

**ARTICLE III
PERMITTED USES BY DISTRICT**

301 A-1 AND A-1-A AGRICULTURAL AND FOREST DISTRICT

The A-1 and A-1-A Districts are established in recognition of the areas of sparse development customarily occurring in agriculturally oriented communities. The areas which comprise the majority of this zoning district contain the principal agricultural activities. It is not intended that high concentration of development be permitted in this district except as authorized by this Ordinance. Uses which are not of an agricultural nature may be permitted in this district as Special Land Uses provided they comply with the applicable standards, pertaining to Special Land Uses as outlined in Section 301:3 and the regulations and standards of Section 501 of this Ordinance.

301:1 PERMITTED PRINCIPAL USES AND STRUCTURES

The following principal uses and structures in the A-1 and A-1-A Districts shall be subject to the area, location and height restrictions as specified in Section 306 Schedule A-1 and A-1-A District Regulations and any other more restrictive laws, regulations, or codes which are legally in force.

1. General farming including gardening, crop raising, nurseries, tree farming, the raising or keeping of livestock except as prohibited by this Ordinance, and other similar agricultural and silvicultural activities.
2. Single family dwellings.
3. Two family dwellings – permitted in the A-1 District only. (See Section 402:11)
4. Mobile homes – the unit shall be supported by a solid enclosing masonry foundation or on a foundation of solid masonry piling which meets the manufacturer's specifications and is securely anchored to the ground. The mobile home shall meet the minimum floor area and width requirements for single-family dwelling. When masonry piling supports are used, the mobile home shall be skirted or enclosed with a durable weather resistant material which is compatible with the mobile home. All such skirting to be maintained in place as designed.
5. Livestock farms and ranches, dairy farms and poultry farms provided there is no slaughtering, rendering, tanning or similar processing on the premises except for the private use of the processed product by the occupants.

301:2 ACCESSORY USES AND STRUCTURES

Permitted accessory uses and structures in the A-1 and A-1-A District shall be subject to the area, location and height restrictions as specified in the Schedule of A-1 and A-1-A District Regulations.

1. Private garages and carports. (Refer to Sec. 402:13)
2. Farm buildings, with or without storage yards, when located in a minimum of one hundred (100) feet from all property lines.
3. Stands for display or sales of agricultural products raised on the premises provided that there shall be no more than one (1) stand for each premise and also provided that the size of any such stand shall not exceed four hundred (400) square feet in floor area. Stands are not allowed on the road right-of-way.
4. Outside storage of privately owned major recreational equipment including or similar to campers, boats, travel trailers, snowmobiles, etc. provided that said equipment shall be unoccupied and shall be located in a rear yard only.
5. Seasonally occupied campers and trailers may be occupied for a maximum period of thirty (30) days provided that health department approved sanitary facilities are available in the trailer or on site.
6. Any other accessory uses and structures which are determined by the Planning Commission to be customary and similar to the above listed accessory uses and structures and which are clearly incidental to any of the principal uses and structures.

301:3 SPECIAL LAND USES AND STRUCTURES

All of the following special uses and structures allowed in this district shall be subject to all the restrictions, regulations and conditions of this section, Section 403, 501, and other applicable requirements of this Ordinance or to more restrictive laws, regulations or codes which are legally in force.

1. Multiple Family Dwellings, Townhouses and Housing for the Elderly – Not permitted in the A-1-A District. (See Section 402:11)

Multiple Family Dwellings, Townhouses and Housing for the Elderly – A-1 District.

- a. The site, lot, parcel, etc. shall have a minimum area of two (2) acres per dwelling unit.

- b. There shall be a minimum distance of fifty (50) feet between any building and any property line. The maximum height of any building shall not exceed two stories and be no greater than thirty-five (35) feet in height.
- c. On-site parking shall be provided at a ratio of two (2) parking spaces per dwelling unit. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone or a hard surfaced material and shall be well drained. For projects involving more than four dwelling units, the Planning Commission may require the drive and parking areas to be hard surfaced.
- d. Any lighting on the premises, for parking area, yard lighting, sign lighting or other similar types of exterior lighting shall be a white steady light with the source not visible off the premises.
- e. All multiple family parking and service areas which abut a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm or planted materials. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Commission.

2. Home Occupations

- a. Home occupations are those that clearly fall within the definition contained in this Ordinance.
- b. Occupant(s) must be actively engaged in the home occupation and may employ a maximum of one (1) person who is not an occupant of the dwelling unit.
- c. Home occupations shall not require exterior alterations of the dwelling unit.
- d. One sign shall be permitted with a maximum area of two (2) square feet.
- e. No stock in trade may be kept or article sold or offered for sale in the dwelling except such as are produced by such home occupation. No merchandise shall be displayed or sold outside the dwelling unit anywhere on the premises.

- f. On-site parking shall be provided in other than the required front yard at a ratio of one (1) parking space for each one hundred (100) square feet of building area used for home occupation purposes.
 - g. Front yard, rear yard and side yard requirements shall conform to the minimums established for single-family dwellings in the applicable district.
 - h. No home occupation shall be conducted in whole or in part in any breezeway, porch, patio and the like.
 - j. No equipment or process shall be used in such home occupations which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
3. Convalescent or Nursing Home (Includes Adult Foster Care) – not permitted in the A-1-A District.
- a. The site, lot or parcel shall have a minimum area of one (1) acre for the first six (6) residents with one (1) additional acre for each four residents after the first six.
 - b. On-site parking shall be provided at a ratio of one (1) space for each three residents plus one (1) space for each two full time employees. Entrance and exit drives shall be provided to permit safe and convenient access. Parking areas and drives shall be improved with compacted gravel, stone or hard surfaced material and shall be well drained.
 - c. Any lighting on the premises for parking areas, yards, signs or other similar types of exterior lighting shall be white steady light with the source not visible off the premises.
 - d. Proposals for housing shall meet all local, state and federal regulations.
4. Soil Removal
- a. The lot or parcel used for soil removal shall have a minimum area of ten (10) acres.

- b. Sand and gravel mining or extraction, quarry excavating, and similar removal operations must satisfy that sufficient material to be mined or extracted exists on the site in question to justify such operation, and that such use would not be detrimental to other permitted land uses in the zoning district.
 - c. Site Reclamation. Plans for final grading and land reclamation shall be in general accordance with the character of uses and natural features on adjoining lands to the extent practical.
5. Bed and Breakfast Establishments
- a. Bed and Breakfast establishments shall be permitted in this zoning district only after the requirements of state law and/or township ordinance have been met.
 - b. Front yard, rear yard and side yard requirements shall conform to permitted land uses in the A-1 and A-1-A zoning districts.
 - c. No alteration or modification shall be made to the Bed and Breakfast establishment without Planning Commission approval.
 - d. On-site parking shall be provided in an amount determined by the Planning Commission, but not less than one (1) space per rented room, plus two (2) spaces for owner/operator. Entrance and exit drives shall permit safe and convenient flow between parking areas and the public access roadway. Parking areas and drives shall be improved with compacted gravel, stone or hard-surfaced material and shall be well drained.
 - e. Not more than twenty-five percent (25%) of the total floor area of the dwelling unit shall be used for Bed and Breakfast sleeping rooms. The site plan shall include an interior floor plan designating the rooms to be used for Bed and Breakfast.
 - f. There shall be no separate cooking facilities used for the Bed and Breakfast stay.
 - g. One sign with a maximum area of two (2) square feet shall be permitted to identify the Bed and Breakfast.
6. Hotels, Motels, Clubs or Lodges
- a. The site, lot or parcel accommodating a hotel, motel, club or lodge shall have a minimum area of two (2) acres with a maximum density of ten (10) rooms and/or rental units per acre.

- b. Buildings shall be located not less than fifty (50) feet from any property line. The maximum height of said building shall not exceed two (2) stories and be no greater than thirty-five (35) feet in height.
- c. On-site parking at the ratio of one (1) space for each lodging room plus one (1) space for each three (3) full time employees. For multiple use of the facility, parking space shall be provided as though each use were on a separate site or lot. Entrance and exit drives shall be provided to permit safe and convenient access. Parking areas and drives shall be improved with a hard surfaced material and shall be well drained.
- d. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a white, steady light with the source not visible off premises.
- e. All hotels, motels, clubs or lodges which abut a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm or planted materials. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission. Where in its judgment such screening shall serve no useful purpose, such requirement may be waived by the Commission.

7. Mobile Home Park

- a. All of the following shall be complied with:
 - 1. The regulations promulgated by the State Mobile Home Commission.
 - 2. The minimum standards for mobile home parks established by the State Department of Public Health.
 - 3. The Mobile Home Commission Act (1987 P.A. 96, as amended; MCL 125.2301, et seq.).
 - 4. Density for a mobile home park shall be a minimum of two (2) acres per dwelling unit.
- b. Reference is hereby made to Sections 11, 12 and 13 of the Mobile Home Commission Act which require, among other things, that the following provisions are met:

1. A person who desires to develop a mobile home park shall submit a preliminary plan to:

- West Traverse Township Planning Commission.
- District Health Department No. 3 (Emmet County).
- Emmet County Road Commission.
- Emmet County Drain Commission.

The preliminary plan shall include the location, layout, general design and a general description of the project. The preliminary plan shall not include detailed construction plans.

2. The developer must submit the preliminary approvals with the final plans to the State Department of Public Health for review.
 3. When all preliminary approvals are obtained, the developer shall submit any required documents and final plans to the Michigan Department of Commerce for approval.
 4. No person shall construct a mobile home park without having obtained a permit (of approval) issued by the Michigan Department of Commerce.
- c. No mobile home or any other building within a mobile home park shall be closer than fifty (50) feet from any road and/or property line.
 - d. All roads, drive and parking areas within a mobile home park shall be hard surface as defined in this Ordinance.
 - e. There shall be a greenbelt planting strip with a width of not less than twenty (20) feet along the property lines and may be within the fifty (50) foot yard required in Section C. Such green belt shall contain at least one (1) straight or staggered row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart and at least three (3) rows of deciduous or evergreen shrubs spaced not more than eight (8) feet apart and which grow to an ultimate height of twelve (12) feet. This requirement may be waived by the Planning Commission.

8. Public Utilities Facilities

- a. The public utilities facility may be located within the district when operating requirements are necessary to serve the immediate vicinity.
- b. The site, lot or parcel accommodating the public utilities shall meet the minimum area requirements for the district.

- c. Any buildings or structures shall be located not less than forty (40) feet from any property line. The maximum height of the building shall be thirty-five (35) feet.
 - d. Any lighting on the premises for yard lighting, sign lighting or other similar types of exterior lighting shall be a white, steady light with the source not visible off premises.
 - e. The site may be used for temporary parking of service or maintenance vehicles, but shall not be used for the storage of equipment, supplies or construction or operating materials.
 - f. Any property line abutting a residential lot or parcel shall be screened with an ornamental fence, wall or planted materials. Said screen shall obscure vision and provide separation between the two uses.
9. Transmission and Receiving Towers (Adopted 10/98; amended 2/07)
- a. The site, lot or parcel accommodating a transmission or receiving tower shall meet the minimum lot area, width, accessibility or other standards as required in the district where located.
 - b. Buildings shall not be located less than forty (40) feet from any property line and shall be limited to uses associated with the operation of the tower. The maximum height of said buildings shall be thirty-five (35) feet.
 - c. Any antennae, towers, masts, including supports or similar structures shall be so located on the property that the base of the structure shall be no closer to any property line than a distance equal to one and one-half (1 ½) times the height of the structure.
 - d. The base of the tower, supports and buildings shall be enclosed with a chain link fence a minimum of six (6) feet in height.
 - e. All towers shall meet the standards of the Federal Communications Commission and the Federal Aviation Administration.
 - f. Site plans, construction plans and as-built drawings shall be certified by and carry the seal of a registered structural and/or civil engineer.
 - g. To avoid proliferation of towers, a tower must be capable of and available for accommodating multiple users under a sharing of cost.

- h. Occasional or temporary parking of service or maintenance vehicles is permitted; however, the parcel shall not be used as an open storage site for equipment, supplies, construction or operating materials.
- i. Tower lighting shall meet the requirements of the Federal Communications Commission and the Federal Aviation Administration. Other on premises lighting shall be restricted to the minimum required for safety and shall be down directed as well as shielded.
- j. Advertising of any kind shall not be displayed except as required for emergency purposes.
- k. The tower, all equipment, fences and appurtenances shall be removed by the property owner or lessee within six (6) months of termination of use.
- l. There shall be no on-site living facilities.
- m. The maximum height of the tower and appurtenances shall be limited to one hundred-twenty five (125) feet.
- n. The tower shall be as harmonious with the site and surrounding area as possible. For example, depending upon site characteristics, the tower may need to be of the "cell phone tree" type to soften its impact on the surrounding area.

10. Recreational and Athletic Areas

- a. Recreational areas and athletic areas may include playgrounds, golf driving ranges, ball fields and similar public or private uses as determined by the Planning Commission.
- b. The site, lot, parcel, etc. accommodating such recreational or athletic areas shall have a minimum area of three (3) acres.
- c. Buildings shall not be located less than forty (40) feet from all property lines. The maximum height of said buildings shall be thirty-five (35) feet.
- d. Retail businesses may be permitted on the facility site when incidental to the principal activity on the premises. Retail services shall be limited to and remain within the confines of the site and be directed to the users of the recreation facility.
- e. On-site parking shall be provided in sufficient numbers to eliminate off-site parking as determined by the Planning Commission. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and

drives shall be improved with compacted gravel, stone or a hard surfaced material and shall be well drained.

- f. Any lighting on the premises for parking areas, activity lighting, sign lighting or other similar types of exterior lighting shall be a white, steady light which is not visible off the premises.
 - g. All parking and service areas which abut a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm or planted materials. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Planning Commission.
11. Governmental Administration Facilities, Cemeteries
Cemeteries – minimum of ten (10) acres required.
Government Administration Building – minimum of two (2) acres.
 12. Regulation of Golf Courses, Public and Private including clubhouses and structures accessory to the golf course. Minimum of forty (40) acres.
 13. Schools, Public or Private, not operated for profit.
Minimum of ten (10) acres with forty (40) foot setback from all property lines.
 14. Religious Institutions, Churches, Synagogues, Temples, etc.
Minimum of two (2) acres.
 15. Timber and Tree Products Production.
Minimum of forty (40) acres with one hundred (100) foot setbacks for any structure from any property line.
 16. Kennels
Minimum of four (4) acre parcel with three hundred (300) foot width and one hundred (100) foot setbacks from any property line. Maximum structure height is thirty-five (35) feet.
 17. Public Riding Stables
Minimum of four (4) acres, three hundred (300) foot width with one hundred (100) foot setbacks from any property line. Maximum structure height is thirty-five (35) feet.
 18. Planned Unit Development
Planned Unit Development may be approved as a Special Land Use following the regulations of Section 404 of this Ordinance (Adopted 6/8/04)

19. Site Unit Condominiums

a. Intent

The intent of this Special Use is to provide minimum standards and guidelines for the review of Site Unit Condominium projects so they will comply with accepted planning and engineering standards applicable to similar forms of development. It is further intended that this permitted use encourage a more creative approach to development through the planned reduction or grouping of lots while maintaining the overall density of the Zoning District.

b. Site Unit Condominiums shall be submitted for site plan review according to the guidelines set forth in Section 403 of this Ordinance. The plan submitted shall include:

1. Condominium Subdivision plan as described in the Michigan Condominium Act or Site Plan as described in Section 403 of this Ordinance.
2. A plan delineating all natural features on the site including, but not limited to flood plains, wetlands and woodlands areas.
3. A copy of the Master Deed and any other restrictive covenants concerning the project.
4. A copy of any easements, leases or other agreements involving the project.

c. Review Procedure

The review procedure shall consist of the following two steps:

1. Preliminary Plan Review – in the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the conformance of the plans with all applicable provisions of the West Traverse Township Zoning Ordinance. Plans submitted for preliminary review shall include information specified in Items 1 and 2 of the Submission Requirements. A Public Hearing will be scheduled as required in Section 501:3 (4).

2. Final Plan Review – upon receipt of preliminary plan approval, the applicant shall prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include the Condominium Subdivision Plan. Such plans and information shall be reviewed by the township attorney, planner and engineer where applicable.

d. Private Streets

If a project is proposed to have private streets, the Township Planning Commission may require that the private streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Emmet County Road Commission.

The area dedicated to private roads may be included in the total site area for purposes of density calculations. The area dedicated to public roads shall be excluded. (Added 6/4/03)

e. Master Deed Contents

All provisions of the project that are approved or required by the Township Planning Commission must be incorporated in the Master Deed for the project.

f. Zoning District Requirements

The development of all Site Unit Condominiums shall observe all applicable requirements of the zoning district within which the project is located including, but not necessarily limited to, yard setback, minimum floor area, density, accessory buildings and permitted uses, but not including lot size. Setback requirements shall apply to private as well as public roads.

g. Set Aside Area

For all areas gained through the reduction or grouping of lots, an equal area shall be set aside for the exclusive common use of the lot owners or residents within the development. This area shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.

20. Retail Sales Facilities (Revised 11/30/01)

It is not intended that retail sales facilities be allowed other than in the Commercial District (C-1) and Industrial-Commercial District (I-1). However, there may arise situations and uses which would better serve the community in locations other than the C-1 and I-1 Districts. (revised 12-8-09)

- a. Retail sales may be any small item convenience use deemed by the Planning Commission to be of a character compatible with the surrounding area.
- b. The lot or parcel accommodating the retail sales facility shall have a minimum area and width as required in the District where located.
- c. Buildings shall be located not less than fifty (50) feet from street property lines and twenty-five (25) feet from all other property lines. The maximum height of said buildings shall not exceed two (2) stories and be no greater than thirty-five (35) feet.
- d. On site parking shall be provided in other than the required front yard at a ratio of one (1) parking space for each two hundred fifty (250) square feet of the structure's gross floor area. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone or hard surfaced material and shall be well drained.
- e. Any lighting on the premises for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a white steady light with the source not visible off the premises.
- f. Retail sales establishments shall be screened on all sides which abut a developed or zoned residential lot or parcel. The type and height of screen shall be determined by the Planning Commission. The screen shall obscure vision and provide a separation between the uses. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Planning Commission.

21. Helicopter Landings and Takeoffs (Adopted 5/13/08)

Helicopter landings and takeoffs are permitted within West Traverse only if these activities are performed at a heliport that meets all requirements of the Federal Aviation Administration (FAA) and State of Michigan and that is otherwise established as a permitted special use in accordance with this Ordinance. Such a special use shall only be considered in the A-1 and A-1-A Agricultural and Forest Districts and in the C-1 Commercial-Light Industrial District of the Township. It shall not be considered or permitted in any other zoning district within the Township.

This subsection shall not apply to the emergency use of a helicopter relating to the evacuation of a human being(s) with a serious medical condition that requires immediate evacuation to a hospital.

This subsection shall also not apply to occasional military, Coast Guard, fire fighting or police related landings or takeoffs for emergency purposes. However, repetitive landings and takeoffs by any organization shall require the use of a heliport located in accordance with the provisions of this Ordinance.

a. Definitions: As used in this subsection:

1. Helicopter – A type of aircraft whose aerodynamic support is obtained from propeller rotation on an approximately vertical axis and that is capable of rising and descending vertically.
2. Heliport – A heliport (used privately or commercially) is an identifiable area on land, water or a structure, including any building or facilities thereon, used or intended to be used for the landing and takeoff of any helicopters.
3. Structure – (Definition for this subsection only). An object including a mobile object constructed, placed or installed by a human or humans, including but without limitation, buildings, decks, docks, patios, roadways and utilities.
4. Growth – Any object of natural or planted growth of trees, shrubs or other vegetation.
5. Ground Effect – Improvement in flight capability that develops when a helicopter flies or hovers near the ground

or other surface, resulting from the cushion of air built up between the ground and the helicopter by the air displaced downward by the rotor resulting in ground disturbance.

6. Takeoff and Landing Area – A cleared area containing a final approach and takeoff area (FATO) available for the takeoff and landing of helicopters.

b. No provision of this subsection of this ordinance shall contravene or circumvent the Federal Aviation Regulations as they pertain to the operations of helicopters, or the federal reporting requirements stipulated for the establishment of helicopter landing areas.

Any applications, determinations or other documentation submitted to or provided by the FAA in connection with the proposed establishment of a heliport pursuant to this ordinance shall be submitted along with any application for a special use permit under this subsection.

c. A proposed heliport must have an unobstructed takeoff and landing area in accordance with all federal, state and local regulations. The effect or ground effect of takeoffs, landings, hovering or flights of a helicopter must not create a hazard to the property, structure or growth of an abutting property owner or occupant.

d. A proposed heliport in an agricultural district shall be setback at least five hundred (500) feet from any property lines. A proposed heliport in a commercial district shall be set back at least one hundred (100) feet from any property lines and two hundred-fifty (250) feet from any structure located on any adjacent or nearby property that is for human occupancy. The only permitted exception to these setback requirements shall be if one of the boundaries of the property is a lake, then the setback from that boundary shall be upland of any sand dunes and dune vegetation and at least sixty (60) feet from the ordinary high water mark.

e. No helicopter engine start, run-up, taxiing, takeoff, hovering or landings will be permitted between 7:00 p.m. or one (1) hour before official sunset, whichever is earlier, and 8:00 a.m., all as established by local time.

f. All takeoffs, hovering and landings shall be conducted only under FAA defined visual flight rule (VFR) weather conditions.

g. No more than two (2) takeoffs and two (2) landings per day shall occur at any heliport within the township, and no more than five

(5) takeoffs and five (5) landings per calendar week shall occur at any heliport within the township.

- h. A helicopter shall not have its engine(s) in operation for more than five (5) minutes following any landing and for more than ten (10) minutes upon any startup.
- i. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, the more stringent limitation or requirements shall govern and prevail.
- j. Lawfully established prior non-conforming uses of land within the township for helicopter takeoffs and landings shall be subject to the subsections e, g and h of this section concerning the times, frequency and duration of helicopter operations. This is applicable to the extent that such prior non-conforming uses have not previously exceeded those subsections. The provisions of those subsections shall apply regardless of the zoning district in which any lawfully established prior non-conforming use is located. Furthermore, there shall be no expansion of any prior non-conforming use of land for helicopter takeoffs and landings without full compliance with the provisions of this Ordinance.
- k. If any provisions of this Ordinance or the application thereof to any persons or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are declared to be severable.

302 R-1 and R-1-A RESIDENTIAL

The R-1 and R-1-A Districts are established to provide areas of general residential development. Desired development includes single-family and two-family dwellings.

302:1 PERMITTED PRINCIPAL USES AND STRUCTURES

All permitted principal uses and structures in the R-1 and R-1-A districts hereafter listed shall be subject to the area, location and height restrictions as specified in Section 306:2 Schedule of R-1 and R-1-A District Regulations or such other more restrictive laws, regulations or codes which are in effect.

1. Single Family Dwellings.
2. Two Family Dwellings – permitted in R-1 District only (See Sec. 402:11).
3. Agriculture: crop raising, nurseries, tree farms, gardening and other similar activities. (Livestock is excluded).

302:2 ACCESSORY USES AND STRUCTURES

All permitted accessory uses and structures in the R-1 and R-1-A Districts hereafter listed shall be subject to the area, location and height restrictions which are applicable to the principal use to which they are incident, and as specified on the accompanying schedule of District Regulations or to more restrictive laws, regulations or codes which are legally in force.

1. Private garages and carports. (Refer to Sec. 402:13)
2. Agricultural buildings when located a minimum of one hundred (100) feet from any property line.
3. Outside storage of privately owned major recreational vehicles and equipment, including or similar to campers, boats, travel trailers, snowmobiles, provided that such equipment shall be unoccupied and shall be located in a rear or side yard only.
4. Campers and trailers may be temporarily occupied for a maximum period of thirty (30) days provided that sanitary facilities are available in the trailer or on site.

5. Any other accessory uses and structures which are determined by the Planning Commission to be customary and similar to the above listed accessory uses and structures and which are clearly incidental to any of the permitted principal uses and structures. These uses and structures shall be processed as special land uses. (Corrected 7/9/02)

302:3 SPECIAL LAND USES AND STRUCTURES

Special land uses and structures hereafter listed in this district shall be subject to all the restrictions, regulations and conditions of this section, Section 501, and all other applicable requirements of this Ordinance and to other restrictive laws, regulations or codes which are legally in force.

1. Multiple Family Dwellings, Townhouses and Housing for the Elderly:

Not permitted in the R-1-A District. (See Section 402:11)

Multiple Family Dwellings, Townhouses and Housing for the Elderly:

R-1 District subject to conditions and limitations, except density limitations set forth in Section 301:3(1).

- a. The site, lot or parcel shall have a minimum area of one (1) acre per dwelling unit.

2. Convalescent or Nursing Home (Includes Adult Foster Care):

- a. The site, lot or parcel shall have a minimum area of one (1) acre for the first six (6) residents with one (1) additional acre for each four (4) residents after the first six (6).
- b. On site parking shall be provided at a ratio of one (1) space for each three (3) residents plus one (1) space for each two (2) full time employees. Entrance and exit drives shall be provided to permit safe and convenient access. Parking areas and drives shall be improved with compacted gravel, stone or hard surfaced material and shall be well drained.
- c. Any lighting on the premises for parking areas, yards, signs or other similar types of exterior lighting shall be white steady light with the source not visible off premises.
- d. Proposals for housing shall meet all local, state and federal regulations.

3. Religious Institutions (Churches, Synagogues, Temples, etc.):

Subject to conditions and limitations set forth in Sec. 301:3(14)

4. Home Occupations: See Sec. 301:3(2)

5. Bed and Breakfast Establishments: See Sec. 301:3(5)

6. Hotels, Motels, Clubs, Lodges: See Sec. 301:3(6)

7. Governmental Administration Facilities, including public parks and cemeteries:

Cemeteries are required to have a minimum of ten (10) acres.

8. Schools, Public or Private (not operated for profit):

Minimum of ten (10) acres and forty (40) foot setback from any property line.

9. Medical Clinics:

- a. The site, lot or parcel accommodating a clinic shall have a minimum of one (1) acre for each ten (10) rooms or portion thereof.
- b. Buildings shall be located not less than fifty (50) feet from all property lines. The maximum height of said buildings shall not exceed two (2) stories and be no greater than thirty-five (35) feet.
- c. On site parking shall be provided at a ratio of one (1) space for each two hundred (200) square feet of floor area. Parking areas and drives shall be improved with compacted gravel, stone or hard surfaced material and shall be well drained. No parking shall be permitted in the required front yard.
- d. Any lighting on the premises for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a white steady light with the source not visible off the premises.
- e. The clinic grounds abutting a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm or planted materials. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission upon site plan review. Where, in its judgment, such screening shall serve no

useful purpose, such requirement may be waived by the Planning Commission.

10. Public Utility Facilities: See Sec. 301:3(8)
11. Private Riding Stables: (Revised 11/30/01)
 - a. The site, lot or parcel accommodating a private riding stable shall have a minimum of ten (10) acres plus at least one (1) acre of additional land for each full grown horse, in excess of two (2).
 - b. The buildings shall be located not less than one hundred (100) feet from all property lines.
 - c. All exercise areas, grazing areas and similar areas for the corralling of the horses shall be adequately fenced to ensure the containment of the horses.
12. Mobile Home Park: See Sec. 301:3(7)
13. Planned Unit Development: See Sec 301:3(18)
14. Site Unit Condominiums: Subject to conditions and limitations as set forth in Section 301:3(19)
15. Retail Sales Facilities: See Sec. 301:3(20) (Revised 11/30/01)

303 R-2 TRANSITIONAL RESIDENTIAL DISTRICT (Adopted late 1998)

The R-2 District is intended to serve as a transitional zone between the higher density zoning districts of the city and the lower density districts of the township. It is not intended that this district be expanded beyond its present boundaries.

303:1 PERMITTED PRINCIPAL USES AND STRUCTURES

Permitted uses and structures in the R-2 District shall be subject to the area, location and height restriction as specified in Section 306:3, R-2 District Regulations and/or other applicable requirements.

1. Single Family Dwelling.

303:2 ACCESSORY USES AND STRUCTURES

Permitted accessory uses and structures in the R-2 District shall be subject to the area, location and height restriction as specified in the Schedule of District Regulations.

1. Private garages and carports. (Refer to Sec. 402:13)
2. Storage buildings for personal use. (Refer to Sec. 402:13)
3. Outside storage of personally owned recreational vehicles and equipment including or similar to campers, boats, travel trailers, and snowmobiles provided that such equipment shall be located in the rear yard or side yard only.
4. Any other accessory uses and structures which are determined by the Planning Commission to be customary and similar to the above listed accessory uses and structures and which are clearly incidental to the permitted use or structure.

303:3 SPECIAL USES AND STRUCTURES

All special land uses and structures in this district shall be subject to the restrictions, regulations and conditions of this section, Section 501 and any other applicable requirements.

1. Two family dwellings: The site, lot or parcel used for any two (2) family dwelling shall have a minimum land area of 22,000 square feet per dwelling unit.
2. Housing for the Elderly: Conditions set forth in Section 302:3(2)
3. Public Utility Facilities: Refer to Section 301:3(8)
4. Planned Unit Development: Refer to Section 301:3(18)
5. Site Unit Condominiums: Refer to Section 301:3(19)

304A C-1 COMMERCIAL DISTRICT (amended 12-8-09)

The C-1 District is established to provide areas of general commercial development and to allow for the establishment of neighborhood shopping centers, personal services, professional offices and tourist services. It is not intended that residential development be permitted in this district except as authorized by this Ordinance.

304A:1 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Any customary office or service business conducted wholly within a building.
2. Retail Sales including, but not limited to, gas stations, convenience stores, restaurants, banks.
3. Display of goods to be sold at retail. Such display is not to be storage, but only a sample of some items for sale at retail. The site plan shall indicate the proposed location and size of this display area.
4. Open air business uses such as, but not limited to, retail sales of plant materials, nursery items and other home garden supplies.
5. Outside storage of materials or goods for sale, currently licensed cars, trucks, equipment and materials necessary as an accessory to the principal use, provided the following conditions are complied with.
 - a. All storage will be located not less than fifty (50) feet away from any adjacent residential district.
 - b. All storage shall be in the rear yard except for retail sample display which may be in the front yard.
 - c. A fence, wall, or screen of planted material, shall enclose the storage area of non-retail display materials or goods, equipment, cars and trucks. The height and choice of fence, wall, or screening and the requirements of decorative slats to be used with the fence to most appropriately screen the stored materials from view, shall be determined by the Planning Commission upon site plan review.
 - d. It is mutually understood by the applicant and the Planning Commission that whenever a different material than agreed upon in the original request is to be stored, a new approval shall be required from the Planning Commission.
 - e. Accumulated scrap material shall be removed from the premises prior to the storage container or storage area overflowing. If questions arise regarding adequate removal, the Planning Commission shall determine a removal schedule.

304A:2 SPECIAL LAND USES AND STRUCTURES

All special uses and structures in this district shall be subject to all the restrictions, regulations and conditions of this section, in addition to the requirements of Section 501 and all other applicable requirements of this Ordinance and to other restrictive laws, regulations or codes which are legally in force.

1. Hotels, Motels and/or Timesharing Units:
 - a. The site, lot or parcel accommodating such use shall have a minimum area of one (1) acre for each ten (10) units or portion thereof.
 - b. On-site parking at the ratio of one (1) space for each lodging room plus one (1) space for each three (3) full time employees. For compound use of the facility, parking space shall be provided as though each use were on a separate site or lot. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public and private roadways. If other commercial entrances or exits are adjacent, they must be shared or connected when possible in order to reduce curb-cuts to public streets. Parking areas and drives shall be paved with asphalt or concrete and shall be well drained.
 - c. All Hotel, Motel, and/or Timesharing units which abut a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm or planted materials no less than five (5) feet high. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Commission upon site plan review.
2. New or Used Vehicle Sales Showrooms and Service Facilities.
3. Pet Shops: Including dog grooming, veterinary hospitals or veterinary clinics, provided all activities for any of the above uses are conducted within an enclosed building with no outside facilities.
4. Site Unit Condominiums: See 301:3 (19).
5. Churches, private clubs, libraries and lodge halls.

304A:3 SITE PLAN, AREA, HEIGHT AND PLACEMENT REQUIREMENTS

1. All development and/or change of use in this district shall require site plan approval by the Planning Commission prior to issuance of a zoning permit. Plans submitted for review shall comply with Section 403.

Before granting approval on any development and/or change of use in this district, the Planning Commission shall find that it will not tend to further:

- a. Impair the adequate supply of light and air to adjacent property.
 - b. Increase the hazard from fire, flood and other dangers to said property, adjacent properties and roadways.
 - c. Diminish the market value of adjacent land and buildings.
 - d. Increase the congestion on the public streets.
 - e. Otherwise impair the public health, safety, comfort and general welfare.
2. Minimum width of any lot in this district shall be one hundred (100) feet.
 3. Maximum height of any structure:
 - a. In stories: Two (2)
 - b. In feet: Thirty-five (35).
 4. Minimum yard setback per lot:
 - a. Front: Fifty (50) feet fronting on state highway, county primary roads or other major collector roads and twenty-five (25) feet fronting on local streets as such roads and streets are identified by the County Road Commission.
 - b. Side: Twenty (20) feet. Where the sidewall of the structure faces a C-1 or an I-1 zoned parcel and contains no windows or other openings and is two-hour fire rated, a minimum of five (5) foot set back may be approved. Where a side yard borders on a district other than C-1 or I-1, there shall be a setback of not less than fifty (50) feet.
 - c. Rear: Twenty (20) feet. Where a rear yard borders on any other zoning district, there shall be provided a rear yard of not less than fifty (50) feet.
 5. Lighting on the premises for parking areas, yard areas, sign lighting or other similar types of exterior lighting shall be shielded and directed downward, with the light source not visible off the premises.
 6. Parking: The minimum number of asphalt or concrete off street parking spaces by type of use shall be determined in accordance with this Ordinance. For unspecified uses, the number of spaces shall be determined by the Planning Commission based on the most similar use for which parking space requirements are listed.

For any off-street parking lots of twenty (20) spaces or more, there shall be planting of canopy trees subject to the following conditions:

- a) One (1) such tree shall be required for each ten (10) surface parking spaces.
- b) Trees shall be not less than two and one-half (2-1/2") inches in caliper.
- c) Trees shall be planted prior to the issuance of a Certificate of Occupancy and shall be maintained in a healthy, growing condition.
- d) The required trees may be evenly distributed or concentrated in clusters as approved by the Planning Commission. If evenly distributed each tree shall be provided with an open land area of not less than eighty (80) square feet to provide area for infiltration and with a minimum diameter of five (5) feet at the trunk base for added protection. Tree plantings shall also be protected from automobiles with curbing, bollards or other suitable devices.

The number of off-street parking spaces required by this Ordinance shall be considered the minimum required, however, the Planning Commission, subject to approval of the Site Plan, may defer until a future time the construction of the full number of parking spaces based on the following:

- a) The Site Plan shall indicate that the legal number of spaces required per this Section can be physically provided to serve the use.
- b) The Planning Commission may rule to defer the actual construction of up to 50% of the required parking space for the following reasons:
 1. The proprietor/owner demonstrates to the Planning Commission that providing 100% of the required parking would not be necessary to serve the level of the property use.
 2. The land proposed for the full amount of parking would better serve the community or the use as landscaped yard or other on-site open space use.

At such times as the intensity of vehicle access to the use increases and/or the Planning Commission determines that the deferred parking spaces are needed to prevent congestion on adjacent streets, increase safety, and/or maintain patron convenience, the Planning Commission shall order that all or part of the deferred parking space shall be constructed at the earliest possible time. Based on any determined construction limitations, the Planning Commission and the applicant shall establish and agree on a construction timetable within which any deferred off-street parking spaces will be completed. The construction schedule shall consider time limitations caused by weather/climate conditions, soils, land area, and site conditions; and the nature of the construction and steps involved in construction.

The minimum number of off street parking spaces by use shall be in accordance with the following:

- a. Office and retail uses - One (1) parking space for each two hundred fifty (250) feet of gross floor area or one and one-half (1½) square feet of parking area for each square foot of gross floor area.
 - b. Open-Air Businesses - One (1) parking space for each one thousand (1,000) square feet of sales area.
 - c. Storage Yards - One (1) parking space for each two thousand (2,000) square feet of area.
 - d. Motor Vehicle Sales and Service Establishments - One (1) parking space for each two hundred (200) square feet of useable floor area of the sales room and one (1) for each service stall in the garage.
 - e. No parking shall be permitted in the required front yard setback within the C-1 district. Off street parking spaces shall be at least nine and one-half (9½) feet by twenty (20) feet and a loading space shall be provided separate from parking with an area of fifteen (15) feet by thirty (30) feet, where deemed appropriate by the Planning Commission upon site plan review.
7. Waste receptacles, including dumpsters, shall be screened so as not to be visible from adjacent property and public or private roadways.

8. If other commercial entrances or exits are adjacent, they must be shared or connected when possible in order to reduce curb-cuts to public streets.
9. All uses in the C-1 district shall be screened with an ornamental fence, wall, berm or planted materials, such as trees or shrubs, no less than five (5) feet high on all sides which abut a developed or zoned residential lot or parcel. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission at the site plan review. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Planning Commission.
10. The area located between the street and the fence, wall or screening shall be maintained in a neat and orderly manner reasonably landscaped and kept free from weeds, refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance.
11. The Planning Commission may waive, or modify, any wall, fence, greenbelt or special setback provision in the C-1 District, where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns, natural barriers or screens and the like.

304B L-1 LIGHT INDUSTRIAL-COMMERCIAL DISTRICT (added 12-8-09)

The I-1 District is established to provide areas of general commercial and light industrial development for the location of uses which require the storage and/or operation of mechanical equipment and for uses which require large spaces in which to conduct a commercial operation. It is intended that any uses permitted do not create a nuisance to surrounding areas by the emission of noise, fumes, dust, smoke, light, vibrations, odors or other similar by-products which are not compatible with the general atmosphere of the total community. It is not intended that residential development be permitted in this district except as authorized by this Ordinance.

304B:1 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Any customary office or service business conducted wholly within a building.
2. Retail Sales including, but not limited to, gas stations, convenience stores, restaurants, banks.
3. Display of goods to be sold at retail. Such display is not to be storage, but only a sample of some items for sale at retail. The site plan shall indicate the proposed location and size of this display area.
4. Open air business uses such as, but not limited to, retail sales of plant materials, nursery items and other home garden supplies.

5. The following uses conducted wholly within a building with a landscaped front yard and with the side or rear yard used for loading and customer and employee parking:
 - a. Any wholesale or retail business including warehouse and storage buildings.
 - b. Manufacturing processes or treatment of products, using light machinery such as tool and die shops and metal fabricating. Assembled or sub-assembled products, in their finished state, shall be such as to be easily portable.
 - c. Automobile repair and related services.
6. Outside storage of currently licensed cars, trucks and equipment necessary as an accessory to the principal use; finished and semi-finished manufactured materials produced on the premises and scrap materials produced on site or through the normal operation of the principal use, provided the following conditions are complied with:
 - a. Accumulated scrap material shall be removed from the premises prior to the storage container or storage area overflowing. If questions arise regarding adequate removal, the Planning Commission shall determine a removal schedule.
 - b. All storage will be located not less than fifty (50) feet away from any adjacent residential district.
 - c. A fence, wall, or screen of planted material shall enclose the storage area. The height and choice of fence, wall, or screening and the requirements of decorative slats to be used with the fence to most appropriately screen the stored materials from view, shall be determined by the Planning Commission upon site plan review. Fences or walls shall not be less than five (5) feet in height, and may be required to be eight (8) feet in height. The Planning Commission may reduce the screening requirement if the following conditions are met:
 1. Public health, safety, comfort and general welfare will be protected and;
 2. The visible storage shall not cause substantial injury to the value of property in the neighborhood and will not be detrimental to existing and/or permitted land uses in the area.
 - d. The area located between the street and the fence, wall or screening shall be reasonably landscaped and kept free from weeds, refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance.
 - e. It is mutually understood by the applicant and the Planning Commission that whenever a different material is to be stored than agreed upon in the original request, a new approval shall be required from the Planning Commission prior to storage of a different material.

304B:2 SPECIAL LAND USES AND STRUCTURES

All special uses and structures in this district shall be subject to all the restrictions, regulations and conditions of this section, in addition to the requirements of Section 501 and all other applicable requirements of this Ordinance and to other restrictive laws, regulations or codes which are legally in force.

1. All C-1 Special Uses, except Pet Shops which are allowed as regulated below.

2. Pet Shops: Including dog grooming, veterinary hospitals or veterinary clinics, provided all activities for any of the above uses are conducted within an enclosed building with no outside facilities abutting residential districts.

304B:3 SITE PLAN, AREA, HEIGHT AND PLACEMENT REQUIREMENTS:

1. All development and/or change of use in this district shall require site plan approval by the Planning Commission prior to issuance of a zoning permit. Plans submitted for review shall comply with Section 403.

Before granting approval on any development and/or change of use in this district, the Planning Commission shall find that it will not tend to further:

- a. Impair the adequate supply of light and air to adjacent property.
 - b. Increase the hazard from fire, flood and other dangers to said property, adjacent properties and roadways.
 - c. Diminish the market value of adjacent land and buildings.
 - d. Increase the congestion on the public streets.
 - e. Otherwise impair the public health, safety, comfort and general welfare.
 - f. Increase off-site water run-off.
2. Minimum width of any lot in this district shall be one hundred (100) feet.
 3. Maximum height of any structure:
 - a. In stories: Two (2)
 - b. In feet: Thirty-five (35).
 4. Minimum yard setback per lot:
 - a. Front: Twenty-five (25) feet.
 - b. Side: Twenty (20) feet. Where the sidewall of the structure faces a C-1 or I-1 zoned parcel and contains no windows or other openings and is two-hour fire rated, a minimum of five (5) foot set back may be approved. Where a side yard borders on any other zoning district there shall be a setback of not less than fifty (50) feet.
 - c. Rear: Twenty (20) feet. Where a rear yard borders on a zoning district other than C-1 or I-1, there shall be provided a rear yard of not less than fifty (50) feet.
 5. Lighting on the premises for parking areas, yard areas, sign lighting or other similar types of exterior lighting shall be shielded and directed downward, with the light source not visible off the premises.
 6. Parking: The minimum number of dust-controlled and preferably asphalt or concrete, off-street parking spaces by type of use shall be determined in accordance with this Ordinance. Ingress and egress areas shall be paved with asphalt or concrete at least from the road through the front yard setback. For unspecified uses, the number of spaces shall be determined by the Planning Commission based on the most similar use for which parking space requirements are listed.

For any off-street parking lots of twenty (20) spaces or more, there shall be planting of canopy trees subject to the following conditions:

- a) One (1) such tree shall be required for each ten (10) surface parking spaces.
- b) Trees shall not be less than two and one-half (2½) inches in caliper.
- c) Trees shall be planted prior to the issuance of a Certificate of Occupancy and shall be maintained in a healthy, growing condition.
- d) The required trees may be evenly distributed or concentrated in clusters as approved by the Planning Commission. If evenly distributed each tree shall be provided with an open land area of not less than eighty (80) square feet to provide area for infiltration and with a minimum diameter of five (5) feet at the trunk base for added protection. Tree plantings shall also be protected from automobiles with curbing, bollards or other suitable devices.

The number of off-street parking spaces required by this Ordinance shall be considered the minimum required, however, the Planning Commission, subject to approval of the Site Plan, may defer until a future time the construction of the full number of parking spaces based on the following:

- a) The Site Plan shall indicate that the legal number of spaces required per this Section can be physically provided to serve the use.
- b) The Planning Commission may rule to defer the actual construction of up to 50% of the required parking space for the following reasons:
 1. The proprietor/owner demonstrates to the Planning Commission that providing 100% of the required parking would not be necessary to serve the level of the property use.
 2. The land proposed for the full amount of parking would better serve the community or the use as landscaped yard or other on-site open space use.

At such times as the intensity of vehicle access to the use increases and/or the Planning Commission determines that the deferred parking spaces are needed to prevent congestion on adjacent streets, increase safety, and/or maintain patron convenience, the Planning Commission shall order that all or part of the deferred parking space shall be constructed at the earliest possible time not to exceed 12 months. Based on any determined construction limitations, the Planning Commission and the applicant shall establish and agree on a construction timetable within which any deferred off-street parking spaces will be completed. The construction schedule shall consider time limitations caused by weather/climate conditions, soils, land area, and site conditions, and the nature of the construction and steps involved in construction.

The minimum number of off-street parking spaces by use shall be in accordance with the following:

- a. Office and retail uses - One (1) parking space for each two hundred fifty (250) feet of gross floor area or one and one-half (1½) square feet of parking area for each square foot of gross floor area.
- b. Open-Air Businesses - One (1) parking space for each one thousand (1,000) square feet of sales area.

- c. Storage Yards - One (1) parking space for each two thousand (2,000) square feet of area.
 - d. Motor Vehicle Sales and Service Establishments - One (1) parking space for each two hundred (200) square feet of useable floor area of the sales room and one (1) for each service stall in the garage.
 - e. Industrial Warehouse or Wholesale Establishments - One (1) space for every one and one-half (1½) employees in the largest working shift or one (1) space per six hundred (600) square feet of gross floor area, whichever is greater.
 - f. No parking shall be permitted in the first twenty (20) feet of the required front yard setback within this district. Off street parking spaces shall be at least nine and one-half (9½) feet by twenty (20) feet and a loading space shall be provided separate from parking with an area of fifteen (15) feet by thirty (30) feet, where deemed appropriate by the Planning Commission upon site plan review.
7. Waste receptacles, including dumpsters, should preferably be out of view.
8. All uses in this district shall be screened with an ornamental fence, wall, berm or planted materials, such as trees or shrubs, no less than five (5) feet high on all sides which abut a developed or zoned residential lot or parcel. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission at the site plan review.
9. The Planning Commission may waive, or modify, any wall, fence, greenbelt or special setback provision in the I-1 District, where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns, natural barriers or screens and the like.

305 S-1 PUBLIC DISTRICT

The S-1 Public District is established to provide scenic, open space and recreational areas for use by the general public. It is intended that these areas be owned, leased or similarly under the control of a government unit, school district, municipality, township, county, state or federal. It is not intended that residential, commercial or industrial development be permitted except as may be incidental to the principal public use.

All principal uses and accessory uses in the S-1 District shall be considered Special Land Uses and subject to review by the Planning Commission prior to Township Board approval. Approval for any listed permitted use in this district may be obtained provided the provisions of section 501 are met and the following conditions are complied with:

1. Proposed use or structure must be owned, leased or otherwise under the jurisdiction of a governmental unit, school district, municipal, township, county, state or federal.
2. Controlling governmental unit will be responsible for the submittal to the Planning Commission of any plans, reports or any other applicable type of information indicating proposals for development, maintenance and upkeep which the Planning Commission deems necessary.
3. Proposed use, when open, shall be available for use by the general public.
4. Proposed use shall be in harmony with and compatible with the surrounding and adjacent development and shall not in any way, in the opinion of the Township Board, be a nuisance to West Traverse Township, its citizens or property owners.

305:1 PRINCIPAL USES AND STRUCTURES

1. Major outdoor public recreation uses including or similar to but not limited to:
 - a. Boating areas
 - b. Fishing sites
 - c. Camping areas
 - d. Picnic areas
 - e. Parks and playgrounds
 - f. Golf courses
 - g. Swimming areas
 - h. Foot paths
2. Natural open spaces including or similar to but not limited to:
 - a. Conservation lands
 - b. Wildlife preserves
 - c. Forest preserves

3. Developed open spaces including or similar but not limited to:
 - a. Botanical gardens
 - b. Scenic area

305:2 ACCESSORY USES AND STRUCTURES

1. Service buildings without storage yards.
2. Playground equipment.
3. Sanitation facilities.
4. Monuments, signs or plaques excluding commercial advertising devices.
5. Public utilities facilities without storage yards.
6. Shelters.
7. Parking areas.

305:3 SPECIAL LAND USES AND STRUCTURES (Adopted 2/13/07)

The following special uses and structures allowed in the S-1 Public District shall be subject to the regulations of this Section, Section 305:3, as well as Sections 403 (Site Plan Review), 501 (Special Regulations) and other applicable requirements of this Ordinance or to more restrictive laws, regulations or codes which are legally in force.

1. Transmission and Receiving Towers
 - a. The tower, equipment, fences and appurtenances shall meet the standards required in the S-1 District.
 - b. Buildings shall not be located less than forty (40) feet from any property line and shall be limited to uses associated with the operation of the tower. The maximum height of said buildings shall be thirty-five (35) feet.
 - c. Any antennas, towers, masts, including supports or similar structures shall be so located on the property that the base of the structure shall be no closer to any property line than a distance equal to one and one-half (1 ½) times the height of the structure.

- d. The base of the tower, supports and buildings shall be enclosed with a chain link fence a minimum of six (6) feet in height.
- e. All towers shall meet the standards of the Federal Communications Commission and the Federal Aviation Administration.
- f. Site plans, construction plans and as-built drawings shall be certified by and carry the seal of a registered structural and/or civil engineer.
- g. To avoid proliferation of towers, a tower must be capable of and available for accommodating multiple users under a sharing of cost.
- h. Occasional or temporary parking of service or maintenance vehicles is permitted. However, the parcel shall not be used as an open storage site for equipment, supplies, construction or operating materials.
- i. Tower lighting shall meet the requirements of the Federal Communications Commission and the Federal Aviation Administration. Other on premises lighting shall be restricted to the minimum required for safety and shall be down directed as well as shielded.
- j. Advertising of any kind shall not be displayed except as required for emergency purposes.
- k. The tower, all equipment, fences and appurtenances shall be removed by the property owner or lessee within six (6) months of termination of use.
- l. There shall be no on-site living facilities.
- m. The maximum height of the tower and appurtenances shall be limited to one hundred twenty-five (125) feet.
- n. The tower shall be as harmonious with the site and surrounding area as possible. For example, depending upon site characteristics, the tower may need to be of the "cell phone tree" type to better blend into the surroundings.

306 SCHEDULE OF REGULATIONS QUICK REFERENCE GUIDE

See 306:3, 306:4 and 306:5 on the following pages.

306:1 MINIMUM LOT REQUIREMENTS

1. **Lot Area:** The minimum lot area required in each district shall be exclusive of road rights-of-way and road easement areas.
2. **Lot Width:** The horizontal distance between the side lot lines, measured at the setback line, which is not necessarily parallel to the road rights-of-way. In the case of irregular shaped lots, the width shall be measured on a line drawn perpendicular to a line that bisects the front and rear lot lines at a point midway between the front and rear lot lines.
3. **Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
4. **Setbacks:**
 - a. **From Road Right-of-Way:** No building or structure shall be closer to a road right-of-way than the minimum front yard requirement of its zoning district.
 - b. **From Road Easement(s):** All lots or parcels or property that front upon an approved road easement or are transversed by a road easement that is used by the subject parcel and/or some other lot or parcel for road and/or access purposes, shall have all setbacks and required yards measured from the nearest boundary line of such easement to the proposed structure, building or other improvement of the subject parcel or lot.
 - c. **From Lake Front:** The setbacks shall be a minimum of sixty (60) feet, measured from the record high water mark of 1986 as determined by the U.S. Army Corps of Engineers, said mark is 581.99 feet. (See Sec. 307 Waterfront Overlay)

306:2 PRIVATE ACCESS WAYS (Added 10/11/94; Amended 4/01/07)

Intent: The Private Access ways standards contained in this Ordinance are declared to be necessary to protect the public health, safety and welfare by regulating the location, construction and improvement, extension, maintenance and use of private access ways to meet the following objectives.

1. To ensure that private access ways are designed with width, surface and grade to assure safe passage and maneuverability of motor vehicles.
2. To provide sufficient side and overhead clearance to accommodate fire fighting equipment, police, ambulance, other safety and emergency vehicles, snow plows, school buses, sanitation vehicles and similar service vehicles and equipment.
3. To ensure that private access ways are constructed of suitable materials to ensure safe passage and minimal maintenance.
4. To protect against or minimize soil erosion to prevent damage to lakes, streams, wetlands and the natural environment.
5. To provide for sight distance, safety and uniformity of the location and construction of private access ways in relation to existing or proposed lot lines, structures and dwellings.

Standards: Private access ways other than those in a Platted Subdivision, Single Family Site Unit Condominiums or Planned Unit Developments shall meet all of the following:

1. A minimum of thirty (30) feet right-of-way or road easement, except along an abutting property line in which case the minimum shall be thirty-five (35) feet.
2. A minimum of eighteen (18) feet of processed road gravel, bituminous or concrete roadbed (including shoulders) is required for access ways serving four (4) or fewer single family units.
3. A minimum of twenty (20) feet of processed road gravel, bituminous or concrete roadbed (including shoulders) is required for private access ways serving five (5) or more single family units.
4. The roadbed shall be a minimum of five (5) feet from both sides of the easement except along an abutting property line, the roadbed shall be a minimum of ten (10) feet from said line.
5. A private access way shall be constructed and maintained in such a way as to be accessible and useable to all emergency vehicles.
6. A site plan that demonstrates compliance with the Sections 306:2 (this section) and Section 403 (Site Plan Review) of this Ordinance shall be submitted for review by the Planning Commission.

7. Easement and Maintenance agreements shall be submitted for review by the Planning Commission according to the following provisions:
 - a. Adequate utility easements shall be granted to the public within or adjacent to the right-of-way for sewer, water, gas, electric, telephone and cable use.
 - b. All private access ways shall be located within a permanent right-of-way easement. The easement shall grant ingress and egress of motor vehicles to abutting properties and to the public for purpose of fire fighting equipment, police, ambulance, other safety and emergency vehicles, snow plows, school buses, sanitation vehicles and similar service vehicles and equipment. The easement shall be recorded with the deed of all property accessed by the private access way at the Emmet County Register of Deeds.
 - c. No structure other than for utilities specified above or development activity shall be established within a permanent right-of-way easement.
 - d. A maintenance agreement binding on all current and future owners of property accessed by the private access road is required. The agreement shall provide for the following:
 1. Statement indicating that the private access way is private and not subject to maintenance jurisdiction of the Emmet County Road Commission. Further, that such access way shall not be maintained or improved at the expense of West Traverse Township unless the maintenance or improvement is funded by a special assessment of the owners of property accessed by the private access way.
 2. Provisions to assure that the access way is reasonably maintained to provide access by emergency and service vehicles during all conditions which are reasonably expected in West Traverse Township.
 3. The maintenance agreement shall be recorded at the Emmet County Register of Deeds with the deed of all property accessed by the private access way.

Any road not meeting Emmet County Road Commission specifications will not be accepted as a public road by West Traverse Township or the Emmet County Road Commission.

SECTION 306

SCHEDULE OF REGULATIONS –QUICK REFERENCE GUIDE

306:3 SCHEDULE OF A-1 AND A-1-A DISTRICT REGULATIONS (Amended 11/30/01)

<u>Permitted Uses</u>	<u>Area</u>	<u>Minimum Lot Size</u>		<u>Front</u>	<u>Minimum Yard</u>			<u>Maximum Height</u>
		<u>Width</u>	<u>Depth</u>		<u>Rear</u>	<u>Side</u>	<u>Height</u>	
1. General Farming		2 acres	200 ft.		N/R	N/R/	N/R	N/R
2. Single Family Dwellings		2 acres	200 ft.		40 ft.	40 ft.	20 ft.	35 ft.
3. Two Family Dwellings	4 acres	300 ft.		40 ft.	40 ft.	20 ft.	35 ft.	
4. Mobile Homes		2 acres	200 ft.		40 ft.	40 ft.	20 ft.	35 ft.
5. Livestock, Dairy and Poultry Farms	10 acres	300 ft.		(listed under special uses)				

Accessory Uses and Structures

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Farm Buildings 2. Private Garages and Carports 3. Private Swimming Pools | <ul style="list-style-type: none"> 4. Storage Buildings 5. Outside Storage of Recreational Equipment 6. Any Other – Determined by Planning Commission |
|---|--|

Special Uses and Structures

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. Multiple Family Dwellings 2. Home Occupations 3. Convalescent or Nursing Home 4. Soil Removal 5. Bed & Breakfast Establishments 6. Hotels, Motels, Clubs & Lodges 7. Mobile Home Parks 8. Public Utilities Facilities 9. Transmission & Receiving Towers 10. Recreational and Athletic Areas | <ul style="list-style-type: none"> 11. Governmental Administration Facilities, Cemeteries 12. Regulation Golf Courses, Private & Public 13. Schools, Public or Private 14. Religious Institutions 15. Timber and Tree Products Production 16. Kennels 17. Public Riding Stables 18. Planned Unit Development 19. Site Unit Condominiums 20. Retail Sales Facilities |
|--|---|

SECTION 306

SCHEDULE OF REGULATIONS – QUICK REFERENCE GUIDE

306:4 SCHEDULE OF R-1 AND R-1-A DISTRICT REGULATIONS

<u>Permitted Uses</u>	<u>Minimum Lot Size</u>		<u>Minimum Yard</u>			<u>Maximum Height</u>
	Area	Width	Front	Rear	Side	
1. Single Family Dwellings	1 acre	150 ft.	40 ft.	40 ft.	20 ft.	35 ft.
2. Two Family Dwellings	2 acres	250 ft.	40 ft.	40 ft.	20 ft.	35 ft.
3. Agricultural (crop raising)	N/R	N/R	N/R	N/R	N/R	N/R

Accessory Uses and Structures

- | | |
|--|--------------------------|
| 1. Private Garages & Carports | 4. Storage Buildings |
| 2. Private Swimming Pools | 5. Agriculture Buildings |
| 3. Playground Equipment | |
| 6. Outside Storage of Recreational Equipment | |

Special Uses and Structures

- | | |
|---|-------------------------------|
| 1. Multiple Family Dwellings | 9. Medical Clinics |
| 2. Convalescent or Nursing Home | 10. Public Utility Facilities |
| 3. Religious Institutions | 11. Private Riding Stables |
| 4. Home Occupations | 12. Mobile Home Park |
| 5. Bed and Breakfast Establishments | 13. Planned Unit Development |
| 6. Hotels, Motels, Clubs and Lodges | 14. Site Unit Condominiums |
| 7. Governmental Administration Facilities, Cemeteries | 15. Retail Facilities |
| 8. Schools, Public or Private | |

SECTION 306

SCHEDULE OF REGULATIONS – QUICK REFERENCE GUIDE

306:5 SCHEDULE OF R-2 DISTRICT REGULATIONS

<u>Permitted Uses</u>	<u>Minimum Lot Size</u>		<u>Minimum Yard</u>			<u>Maximum Height</u>
	Area	Width	Front	Rear	Side	
1. Single Family Dwellings	22,000 sq. ft.	100 ft.	40 ft.	40 ft.	15 ft.	35 ft.

Accessory Uses and Structures

1. Private Garages and Carports
2. Storage Buildings
3. Outside storage of recreational equipment
4. Private swimming pools & playground equipment

Special Uses and Structures

1. Two Family Dwellings
2. Housing for the Elderly
3. Public Utilities Facilities
4. Planned Unit Development
5. Site Unit Condominiums

W-1 WATER FRONT OVERLAY DISTRICT

STATUTORY AUTHORITY

City and Village Zoning Act, P.A. 207 of 1921, MCLA 125-581 et seq.;
Township Rural Zoning Act, P.A. 184 of 1943, MCLA 125.271 et seq.;
County Rural Zoning Enabling Act, P.A. 183 of 1943, MCLA 125.201 et seq.;
Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972, MCLA 282-101 et seq.

Purpose and Intent: The Waterfront Overlay District is enacted to implement a protection strategy for the West Traverse Township waterfront resource. The purpose and intent of the Waterfront Overlay District is based on the recognition that:

1. The economic and environmental well being of West Traverse Township is predicated on the preservation of its waterfront resource.
2. Waterfront properties have unique physical, economic and social attributes.
3. The existing view sheds of waterfront property owners should be preserved.
4. Many of the landscape features found in the waterfront district are susceptible to wind and wave erosion and should be protected from adverse human impact.
5. Future land development and redevelopment should not be conducted at the expense of the West Traverse Township's natural features.
6. The natural features of the waterfront district should be preserved and maintained for all West Traverse Township residents.

Waterfront Overlay District: The areas affected by the provisions of the Waterfront Overlay District are designated on the map attached as Exhibit A; entitled "Waterfront Overlay Map". Only the portion of a property which is within the Waterfront Overlay District is affected by these provisions.

Application and Use: The following application and uses are governed by this Ordinance. In the event that regulations imposed by this Ordinance are in conflict with the underlying zoning district, the regulations imposed by this overlay district shall prevail to the extent of such conflict and no further.

1. Natural Vegetation
To minimize erosion, stabilize the coast, protect water quality, preserve wildlife habitat, maintain aesthetic values, a natural vegetation strip shall be maintained, to the maximum extent possible, between the ordinary high

water mark and the landscape predominated by forest vegetation. To preserve the fragile and transient nature of the beach/dune landscape, whenever possible, the lakeshore side of all structures, except those listed in 3-B, should be located within the landscape predominated by forest vegetation (*) rather than within the beach/dune(**) landscape. Natural ground cover shall be preserved to the fullest extent feasible and where removed, it shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. Attempts should be made to incorporate existing mature trees into the design, with trimming for filtered views whenever possible.

* Forest vegetation is defined by woody plants with a diameter at breast height (dbh) of three (3) inches or more.

** Beach/dune landscape is defined as those areas where dune vegetation predominates, some of which include: Beach grass (*Ammophila Breviligulata*), Pea grass (*Lathyrus Japonicus*), Bearberry (*Arctostaphylos Uva-uris*), Creeping juniper (*Juniperus Horizontalis*), Common milkweed (*Asclepias Syriaca*), Willow (*Salix sp*) and Beach wormwood (*Artemisia Campertris*).

2. Setbacks

All structures within the Waterfront Overlay District shall be set back according to the requirements below, except for the following water related uses: recreational docks, board walks, pump houses, beach decks, storm water and erosion control devices and similar facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing view sheds or water resource uses.

- a. All structures shall be a minimum of sixty (60) feet from the 1986 high water mark for Lake Michigan as documented by the U.S. Army Corps of Engineers, said mark being 581.99 feet. If the beach/dune environment extends a distance greater than sixty (60) feet landward from the 1986 high water mark, then structures shall be placed in a fashion as described in part 3-A.
- b. Structures listed as exceptions above shall require zoning permits before construction. The maximum height (including railings) shall be three (3) feet.
- c. A set back of sixty (60) feet will be maintained from other water features such as streams, lakes and ponds.
- d. Waterfront development shall maintain, to the maximum extent possible, open and unobstructed views to the waterfront from adjacent properties, roadways and pedestrian ways.