

GARFIELD TOWNSHIP

KALKASKA COUNTY

ORDINANCE NUMBER 8

ZONING ORDINANCE AND MAPS

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GARFIELD TOWNSHIP KALKASKA

COUNTY

ZONING ORDINANCE AND MAP

TITLE

This Ordinance is enacted pursuant to P.A. 184 of 1943, as amended, known as the "Township Rural Zoning Act", M.C.L. 125.271 *et. seq.* for the establishment of zoning districts in Garfield Township, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, and size of dwellings, buildings and structures, which may hereafter be erected or altered; for the regulation of the area of yards, and other open spaces and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures, to establish a Zoning Board of Appeals, to grant authority to said board in addition to that expressly provided in said Public Act 184; to provide standards to guide actions and decisions of said Board; to provide for the enforcement of the provisions of said ordinance and penalties and other relief for the violation of said ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

The continued administration of This Ordinance, amendments to This Ordinance, and all other matters concerning operation of This Ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*) hereinafter referred to as the "Zoning Act".

**THE TOWNSHIP OF GARFIELD
COUNTY OF KALKASKA, MICHIGAN
ORDAINS:**

ARTICLE 1 SHORT TITLE

Section 1 -1

This Ordinance shall be known as Garfield Township Zoning Ordinance and will be herein referred to as "This Ordinance."

ARTICLE 2 INTERPRETATION

Section 2 -1

PURPOSE: The purpose of This Ordinance is to provide for the future growth and development of Garfield Township in an orderly manner by preventing overcrowding of lands, avoiding undue congestion of population, facilitating transportation, public utilities and to maintain the natural and scenic beauty of the region, to protect the public health, safety, morals and general welfare of the inhabitants by the orderly development of the residential, commercial, recreational, agricultural, industrial and other legitimate interests.

Section 2 - 2

SCOPE AND NONCONFORMING USES: It is not intended by This Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing land or building use prior to the adoption of This Ordinance. Any new or different use or practice must conform with the provisions of This Ordinance except where greater restrictions have been placed upon property by covenant or deed.

ARTICLE 3 DEFINITIONS

Section 3 -1

For the purpose of This Ordinance, certain terms or words are herein defined. Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

AASHTO: American Association of State Highway and Transportation Officials.

ACCESS BY EASEMENT ROAD: A vehicular access way constructed within a common easement, along with the easement, which provides access to lots which are platted or non-platted subdivisions, or metes and bounds described parcels. The access by easement road shall be constructed and maintained to a standard which will provide continuous access for fire and safety service vehicles operating within the Township.

ACCESSORY BUILDING: A supplemental building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use. Decks, porches, awnings, and other similar attachments to buildings are considered accessory buildings. Accessory buildings (i.e. garages and pole buildings) shall not be used for dwelling purposes.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

ALTERNATIVE TOWER STRUCTURE: are man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BACK- HAUL NETWORK: The lines that connect a provider's tower/cell site to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

BONA FIDE FARMS: Land used primarily for a farm with or without a dwelling unit. Evidence of farming activity must be presented, including a copy of the federal Schedule F tax form.

BRINK OF BANK: The edge or margin of the bank, a variable factor depending on the height of the bank and the angle of the slope of the bank.

BUILDING: A structure erected on site, a mobile home or mobile structure, a pre- manufactured or pre-cut structure, designed primarily for shelter, support or enclosure of persons, animals, or property of any kind. A tent or awning is not considered a building.

CAMP GROUND: Any parcel or tract of land under the control of any person wherein sites are offered for use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 3 (three) or more recreational units, including recreational trailers, travel trailers or tents.

CO - LOCATION: The location of two (2) or more Personal Wireless Service providers or Personal Wireless Service Facilities on a common structure, tower or building, with the goal of reducing the overall number of towers in the Township.

COMMUNITY CHARACTER: This is the pattern of land forms, roads, fields, forests, water bodies, buildings; architectural style, scale and layout of individual buildings and of neighborhoods; and the types of vegetation on the landscape.

COMPOUND: The area within the perimeter fencing consisting of the tower and attendant accessory structures.

CONDOMINIUM ACT: The Public Act 59 of the 1978 Acts of the Michigan Legislature, as amended (Section 559.101 et. seq. of the Michigan Compiled Laws).

CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act.

CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967

A. A. 288 of 1967, as amended) but is subject to the requirements of the Condominium Act, Act 59 of 1978, as amended.

CONDOMINIUM SUBDIVISION PLANS: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

CONDOMINIUM UNIT: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, light industrial, business, recreational, use as a time-share unit or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a condominium subdivision with provisions of This Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

CONFLICT OF INTEREST: Participation by a member of the Zoning Board of Appeals or Planning Commission in a public hearing, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or close friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance.

CONSTRUCTION CODE: All construction must meet or exceed all local, county and state building codes.

DEED RESTRICTIONS: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

DENSITY: Refers to the number of dwelling units or usable area allowed on a parcel of land.

DISTRICTS: A section or sections of the Township of Garfield for which uniform regulations govern the use of the property, buildings, and other limitations.

DUPLEX: A dwelling consisting of two (2) separate single family units. A house with a smaller single apartment, shall not be considered a duplex.

DWELLING: A single unit providing complete independent living facilities for one (1) or more persons for residential purposes including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, SINGLE FAMILY: A dwelling designed for and occupied by one (1) family.

DWELLING, MULTIPLE FAMILY: A dwelling designed for and occupied by two (2) or more families living independently of each other.

EXOTIC ANIMALS: Any warm or cold blooded carnivorous or omnivorous animals or dangerous or undomesticated animals, which are not of a species customarily used as ordinary household pets. Animals that would ordinarily be confined in a zoo, a circus, or found in the wilderness of this or any other country. Animals such as, but not limited to; alligator, alpaca, bobcat, camel, cheetah, cougar, crocodile, elephant, jaguar, large snakes, leopard, lion, lynx, mountain lion, panther, peacock, primates, puma, rhinoceros, and tiger.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

FAMILY:

- B. An individual or group of two (2) or more persons who are related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than two (2) additional unrelated persons, and who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- C. A collective number of individuals who are domiciled together in one (1) dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are cooking and living as a single nonprofit housekeeping unit. Any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature shall not be considered a family as defined by these rules.

HEIGHT: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

HIGH WATER MARK:

That line between upland and bottom land which persists through successive changes in water level below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

HOME OCCUPATION: Any occupation clearly incidental to residential use such as dressmaking, real estate sales, bookkeeping and accounting services. Such occupation may be engaged in only by a resident entirely within his dwelling, including an attached garage, and such use shall not occupy more than twenty-five percent (25%) of the floor area, exclusive of the attic or basement, and shall show no external evidence of such use or any change in the appearance of the building or premises from residential use.

- A. 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 discernable beyond the boundaries of the property from which the occupation is conducted.
- B. The Planning Commission shall have authority to determine whether or not a proposed home occupation use complies with the zoning ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that health, safety, and general welfare of the neighborhood will not thereby be impaired.

HOME PROFESSIONAL OFFICE: The office of a professional person such as a physician, attorney, dentist, or engineer and similar learned professions, when engaged in only by a resident within his dwelling, and with the assistance of not more than one (1) outside or non-residing employee. Such use shall occupy not more than twenty-five percent (25%) of the floor area (exclusive of attic and basement) and shall show no external evidence of such use or any change in the appearance of the building, or of the premises, from residential use, provided that one illuminated but non-flashing or glaring sign not exceeding eight (8) square feet in area may be erected flat on the front wall of the dwelling for identification.

KENNELS:

- A. Commercial kennel - Any building or structure where dogs and/or cats are confined and kept for sale, treatment, boarding, breeding, or training purposes intended for profit. Commercial kennels are permitted only within the Agricultural District and the Commercial District. A special land use permit is required.
- B. Recreational kennel - Any building, buildings or land designed or arranged for the care of dogs and/or cats belonging to the owner of principle use, kept for purposes of show, hunting, or as pets. A special land use permit is required at a place or location where there are more than five (5) dogs and/or cats. Exception: a litter less than four (4) months of age.

LOT: A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description; having frontage upon a public or private road and having sufficient size to comply with the requirements of This Ordinance for minimum area, setbacks, coverage and open space.

LOT OF RECORD: A lot which is part of a subdivision and is shown on a plat or map thereof, which has been recorded in the office of the Register of Deeds of Kalkaska County, or a parcel of land described by metes and bounds, which is the subject of a deed or land contract, the description of which has been recorded in the office of the Register of Deeds of Kalkaska County, prior to the effective date of This Ordinance or amendment.

MANUFACTURED HOME: Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974) as amended (HUD Code), is transportable in one or more sections, and may be built on a permanent chassis which does not have a hitch, axles, or wheels permanently attached to the body frame. May also be referred to as a mobile home.

MASTER DEED: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by the reference the approved by-laws for the condominium subdivision plan.

MOBILE HOME: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and 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 incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

MOBILE HOME SKIRTING: A structure designed and built specifically for the purpose of enclosing the undercarriage of a mobile home. This structure must be permanent and extend down from the lower outside edge of the mobile home to the ground on all sides.

MODULAR HOUSING UNIT: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

MOTEL: A building or group of buildings, offered to the public for compensation, whether detached or in connecting units, used or designed as individual sleeping units for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designed as "auto courts", "tourist courts", "motor courts", "motel/hotels", and similar identification or integrated units of individual rooms under common ownership.

NONCONFORMING LOT OF RECORD: A lot lawfully existing at the effective date of This Ordinance, or amendments thereto, and which does not conform to the regulations of the district or zone in which it is located.

NONCONFORMING USE: An existing use of land or buildings which was lawful prior to the effective date of This Ordinance, or any amendment thereto, and which does not conform with the use requirements of the district in which it is located.

NON-USE VARIANCE (DIMENSIONAL): Official permission is given by the Zoning Board of Appeals

when the applicant has shown practical difficulty to build or use a structure or lot in a manner that does not conform to the provisions of This Ordinance.

PARCEL: A lot described by metes and bounds or described in a recorded plat.

PERSONAL WIRELESS SERVICES: Means “personal wireless services” as defined in the Telecommunication Act of 1996, 47 U.S.C. 151 et seq., including, without limitation, unlicensed wireless services, common carrier wireless exchange access services, and commercial mobile services. Common examples of commercial mobile services are personal communications services (PCS), cellular radio mobile service and paging.

PERSONAL WIRELESS SERVICE FACILITIES: Facilities for the provision of Personal Wireless Services, including transmitters, antenna structures, antennas, and accessory equipment and shelters pertaining to the facility.

PLAT: A map of a subdivision of land recorded with the County Register of Deeds.

POND: A natural or permanent artificial pond that has permanent open water with a surface area of water that is more than one acre but less than five acres.

PRACTICAL DIFFICULTY: A situation whereby a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the minimum practical standard or created by an owner subsequent to the adoption of This Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining “Practical Difficulty”.

PRIVATE ROAD: Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

***Property Line Adjustment:** Property Line Adjustment (PLA) is the relocation of a common property line between two or more adjoining properties.

RECREATIONAL VEHICLE:

- A. A vehicle or vehicular type structure primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor of power or is mounted on or drawn by another vehicle which is self-powered.
- B. A collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping out of doors. Recreational units shall include but are not limited to “travel trailers”, “camping trailers”, “motor homes”, “truck campers”, “slide-in campers”, “chassis-mounted campers”, “fifth wheels”, “tents”, and “tent campers” measuring eight (8) feet or less in width and designed to be operated on the highways without special permits.
- C. Recreational vehicles shall have current registration and license plate.

*Adopted December 13, 2012

RESIDENCE BASED OCCUPATION: Occupation performed at a location away from the site of the

residence.

ROADSIDE STAND: A structure for the display and sale of agricultural and related products on a seasonal basis, with no space for customers within the structure itself.

RURAL CHARACTER: A landscape with rural character is largely planted. It is not urbanized. The landscape will contain mostly woods, wetlands and farms with cultivated crops, pastures or fallow fields or large residential parcels.

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

SET BACK LINES: Lines established parallel to a property line along a highway right- of-way or water's edge for the purpose of defining limits within which no building or structure or any part thereof shall be erected.

SIDE WALL: The distance from the concrete slab floor up to the top of the upper plate.

SITE PLAN: A drawing showing the proposed placement of a new building, dwelling structure or use, or an addition to a building, structure or use on a parcel of land.

STRUCTURE: Any construction or piece of material artificially built up or composed of parts joined together in some definite manner; any constructed object with more or less permanent location on the ground, including dwellings, garages, buildings, signs, towers or other like object.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

TOWNSHIP: Shall be defined to mean Garfield Township, Kalkaska County, Michigan.

WATERFRONT LOT: A lot with at least one side abutting a pond (including a man- made pond), lake, stream, river or other watercourse and on which any structure is usually placed in such a manner as to orient towards the water. Separate setback provisions are provided in This Ordinance in addition to other regulations for waterfront lots.

WATERS EDGE: For zoning purposes, the waterfront lot line shall be the ordinary high- water mark separating a waterfront lot from the pond, lake, stream, river or other watercourse.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WILD ANIMALS: Any warm or cold blooded carnivorous or omnivorous animals or dangerous or undomesticated animals, which are not of a species customarily used as ordinary household pets. Animals that would ordinarily be confined in a zoo or found in the wilderness of this or any other country. Animals such as, but not limited to; badger, bear, beaver, coyote, deer, elk, fox, moose,

muskrat, opossum, otter, pheasant, quail, raccoon, skunk, squirrel, wild rabbit, wild turkey, and wolf.

ZONING BOARD OF APPEALS: The body to consider appeals from administrative decisions and other zoning actions.

ARTICLE 4

NONCONFORMITY

SECTION 4-1 PURPOSE

The purpose of this article is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use, site, structure or lot prior to the adoption of this ordinance or prior to any amendment to this ordinance that otherwise renders such use, site, structure or lot unlawful. Such legal nonconformities shall be permitted to continue until they are lost or removed.

Nonconformities shall not be enlarged upon, expanded or extended, except in compliance with this article, nor shall they be used as grounds for adding other structures or uses prohibited by the underlying zoning district.

Nothing in this ordinance prohibits the voluntary compliance with this or any future ordinance, regulation, or incentive.

SECTION 4-2 GENERALLY

A. Applicability

This article applies to any nonconformity. There are four categories of nonconformities as defined in Table 4-A. Nonconformity shall mean either Nonconforming Use, Nonconforming Site, Nonconforming Structure or Nonconforming Lot.

**Table 4-A
Nonconformities**

Situation	Definition
Nonconforming Uses 4-3 Nonconforming Uses of this Article	A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located
Nonconforming Site 4-4 Nonconforming Sites of this Article	A lot, parcel or development site that was lawfully established but that does not comply with the standards of Article 6 General Provisions of this Ordinance.
Nonconforming Structure 4-5 Nonconforming Structures of this Article	A Structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located
Nonconforming Lot 4-6 Nonconforming Lots of this Article	A lot that fails to meet the requirements for area, height, yards, buffer or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot or other governmental action

B. Continuation

On or after the effective date of this ordinance, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this article.

C. Issued Land Use Permit at Effective Date

Any land use permits issued prior to the effective date of this ordinance shall be valid, in accordance with its terms, even though not conforming to the provisions of this ordinance, provided that construction is commenced within six (6) months after the date of permit issuance and proceeds meaningfully until completion.

D. Exception for Repairs Pursuant to Public Order

Nothing in this article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

E. Loss of Nonconformity

A legal nonconformity is lost by changing to conform to the ordinance or through vacancy, lack of operation or otherwise for twelve (12) or more successive calendar months. If lost, any future use of such premises shall be in conformity, in its entirety, with the use of this ordinance. Loss of a nonconformity shall terminate the right to continue the nonconformity. An extension may be granted for an additional twelve (12) months by the Zoning Administrator if the property is held in probate, an insurance settlement related to the damage is in dispute or a criminal investigation related to the damage is in process. Probate documentation will be required.

SECTION 4-3 NONCONFORMING USES

A. Applicability

This section applies to the continuation, enlargement, or expansion of a nonconforming use.

B. Continuance

A legal nonconforming use of any structure may be continued, although such use does not conform to the provisions of this ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure are made.

C. Enlargement or Expansion

A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded except as required by law or to comply with an order of the township zoning administrator.

D. Change of Use Regulations

(1) Changes to Conforming Uses

Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming

use so changed shall not in the future be changed back to the former nonconforming use.

(2) Changes to Other Nonconforming Uses

A nonconforming use may be changed to another nonconforming use by order of the Zoning Board of Appeals, provided that the new use is determined to be more consistent with the spirit of this ordinance, the neighborhood, and the master plan than the nonconforming use which is being replaced. The order may be made by the Zoning Board of Appeals only if it make findings in support of each of the following:

- (a) The new use will not be contrary to the public interest
- (b) The new use will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;
- (c) The new use will be in harmony with the spirit and purpose of these regulations and the master plan goals, objectives, and policies;
- (d) The plight of the applicant for which the new use is sought is due to unique circumstances existing on the property and/or within the surrounding district;
- (e) Approval of the new use will not substantially weaken the general purposes of this article or the regulations established in this ordinance for the applicable zoning district;
- (f) The new use shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use as if the increment were a separate use;
- (g) The new use shall conform to all regulations established in Article 6, General Provisions , of this ordinance; and
- (h) The new use will not adversely affect the public health, safety, and welfare.

SECTION 4-4 NONCONFORMING SITES

A. Applicability

This section applies to the continuation, enlargement, or expansion of a nonconforming site.

B. Generally

Various site design standards are established in Article 5, Development Standards, of this ordinance. Consequently, many development sites do not meet current requirements for such items as parking lot standards, landscaping, storm water requirements and other design specifications. This section requires that such nonconforming sites be brought into conformance with the site development standards prescribed by this ordinance.

C. Authority to Continue

Any legal nonconforming site may be continued so long as it remains otherwise lawful subject to this section.

D. Extension

(1) Generally

A nonconforming site on which there is a conforming use shall not be expanded or contracted unless the site is brought into conformance with the provisions of this ordinance.

(2) Single Family Residential Exception

A single-family residential structure that is located on a legally nonconforming site with respect to required yards, areas, or height may be structurally altered or enlarged, providing the portion of

the structure that is altered or enlarged conforms with the provisions of this ordinance.

E. Relocations

No structure shall be relocated within a nonconforming site until the site is brought into conformance with the provisions of this ordinance.

F. Change in Use

No existing structure located on a nonconforming site shall be changed from one use classification to another use classification until the site is brought into conformance with the provisions of this ordinance or a nonconforming site variance has been approved by the Zoning Board of Appeals.

SECTION 4-5 NONCONFORMING STRUCTURES

A. Applicability

This section applies to the continuation, repair, replacement, enlargement, or expansion of a nonconforming structure.

B. Continuance of Nonconforming Structures

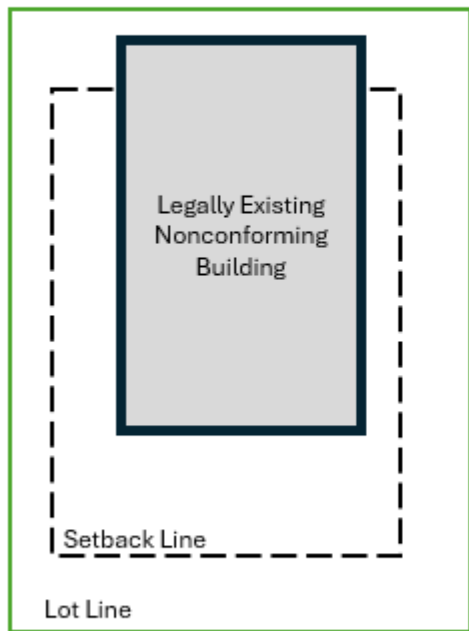
Subject to all limitations in this section, and the provisions of 4.2.D. Exception for Repairs Pursuant to Public Order of this article, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with 4-5 D.

C. Repair and Maintenance of Nonconforming Structures

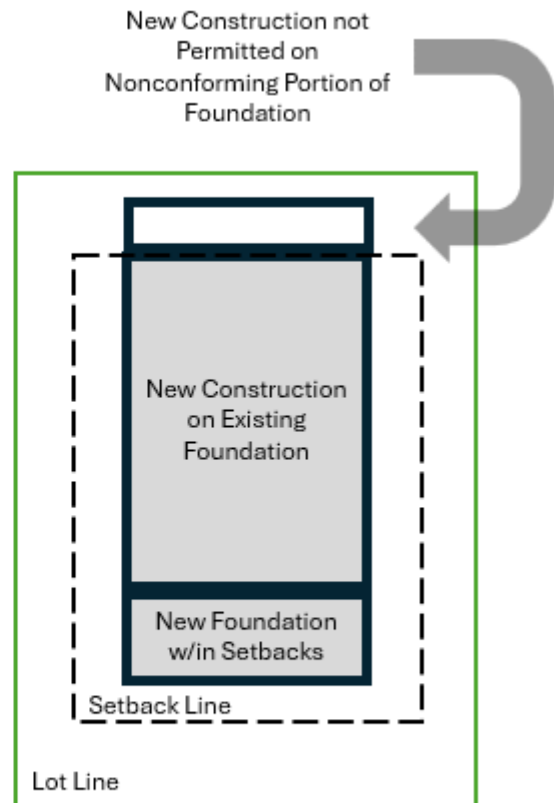
Nothing in this ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures. Such repair and maintenance shall not be so extensive as to constitute a replacement of the structure by replacing an exterior wall(s). For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute replacement shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals provided that no approval under this subsection shall permit the replacement of a structure.

D. Replacement of Damaged Nonconforming Structures

Nothing in this Ordinance shall prevent the replacement of any Nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original Structure footprint and does not increase the useable floor area or volume of each structure. Such replacement shall commence within twelve (12) months of the damage or destruction. An extension may be granted for an additional twelve (12) months by the Zoning Administrator if the property is held in probate, an insurance settlement related to the damage is in dispute or a criminal investigation related to the damage is in process. Probate documentation will be required.



Existing Conditions



Permitted Alterations to Nonconforming Structure

E. Enlargement or Expansion

A Nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable township ordinances.

SECTION 4-6 NONCONFORMING LOTS

A. Applicability

This section applies to the continuation, enlargement, or expansion of a nonconforming lot.

B. Development

Any lawfully established nonconforming lot may be developed and used for any permitted use specified by the zoning district in which the lot is located, whether or not such lot complies with the lot area and lot width requirements of this ordinance, provided that all other requirements of this ordinance are complied with. This section does not require the replatting or combination of lots under the same ownership.

SECTION 4-7 TERMINATION OF NONCONFORMITIES

A. Violation of Article

The violation of this article shall immediately terminate a nonconformity.

B. Specific Acts of Termination

Any of the following specific acts of termination shall immediately terminate a nonconformity:

- (1). Changing a nonconformity to a conforming use or a more conforming use pursuant to 4-3.D.(2). This type of termination applies only to the nonconforming use existing prior to any change; or
- (2). Nonuse of a nonconformity for a period of twelve (12) or more successive calendar months, unless in accordance with 4-5D.

ARTICLE 5 DISTRICTS

Section 5 -1

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

Section 5 - 2

DISTRICTS: For the purpose of This Ordinance the Township of Garfield is divided into the following land use districts: A. Residential; B. Agricultural; C. Recreational; A. Residential Recreational; E. Commercial; and F. Light Industrial.

Section 5 - 3

MAPS: The district into which each parcel of land in the Township is placed on the map which accompanies and is hereby made a part of This Ordinance.

Section 5 -4

LOCATION: Unless otherwise stated, all land use district boundaries are intended to follow lot lines, the center lines of roads, streets, alleys, section or sub-section lines as they exist on the date of enactment of This Ordinance.

Section 5 -5

EXACT LOCATIONS: The Zoning Board of Appeals shall determine, when required, the exact location of land use boundaries that may otherwise be in question.

ARTICLE 6 GENERAL PROVISIONS

Section 6 -1

CONFORMITY: Except as otherwise provided in This Ordinance (Article 2-2), no lot or parcel of land, building, structure or part thereof shall hereafter be located, erected, constructed, altered or used for a purpose other than in conformity with the provisions of This Ordinance.

Section 6-2

PUBLIC NOTICE: All applications for development approval requiring a public hearing shall comply with the Michigan Planning Enabling Act, PA 33 of 2008 and the other provisions of this Section with regard to public notification.

A. Responsibility: When the provisions of This Ordinance or the Michigan Planning Enabling Act require that notice be published, the chairperson of the Zoning Board of Appeals or the Planning Commission shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation and mailed or delivered as provided in this Section.

B. Content: All mail, personal and newspaper notices for public hearings shall:

1. Describe if nature of the request is for rezoning, text amendment, special land use, variance, appeal, ordinance interpretation or other purpose.
2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing addresses within the subject property. Addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross road, or including a map showing the location of the property. No addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the public hearing(s).
4. A statement describing when and where written comments will be received concerning the request. The public may appear at the public hearing in person or by counsel.
5. Provide handicap accessibility.

C. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a

specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Garfield Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- C. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 6-2E, Registration to Receive Notice by Mail.

- 2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The chairpersons of the Zoning Board of Appeals and the Planning Commission shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

- D. Timing of Notice: Unless otherwise provided in the Michigan Planning Enabling Act, PA 33 of 2008, or This Ordinance where applicable, notice of a public hearing shall be provided as follows:

- 1. For a public hearing on an application for a rezoning, text amendment, special land use, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
- 2. For any other public hearing required by This Ordinance: fifteen (15) days.
 - a. Registration to Receive Notice by Mail:
- 3. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to Section 6- 2.C.1.c, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The township clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- 4. Requirements: The requesting party must provide the township clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

Section 6 -3

UTILITIES: Utilities and public services shall continue to be operated and maintained subject to the provisions of This Ordinance except that poles, wires and usual underground utilities may be installed without a permit and without compliance with setback requirements; provided that nothing contained shall abrogate the necessity of any utility to obtain franchises and comply with the provisions of any other law or ordinance.

Section 6 -4

SANITATION: For the health, safety and general welfare of the inhabitants of the Township, sanitation, sewage disposal, septic tanks or systems shall be designed, located and constructed in conformity to state, county and township regulations and requirements. Under no condition may the overflow or effluent from any disposal system (septic tank) be discharged on the surface of the ground or into a body of water. The underside of the drainage bed of all sub-surface disposal systems must be at least four

(4) feet above the water table and high-water mark on any body of water.

No structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial or recreational purposes unless it shall be provided with a safe, potable water supply.

Section 6 - 5

SCHEDULE LIMITING HEIGHT, BULK, YARD SETBACKS AND MINIMUM LOT SIZE BY ZONING DISTRICT FOR DWELLINGS:

**	minimum lot	minimum lot width	maximum height of structure		minimum yard setback in feet from R.O.W. and/or property lines		
Zone	Area Sq. Ft./Acre	In Feet	In Stories	In Feet	Front	Each Side	Rear
Residential	15,000	65	2 ½	35	30	10	10
Residential Recreational	15,000	65	2 ½	35	30	10	10
Agricultural	5 acres	235	2 ½	35	30	10	30
Recreational	15,000	65	2 ½	35	30	10	30
*Commercial	5 acres	330	2 ½	35	60	10	30
*Industrial	5 acres	330	2 ½	35	60	10	30

*No building or structure shall be erected, altered or used so as to occupy more than 40% (forty percent) of the lot area.

* *Minimum distance between structures amended/deleted October 10th 2013

Section 6-5A**ACCESSORY BUILDING STANDARDS**

Zoning District Height (sidewall/building) and Other Requirements for Accessory Building

Foot Print	≤ 1,200 sq.ft	1,201 to 2,000 sq.ft	Over 2,000 sq.ft.
Residential	14'/22' by right 16'/24' by Special Use w/under 3 acres	16'/24' w/ 3 acres or more 16'/24' by Special Use w/under 3 acres	Not allowed under 3 acres. 16'/30' by Special Use w/3 acres or more.
Residential/Recreational	14'/22' w/ under 3 acres 16'/24' by Special Use w/ under 3 acres	16'/24' w/ 3 acres or more 16'/24' by Special Use w/ under 3 acres	16'/30' w/ 3 acres or more 16'/30' by Special Use w/ under 3 acres
Agricultural	Bona Fide Farms farms allowed by right w/no limitations 14'/22' by right 16'/24' by Special Use w/ under 3 acres	Bona Fide Farms farms allowed by right w/no limitations 16'/24'w/ 3 acres or more. Special Use w/ under 3 acres	Bona Fide Farms farms allowed by right w/no limitations 24'/36' for other than Bona Fide farms w/ 3 acres or more 24'/36' by Special Use w/ under than 3 acres
Recreational	Bona Fide Farms farms allowed by right w/no limitations 14'/22' by right 16'/24' by Special Use w/under 3 acres	Bona Fide Farms farms allowed by right w/no limitations 16'/24' by Special Use w/ under 3 acres	Bona Fide Farms farms allowed by right w/no limitations 24'/36' for other than Bona Fide farms w/ 3 acres or more 24'/36' by Special Use w/ under 3 acres
Commercial/Light Industrial	Requires site plan review - Article 13		

Definitions from Article 3.

ACCESSORY BUILDING: A supplemental building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use. Decks, porches, awnings, and other similar attachments to buildings are considered accessory buildings. Accessory buildings (i.e garages and pole buildings) shall not be used for dwelling purposes.

Bona Fide Farms: Land used primarily for a farm with or without a dwelling unit. Evidence of farming activity must be presented, including a copy of the federal Schedule F tax form.

Side Wall: The distance from the concrete slab floor up to the top of the upper plate.

*6-5 Amended 4-12-2018

Section 6 -6

SETBACK: All buildings and structures must be no less than thirty (30) feet from the nearest right-of-way of any public highway, street or thoroughfare; nor shall any building or structure be erected less than 10 (ten) feet from any property line. The word structure in this section and Article 6-6 shall include decks, porches, awnings and other similar attachments to a building.

**changes approved June 14 2012*

Section 6 -7

SETBACK FOR WATERFRONT LOTS: All buildings and structures on waterfront lots within the Natural Rivers District must have a minimum setback of one hundred (100) feet. Setbacks not within the Natural Rivers District shall have a minimum of fifty (50) feet. Exceptions to this would be in the case of high banks that would exceed ten (10) feet vertical height from the high-water mark to the brink of the bank. Any of the exceptions are determined by the Zoning Administrator who will review the building site and the site plan and submit a recommendation to the Township Board for their approval or denial. All other setback requirements in the district in which the use is located must be adhered to, except that where the rear yard of a structure abuts the waterfront, the waterfront setback and not the rear yard setback shall govern.

Section 6 -7A

ACCESSORY BUILDINGS ON WATERFRONT LOTS: Any accessory building proposed to have a height over ten (10) feet at the side wall, or a maximum height of more than sixteen (16) feet, to be built on a lot or parcel of land bordering on any stream, river, or other body of water in the Township, shall have a concrete slab floor, and shall be subject to obtaining a Special Land Use Permit as provided in Article 13.

**Exceptions; see Accessory Building Standards Article 6-5.*

SECTION 6 -8

ABOVE GROUND AND UNDERGROUND STORAGE TANKS: Any person having or installing an above ground or underground storage tank used for storing any material other than water or used for sanitation purposes, shall conform to State and Federal regulations and requirements, and shall register said tank in writing with the Garfield Township Clerk.

Section 6 -9

DWELLING SIZE: The principal structure of any residence located on property zoned in any district, shall have a minimum width of twelve (12) feet and a minimum enclosed ground floor area of not less than seven hundred twenty (720) square feet: or four hundred eighty (480) square feet, only if accompanied by a permanent accessory storage building of over two hundred (200) square feet. Porches, awnings, eaves, decks, and other similar attachments to a building are excluded when determining the enclosed ground floor area. An undersized structure shall not be moved into the Township.

Section 6 -10

HARDSHIP: If any condition shall create a hardship in complying with the restrictions contained in this Article, then the Township Board may grant deviation therefrom after first determining if deviation is in the best interests of public health, safety and welfare.

Section 6 -11

PLATTED LOTS: No lot, out-lot or other parcels of land (hereafter called "Lots, etc.") in a recorded Plat shall be further partitioned or divided. However, the ownership and use of one or more Lots, etc., together with portions of one or more other Lots, etc. may be allowed if the Planning Commission first determines that:

- A. Ownership of the Lots, etc., and portions of Lots, etc., will be vested in the same person;
- B. The Lots, etc., and portions of Lots, etc., are contiguous and in one District;
- C. The total land referred to in Article 6 -11A is to be considered one (1) Lot for the purposes of This Ordinance;
- D. The use is approved under the Special Land Use Permit Procedure of Article 13, with particular emphasis upon the requirements, purposes and goals of this Ordinance and the present uses and appearance of the subdivision;
- E. The use is not in violation of the restrictions and easements of record;
- F. The use be considered subject to Article 4 on Nonconforming Use; and
- G. In all instances where Lots, etc. are sought to be joined with portions of one or more other Lots, etc., it shall be required that an appropriate instrument be recorded with Kalkaska County Register of Deeds establishing the following restrictions:
 - 1. The land described herein consists of a lot, out-lot or other parcel of land and in a recorded plat and a portion or portions of other lot(s), out-lot(s) or other parcels of land in the same subdivision;
 - 2. Such description represents a partition of platted land that has been approved by the Garfield Township Planning Commission;
 - 3. Hereafter, this described land may not be further subdivided or partitioned by any means whatsoever without the prior approval of the Garfield Township Planning Commission in accordance with the Garfield Township Zoning Ordinance; and
 - 4. This restriction shall run with the land.

Section 6 -12

LAND ALTERATION: No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such manner as to cause ponding or surface accumulation of such runoff thereon.

No earth changing activities shall be undertaken except in compliance with the Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972 and earth change covered by said Act.

Section 6 -13

MOBILE HOME REQUIREMENTS: When permitted as an allowed or special land use within a zoning district, mobile homes, whether or not mounted on wheels, shall have not less than seven hundred twenty (720) square feet of enclosed floor area, excluding porches, additions, awnings and other similar attachments, and shall have a minimum width of twelve (12) feet; shall comply with the Kaskaskia County Construction Code, and shall be level and securely anchored to a concrete foundation set in the ground, and so designed as to prevent same from being dislodged from the foundation by the force of the wind. Every mobile home shall be fully skirted with finished exterior siding, masonry or pre-manufactured mobile home skirting, which skirting shall be installed within 45 (forty-five) days of placement and shall fully enclose the base of the mobile home and conceal the wheels and undercarriage. **A mobile home shall not be used for storage.**

Section 6 -14

MOBILE HOME PARKS:

- A. MOBILE HOME PARKS PERMITTED BY SPECIAL LAND USE PERMIT: Every mobile home park established after the effective date of This Ordinance shall be permitted by Special Land Use Permit in any district which specifically authorizes mobile home parks as a Special Land Use Permit when it is demonstrated that the proposed mobile home park complies with all the requirements of This Ordinance as well as those of P.A. 96 of 1987, the Mobile Home Commission Act.
- B. MOBILE HOME PARK REQUIREMENTS: Each mobile home park shall be subject to the following requirements of This Ordinance:
 - 1. Location: No mobile home park shall be erected less than two hundred (200) feet from any dwelling existing at the time application is made for permit or from the boundary-line of a Residential District.
 - 2. Land Requirements: No park shall be erected on less than ten (10) acres with less than three hundred thirty (330) feet of frontage on any abutting public highway, and providing no less than three hundred thirty (330) feet width at setback line.
 - 3. Setback and Yard Requirements: No building, house trailer or mobile home on the premises shall be located less than thirty (30) feet from the road right-of-way line, nor less than ten (10) feet from any side lot line, and fifteen (15) feet from the rear park boundary line. Side and rear park boundaries shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished wall or fence of durable material or by a well maintained dense evergreen planting, which screening shall be not less than six (6) feet in height.

4. Review Process: Application for Special Land Use Permit approval for the location and operation of any such park shall be made to the Zoning Administrator. The Zoning Administrator is to submit a recommendation to the Planning Commission for their advisory review and recommendation. The Planning Commission's recommendations will then be submitted to the Township Board, subject to their final approval.

Section 6 -15 SIGNS

- A. PERMITTED SIGNS: The following signs are permitted within any zone and may be erected as herein provided:

1. Unless otherwise stated, no more than one (1) sign shall be erected per dwelling.
2. Directional or other official signs, including but not limited to, signs pertaining to natural wonders, scenic and historic attractions, which are required or authorized by law.
3. Identification signs designating house number and/or the name of the resident or permanent subdivision identification sign not exceeding ten (10) square feet.
4. Temporary sign advertising the sale or lease of the premises, not exceeding four (4) square feet and located on the premises.
5. A sign advertising a new plat to be erected on the platted property not exceeding twenty (20) square feet in area provided that the same shall be removed when seventy-five percent (75%) of the platted lots are sold.
6. Institutional identification signs such as bulletin boards for churches, schools, libraries, hospitals, museums and other public buildings.

- B. ADVERTISING SIGNS AND DISPLAYS: Advertising signs and displays are permitted provided the following conditions are met:

1. On-Premises Advertising and Display Sign:
 - a. Sign pertains only to the use permitted on the premises.
 - b. Sign is attached flat against the building or not less than ten (10) feet from the highway right-of-way and the total area of said sign does not exceed twenty (20) square feet.

- c. Sign does not project more than three (3) feet above the building line.
 - d. Sign does not obstruct the view of traffic from sidewalks, roadways and driveways.
 - e. Permission for the placement of the sign is obtained in writing from the property owner.
 - f. The sign does not interfere with the use, occupation, and enjoyment of adjacent property by reason of the nature of the sign.

2. Off-Premise Advertising and Display Sign:

- a. The identified premises are within three (3) miles of the sign.
- b. The area of the sign does not exceed twenty (20) square feet.
- c. The sign is located at least ten (10) feet from the highway right-of- way and does not obstruct the view of the traffic entering the highway.
- d. All individual signs combined into one (1) single sign may contain an additional five (5) square feet of area provided that the total structure shall not exceed twenty-five (25) square feet.
- e. The sign is no greater than fifteen (15) feet in height above the centerline of the adjacent roadway.
- f. Permission is granted in writing by the owner of the land on which the sign is located.
- g. Such sign is at least three hundred (300) feet from any other previously established sign even though such existing sign may be nonconforming under This Ordinance.
- h. No sign under this section shall be permitted in any Residential or Recreational District.

3. Painting Required Every Five Years:

The owner of any sign as defined and regulated by This Ordinance shall be required to have properly painted at least once every five (5) years all parts and supports of said sign unless the same are galvanized or otherwise treated to prevent rust or deterioration.

4. Illuminated Signs:
Illuminated signs shall be erected and located so that they will not reflect directly upon adjacent residential property or zones. An illuminated sign must be positioned so as not to obscure the vision of vehicular traffic by reason of its illumination. The wiring of all illuminated signs shall meet the approval of all local codes.
5. Responsibility:
A sign owner shall be held personally liable and responsible for bodily injury and property damage arising out of the erection, maintenance, repair and replacement of the sign.

Section 6 -16

UNLISTED PROPERTY USES: The Board of Appeals shall have the power upon written request of any property owner, the Zoning Administrator or the Planning Commission to classify a use not listed in This Ordinance. In determining the proper classification for an unlisted land use or structure, the Board of Appeals shall consider the characteristics of the use under consideration in relation to similar and comparable uses listed in This Ordinance. Once classified, the use is subject to all applicable regulations pertaining to similar uses in that district, including Special Land Use Permit considerations if classified as such by the Board of Appeals.

Section 6 -17

DETERIORATION OF DWELLINGS: If any structure used for residential purposes, including a house trailer, travel trailer, or mobile home is allowed to deteriorate to the extent that it is detrimental to the health, safety and general welfare of the inhabitants of Garfield Township, and to the use and enjoyment of adjacent properties, the Zoning Administrator is to submit recommendations for its removal to the Planning Commission for their advisory review and recommendation. The Planning Commission's recommendation will then be submitted to the Township Board for their decision for its removal.

Section 6 -18

OCCUPANCY PERMIT: No building shall be occupied until an Occupancy Permit has been issued by Kalkaska County Construction Codes Office.

ARTICLE 6A LAND DIVISION REGULATIONS

Section 6A -1

PURPOSE: The intent of this Article is to recognize the need to better monitor the creation of new parcels, to prevent the creation of unbuildable lots, to help ensure adequate access, to better protect the community character and retain the rural character of the township.

Section 6A -2

APPROVAL REQUIRED: For the purposes of this section, Garfield Township shall not recognize any lot which was either not a lot of record as of June 19, 1996, or which has not been subsequently approved by the Garfield Township Board. Subdivisions or plats may be made only in accordance with the Michigan Subdivision Control Act P.A. 288 of 1967, as amended.

All lot splits shall be approved by the Garfield Township Board with the recommendation of the Planning Commission prior to their being recorded in the County Register of Deeds Office and before any Land Use Permits shall be issued in order to assure compliance of this Zoning Ordinance and before they can be sold, leased or conveyed to another owner, user or occupant. **It is a violation of This Ordinance not to apply for and receive prior approval for the split.**

All lot splits resulting in two (2) or more parcels, and which would create landlocked lots or parcels shall not be permitted unless a sixty-six (66)) foot wide road easement is provided to the otherwise potentially landlocked lots or parcels; and shall conform to all requirements of Article 6-B: Private Road Regulations.

**** Land Combinations** shall be approved by the Zoning Administrator by means of a land combination.

Section 6A - 3

APPLICATION FOR LOT SPLIT or Property Line Adjustment: Application for a lot split or property line adjustment shall be made to the Garfield Township Zoning Administrator.

When **complete**, the application shall be processed in accordance with this section of This Ordinance. The application shall be signed by all parties of interest in the property. "Parties of Interest" is defined as fee simple owner or land contract purchaser of the parcel or parcels proposed to be split or have a property line adjustment, and the proposed future owner or land contract purchasers of the parcel or parcels to be split or to have a property line adjustment.

Section 6A - 4

REQUIRED INFORMATION: The following required information shall be included on all applications for lot splits or property line adjustments:

- A. The exact legal description of the lot to be partitioned. Area shall be shown to the square foot on parcels of less than one (1) acre and acres to the one-hundredth (1/100) of an acre on parcels larger than one (1) acre.
- B. All existing and proposed deed restrictions for the property(s), including any required easements for drainage, roads or utilities attached in recordable form.
- C. A site plan drawn to scale showing the location of buildings, well(s), septic systems, roads and driveways.
- D. Name, address and phone number of the property owner(s) and all parties of interest in the property. Satisfactory evidence of ownership or interest shall be presented to the township.

- E. Proof of payment of any due but unpaid real property taxes and assessments on the parcel or parcels purposed to be split.

Section 6A -5

CRITERIA FOR APPROVAL OR DENIAL OF LOT SPLITS or Property Line Adjustments: Following receipt of a lot split or property line adjustment application, the Zoning Administrator shall refer said application to the Garfield Township Planning Commission for review and recommendations.

Accompanying submission shall be the following: A memo from the Zoning Administrator stating whether or not the parcel or parcels to be divided or have property lines adjusted contain any improvements.

The Planning Commission shall proceed to review the petition and shall report its findings, conclusions and recommendations to the Garfield Township Board.

The following criteria shall be used as a basis upon which lot splits will be reviewed by the Planning Commission:

- A. The width, depth and area of the resulting lots which will result if the lot division is permitted (does not apply for property line adjustments). Except as set forth in Article 6A - 6.C, no partition of a lot shall be approved, unless the lots which will result after the partitioning of the lot comply fully with the setback, width, depth and area requirements, of the Garfield Township Zoning Ordinance.
- B. The ratio of lot depth to width shall not exceed four (4) to one (1) for lot splits only.
- C. Whether each resulting lot abuts a public road or approved access. All lots shall be provided with a satisfactory means of access to a public road or a private road complying with the provisions of the private road regulations (Article 6B).
- D. The size, shape, orientation, and existing zoning of the lots shall be appropriate for the type of development and land use contemplated. No split or property line adjustment shall be approved which would conflict with existing drainage ditches, natural watercourses, easements or public rights-of-way.
- E. Lot splits or property line adjustment shall be in accordance with the Subdivision Control Act, P.A. 288 of 1967, as amended.
- F. Lot splits or property line adjustment shall not preclude the feasible and efficient development, division or access for remaining or abutting lands affected by the proposed split.

Section 6A -6

PROCEDURE FOR APPROVAL OF LOT SPLITS:

- A. The Planning Commission shall submit their recommendations to the Garfield Township Board. The Township Board shall either approve or disapprove the proposed partition of the lot. The Township Board shall not approve the partition unless it shall make a finding that all of the considerations contained within This Ordinance have been reviewed and applied.
- B. If the Township Board approves the request, then the Planning Commission or person

appointed by the Planning Commission will have the approved application recorded with the Kaskaskia County Register of Deeds. A copy of the recorded deed shall then be provided to the Planning Commission. No land use permit shall be issued until a copy of the recorded application is received from the County Register of Deeds.

- C. If a proposed partition fails to comply with the provisions of This Ordinance, the partition may nevertheless be permitted, if any resulting lot which does not meet these requirements is permanently attached to another platted lot under common ownership and if the resulting parcel complies with all other requirements of This Ordinance. Partitioned or divided parcel or parcels may not thereafter be developed or used separately but only in conjunction with an adjoining parcel or parcels of land.

ARTICLE 6B PRIVATE ROAD REGULATIONS

Section 6B -1

PURPOSE: The intent of regulating private roads is to minimize the risk for public safety and personal property. Unless private roads are built to minimum engineering standards, they will not be suitable for travel by emergency vehicles like ambulances and fire trucks.

Section 6B - 2

REQUIREMENT FOR PRIVATE ROADS:

- A. No parcel of land or lot created shall be issued a land use permit which does not have access along a public road or private road; such private roads also include access by easement roads. Such roads within these definitions shall be approved by the Township and developed according to the standards herein.
- B. All private roads shall have names approved by Garfield Township Board. Address numbering shall meet county requirements. Signs marked "Private Road" shall be erected and maintained by the property owner at the entrance of all private roads. Signs shall meet county sign standards.
- C. Unless otherwise specified in This Ordinance, easements shall be a minimum of sixty (66) feet wide.
 - 1. Private road easement shall be counted for purposes of minimum lot size requirements.
 - 2. Front yard or other setback requirements apply to private road easements as well as public road right-of-way.
 - 3. A private road easement along the edge of a parcel is counted for purposes of the parcel meeting the minimum lot width requirements.
 - 4. Property owned by the same person located on opposite sides of a private road easement constitutes a single parcel.
- D. Private roads having a dead end shall provide for a turnaround right-of-way of 100 (one hundred) feet in diameter.
- E. Shall be constructed so as to sufficiently control storm water runoff, permit effective storm water drainage, prevent soil erosion and shall have all required storm water and soil erosion control permits and conform to the requirements of all agencies having jurisdiction.
- F. Construction permits from the County Road Commission are required for connection to County roads.
- G. Application for road construction shall be made at the same time as a land division occurs creating a lot(s) without frontage on an existing public road. The applicant will prepare:
 - 1. A road maintenance agreement and deed restrictions signed by applicant/owner, providing for:
 - a. A method of initiating and financing of such road in order to keep the road in a reasonably good and usable condition.

- b. Method of apportioning the costs of maintenance and improvements.
 - c. A notice that no public funds of Garfield Township are to be used to initially build, thereafter repair, or maintain the private road.
 - d. Easements to the public for purposes of emergency and public services.
 - e. A provision prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners.
- H. The road maintenance agreement shall be recorded with the Kankaska County Register of Deeds and a copy is to be provided to the Planning Commission. Failure to provide a registered copy of the road maintenance agreement shall result in no issuance of a land use permit. This shall run with the land and bind and benefit the parcels, and the owners thereof, in perpetuity.
- I. The private road plan shall be approved by the Garfield Township Board with the recommendation of the Garfield Township Fire Department officers.
- J. Roads existing and used as private roads prior to June 19, 1996, may continue to be used, without the requirement of a recorded maintenance agreement. It is recommended, however, that users of existing nonconforming roads be encouraged to record a road maintenance agreement in accordance with the provisions set forth herein.

ARTICLE 6C PERSONAL WIRELESS SERVICES

Section 6C -1

PURPOSE: The Telecommunications Act of 1996, as sets forth provisions concerning placement, location and construction of towers and related facilities for Personal Wireless Services. The purpose of this Article is to establish general guidelines for the siting of Personal Wireless Services Facilities, which include antenna structures (towers). The township also recognizes the need to protect the scenic beauty and rural character of Garfield Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. The intent of these provisions is to encourage users of towers and antennas to:

- A. Protect residential areas and land uses from potential adverse impact of towers and antennas.
- B. Place towers in non-residential areas.
- C. Minimize the total number of towers throughout the community.
- D. Provide for the joint use of new and existing towers sites before allowing construction of additional single-use towers.
- E. Use monopole-type towers and locate, to the extent possible, in areas where the adverse impact on the community is minimal.
- F. Configure towers in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques.
- G. Locate towers, to the extent possible, at such heights that they do not interfere with efforts to preserve the scenic views, and rural character of the township.
- H. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- I. Consider the public health, safety and welfare of Garfield Township residents when citing communications towers and antennas.
- J. Avoid potential damage to adjacent property and injury to citizens from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, Garfield Township shall give due consideration to Garfield Township's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for location of towers and antennas. It is not the intent to regulate ham radio antennas under This Ordinance.

Section 6C - 2

GENERAL REQUIREMENTS: Personal Wireless Service Facilities, including their accessory equipment, and/or equipment shelter buildings, are subject to the following general requirements:

- A. INVENTORY OF EXISTING SITES: All applicants for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas or sites approved for towers and antennas, that are either within the jurisdiction of Garfield

Township or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower.

- B. PLACEMENT IN ROAD RIGHT-OF-WAYS PROHIBITED: Personal Wireless Service Facilities shall not be placed in any road right-of-way or in any easement for road purposes.
- C. LOT SIZE: Personal Wireless Service Facilities shall be placed on parcels (whether the land is owned or leased by the tower owner) that have an area no less than twenty (20) acres in size. The Garfield Township Zoning Board of Appeals shall not reduce this size limit.
- D. SETBACKS: All setbacks for the zoning district shall be met. No Personal Wireless Service Facility shall be placed closer than one hundred percent (100%) of a tower's height from any property line or any residence.
- E. FAA APPROVAL: All proposals for towers of more than thirty-five (35) feet in height shall be submitted to the FAA for review and approval prior to approval by the Township. A copy of FAA approval must accompany Special Land Use Permit Application.
- F. STATE AND FEDERAL REQUIREMENTS: All Personal Wireless Services Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the tower and antennas governed by This Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations constitute grounds for removal of the tower or antenna at the owner's expense.
- G. BUILDING CODES; SAFETY STANDARDS: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If upon inspection, the Township concludes that a tower fails to comply with such codes and standards, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- H. FRANCHISES: Prior to approval by Garfield Township, any franchise required by the Garfield Township Board shall be in place.
- I. SCENIC VIEWS: Personal Wireless Service Facilities may not be located in any prime scenic view unless the applicant is able to demonstrate to the reasonable satisfaction of the Planning Commission, that an existing tower or alternative site or technology cannot accommodate the applicant's proposed facility. Personal Wireless Services Facilities located in prime scenic view areas must be adjacent to existing structures, backed by trees or other vegetation, or otherwise located so that in the sole discretion of the Garfield Township Planning Commission such facilities do not impair the scenic view.

J. AESTHETICS: Personal Wireless Services Facilities shall be aesthetically and architecturally compatible with the environment, and shall meet the following requirements:

- 1) Personal Wireless Service Facilities shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend such facilities into the natural setting. The facility must be maintained with no debris and remain aesthetically pleasing.
- 2) Garfield Township shall require landscape screening of the Personal Wireless Service Facilities and fencing.
 - a) Landscaping shall consist of a five (5) foot wide buffer of plant materials that effectively screen the view of the tower compound from adjacent parcels. This buffer shall be located outside the perimeter of the compound.
 - b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c) Existing mature tree growth, vegetation and natural land forms on the site shall be preserved to the maximum extent possible.
- 3) All connecting wires from towers to the facility shall be underground.
- 4) All electrical and other service wires to the facility shall be underground.
- 5) Service buildings shall be no larger than necessary to house equipment, and shall meet all setback requirements of This Ordinance.
- 6) Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary source.
- 7) Antenna and metal towers shall be grounded for protection against a direct strike by lightning. They shall comply as to electrical connections, wiring and as to structural integrity with applicable state and local building codes. They shall also comply with all applicable standards for towers published by the Electronic Industries Association, as amended from time to time.

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- K. TOWER TYPES: Monopole towers are strongly preferred. If the applicant proposes to use a guyed or lattice tower, the applicant shall demonstrate why a monopole design cannot be used.
- L. ANTENNA TYPES: Singular tube antenna types, such as omnidirectional antennas or arrangements that use compact-type platforms, instead of broad designed-type sectorized antenna arrays, shall be preferred for all applicants.
- M. ATTACHED WIRELESS COMMUNICATION FACILITIES: These are limited to twenty (20) feet from the top of the attachment structure. An attached antenna array shall not extend more than five (5) feet horizontally from the attachment structure.
- N. LIGHTING: Towers shall not be artificially lighted unless required by the FAA or other

applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the property. Light poles and fixtures shall be located as low as practical. A greater number of low "area" lights are favored over higher lights. Strobe lights shall not be allowed except as required by the FAA. All exterior lighting shall be from high pressure sodium light sources with shielded down lighting and non-projecting lenses.

- O. SIGNS: No signs, advertisements or identification of any kind intended to be visible from the ground or other structures shall be allowed on an antenna or tower except as required for emergency purposes.
- P. FENCING: Towers and attendant accessory structures shall be enclosed by a locked gate and security fencing at least six (6) feet in height, and shall be equipped with an appropriate anti climbing device.
- Q. EMERGENCY PROVIDER USE: The applicant shall provide at no cost, co-location space for public emergency service providers, should the need exist.
- R. TOWER HEIGHT: Towers may exceed district heights limits, providing they comply with the following additional standards:
 - 1. In order to maximize the efficiency of the provision of telecommunication services, while minimizing the impact of such services on Garfield Township, co-location will be required by Garfield Township.
 - a. The applicant shall be required to provide information regarding the feasibility of co-location at proposed sites. Factors to be considered in determining feasibility of co-location include available space on existing towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, and any FCC limitations on sharing towers.
 - b. The applicant shall be required to send a certified mail announcement to all other tower users in the area, stating their siting needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied or deny space on a tower unless the applicant demonstrates, to the satisfaction of Garfield Township, that mechanical, structural or regulatory factors prevent them from sharing. The applicant shall submit a copy of the certified mailings with the application for a Special Land Use Permit.
 - c. The applicant may be required to provide a letter of intent to lease excess space on a tower and commit itself to:
 - I. Respond to any requests for information from another potential shared use applicant;
 - II. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is practicable; and lull. Make no more than a reasonable charge for shared use lease.

- d. Once a co-location type tower has received a Special Land Use approval, the Planning Commission may approve such co-location antennas.
2. Tower height may be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to Garfield Township determined by the Garfield Township Board of Trustees to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of a maximum height of three hundred (300) feet. Where the independent evaluation shows that service can be provided by a lower tower, no tower in excess of a maximum height of three hundred (300) feet shall be allowed. The Garfield Township Zoning Board of Appeals shall not grant a variance from this requirement.
- S. INTERFERENCE WITH RESIDENTIAL RECEPTION: Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
 - T. SPACING-RESIDENCE: A tower shall not be located within two hundred (200) feet or three hundred (300) percent of the height of the tower, whichever is greater, of a park or public right-of-way, or of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the park, right-of-way, single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.
 - U. COLLAPSABILITY: Towers shall be designed to internally collapse in the face of natural forces.
 - V. EMERGENCY ACCESS: There shall be access to the tower sufficient to allow service by emergency vehicles.
 - W. EMERGENCY CONTACT: Special Land Use Permit applications shall contain addresses and phone numbers sufficient to reach owners and maintenance personnel in the event of an emergency, and such phone numbers shall be displayed on signs at the tower site.

Section 6C -3

SPECIAL LAND USE PERMITS

GENERAL: The following provisions shall govern the issuance of Special Land Use permits for towers or antennas by the Garfield Township Planning Commission:

1. Applications for Special Land Use Permits under this Article shall be subject to the procedures and requirements as set forth in Article 13, of the Garfield Township Zoning Ordinance, except as modified in this Article.
2. In granting a Special Land Use Permit, the Garfield Township Planning Commission may impose conditions to the extent the Garfield Township Planning Commission concludes such conditions are necessary to minimize any effect of the proposed tower on adjoining properties.
3. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.

4. An applicant for a Special Land Use Permit shall submit the information described in this Article and a non-refundable fee of five hundred dollars (\$500) as established by resolution of Garfield Township for the costs of reviewing the application.

B. TOWERS: Information required, in addition to any information required for applications for Special Land Use Permits pursuant to the Garfield Township Zoning Ordinance and the general requirements set forth in Article 13 of This Ordinance, applicants for a special land use permit for Personal Wireless Service Facilities will be required to provide additional information as follows:

1. Evidence of ownership of the property on which the facility is to be placed.
2. Name and address of the proposed owner and/or operator of the site.
3. Engineering requirements for the service to be provided at the site.
4. Name and address, including the phone number of the person responsible for determining the feasibility of location on a Township designated area and/or co-location as provided in this section.
5. Preliminary design of all proposed structures.
6. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of one hundred (100) miles per hour.
7. A landscape plan showing specific landscape material.
8. Method of fencing, and finished color and, if applicable, the method of camouflage and illuminations.
9. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
10. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
11. Identification of the entities providing the back-haul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
12. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures provided through the use of the proposed new tower.

13. A description of the feasible location(s) of future towers or antennas within Garfield Township or within five (5) miles of the borders of Garfield Township, based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

C. FACTORS CONSIDERED IN GRANTING SPECIAL LAND USE PERMITS FOR TOWERS: In addition to any standards for considering of Special Land Use Permit applications pursuant to the Garfield Township Zoning Ordinance, the Garfield Township Planning Commission shall consider the following factors in determining whether to issue a Special Land Use Permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Garfield Township Planning Commission concludes that the goals of This Ordinance are better served:

1. Height of proposed tower.
2. Proximity of the tower to residential structures and residential district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Proposed ingress and egress.
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

D. Availability of Existing Towers, Other Structures, or Alternative Technology: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Garfield Township Planning Commission related to the availability of existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographical area which meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirement.
3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 6. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower antenna development shall not be presumed to render the technology unsuitable.
- E. REMOVAL OF ABANDONED ANTENNAS AND TOWERS: Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear or tear. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 6C -4

BONDS: The owner of a Personal Wireless Service Facility; including equipment/ accessory buildings, shall post a bond with Garfield Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within ninety (90) days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the Personal Wireless Service Facility.

Section 6C - 5 NONCONFORMING USES

- A. NOT AN EXPANSION OF A NONCONFORMING USE: Towers that are constructed, and antennas which are installed, in accordance with the provision of This Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. PREEXISTING TOWERS: Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, other than routine maintenance on a preexisting tower, shall comply with requirements of this Article.
- C. REBUILDING DAMAGED OR DESTROYED NONCONFORMING TOWERS OR ANTENNAS: Nonconforming towers and antennas may be rebuilt provided that: the type, height and

location of the tower onsite shall be of the same type and intensity as the original facility. Special Land Use Permits to rebuild the facility shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified above.

Section 6C -6

PENALTY: A person who operates, or causes to be operated, a Personal Wireless Service Facility without a valid permit and/or license or otherwise violates This Ordinance shall be subject to Article 18 of the Garfield Township Zoning Ordinance.

ARTICLE 6D SITE CONDOMINIUM AND SUBDIVISION REGULATIONS

Section 6-D1

PURPOSE: The intent of this Article is to provide procedures and standards for the review and approval or denial of developments utilizing any form of condominium subdivisions of land implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A. 288 of 1967, as amended), and promote the orderly development of the adjacent areas. It is also intended that commercial or light industrial condominium projects would also be included and reviewed or approved or disapproved by the Township.

Section 6D – 2

PROCEDURE: Prior to recording of the master deed, required by Section 72 of the Condominium Act, a condominium development shall undergo review and approval by the Township in accordance with the provisions of this Section 6D of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand or amend a condominium project in the Township.

Section 6D – 3

CONSULTATION: In determining whether to approve a condominium development plan, the Township shall consult with the Zoning Administrator, and may also consult with the Township Planning Consultant, Township Engineer and the Township Attorney regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design and compliance with all requirements of the Condominium Act. All reasonable costs related to said consultations, as established by the Township, shall be paid by the petitioner to the Township prior to the Township issuing an approval of a condominium development plan.

Section 6D -3a.

General Requirements: The following are general requirements for all condominium projects:

1. **Compliance with Federal, State and Local Laws.** All condominium projects shall comply with all applicable Federal State and local laws and ordinances. No condominium document shall conflict with the standards of this Ordinance.
2. **Required Content:** All condominium development plans shall include the information required by Section 66 of the Condominium Act and the following:
 - a. a survey plan of the condominium development
 - b. a flood plain plan, when appropriate
 - c. a detailed site plan showing the location, size, shape, area and width of all condominium units
 - d. a utility plan showing all sanitary sewer, water and storm sewer lines and easements for the installation, repair and maintenance of all utilities

e. a street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision

f. a storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities, when appropriate.

3. Utility Easements. The condominium development plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement and excavating and refilling ditches and trenches necessary for the location of said structures

4. Private Roads. All private roads in a condominium subdivision shall comply with the specifications of the Kalkaska County Road Commission and the Township Private Road Regulation, Article 6B.

5. Relocation of Boundaries. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the Zoning District in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the condominium bylaws and recorded as part of the master deed

6. Condominium Units. Individual condominium units shall comply will all regulations or requirements of the Zoning District in which it is located and shall be approved by the Zoning Administrator.

7. Performance Guarantee. As a condition of approval, the Township may require a performance guarantee to ensure the construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, as defined in this ordinance to ensure completion of all improvements shown on the site plan.

Section 6D – 4

PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION:

In the event that any developer shall intend to make changes in the contour of any land proposed to be developed, or changes in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Garfield Township Planning Commission, for approval, a plan for erosion and sedimentation controls, unless there has been a prior determination by the Garfield Township Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies of the Michigan Department of Environmental, Great Lakes, and Energy and the Standards and Specifications of the Kalkaska County Soil Conservation District, if any. The Garfield Township Planning Commission shall review these plans as submitted and shall take necessary steps to ensure compliance by the developer with these plans as finally approved. In circumstances where soil erosion control comes under the jurisdiction of Act 347 of P.A. 1972, (one (1) acre or more), the developer shall submit a set of plans approved by the Soil Erosion Control Officer. The following control measures should be used for an effective erosion and a sediment control plan:

A. The smallest practical area of land should be exposed at any one time during development.

- B. When land is exposed during development, the exposure should be kept to the shortest period of time.
- C. Where necessary, temporary vegetation and/or mulching should be installed and maintained to remove sediment from runoff waters from land undergoing development.
- D. Sediment basins (debris basins, silting basins or silt traps) should be installed and maintained to remove sediment from runoff waters from land undergoing development.
- E. Provisions should be made to effectively retain on the property any increased runoff caused by changed soil and surface conditions during and after development.
- F. The permanent final vegetation and structures should be installed as soon as practical in the development.
- G. The development plan should be fitted to the topography and soils so as to create the least erosion potential.

Section 6D – 5

STANDARDS AND DESIGN FOR SITE CONDOMINIUM SUBDIVISION PROJECTS: For the purposes of this Section, in a site condominium development each individual condominium unit shall be referred to as a Condominium Lot and the following shall apply:

- A. Condominium Lots; The condominium subdivision plan shall indicate specific condominium lot dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. The description, size, location and arrangement of the condominium lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units.
- B. Area and bulk requirements: Each condominium dwelling unit shall be located within a condominium lot
- C. The following shall also apply:
 - 1. The maximum size condominium lot per dwelling unit, the maximum dwelling unit height, the minimum yard setbacks, the minimum elevation, width of principle structure and the maximum percentage of the condominium lot area covered by all structures shall conform with the requirements of the zoning district in which the condominium dwelling unit is located.
 - 2. The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.
 - 3. Side condominium lot lines shall be essentially at right angles to straight roads and radial to curved roads.
 - 4. Narrow, deep condominium lots shall be avoided. The depth of a condominium lot shall not exceed four (4) times the width as measured at the building line.
 - 5. Corner condominium lots shall have extra width to permit appropriate building setback from both roads or orientation to both roads.

6. Condominium lots shall contain a landscaped easement at least twenty (20) feet wide along any public or private road to restrict access to the public or private road, to minimize noise and to protect outdoor living areas.
7. Condominium lots extending through a block and having frontage on two (2) local roads shall be prohibited.
8. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads. Condominium lots along M-66 and other Garfield Township roads shall not front but shall back up to such roads.

Section 6D – 6

STREETS/ROADS: If a condominium subdivision is proposed to have private streets/roads, they shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the private road regulations, Section 6B-2, of This Ordinance. All public streets/roads within a condominium subdivision shall be constructed as required by the Kalkaska County Road Commission.

Section 6D -7

WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS: Water supply and sewage disposal systems shall comply with all the requirements of Article 6-3 of This Ordinance.

Section 6D -8

LIGHTING STANDARDS: Where street lighting is to be provided within the development, the lighting shall be designed, constructed and located so as to minimize light pollution and shall conform to the following standards:

- A. All lighting shall be shielded and directed downwards and shall be non-projecting lens. Light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the development.
- B. Light poles and fixtures shall be installed at a height no taller than sixteen (16) feet. A greater number of low “area” lights are favored over higher lights. All exterior lighting shall be from high pressure sodium light sources with shielded down lighting and non-projecting lens.

Section 6D -9

PLAN APPLICATION - DATE AND INFORMATION REQUIRED: The condominium subdivision developer shall submit a written application to the Garfield Township Zoning Administrator for approval of the condominium subdivision plan and also the fee established by the Garfield Township Board for review of such plans. The fee shall be determined from time to time by resolution of the Township Board, payable to the Township.

Section 6D -10

REVIEW PROCEDURES:

DISTRIBUTION TO AUTHORITIES: The Garfield Township Zoning Administrator shall deliver the proposed

condominium subdivision plan to the Garfield Township Planning Commission. The Garfield Township Zoning Administrator shall retain one (1) copy.

- A. The Garfield Township Planning Commission shall review the condominium subdivision plan and the reports of the Kalkaska County Road Commission, the Kalkaska County Soil Erosion Officer, the Kalkaska County Health Department, and the Garfield Township Zoning Administrator.
- B. The Garfield Township Planning Commission shall hold a public hearing on the proposed condominium plan after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and purpose of the hearing.
- C. If following the review and the public hearing prescribed above, the Garfield Township Planning Commission determines that the proposed plan meets all requirements of This Ordinance, the Garfield Township Planning Commission shall send notice of the action taken with comments to the Garfield Township Board.
- D. If the condominium subdivision plan does not meet all requirements, the Garfield Township Planning Commission shall recommend disapproval of the plan by the Garfield Township Board. The Garfield Township Planning Commission shall state its reason in its official minutes and forward same to the Garfield Township Board, and recommend that the Garfield Township Board disapprove the condominium subdivision plan until the objections causing disapproval have been changed to meet with the approval of the Garfield Township Planning Commission.
- E. The Township Board shall not review, approve or reject a condominium subdivision plan until it has received from the Planning Commission its report and recommendations.
- F. The Township Board shall consider the condominium subdivision plan at its next meeting after receipt of the recommendations from the Planning Commission.
- G. The Township board shall either approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Board.

Section 6D -11

CONDITIONS AND DURATION OF APPROVAL:

CONDITIONS: The approval of the Garfield Township Board will indicate that the proposed condominium subdivision plan meets the provisions of Section 141 of the Condominium Act relating to the ordinances and regulations of Garfield Township, but does not cover additional permits that may be required after the master deed has been recorded.

DURATION: Approval of the condominium subdivision by the Garfield Township Board shall be for a period of one (1) year from the date of its approval. If no master deed is recorded with the Kalkaska County Register of Deeds Office within one (1) year of approval, such approval shall be considered null and void. The Garfield Township Board may extend the one (1) year period if applied for and granted in writing.

Section 6D -12. ADDITIONAL FILING REQUIREMENTS: Subsequent to the recording of the master deed, bylaws and deed restrictions and subsequent to the construction of improvements, the developer shall file the following information with the

Township Clerk:

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- A. Five (5) prints of the as-built condominium plans.
- B. Two (2) of the recorded master deed, bylaws and deed restrictions with all pertinent attachments.
- C. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.
- D. Upon fulfillment of all requirements, the developer shall apply to the Township Clerk for release of performance guarantees.

SECTION 6D -13 CONDOMINIUM AMENDMENTS. An approved condominium plan may be amended as indicated below and following the submittal of a completed application to the Zoning Administrator, a description of the intended changes, and all necessary condominium documents, plans, and agency reviews, when necessary. The Zoning Administrator may authorize an amendment to an approved condominium plan which is a relocation of internal boundaries, as described in Section 48 of the Condominium Act, provided such change conforms to all requirements of this ordinance for the zoning district in which the project is located. The requirement for Township approval of any relocation of boundaries shall be made part of the condominium bylaws and recorded as part of the master deed. Any proposed amendment to a condominium other than as indicated in this section shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original condominium approval.

**Revised 6-8-23*

ARTICLE 6E MANUFACTURED HOUSING

Section 6E - 1

PURPOSE: This zoning district is intended for those areas suited for Manufactured Housing Community development and which are capable of being served by public sewers. This district is primarily intended to provide for well-located and properly developed Manufactured Housing Communities. These districts should be located in areas that can accommodate higher density residential uses and should have full municipal utilities (where available) and adequately sized roadways. Residential dwellings may be single wide, double wide, or modular manufactured homes. No structure or premises shall herein after be used, erected, converted, or altered externally in whole or in part unless herein provided. This zoning district is consistent with the mobile home parks land designation, as described in the Township Plan.

Section 6E - 2

USES ALLOWED BY RIGHT

The following uses are allowed by right:

- A. Essential services.
- B. Manufactured Housing Communities.
- C. Modular home parks.
- D. State Licensed Residential Facilities.

Section 6E - 3

ACCESSORY STRUCTURES AND USES

The Following uses are allowed when in conjunction with a single-family dwelling in which the operator is a permanent resident:

- A. Clubhouses.
- B. Home Occupations.
- C. Laundry.
- D. Manager's Office.
- F. Parking Facilities.
- G. Parks, playgrounds, and recreational open spaces.
- H. Storage Sheds
- I. Swimming Pools
- J. Garage Sections

Section 6E - 5

SPECIAL LAND USES:

The following uses may be permitted by obtaining a Special Land Use Permit:

- A. Public and institutional facilities.
- B. Public utility facility.

Section 6E - 5

HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings for Manufactured Housing Communities in this zoning district shall meet all regulations as in the Mobile Home Commission Rules Handbook, as amended.

Section 6E - 6

BASIS FOR APPROVAL

- A. The Planning Commission will consider the following in review and approval of an application.
 - A. Land Use and Zoning
 - B. Municipal water supply, sewage service, and drainage.
 - C. Compliance with local fire ordinances.

Section 6E - 7

REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS

In preparing a preliminary plan and when reviewing such a plan, the following procedures and requirements shall apply, except where these procedures and requirements are super ceded by the requirements in PA 96 of 1987 as amended, or the Manufactured Housing Commission Rules.

Any person(s) requesting Preliminary site plan review under the provisions of this ordinance shall file an application on the forms provided by the Zoning Administrator.

A completed Preliminary Plan Review application must be received twenty-one (21) days prior to the Planning Commission meeting at which it will be introduced. Ten copies of the preliminary plan and related information (documents) shall be submitted to the Township together with the Zoning application. Upon submission of a complete set of documents, the Planning Commission will review the plan in accordance with the conditions specified in This Ordinance including location, layout and general design.

Prior to the establishment of a new manufactured housing community, expansion of a manufactured housing community, or construction of any building within the community not previously approved, a preliminary plan shall be presented to the Planning Commission for its review and approval.

- A. APPLICATION: All plans submitted to the Planning Commission for review under the section shall contain the following information:
1. The date, north arrow and scale. The scale shall not be less than one-inch equals fifty (50) feet for property less than three acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
 2. All site/or property lines are to be shown in dimensions.
 3. The location and height of all existing and proposed structures on and within the subject property and existing within one hundred (100) feet of the subject property.
 4. The location, and dimensions of all existing and proposed internal drives, sidewalks curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreational areas.
 5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 6. The name and address of the professional civil engineering firm, landscaping architectural firm, or licensed to practice in this state, responsible for the preparation of the site plan.
 7. The name and address of the property owner and developer.
 8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 9. Location of all fire hydrants, if applicable.
 10. The number of manufactured housing sites proposed.
 11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, the source of water supply, discharge points for sewage disposal and description of stormwater management facilities.
 12. Utility and any other easements.
 13. Existing wetlands.
 14. Proposed sign locations.
 15. All required setbacks and separations.
- B. FEE: Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

- C. **DECISION:** The Planning Commission will review the plan for compliance with the design standards for manufactured housing communities contained in This Ordinance, and the regulations of the Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it will be presented to the Township Board for approval.

The plan shall be approved, approved with conditions, or denied within sixty (60) days after being received by the Township Board, unless the applicant consents to a longer period of review.

Section 6E-8

GENERAL REQUIREMENTS

- A. **AVERAGE SITE SIZE:** The manufactured housing community shall be developed with sites averaging five thousand, five hundred (5,500) square feet average may be reduced by twenty percent (20%) provided that each individual site will be equal to at least four thousand, four hundred (4,400) square feet. For each square foot of land gained through the reduction of the average site below five thousand, five hundred (5,500) square feet, at least an equal amount of land will be dedicated as open space. This open space will be in addition to that otherwise required.
- B. **MOBILE HOME SALES:** As distinguished from street sales centers, on-site model homes for sale are important and appropriate marketing mechanisms for manufactured housing community development. Street sales centers of manufactured homes are prohibited. On-site models shall be located on licensed sites only, and not on vacant lots or land.
- C. **LAYOUT:** The layout of a Manufactured Housing Community, including other facilities intended for resident use, will be in accordance with acceptable planning and engineering practices and will provide for the convenience, health, safety, and welfare of the residents.
- D. **SIGNS:** There shall be a maximum of one sign that will bear only the name of the establishment having a maximum area of twenty (20) square feet. The sign may be lighted provided the source of light is not visible and not the flashing or intermittent type. The sign must be located from the street a distance equal to the required setback.
- E. **CIRCULATION:** A circulation plan including all pedestrian ways, paths, streets, and parking facilities must be included in the preliminary plan. Access to any playgrounds, recreation or athletic areas in the park shall be from internal roads and have no less than two (2) access points. A boulevard entrance extending to the first internal street intersection or a secondary access shall be a requirement.
- F. **RESIDENT VEHICLE PARKING:**
1. All home sites shall be provided with two (2) parking spaces.
 2. If a vehicle parking is provided on the home site, it shall be in compliance with the following provisions:

- a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub-grade in compliance with the standards of AASHTO.
- b. The parking spaces may be either in tandem or side-by-side. If spaces are in tandems, then the width shall not be less than ten feet(10) and the combined length shall not be less than forty feet (40). If spaces are side-by-side, then the combined width of the parking spaces shall not be less than nineteen (19) feet and the length shall be not less than twenty (20) feet.
- c. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within thirty (30) feet of the home site and each parking space shall have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
- d. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten
- e. (10) feet and a clear length of twenty (20) feet.

G. VISITOR PARKING FACILITIES

- 1. A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking.
- 2. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
- 3. If parking bays are provided for visitor parking, they shall contain individual spaces having a clear parking width of ten (10) feet and a clear length of twenty (20) feet.

H. SIDEWALKS

If the Manufactured Housing Community density is greater than seven (7) units per gross acre, sidewalks on both sides of each street are required. For Manufactured Housing Communities with a density between five (5) and seven (7) units per gross acre, sidewalks on one side of each street are required. For Communities with density less than five (5) units per gross acre, sidewalks are not required. Sidewalks shall be designed, constructed, and maintained for the safe and convenient movement from all home sites to principal destinations within the Manufactured Housing Community.

If sidewalks are required, they shall be installed along all internal connecting roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. In all cases, sidewalks shall be required along that portion of a community fronting public thoroughfares. Sidewalks shall be constructed in compliance with all of the following requirements.

- 1. A sidewalk system shall be constructed in compliance with Act 8 of the Public Acts

of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act that regulates sidewalks for handicappers.

2. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.

I. UTILITIES

Hookups to public sanitary sewer systems are required in Manufactured Housing Communities if available within two hundred (200) feet at the time of preliminary plan approval. If a public system is unavailable, the Manufactured Housing Community shall connect to a state approved sewage system.

1. All electrical, telephone, cable television, natural gas, and all other public and private utilities services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
2. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township. If it is available to the community, or to another state approved system. The community water system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
3. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than five hundred feet (500) between hydrants as measured along adjacent roadways within the community.
4. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the township, if it is available to the community, or to another state approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
5. All storm sewers shall be constructed according to the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Garfield Township Planning Commission.

J. VEHICULAR AND SIDEWALK ILLUMINATION

All vehicular and sidewalk systems within a Manufactured Housing Community shall be illuminated as follows:

1. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of an adjacent illuminated thoroughfare.

2. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than fifteen (15) foot candles.
3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05-foot candles.
4. If a Manufactured Housing Community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

K. REQUIRED DISTANCES BETWEEN HOMES AND OTHER STRUCTURES:

1. Home sites shall be arranged to comply with all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance.
 - a. For a home not sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes.
 - b. For a home sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - c. Twenty (20) feet from either of the following:
 - i. A parking space on an adjacent home site.
 - ii. An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - d. Fifty (50) feet from permanent Manufactured Housing Community owned structures, such as either of the following:
 - i. Clubhouses
 - ii. Maintenance and storage facilities.
 - e. One hundred (100) feet from a baseball or softball field.
 - f. Twenty-five (25) feet from the fence of a swimmingpool.

Attached or detached structures or accessories that are not used for living space shall be a minimum distance of twenty (20) feet from an adjacent home or its adjacent attached or detached structure.

2. Any part of an accessory structure, such as steps, porches, supported or

unsupported awnings, decks, carports or garages, or similar structures, shall be set back the following minimum distances:

- a. Ten (10) feet from the edge of an internal road.
 - b. Seven (7) feet from a parking bay off a home site.
 - c. Seven (7) feet from a common sidewalk.
 - d. Department of Environmental Quality approval from a natural or man-made lake or waterway.
3. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side.
- a. Support pillars that are installed adjacent to the edge of an internal road shall be set back four (4) feet from the edge of the internal road or two (2) feet or more from the edge of a sidewalk.
 - b. Roof overhangs shall be set back two (2) feet or more from the edge of the internal road.

The length of a home site may vary; however, the minimum standards pertaining to the distance between homes shall be complied with.

L. SKIRTING

All homes must be anchored in accordance with the most current HUD setup and installation standards. Home skirting shall be vented in accordance with the manufacturer's installation instructions. In the absence of instructions, louvered or similar vents shall have a minimum of six hundred (600) square inches of open space per one thousand (1,000) square feet of living space. A minimum of one (1) vent shall be placed at the front and rear of the home and two (2) at each exposed side. Access panels of sufficient size to allow full access to utility hookups located beneath the home shall be installed in a manner so as to resist damage under normal weather conditions, including damage caused by freezing and frost, wind, snow, and rain. Skirting must be installed within forty-five (45) days of occupancy.

M. SETBACKS FROM PROPERTY BOUNDARY LINES

Homes, permanent buildings and facilities, and other structures shall not be located closer than twenty (20) feet from the property boundary line. Homes, permanent buildings and facilities, and other structures abutting a public right-of-way shall not be located closer than fifty (50) feet from the boundary line. If the boundary line runs through the center of the public road, then the fifty (50) feet shall be measured from the road right-of-way line.

N. INTERIOR LANDSCAPING

1. All unpaved ground surfaces shall be covered with grass, trees, shrubs, flowerbeds, wood chips, stones, or other suitable ground cover capable of preventing soil erosion.
2. There shall be one (1) deciduous or evergreen tree for every two (2) home sites.

O. SCREENING AND BUFFERING

Where a Manufactured Housing Community parcel is adjacent to a vacant parcel of land, there shall be no required greenbelt-planting strip. Where the Manufactured Housing Community parcel is adjacent to a non-vacant parcel or public right-a-way, there shall be a greenbelt planting strip with a width of not less than twenty (20) feet along the property lines. The Manufactured Housing Community must be screened from view as follows:

Trees and shrubs shall not be less than three (3) feet in height at the time of installation and shall form an obscuring screen at maturity.

P. SPEED LIMITS AND TRAFFIC SIGNS

1. Speed limits on Manufactured Housing Community internal roads shall not exceed fifteen (15) miles per hour, shall be posted, and shall be enforced.
2. All internal roads shall be clearly marked with appropriate traffic signs. Manufactured Housing Community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
3. Internal roads shall be named and identified by signs located at all internal road intersections.
4. Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.

Q. INTERNAL ROADS

An internal road shall be in compliance with Rules 920 and 926 as amended, and all of the following general requirements:

1. An internal road that has no exit at one end shall terminate with a turning radius of fifty (50) feet. Parking shall not be permitted within the turning area which shall be posted within the turning area.
2. A safe-sight distance of two hundred-fifty (250) feet shall be provided at intersections.
3. All entrances to new communities or new entrances to expanded communities shall be a minimum of thirty-three (33) feet in width. The entrance shall consist of an

ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:

- a. All turning lanes shall be a minimum of eleven (11) feet in width and sixty (60) feet in depth measured from the edge of the pavement of the public road into the community.
- b. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty feet.
- c. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
- d. Alternative designs that provide for adequate ingress and egress shall be approved by the Department of Transportation or the County Road Commission.

R. MAILBOX CLUSTERS

The United States Postal Service may require that clusters of mailboxes serving home sites rather than individual mailboxes serve manufactured housing communities. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing community internal road and a public road.

S. SCHOOL BUS STOPS

School bus stops, if provided, shall be located within the manufactured housing community in an area that is acceptable to the school district.

T. TRASH DUMPSTER

Trash dumpsters shall be provided and placed in a location that is clearly accessible to the servicing vehicle. Each dumpster shall be set back a minimum of fifty (50) feet from the perimeter of the manufactured housing community, and shall be placed at least fifteen (15) feet from any building within the manufactured housing community. Dumpsters shall be screened on three (3) sides with a decorative masonry wall or wood fencing not less than six (6) feet in height. The fourth side of the dumpster screen shall be equipped with an opaque, lockable gate not less than six (6) feet in height.

Section 6E-9

OTHER REQUIREMENTS:

All requirements, as regulated by the Mobile Home Commission Act 96 of 1987, as amended, shall be met. No material changes or alterations in an approved preliminary plan may be made without the approval of the Township.

A copy of the final construction plans shall be submitted to the Township upon approval by the State of Michigan.

Section 6E-10

SCOPE AND APPLICABILITY:

The provisions of the Article 10 shall not apply to the extent that they are inconsistent with a preliminary plan for a manufactured housing community which has been approved by the Township prior to the effective date of the Ordinance amending Article 10.

ARTICLE 7 RESIDENTIAL

Section 7-1

PURPOSE: The purpose of providing Residential Districts is to establish areas in Garfield Township primarily dedicated to residential uses in which each dwelling hereafter erected is located on an individual lot or premises adequate in size and shape to provide safe water and sewage disposal facilities, to minimize spread of fire, and which are set back from the public thoroughfare to facilitate safe exit from and entrance to the premises. Residential Districts are to be established in areas of the Township which are not located on or near rivers or streams in the Township.

Section 7-2

PERMITTED USES: No building or structure shall be erected, altered or used on land or premises used for any purpose other than the following specified uses:

- A. Single family and two (2) family dwellings.
- B. Accessory buildings and structures, provided that all set back restrictions are followed.
- C. A mobile home may be located in the residential district as a permanent family dwelling provided that it conforms to the restrictions governing such dwellings. Mobile homes shall sit no longer than forty-five (45) days without being affixed to a permanent foundation, with the wheels removed and skirting attached so that the undercarriage is enclosed. They must be connected to an approved water supply and septic or sewer system.
- D. Home occupations and Home Professional Offices are permitted provided that there shall be no external change of the dwelling and the normal accessory buildings. No more than one (1) sign or name plate and not to exceed more than eight (8) square feet in area, without illumination and of a character in keeping with the neighborhood. No occupation shall be conducted upon or from the premises which would constitute a nuisance or a hazard to public health, welfare, or safety to adjoining residents or others 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 discernable beyond the boundaries of the property from which the occupation is conducted.
- E. A travel trailer, motor home, or camping vehicle may be used for recreational purposes on private property for up to six months per calendar year without being considered a dwelling provided that the travel trailer, motor home, or camping vehicle has current year registration, license plate and provided sanitation facilities including water supply and waste disposal. Intermittent use of less than 30 days is permissible without additional sanitation facilities. A travel trailer, motor home, or camping vehicle may be used for more than 1 year from the date of issuance of zoning and building permits during which time a building is being erected so long as approved sanitation facilities including water supply and waste disposal are installed.
- F. The keeping of pets is permitted as long as they are maintained in such a way not to constitute a public nuisance.
- G. Churches, schools and private cottages are permitted.
- H. Residence based occupation-occupation performed at a location away from the residence site, are permitted subject to obtaining a Special Land Use Permit as provided

in Article 13.

- I. Small scale farming.
- J. Other uses not listed above are subject to a Special Land Use Permit as provided by Article 13.

Section 7 -3

PROHIBITED USE: There shall be no keeping of exotic or wild animals within the confines of Garfield Township.

ARTICLE 8 AGRICULTURAL

Section 8 -1

PURPOSE: Agricultural districts are those open areas of the Township where farming, dairy, forestry operations and other such rural type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included.

Section 8 -2

PERMITTED USES: No building or structure shall be erected, altered or used, or land or premises used for any purposes other than the following specified uses:

- A. All uses permitted in the residential district except multiple family dwellings and condominiums. The dwelling or main building shall be located on a parcel of land not less than 5 (five) acres in size and unbroken by any public road, street or thoroughfare.
- B. Agricultural, dairy farming, cattle raising, poultry raising, farm forestry and other similar farming activities.
- C. Farm dwellings, barns, stables, silos, and accessory buildings, structures, and uses customarily incidental to any of the foregoing permitted uses.
- D. Riding academies and stables.
- E. Private forests.
- F. Roadside stands for the sale of farm products.
- G. Private camps or schools.
- H. Private landing fields.
- I. Aqua cultural activities (for example, trout ponds.)
- J. Other uses not listed above are subject to a Special Land Use Permit as provided by Article 13.

Section 8 -3

PROHIBITED USE: There shall be no keeping of exotic or wild animals within the confines of Garfield Township.

ARTICLE 9 RECREATIONAL

Section 9 -1

PURPOSE: This district is intended to promote the proper use, enjoyment and preservation of the forest, water, topographic, geologic, historic and other resources of the Township specifically adapted to forestry, forest industries, and recreational uses in general.

Section 9 -2

PERMITTED USES: No building or structure shall be erected, altered or used, or land or premises used for any purpose other than the following specified uses:

- A. All uses permitted in a residential district. The dwelling or main building shall be located on a parcel of land not less than fifteen thousand (15,000) square feet in size and unbroken by any public road, street or thoroughfare.
- B. Roadside stands for the sale of farm products.
- C. Tree farms, forestry and production of forestry crops.
- D. Private cabins and cottages providing vacation living accommodations.
- E. Private camps or schools.
- F. Township, county or state-owned conservation land.
- G. Aqua cultural activities (for example, trout ponds.)

Section 9 -3

PERMITTED USE SUBJECT TO SPECIAL LAND USE PERMIT:

- A. Riding stables.
- B. Campgrounds.
- C. Other uses not listed above are subject to a Special Land Use Permit as provided by Article 13.

Section 9 -4

PROHIBITED USE: There shall be no keeping of exotic or wild animals within the confines of Garfield Township.

ARTICLE 10 RESIDENTIAL RECREATIONAL

Section 10 -1

PURPOSE: This district is intended to provide an area for residential use along or near the rivers and streams in the Township, primarily dedicated to residential uses in which each dwelling hereafter erected is located on an individual lot or premises adequate in size and shape to provide safe water and sewage disposal facilities, to minimize spread of fire, and which are set back from the public thoroughfare to facilitate safe exit from and entrance to the premises.

Section 10 - 2

PERMITTED USES: No building or structure shall be erected, altered or used, or land or premises used for any purpose other than the following specified uses:

- A. All uses permitted in the Residential District.
- B. Other uses not listed above are subject to a Special Land Use Permit as provided by Article 13.

Section 10 -3

PROHIBITED USE: There shall be no keeping of exotic or wild animals within the confines of Garfield Township.

ARTICLE 11 COMMERCIAL

Section 11 -1

PURPOSE: The purpose of establishing a commercial district is to provide areas primarily dedicated to a wide variety of commercial business, professional and other retail sales and commercial service uses commonly associated with commercial and business districts.

Section 11 - 2

PERMITTED COMMERCIAL USES:

- A. Retail sale businesses where no assembling, treatment or manufacturing is required.
- B. Business and professional offices.
- C. Banks, buildings and loan associations and other lending institutions.
- D. Restaurants.
- E. Churches.
- F. Personal service shops such as beauty shops, dress making, tailoring and shoe repair.
- G. All uses permitted in the Residential District, **provided** the dwelling or main building shall be located on a parcel of land not less than five (5) acres in size and unbroken by any public road, street or thoroughfare.

Section 11 - 3 REVIEW PROCEDURE:

- A. REQUIRED INFORMATION: Before a land use permit for a use within this district shall be issued, the owners or leasers shall submit the following material to the Planning Commission for review and approval:
 - 1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, water wells, waste disposal field, screening fences or walls, and other construction features which may be proposed.
 - 2. A description of the operations proposed in sufficient detail to indicate the effects of those operations in reducing traffic congestions, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- B. GENERAL STANDARDS: The Planning Commission shall review the particular circumstances of the proposed commercial use under consideration in terms of the following standards, and shall approve the request only upon a finding of a compliance with each of the following standards, as well as applicable standards established elsewhere in This Ordinance:
 - 1. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - 2. The use shall not change the essential character of the surrounding area.
 - 3. The use shall not interfere with the general enjoyment of adjacent property.

4. The use shall represent an improvement to the property under consideration and the surrounding area in general.
5. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
6. The use shall be adequately served by essential public services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and abilities deemed essential to the use under consideration, such as whether the proposed sewage disposal and water supply will be safe and adequate.
7. The use shall not place demands on public services and facilities in excess of current capacity.
8. Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material or by a well maintained dense evergreen planting, which screening shall not be less than six (6) feet in height.

Section 11 - 4

PERMITTED USES SUBJECT TO SPECIAL LAND USE PERMIT, BUT NOT LIMITED TO THE FOLLOWING:

- A. Essential public utility services.
- B. Bait houses.
- C. Outdoor automobile sales.
- D. Hotels and motels.
- E. Automotive repair garage.
- F. Lumber yards and sawmills.
- G. Kennels and pet shops.
- H. Tavern.
- I. Mobile Home Parks as regulated by Act 419, P.A. 1976; and as provided by Article 6 -13.
- J. Any other use of a retail or commercial nature is subject to a Special Land Use Permit as provided by Article 13.

Section 11 -5

PROHIBITED USE: There shall be no keeping of exotic or wild animals within the confines of Garfield Township.

ARTICLE 12 LIGHT INDUSTRIAL

Section 12 -1

PURPOSE: The primary purpose of this district is to provide area within the Township for the encouragement, promotion and conduct of light industries for processing raw materials and semi-finished products, for storage of raw materials and industrial products, and for wholesale commercial establishments, including office facilities and employee facilities, customarily associated with any permitted use, **provided** that no use shall be permitted the conduct of which shall constitute a nuisance to any prior existing permitted use on any adjacent premises.

Section 12 -2

REVIEW PROCEDURE:

- A. REQUIRED INFORMATION: Before a land use permit for a use within this district shall be issued, the owners or leasers shall submit the following material to the Planning Commission for review and approval:
- 1 A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, water wells, waste disposal fields, screening fences or walls, other construction features which may be proposed.
 - 2 A description of the operations proposed in sufficient detail to indicate the effects of those operations in reducing traffic congestions, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- B. GENERAL STANDARDS: The Planning Commission shall review the particular circumstances of the proposed industrial use under consideration in terms of the following standards, and shall approve the request only upon a finding of a compliance with each of the following standards, as well as applicable standards established elsewhere in This Ordinance:
- 1 The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - 2 The use shall not change the essential character of the surrounding area.
 - 3 The use shall not interfere with the general enjoyment of adjacent property.
 - 4 The use shall represent an improvement to the property under consideration and the surrounding area in general.
 - 5 The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
 - 6 The use shall be adequately served by essential public services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and abilities deemed essential to use under consideration, such as whether the proposed sewage disposal and water supply will be safe and adequate.
 - 7 The use shall not place demands on public services and facilities in excess of current capacity.

- 8 Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material or by a well maintained dense evergreen planting, which screening shall not be less than six (6) feet in height.

Section 12 - 3

PERMITTED USES: No building or structure shall be erected, altered or used, or land or premises used for any purpose other than the following specified uses:

- A. All uses permitted in the Residential District, provided the dwelling or main building shall be located on a parcel of land not less than five (5) acres in size and unbroken by any public road, street or thoroughfare.
- B. All uses permitted in the Commercial District.
- C. Wholesale and storage warehouses.
- D. Antennas, commercial.
- E. Light manufacturing when fossil fuels are not used or consumed as part of the manufacturing process or in furtherance or aid thereof.
- F. Accessory uses and minor buildings and structures customarily incidental in any of the preceding uses.

Section 12 - 4

PERMITTED USES SUBJECT TO SPECIAL LAND USE PERMIT, BUT NOT LIMITED TO THE FOLLOWING:

- A. Outdoor storage or earthmoving and similar large equipment;
- B. Any other uses of a light industrial nature are subject to a Special Land Use Permit as provided by Article 13.

Section 12 - 5

PROHIBITED USES: The following uses are specifically prohibited in this district, viz:

- A. Industry or business, the operation of which uses any product or by - product or other thing which may cause contamination to the water, air or land of the area unless adequate provision is made for the disposition of such product, by-product or waste which meets the approval of the Planning Commission and shall not be offensive, objectionable or in any way endanger public health, safety, morals or welfare.
- B. Stock yards, slaughterhouses, rendering plants, meat or pelt processing establishments;
- C. Establishments primarily engaged in heavy industry such as smelter, foundries, heavy industrial stamping operations;
- D. Any similar business or operation offensive or objectionable or public health, safety, morals, or welfare.

- E. There shall be no keeping of exotic or wild animals within the confines of Garfield Township.

ARTICLE 13 SPECIAL LAND USE PERMITS AND SITE PLAN REVIEW

Section 13 -1

PURPOSE: Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land use. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in This Ordinance which are applicable to special land use under consideration.

This Article hereby authorizes the Township Board to issue Special Land Use Permits, provided:

- A. The proposed use is one listed as a Special Land Use for that district in which said use is located;
- B. The Township Board insures before approval of a Special Land Use Permit that both:
 - 1. The standards of the district in which the Special Land Use is to be located are fulfilled; and
 - 2. The standards or other requirements of this Article are fully complied with.

Section 13 -2

REVIEW AND APPROVAL: The special land uses and activities eligible in a respective zoning district in Garfield Township may be permitted only after review. The Zoning Administrator is to submit recommendations to the Planning Commission for their advisory review and recommendation. The Planning Commission's recommendation will then be submitted to the Township Board subject to their final approval. If approved, an inspection will be conducted annually to ensure compliance.

Section 13 -3

PERMIT PROCEDURE: Request for a Special Land Use Permit shall be made by filing the following with the Zoning Administrator.

- A. A permit fee as determined by resolution by the Township Board, based upon the cost of processing the permit and as shall be on file with the Township Clerk.
- B. A copy of the completed application form for Special Land Use Permit which shall contain, at a minimum, the following information:
 - 1. Name and address of applicant.
 - 2. Legal description, property parcel number and street address of the subject parcel of land.
 - 3. Area of the subject parcel of land stated in acres or, if less than one (1) acre, in square feet.
 - 4. Present zoning classification on parcel.
 - 5. Present and proposed land use.
 - 6. Applicant's statement of the expected effect on emergency service requirement,

schools, storm water systems and automobile and truck circulation patterns and local traffic volume.

7. For residence-based occupations, a written description of the nature of the business to be performed away from the residence.
8. Any other information the applicant feels will explain the intent or character of the proposed use.

C. Site plan: Site plans, as required by This Ordinance, shall include the following:

1. A scale of the site and proposed development thereon, including the date, name and address of the preparer.
2. Property parcel number (from the Assessment Roll of the Township).
3. The topography of the site and its relationship to adjoining land.
4. Itemization of existing man-made features.
5. Dimensions of setbacks.
6. Locations, heights, and sizes of structures and other important features.
7. Percentage of land covered by buildings and that reserved for open space.
8. Dwelling unit density where pertinent.
9. Location of public and private right-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
10. Curb cuts, driving lanes, parking and loading areas.
11. Location and type of drainage, sanitary sewers, storm sewers and other facilities.
12. Location and nature of fences, landscaping, and screening, etc.
13. Proposed earth changes.
14. Signs and onsite illumination.
15. For residence-based occupations, the following information:
 - a. Size and use of accessory structures.
 - b. Number and size of vehicles.
 - c. Numbers of employees.
 - d. Hours of operation.

- e. Visual buffer zone and adequate setback.
- f. Parking.

The Zoning Administrator shall be the designated official to review and approve site plans in accord with the provisions herein, and shall base his/her denial or approval of the site plan on whether or not the site plan ensures compliance of the proposed development to This Ordinance and any applicable local, state and federal laws. If the Zoning Administrator finds reasonable doubts that the proposed development or use shall be in compliance with the foregoing standards, then he/she will notify the Planning Commission and present a recommendation to the Planning Commission for their review. The Zoning Administrator or the Planning Commission may request additional information from the applicant prior to reaching a final decision on the proposed site plan. After review and approval or denial by the Zoning Administrator, reviewing and approving of the site plan is subject to the final approval of the Planning Commission.

Section 13 - 4

ACTION ON SPECIAL USE APPLICATION AND SITE PLAN:

- A. Upon receipt of the plans and application in complete form, the Zoning Administrator shall transmit the same to the Chairman of the Planning Commission. The Planning Commission shall hold a meeting or meetings for a preliminary review of an application for Special Land Use Permit and any related information submitted or obtained.
 - 1. Planning Commission may request additional information from various sources if deemed necessary to fully assess the impact of the proposed Special Land Use.
 - 2. After its preliminary review of the application of Special Land Use, the Planning Commission shall publish a notice of public hearing on the proposed Special Land Use not more than fifteen (15) nor less than five (5) days prior to said meeting, which notice shall include:
 - a. The nature of the Special Land Use request.
 - b. Indicate the property which is the subject of the request.
 - c. State when and where Special Land Use proposal will be considered.
 - d. Indicate when and where written comments will be received.

Said notice shall be published in a newspaper circulated in the Township, and shall be sent by mail or personal delivery to the applicant and all property owners and occupants within three hundred (300) feet of the boundary of the proposed Special Land Use.

- B. Criteria for review: In reviewing the Special Land Use application and site plan, and in approving, disapproving, or modifying the same, the Zoning Administrator, Planning Commission and Township Board shall be governed by the following standards:
 - 1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the Township or County Road Commission.

2. That the building, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residence or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of This Ordinance are complied with, unless appropriate variance therefrom has been granted by the Township Board of Appeals.
6. That all buildings and structures are accessible to emergency service vehicles.
7. That a plan for erosion control and storm water discharge has been approved by appropriate public officials.
8. That the plan as approved is consistent with the intent and purpose of zoning to promote the public health, safety and general welfare.

C. Standards for decisions: In evaluating a proposed Special Land Use permit, the Planning Commission and Township Board shall consider the following factors upon which to permit their approval or denial:

1. The similarity and compatibility of the proposed Special Land Use with permitted uses in the respective zoning district.
2. Whether or not the proposed use would create a hazard to a greater degree than the permitted uses in that district.
3. Whether or not the proposed use would create obnoxious or harmful odors.
4. Location in relation to roads and adjacent residential areas.
5. Buffering lights and noise from adjacent residential uses where appropriate.
6. Preservation of elements of the natural environment such as trees, natural land form, shore areas and drainage patterns.
7. Safety factors, such as access for fire and police personnel and equipment.
8. Relationship to shore and stream preservation principles where appropriate.

D. Within a reasonable time following the Public Hearing, the Planning Commission shall review the application for Special Land Use Permit, testimony received at the Public Hearing, and other materials submitted in relation to the request, and make a

recommendation to the Township Board approving or denying the Special Land Use application. Upon the receipt of the recommendation of the Planning Commission, the Township Board shall have the authority to approve, disapprove, modify or alter the proposed plans in accord with the purpose of the site plan review provision of This Ordinance and the criteria contained herein. Any modifications or alterations required by the Township Board shall be stated in writing, together with the reasons therefore, and delivered to the applicant. The Township Board may either approve the plans contingent upon the required alterations or modifications, if any, or may require further review after the same. The Township Board shall have final approval.

- E. Conformity to approved site plan: Property which is the subject of site plan review and approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received approval of the Township Board. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. The Township Board may, however, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of This Ordinance.
- F. Permit expiration: A Special Land Use Permit issued pursuant to the requirements of This Ordinance shall become null and void after a period of one (1) year if the construction has not meaningfully commenced or use begun by the end of this period.
- G. Amendment to site plan: A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Township Board for review in the same manner as the original application.
- H. Performance bonding: To ensure compliance with the provisions of This Ordinance and any conditions imposed under This Ordinance, a performance bond, as permitted in Section 505 of Act 110 of the Public Acts of 2006, as amended, may be required by the Township Board.
 - 1. This shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the land division act, 1967 PA 288.

ARTICLE 14 ADMINISTRATION

Section 14 -1

ZONING ADMINISTRATOR: To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, on good practice in fire prevention and proper installation of safety, health and sanitary facilities. He or she shall be in good health and physically capable of fulfilling his duties.

- A. A Zoning Administrator shall serve a probationary period of at least six (6) months. Upon completion of probationary period, the Township Board shall either extend the probationary period, appoint for one (1) year, or terminate. He shall perform such duties as the Township Board may prescribe in addition to the duties prescribed in This Ordinance. In the event of resignation, sickness or other reason, the Zoning Administrator is temporarily unable to perform his duties, the Township Board shall appoint an interim Zoning Administrator, which individual may be a member of the Township Board.

B.

Section 14-2 Duties:

- A. Issue all Land Use Permits and ensure compliance with the Zoning Ordinance and maintain records thereof. Prior to issuance of all land use permits an on-site inspection shall be conducted.
- B. Conduct periodic follow-up inspections of all buildings and structures for all Land Use Permits that have been issued, and the use of all lands subject to the provisions of This Ordinance to determine compliance.
- C. Investigate all applications for variances and Special Land Use Permits and report any discrepancies to the jurisdictional agency.
- D. Initiate appropriate action to prevent, restrain, correct or abate any illegal act or violation of This Ordinance.
- E. Attend all regular monthly Township Board meetings. Provide a written report to the Township Board each month. The monthly report is to contain complaints received, violation notices issued, Land Use Permits issued, including site plans, and all other zoning operations.
- F. Report to the Planning Commission Chairperson an account of operations that have taken place since the last meeting, either in person, by telephone or letter if the Zoning Administrator is unable to attend the monthly Planning Commission meeting. The Zoning Administrator is not required to attend the monthly Planning Commission meeting.
- G. Make periodic checks throughout Township for violations.
- H. To fairly, reasonably and equally enforce the Zoning Ordinance.

Section 14 -3

COMPENSATION: The Township Board shall determine and establish compensation for the Zoning Administrator.

Section 14 - 4

LAND USE PERMIT: Any individual, corporation, association, officer, department, board or bureau of the state, county or township, planning to erect, move or alter any existing building or structure to the extent of more than 200 (two hundred) square feet or establish new land use, shall file an

application with the Zoning Administrator. The Zoning Administrator may request information that may be necessary to determine if a permit should be issued; such things as soil surveys, abstracts, building plans and permits from other government agencies. The Land Use Permit application shall be on a form prescribed by the Zoning Administrator and approved by the Township Board. Each Land Use Permit shall be issued with copies distributed as follows: One to the applicant which he/she is to retain until construction is completed; one to the Township Board; and one to be retained by the Zoning Administrator as part of the permanent records of the Township.

Each land use permit requires an attached site plan. A site plan, drawn to a readable scale, of the property involved and adjacent property which describes:

- A. All property boundaries;
- B. The location and use of all existing and proposed structures, types of buildings and their uses;
- C. The location of all existing and proposed streets, parking lots and driveways;
- D. Type and location of sewage and waste disposal facilities and water supply facilities existent or proposed for installation.

The Zoning Administrator approves land use site plans. A Land Use Permit must be obtained **prior** to applying for a county building permit. **All construction must meet or exceed all local, county and state building codes.**

Section 14 -5

DENIAL OF PERMIT: The Zoning Administrator shall promptly inform the applicant of the denial of a Land Use Permit if such planned building or structure or land use does not comply with the provisions of This Ordinance. Reasons for said denial shall be clearly stated in the notice of denial sent to the applicant.

Section 14 -6

VOIDING A PERMIT: Any permit granted under this section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first building inspection. Any expired permit may be renewed for an additional one (1) year period for a fee of one half (1/2) of the original fee.

Construction shall match submitted site plan.

Section 14 -7

FEES: The fees for Land Use Permits shall be established by the Township Board. Fees for inspection and other permits and certificates required under This Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be shown in the schedule of fees established by the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of This Ordinance

If a person has not applied for a necessary land use permit(s) from the Zoning Administrator, such person shall be required to pay to Garfield Township the sum of seventy-five dollars (\$75.00) in addition to the fees that would have been due upon a timely application. In addition to payment for fees, such person shall bring any structure that has been constructed without first obtaining a permit into compliance with This Ordinance as well as any applicable county, state and federal laws.

ARTICLE 15 PLANNING COMMISSION

All powers, duties and responsibilities provided by said Township Rural Zoning Act for Planning Commission created thereunder are hereby transferred to the Garfield Township Planning Commission; as has been established by a Garfield Township Board resolution April 11, 1991.

Section 15 -1

CREATION: The Planning Commission shall consist of five (5) members who are appointed by the Supervisor with approval of the Township Board.

Section 15 -2

PURPOSE: The main function of the Planning Commission is to provide reasonable restrictions on land use that conform to a comprehensive township development plan and provide for the best interests of the health, safety and general welfare of Township citizens and property owners.

Section 15 -3

TERM OF OFFICE: The term of each member shall be three (3) years, but the initial appointment effects staggered terms.

Section 15 - 4

REMOVAL FROM OFFICE: Any member of the Planning Commission may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a Public Hearing.

- A. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 15 -5

OFFICERS: The Planning Commission must elect a chairperson, a vice chairperson, and a secretary from among its members and any other officers or committees as necessary. Officer elections must be at least every two (2) years.

Section 15-6 Meetings:

- A. The Planning Commission shall hold a minimum of eight (8) regular meeting annually. It may also hold additional meetings as necessary. All meetings are subject to the following:
 - 1. A regular meeting schedule will be established by the Township Board once a year.
 - 2. Special meetings may be held at the call of the Chairperson.
 - 3. All meetings shall be open to the public.
- B. The Planning Commission shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.
- C. As to the regular meetings, the schedule of the same must be posted once for each fiscal or calendar year within ten (10) days after the time of the first regular meeting each year by the Township Clerk. As for special or rescheduled regular meetings and meetings recessed for more than thirty-six (36) hours, such notice must be posted by the Chairperson at least eighteen (18) hours prior to the time of the meeting.

1. The posting in each case must be done predominantly at the principal office of the body holding the meeting and at the public building at which the meeting is to be held.
 2. The posting in each case must contain the time, place and date and purpose of the meeting.
- D. Notice of the Garfield Township Planning Commission regular meetings shall be published in a newspaper of general circulation in the Zoning jurisdiction not less than fifteen (15) days before the meeting.
- E. All meetings of the Garfield Township Planning Commission are subject to the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

Section 15 -7

COMPENSATION: The Township Board must appropriate annually in advance the total to be paid to the members of the Planning Commission. Each member is to receive such per diem compensation and actual expenses incurred in the discharge of duties as may be determined by the Township Board.

- A. The Planning Commission may hire a Township Planner and other technical assistance it may require with the Township Board's consent and within the Township's appropriations.

Section 15 -8

HEARINGS AND RECOMMENDATIONS: Planning Commission actions are recommendations which are submitted to the Township Board.

Section 15 -9

WRITTEN REQUESTS: All requests over which the Planning Commission has jurisdiction shall be filed on the approved forms at the Zoning Administrator's Office accompanied by such fee as deemed necessary by the Township Board to meet undue expenses, provided that, in the opinion of the Township Board, such fee does not pose a hardship.

Section 15 -10

DUTIES AND POWERS: The Planning Commission shall:

- A. Prepare and recommend to the Township Board a Zoning Ordinance having a comprehensive plan and map; and a map showing proposed zoning district boundaries.
- B. Advise and make recommendations to the Township Board concerning amendments, changes, additions to or departures from the Ordinance.
- C. Prepare a monthly report for the Township Board on the operations of the Planning Commission with comments and recommendations for possible amendments.

ARTICLE 16 ZONING BOARD OF APPEALS

Section 16 -1 CREATION:

- A. A Board of Appeals is hereby established. The membership of such Board shall consist of not less than three (3) nor more than five (5) members. The first regular member of the Board of Appeals shall be a member of the Township Planning Commission. The Township Board shall also appoint a member of their board to the Zoning Board of Appeals but they shall not serve as chairperson. An employee or contractor of the Township Board shall not serve as a member of the township Board of Appeals. The remaining regular members, and any alternate members, shall be selected from the electors of the local unit of government residing within the zoning jurisdiction of that local unit of government. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if a regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- B. The total amount annually allowed the Board of Appeals as per diem or as expenses actually incurred in the discharge of duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.
- C. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a Public Hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- D. Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- E. A township Board of Appeals shall not conduct business unless a majority of the regular members of the board are present.

Section 16 -2

MEETINGS, OPEN TO PUBLIC, RECORD OF PROCEEDINGS: Meetings of the township Board of Appeals shall be held at the call of the chairperson and at such other times as the board in its rules of procedure may specify. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The board shall maintain a record of its proceedings which shall be filed in the office of the township clerk and shall be a public record.

Section 16-3

POWERS:

- D. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of This Zoning Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The Zoning Board of Appeals shall also hear and decide on matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under a zoning ordinance adopted under this act. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act. For special land use decisions, an appeal may be taken to the Zoning Board of Appeals only if provided for in This Zoning Ordinance.
- E. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under This Zoning Ordinance, or to grant a variance in This Zoning Ordinance.

Section 16 - 4

APPEALS: Such appeal shall be taken within such time as shall be prescribed by the township Board of Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Section 16 -5

RESTRAINING ORDER: An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the township Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Section 16 -6

HEARINGS AND DETERMINATION OF APPEALS:

- A. The Board of Appeals shall fix a reasonable time for the hearing of the appeals and give due notice thereof to the parties and decide the same within a reasonable time. Not less than fifteen (15) days notification, by mail, of the time, date, and place of the meeting shall be given to:
 - 1. The owners of real property within three hundred (300) feet of the subject property;
 - 2. Residents of all one and two family dwellings within three hundred (300) feet of the subject property;
 - 3. The Zoning Administrator; and
 - 4. The applicant.

5. Publication as provided by law.
- B. Upon the hearing, any party may appear in person or by agent or by attorney.
- C. The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
 1. Where there are practical difficulties in the way of carrying out the strict letter of This Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of This Ordinance shall be observed, public safety secured and substantial justice done. To obtain a dimensional variance, the applicant must meet the following criteria to show practical difficulty:
 - a. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - b. A variance would do substantial justice to the applicant as well as to other property owners in the district and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
 - c. The plight of the owner is due to unique circumstances of the property;
and
 2. The Board of Appeals may impose conditions with an affirmative decision pursuant to Article 16 -6. The decision of such Board shall not become final until the expiration of five (5) days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- D. No application for variances or special exceptions which have been denied shall be resubmitted within ninety (90) days from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.
- E. The decision of the Board of Appeals may not be overturned by the Township Board or any other Township agency or official. Anyone who feels the decision of the Board of Appeals is unjust may appeal the decision to the appropriate Circuit Court.

Section 16-7

APPEALS; APPEAL TO CIRCUIT COURT:

- A. The decision of the Board of Appeals rendered pursuant to Article 16-6 shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to the Circuit Court. Upon appeal the Circuit Court shall review the record and decision of the Board of Appeals to ensure that the decision:
 1. Complies with the constitution and laws of the state.
 2. Is based upon proper procedure.

3. Is supported by competent, material, and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the Board of Appeals.
- B. If the court finds the record inadequate to make the review required by this section, or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.
- C. An appeal under this section shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

ARTICLE 17 AMENDMENTS

Section 17-1

INITIATION OF AMENDMENTS:

- A. The regulations and provisions stated in the text of This Ordinance and the boundaries of Zoning Districts shown on the Zoning District Map of Garfield Township may be amended pursuant to PA 110 of Public Acts of Michigan for 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*) hereinafter referred to as the "Zoning Act".
- B. An amendment can be initiated by either the Township Board, the Planning Commission, or an individual property owner.
- C. A request for an amendment shall be filed in writing with the Township Clerk accompanied by such fee deemed necessary by the Township Board to meet undue expenses provided that, in the opinion of the Township Board, such fee does not pose a hardship.

Section 17-2

PUBLIC HEARINGS: The Planning Commission shall conduct at least one (1) Public Hearing on each petition for amendment.

- A. The notices shall be given not less than fifteen (15) days before the date of the hearing on a proposed zoning amendment and notices shall be sent to:
 - 1. The applicant.
 - 2. The owner (or other owners) of the property, if different.
 - 3. If the zoning amendment is for less than eleven (11) adjacent properties: occupants of any structure within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the zoning jurisdiction or not.
 - 4. The general public by publication in a newspaper which circulates in the County of Kalkaska.
 - 5. Members of the Planning Commission, or legislative body and Planning Commission if the hearing is being held by the legislative body.

Section 17-3

FACT FINDING: In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate factors relevant to the petition and shall report its findings in full, along with its resulting recommendations (including any recommended modifications to the petition) for the proper disposition of the petition to the Township Board. Facts to be considered by the Planning Commission shall include, but not be limited to the following:

- A. What, if any, conditions related to the petition have changed which justify the amendment?
- B. What, if any, error in judgment, procedure, or administration was made in the original ordinance which justifies the amendment?

- C. Would the approval or denial of this petition set a precedent? If so, what possible effects might result from this?
- D. If approved, what impact would the amendment have on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future?
- E. On a re-zoning petition, how would it affect the environmental conditions or value of the surrounding property if approved?
- F. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change were approved and the resulting allowed structures were built? Such as:
 - 1. Surface water drainage problems;
 - 2. Waste water disposal problems;
 - 3. Adverse effect on surface or subsurface water quality; and the loss of valuable natural resources such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land.

Section 17- 4

SUBMISSION: After recommendation of an amendment by the Planning Commission, the amended Ordinance including the Zoning Map, if applicable, shall be submitted to the Kalkaska County Zoning and Planning Commission for review, comments and suggestions. This Commission is required to advise its recommendation within thirty (30) days after it receives the Planning Commission's recommendation and if it does not do so, then the Township Board may assume that the recommendation is in support of the proposal and proceed to act.

- A. The Planning Commission shall transmit copies of the proposed Zoning Ordinance, a summary of comments received at the Public Hearing, and its recommendation with respect to the Zoning Ordinance, to the Township Board. This occurs after the recommendation of the Kalkaska County Zoning and Planning Commission has been received or thirty (30) days have elapsed since submitting the Ordinance to the County.

Section 17-5

TOWNSHIP BOARD PUBLIC HEARINGS: If any property owner, affected by the Zoning Amendment, requests a hearing on some provision of the Ordinance, the Township Board must grant the Public Hearing before the Ordinance is adopted.

Section 17-6

CHANGING TEXT: If the Township Board wishes to change the Zoning Ordinance text or map recommended by the Planning Commission, it returns the Ordinance with the specified changes to the Planning Commission and requests a report. The Township Board must also specify how long the Planning Commission has to prepare the report.

- A. When the Township Board receives the Planning Commission's report, it may adopt the Zoning Ordinance at any regular meeting or special meeting called for that purpose.

ARTICLE 18 VIOLATIONS AND ENFORCEMENT

Section 18 -1

NUISANCE PER SE; ABATEMENT; ENFORCEMENT: A use of land, or a dwelling, building, or structure including a tent or trailer coach, used, erected, altered, razed, or converted in violation of a local ordinance or regulation adopted pursuant to this act is a nuisance per se. The court shall order the nuisance abated and the owner or agent in charge of the dwelling, building, structure, tent, trailer, coach, or land liable for maintaining a nuisance per se. The township board shall in the ordinance enacted under this act designate the proper official or officials who shall administer and enforce that ordinance.

Section 18 -2

PENALTIES: Except for designated municipal civil infractions any person who violates any provision of This Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals and/or Township Board adopted pursuant hereto, shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not to exceed one hundred dollars (\$100.00) or may be imprisoned not to exceed ninety (90) days, or may be both fined and imprisoned at the discretion of the Court; and each day such violation continues shall be deemed a separate offense.

Section 18 -3

CIVIL INFRACTION SANCTION: The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by This Zoning Ordinance or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under 1961 PA 236, as amended, and other applicable laws.

- A. Unless otherwise specifically provided for a particular municipal civil infraction violation by this or any ordinance, the civil fine for a violation shall be not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction.
- B. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of This Zoning Ordinance or any ordinance. As used in this section "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any six (6) month period (unless some other period is specifically otherwise provided for by This Zoning Ordinance or any other ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless specifically otherwise provided by This Zoning Ordinance or any other ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - 1. The fine for any offense which is a first repeat offense shall not be less than two hundred fifty dollars (\$250.00), plus costs.
 - 2. The fine for any repeat offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus costs.
- C. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by This Zoning Ordinance or any other ordinance; and any omission or failure to act where the act is required by This Zoning Ordinance or any other ordinance.

- D. Each day on which any violation of This Zoning Ordinance or any other ordinance continues constitutes a separate offense and shall be subject to penalties or

Section 18 - 4

CORRECTION AND ENFORCEMENT PROCEDURE:

A. Zoning Administrator:

1. Documents facts to identify violation.
2. Meets or communicates with landowner to discuss violation.
 - a. Explains violation to landowner.
 - b. Identifies measures to correct violation.
 - c. Issues a notice of violation to landowner with one copy to be filed.
3. Notice documents include:
 - a. The zoning violation. Photo documentation recommended.
 - b. The meeting date with landowner and identity of landowner.
 - c. Corrective measures to be taken.
 - d. Fifteen (15) day time period for correcting the violation.
4. Reinspects the site after fifteen (15) days.
 - a. If compliance is shown, the Zoning Administrator so signifies on landowner's copy and file copy Notice.
 - b. If violation still exists after the aforementioned fifteen (15) days, then the violator shall be assessed five dollars (\$5.00) per day until the violation is corrected.
 - c. If after thirty (30) days with the above-mentioned assessments, the violation is still not corrected, the violation is to be turned over to the Township Board. The Township Board shall have the authority to take what further legal steps are necessary to obtain compliance with This Ordinance.

ARTICLE 19 SEVERABILITY

Section 19 -1

VALIDITY: If any clause, sentence, sub-sentence, paragraph, section or part of This Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph or part thereof directly involved in the controversy in which said judgement shall have been rendered.

ARTICLE 20 ADMINISTRATIVE LIABILITY

Section 20 -1

ADMINISTRATIVE LIABILITY: No officer, agent or employee of Garfield Township shall render himself or herself personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his or her duties under or in the enforcement of This Ordinance.

ARTICLE 21 REPEAL

Section 21 -1

The Garfield Township Zoning Ordinance dated April 11, 1992, and any amendments thereto are hereby repealed as of the effective date of This Ordinance.

ARTICLE 22 EFFECTIVE DATE

Section 22 -1

This Ordinance, as revised, shall take effect on February 14, 2010, 30 (thirty) days after passage by the Township Board.

Todd Jones - Supervisor

Ina Sloat - Clerk

Donna Whitenight - Treasurer

Jim Sweet - Trustee


Alan Potts - Trustee

This Ordinance was revised in its entirety by the Planning Commission. Margaret Custer-chairperson, Michelle Major-secretary, Shirley Bumpus, Jim Friestad, and Alan Potts.

ARTICLE 22 EFFECTIVE DATE

Section 22-1

This Ordinance, as revised, shall take effect on January 27, 2010.




Todd Jones, Supervisor

TODD Jones
(Printed Name)

3/11/2010

Date



Ina Sloat, Clerk


Date



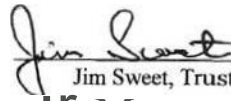
Ina Sloat
(Printed Name)

Donna Whitenight, Treasurer

Date

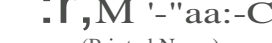


ABSENT-
(Printed Name)



Jim Sweet, Trustee

Date



Jim Sweet
(Printed Name)



Alan Potts, Trustee

Date



Alan Potts
(Printed Name)

Adopted by Township Board on January 14, 2010
Published notice of revised Zoning Ordinance on January 20, 2010

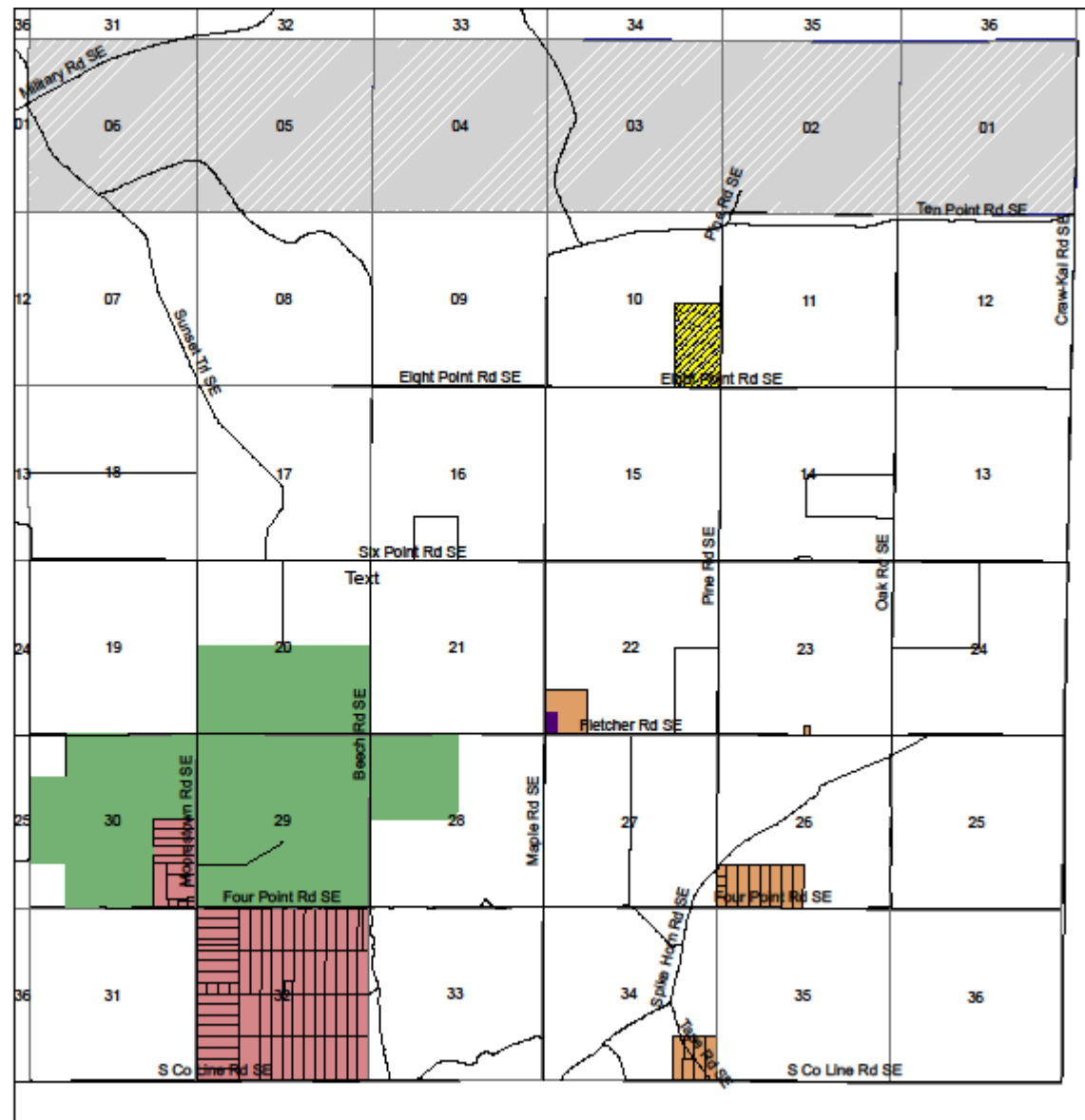
This Ordinance was revised in its entirety by the Garfield Township Planning Commission members:

Margaret
Custer,
Chairman
Jim
Friestad,
Vice
Chairman
Michelle
Major,
Secretary
Shirley
Bumpus
Alan Potts

Garfield Township
Zoning map

 PBB Burial Area

For: Garfield Township Zoning Board
By: Kalkaska County Equalization Dept. T Shaneman
Zoning Map Information provided by Garfield Township
Nov. 1, 2012

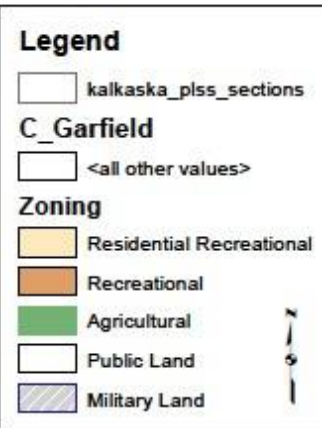


(adopted 12-13-12)

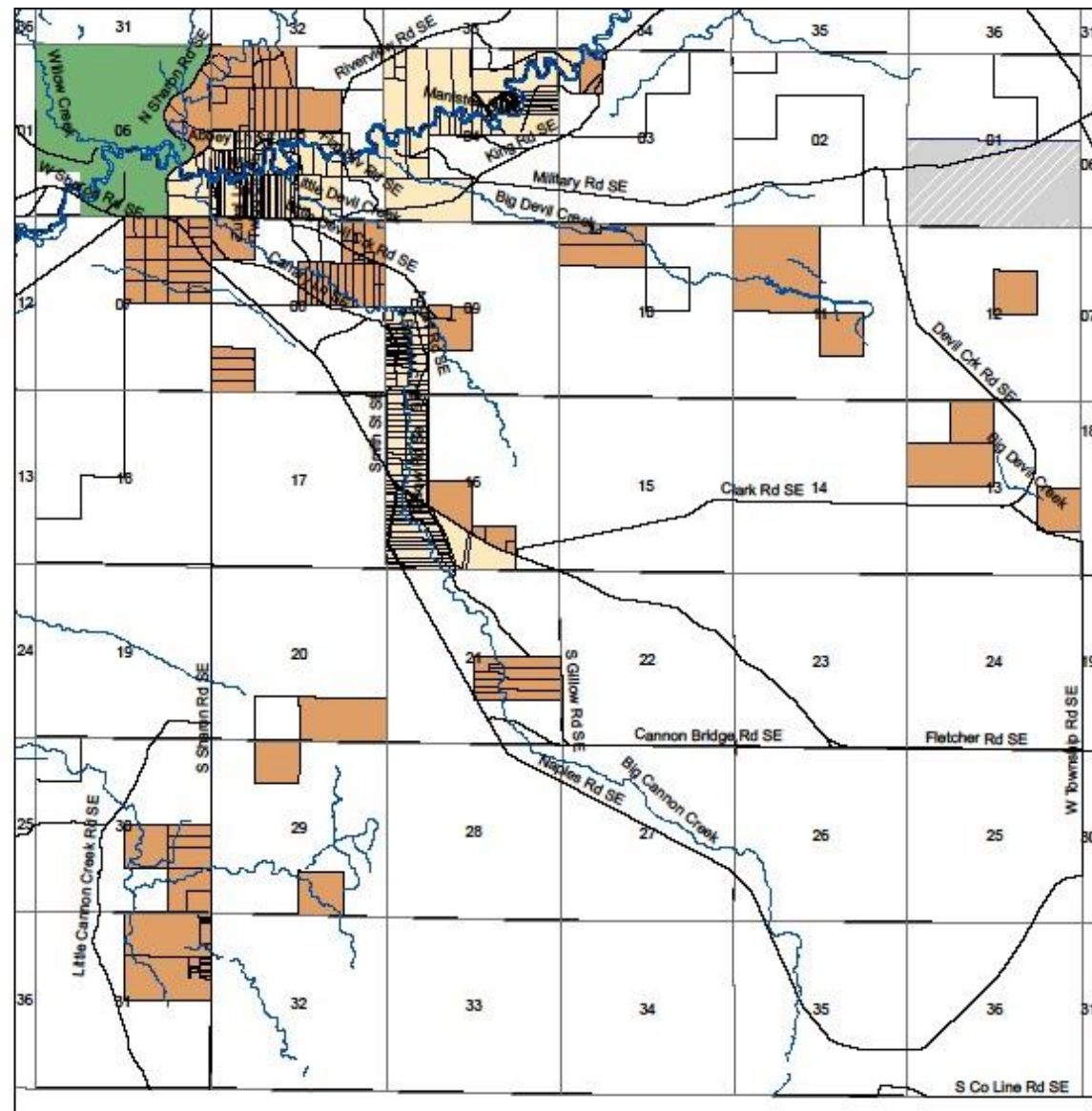
Garfield - Central Part

T25N - R 6 W

Garfield Township
Zoning Map



For: Garfield Township Zoning Board
By: Kalkaska County Equalization Dept. T. Shaneman
Zoning Map Information provided by Garfield Township
Nov. 1, 2012



Garfield - West Part

T25N - R7W

Garfield Township
Zoning Map

Legend

— streams

□ kalkaska_plss_sections

W_Garfield

□ <all other values>

Zoning

■ Unkown

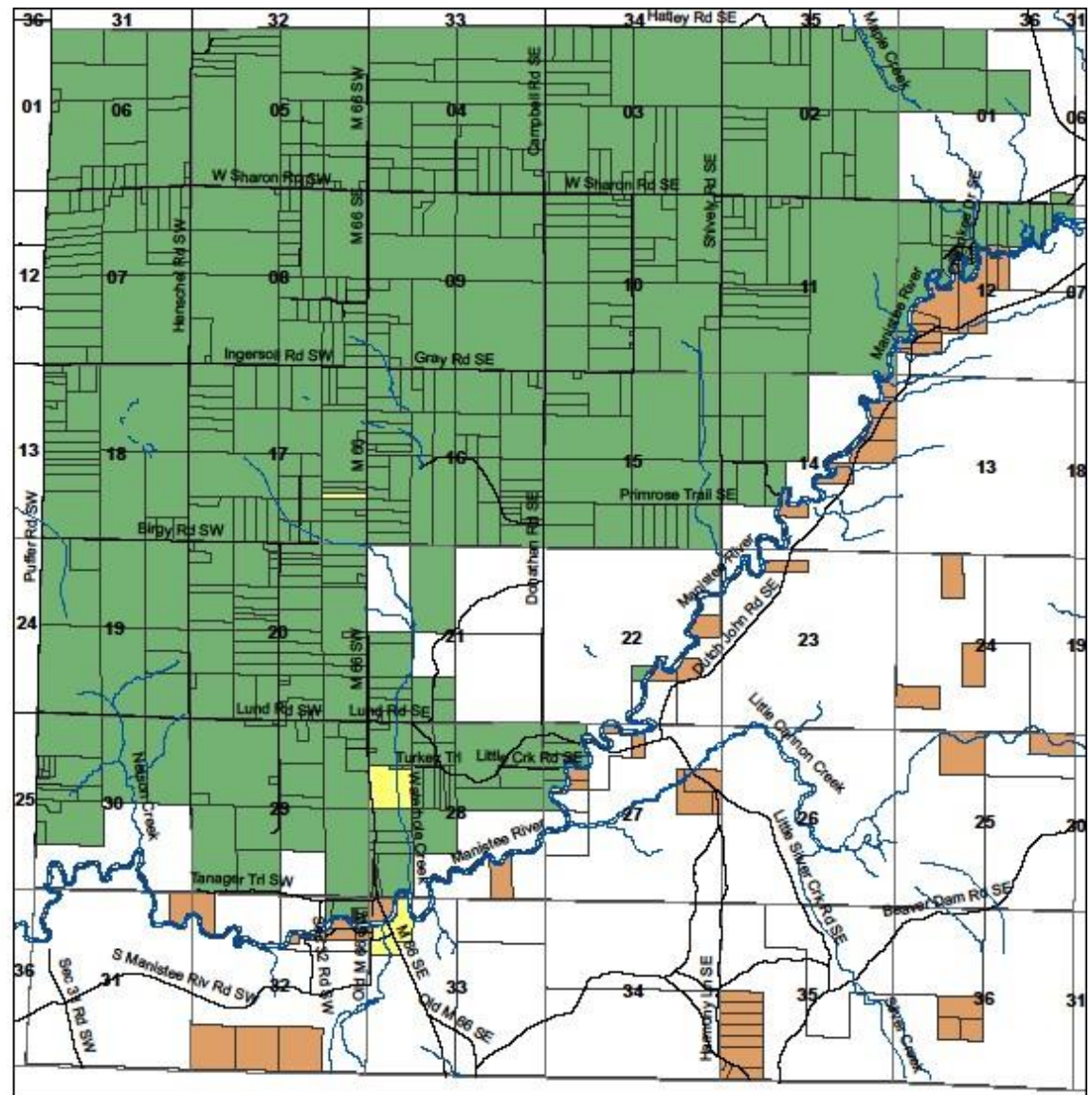
■ Recreational

■ Agricultural

■ Commercial

□ Public Lands

For: Garfield Township Zoning Board
By: Kalkaska County Equalization Dept. T. Sheneman
Zoning Map Information provided by Garfield Township
Nov. 1, 2012



GARFIELD TOWNSHIP ZONING MAP

