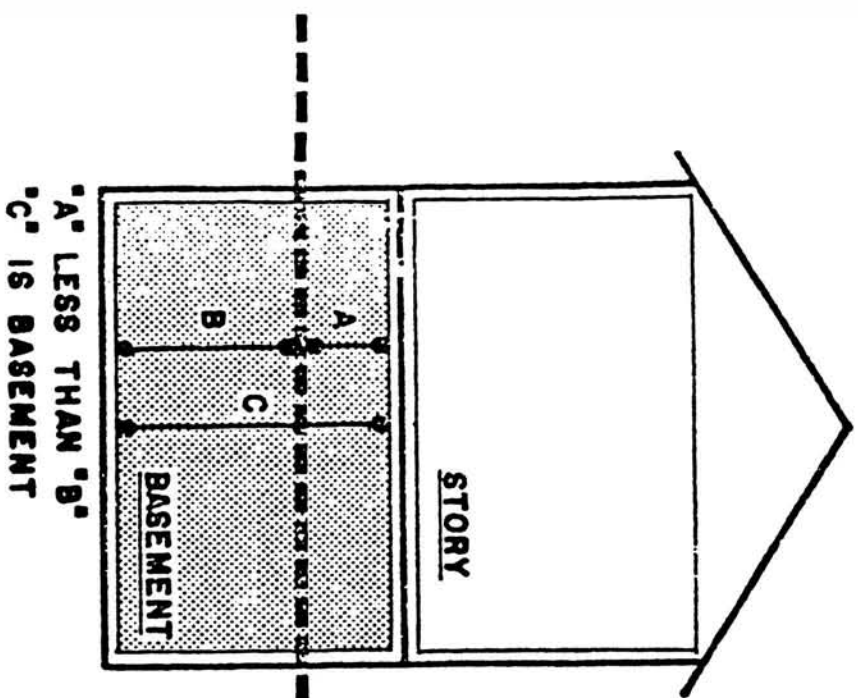
H = HEIGHT OF BUILDING

BUILDING HEIGHT



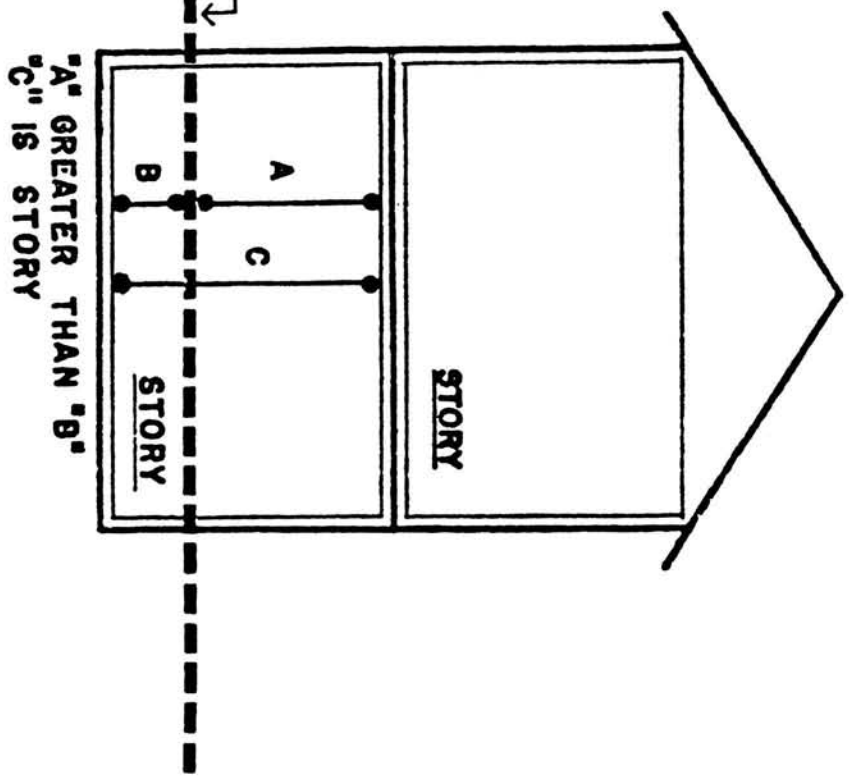
BASIC STRUCTURAL TERMS





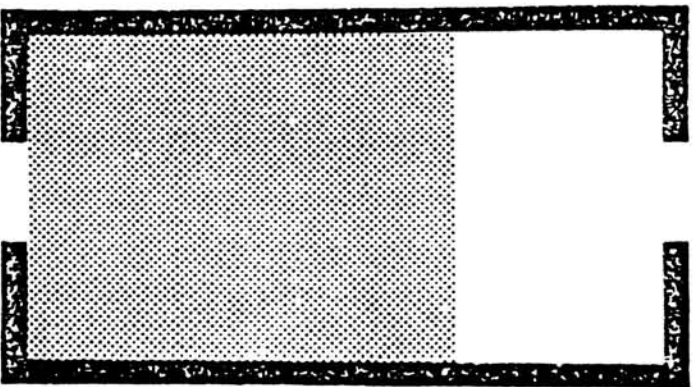
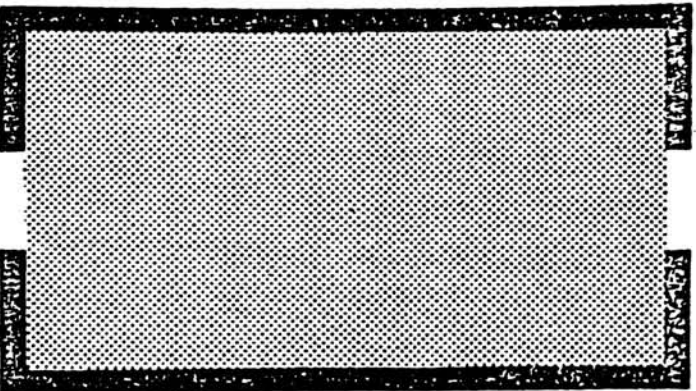
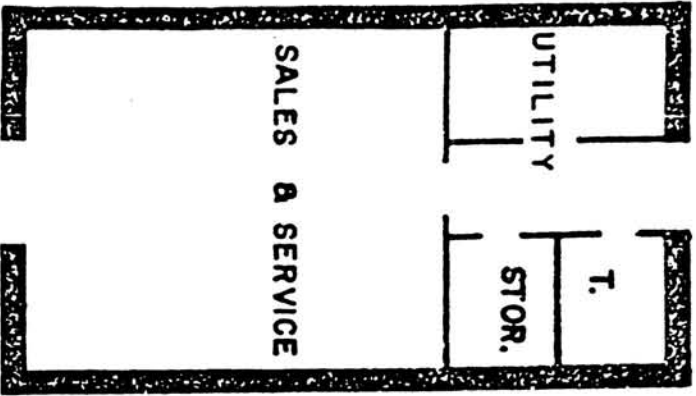
"A" LESS THAN "B"  
 "C" IS BASEMENT

AVERAGE GRADE →



"A" GREATER THAN "B"  
 "C" IS STORY

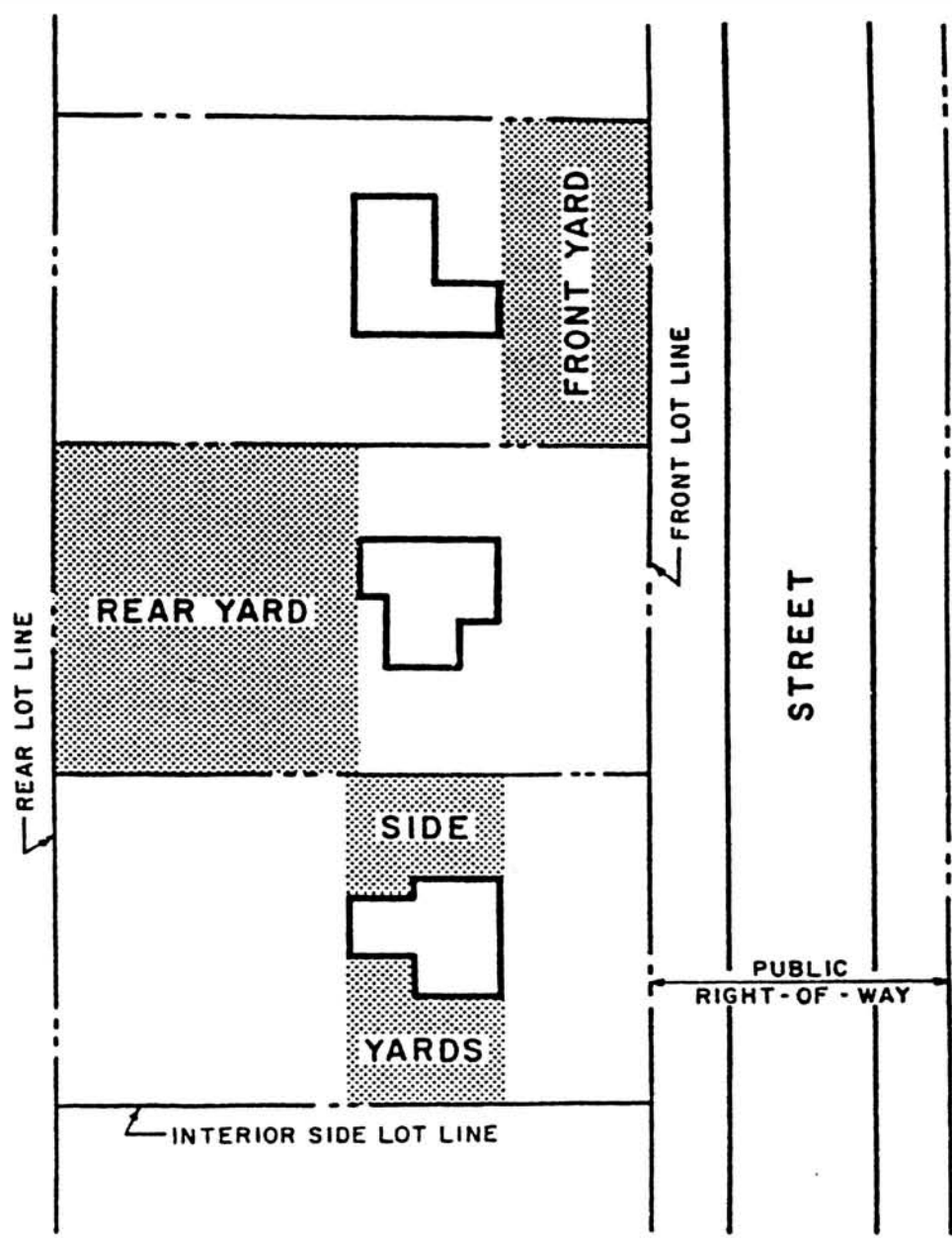
**BASEMENT & STORY**



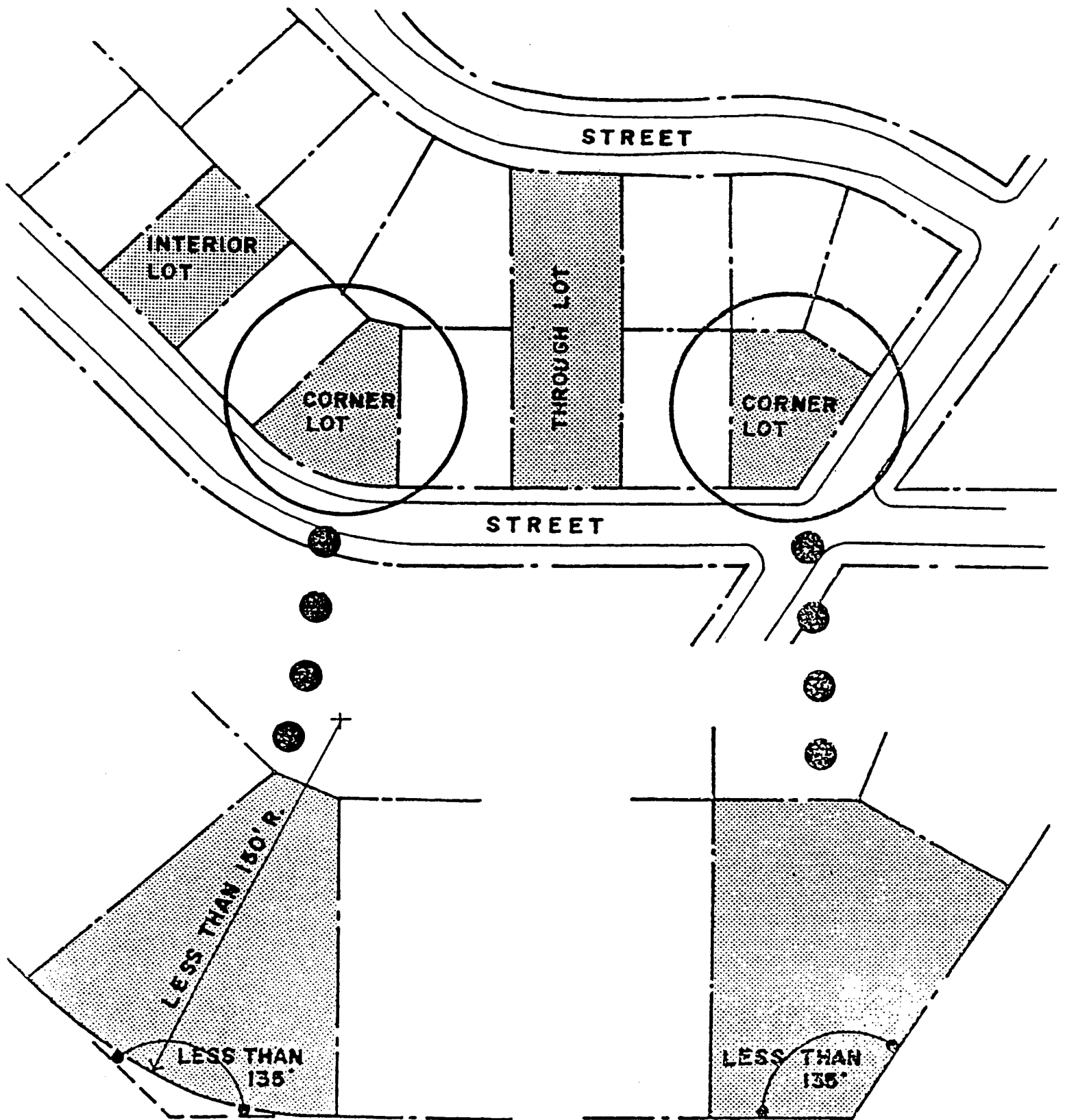
TOTAL FLOOR AREA

USABLE FLOOR AREA  
(FOR PURPOSES OF COMPUTING PARKING)

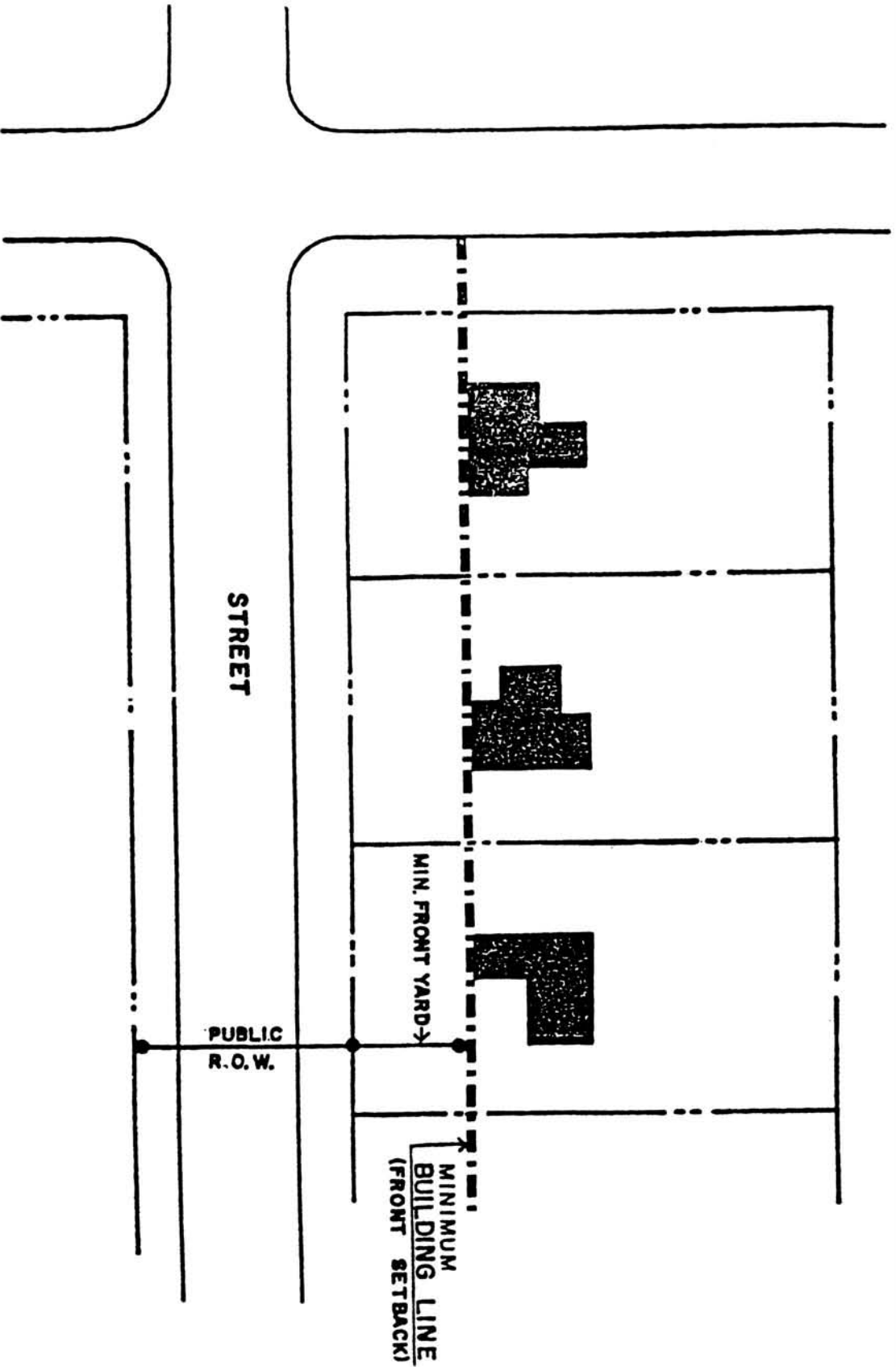
FLOOR AREA



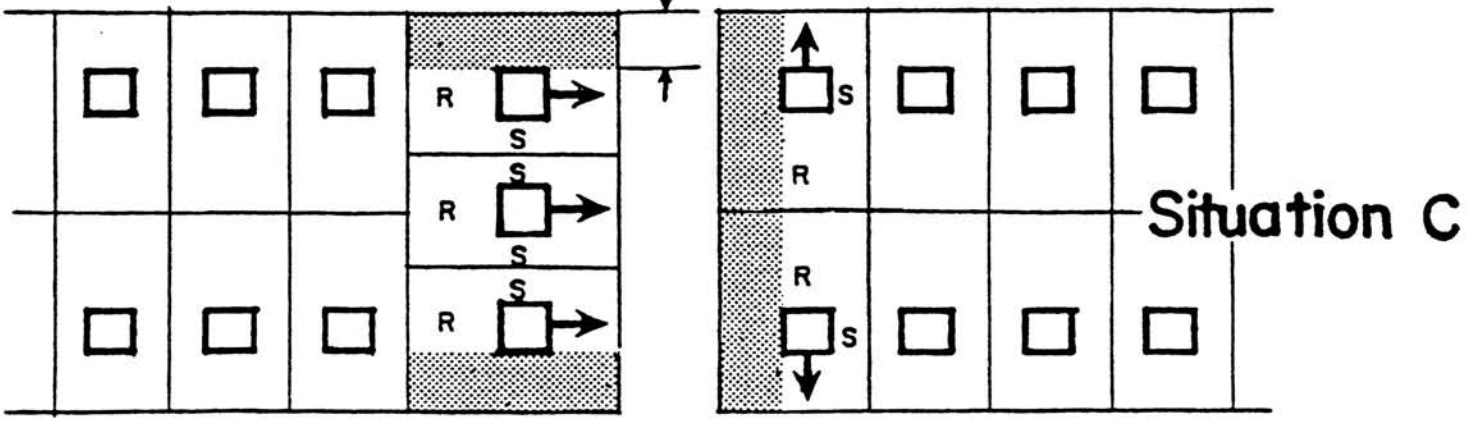
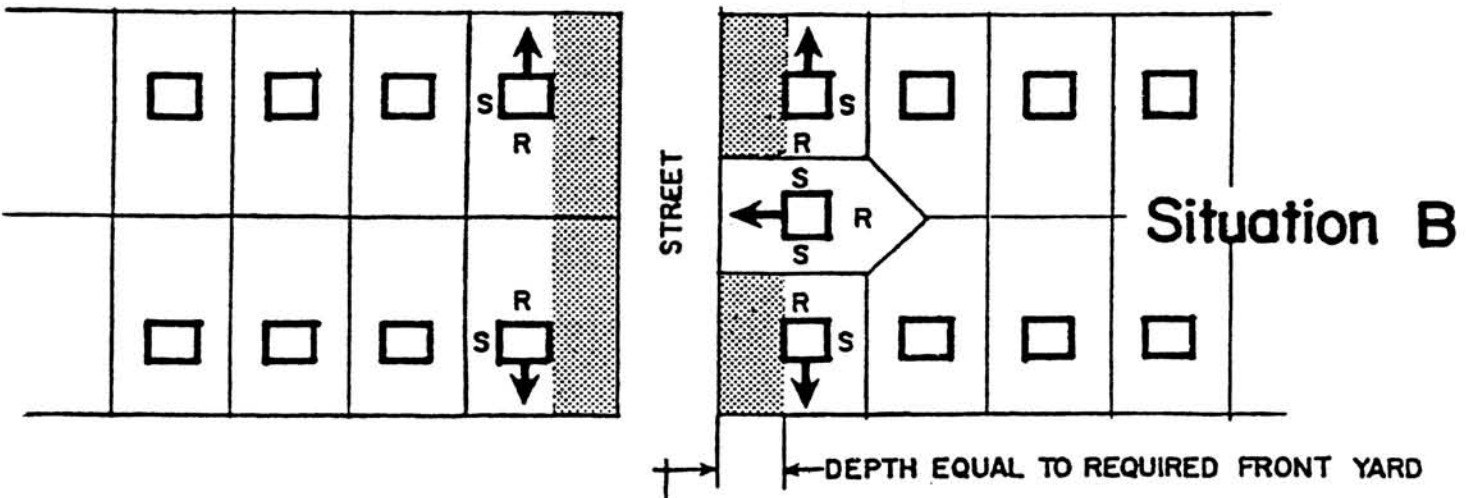
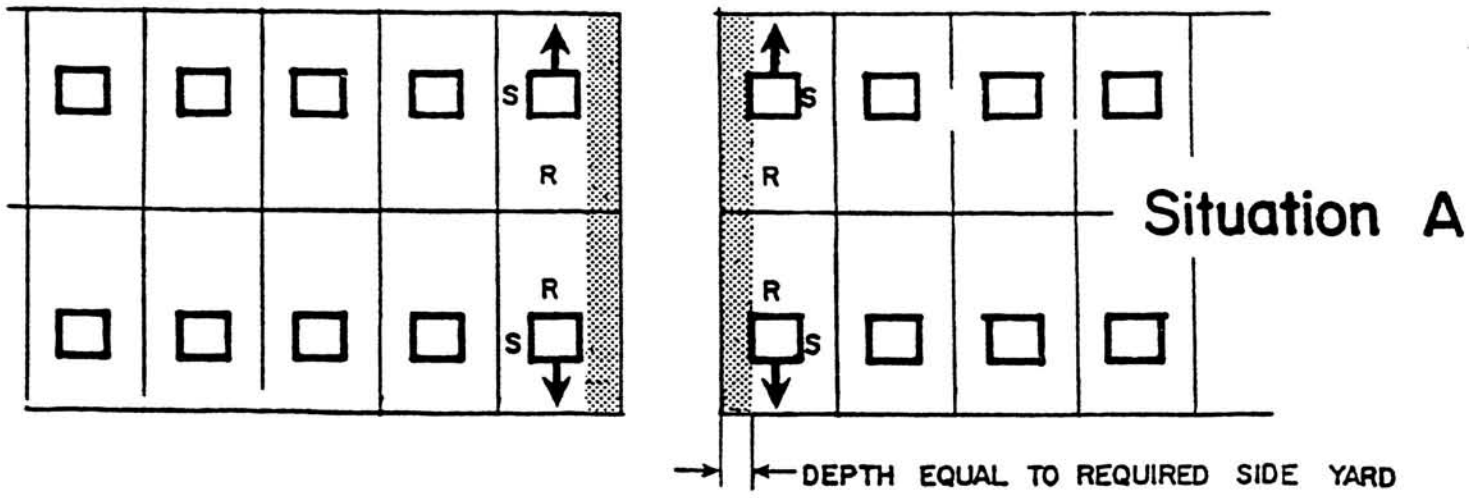
YARDS





INTERIOR, THROUGH & CORNER LOTS

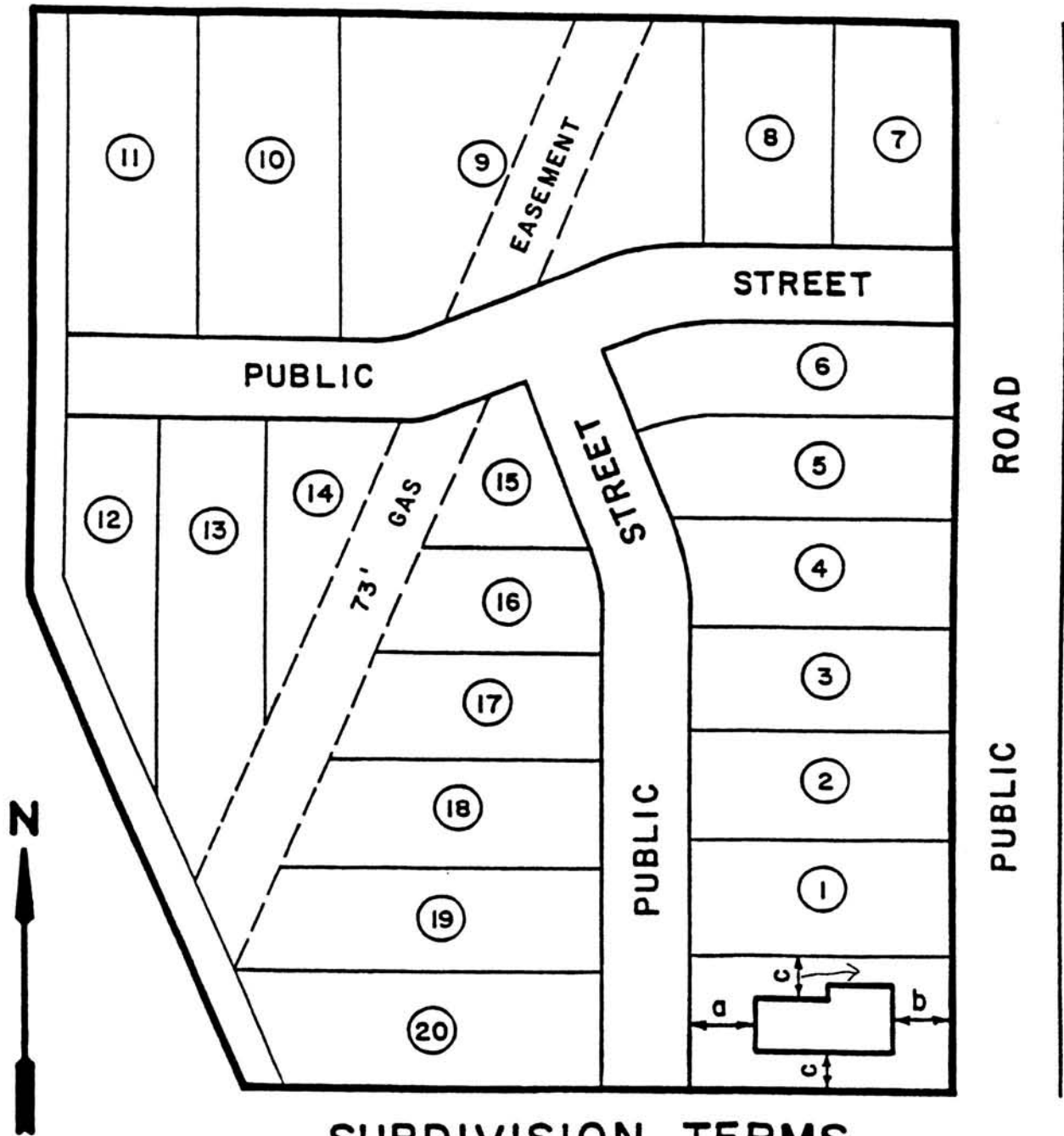


**BUILDING LINE**










-  REQUIRED SETBACKS - CORNER LOT
-  FRONT YARD
- R REAR YARD
- S SIDE YARD

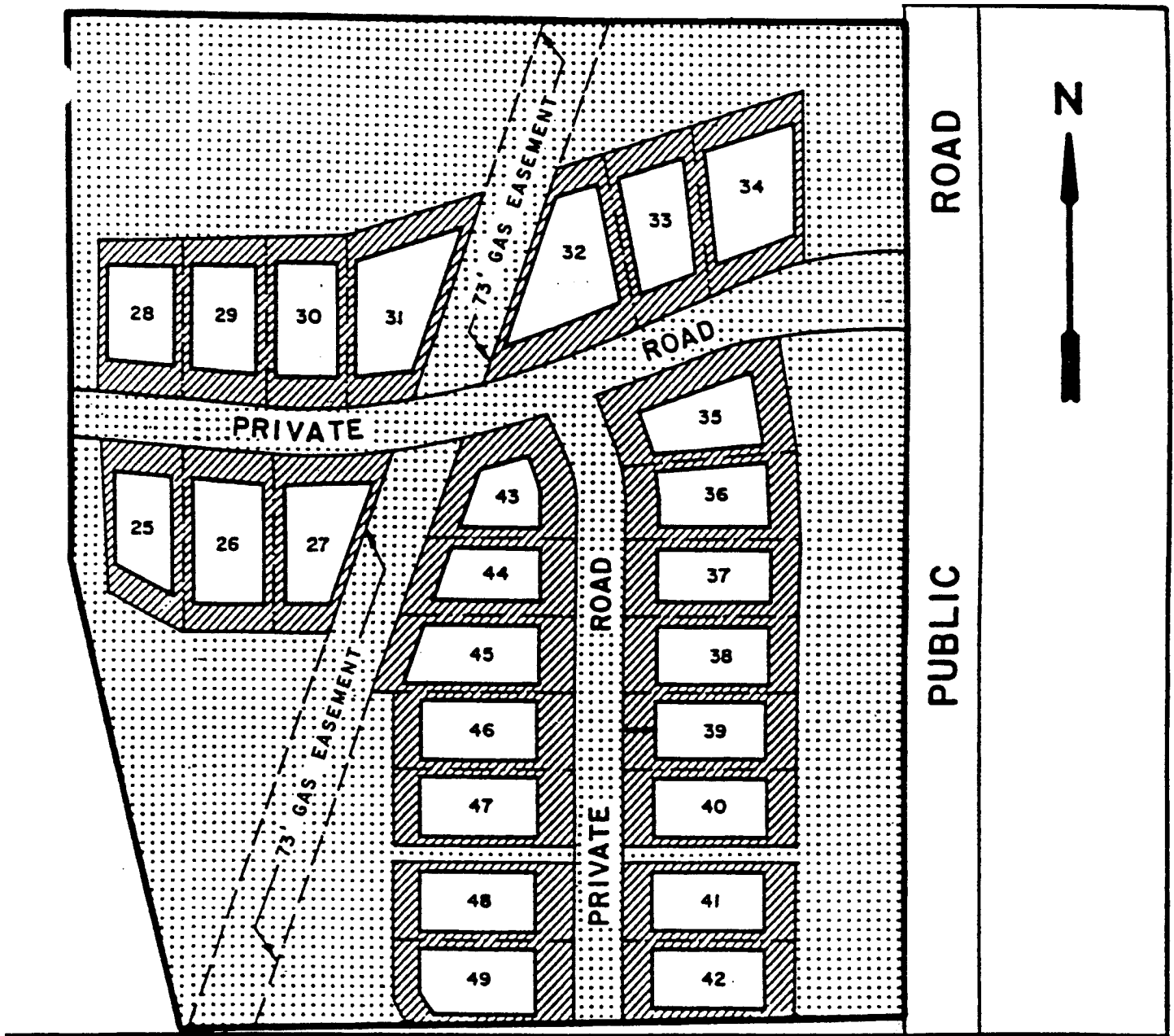
SIDE YARDS ABUTTING A STREET



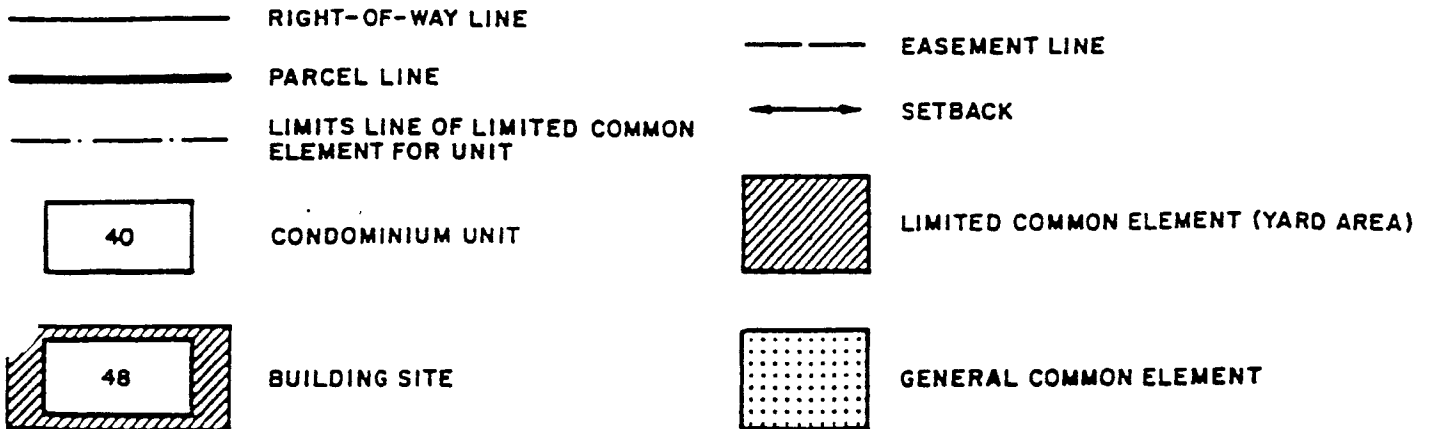
## SUBDIVISION TERMS

- |   |               |  |            |
|---|---------------|--|------------|
|  | LOT LINE      |  | FRONT YARD |
|  | RIGHT-OF-WAY  |  | REAR YARD  |
|  | RECORDED PLAT |  | SIDE YARD  |
|  | LOT NUMBER    |  |            |



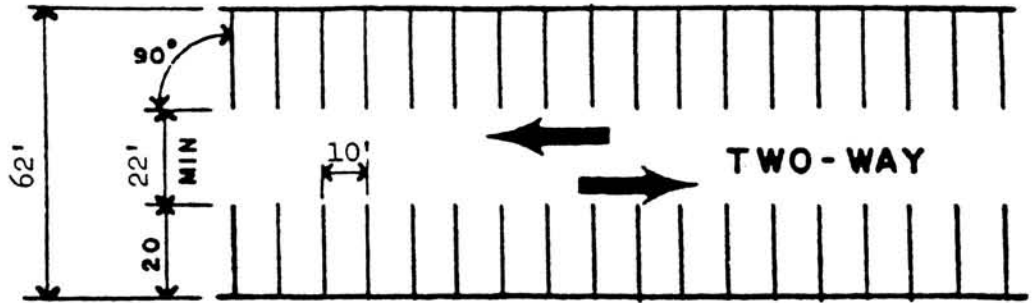


## SITE CONDOMINIUM TERMS

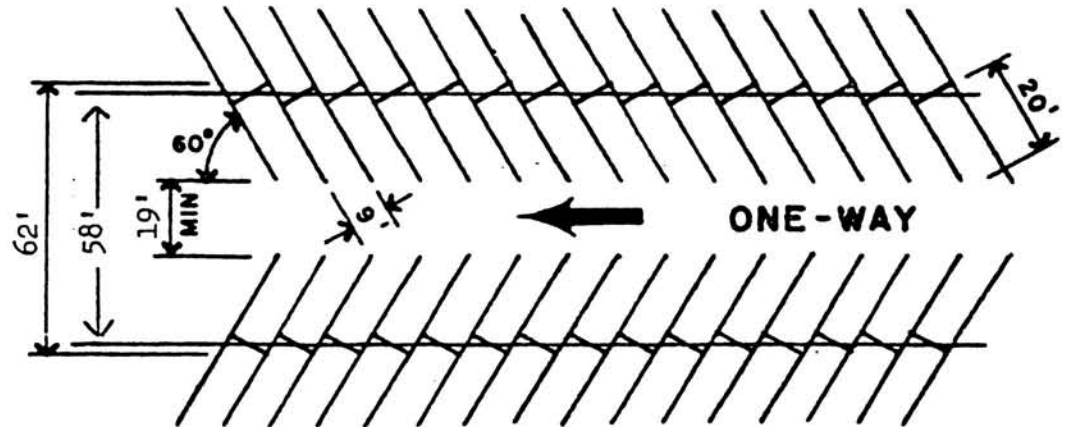


E: ALL LIMITED COMMON ELEMENT AREAS ARE CONVERTIBLE AREAS

90 DEGREE

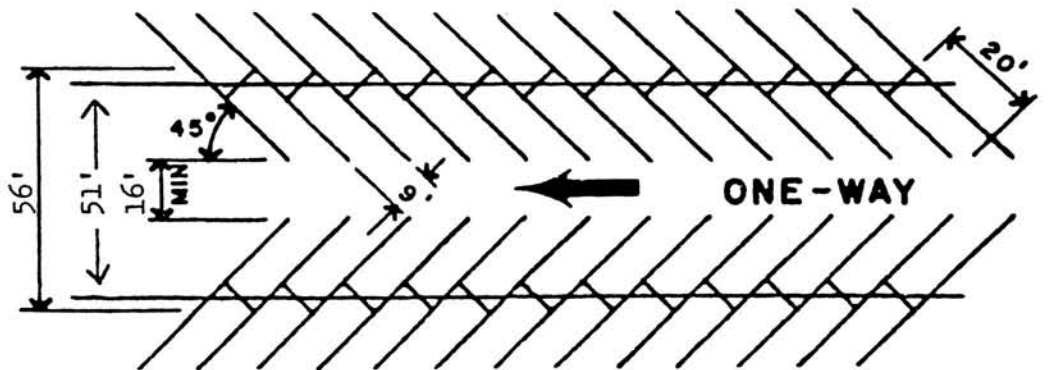


60 DEGREE

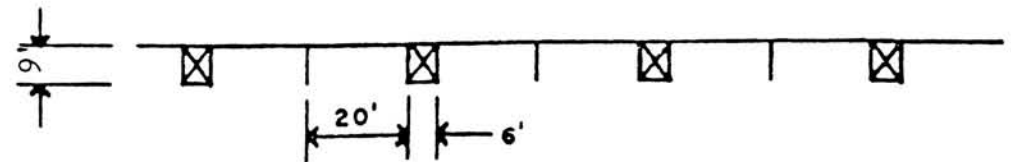


\* OVERLAPPING DIMENSION

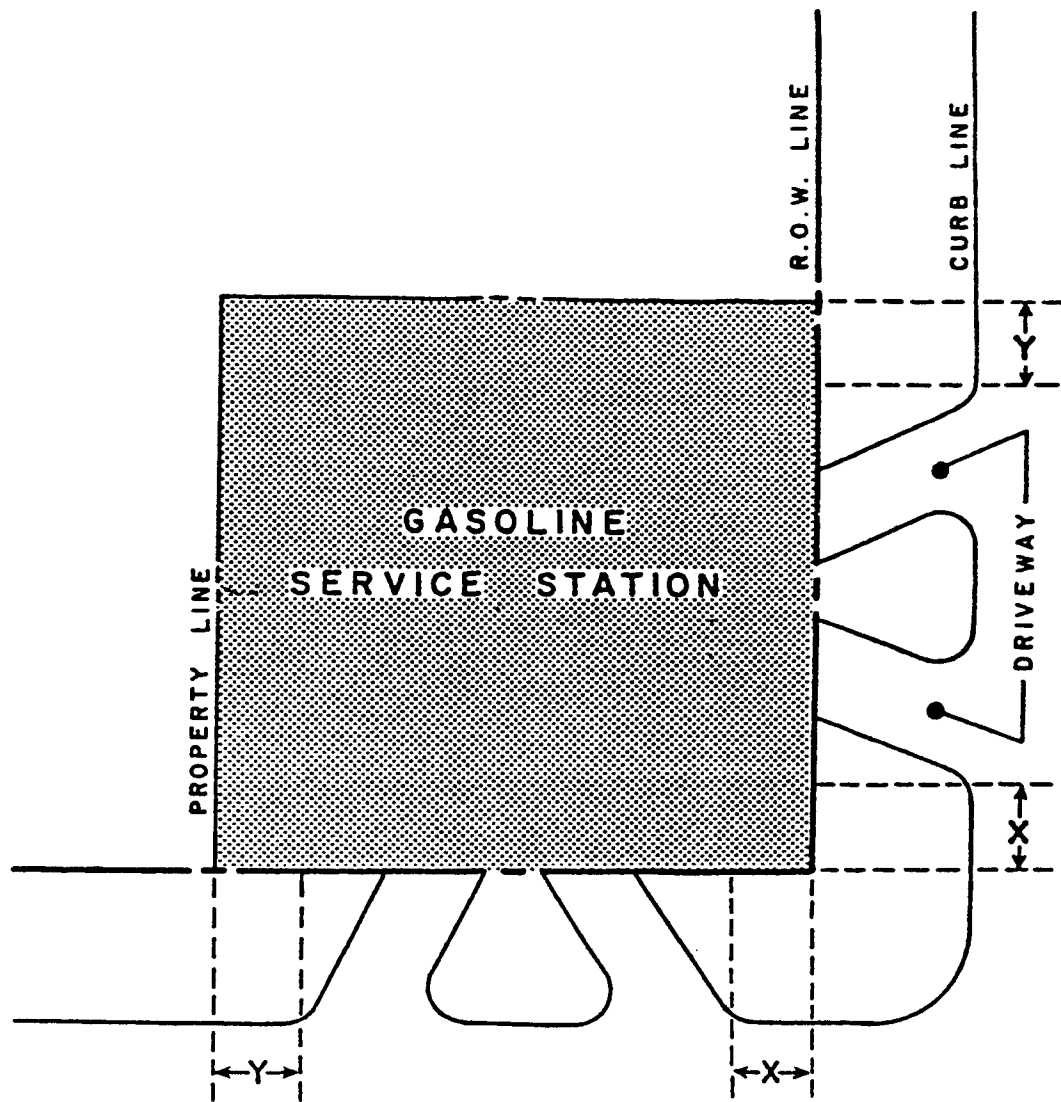
45 DEGREE



PARALLEL



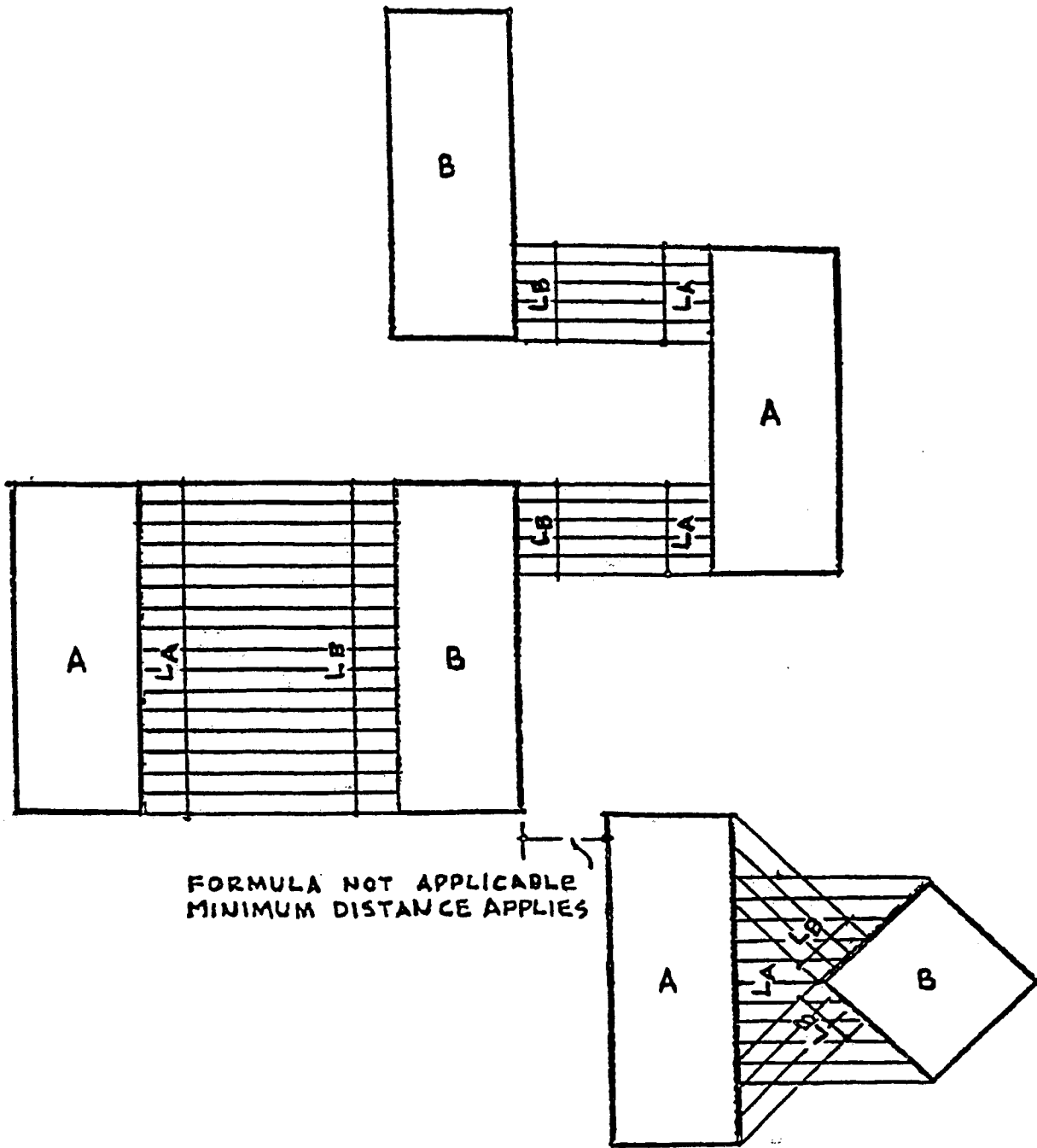
## PARKING LAYOUTS



X = MINIMUM DISTANCE A DRIVEWAY OR CURB CUT, FOR ACCESS, CAN BE LOCATED FROM A STREET INTERSECTION.

Y = MINIMUM DISTANCE A DRIVEWAY OR CURB CUT, FOR ACCESS, CAN BE LOCATED FROM AN ADJOINING PROPERTY LINE.

# LOCATIONS OF DRIVEWAYS FOR GASOLINE SERVICE STATION



MIN. DISTANCE BETWEEN BUILDINGS  

$$= \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

DISTANCE SPACING FOR MULTIPLE DWELLINGS