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Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

Township of Iron River

\_\_\_\_\_, Supervisor

\_\_\_\_\_, Clerk

## REFERENCE CHART

	<b>Article IV - 1 Suburban Residential</b>	<b>Article IV - 4 Residential Agricultural</b>
Building height	28'	28' *
Floor area	600 sq. ft.	480 sq. ft.
Lot area	15,000 sq. ft.	2 acres w/o sewer/1 acre w/sewer *
Yards (Front/rear)	30'	30'
Side	15'	15'

\*None for mining and agricultural

	<b>Article V Lakes and Ponds</b>	<b>Article VI Rivers District</b>
<b>Minimums of:</b>		
Frontage	100'	200'
Depth	300'	300'
Set-back	100'	100'
Green Belt	50'	50'
Width at building line	100'	100'
<b>Building</b>		
Height	28'	28'
Floor area (sq.ft.)	480'	480'
<b>Yard</b>		
Rear	30'	30'
Sides	15'	15'
<b>Access road from shore</b>	300'	300'

	<b>Article VII General Business B - 1</b>	<b>Article VIII Industrial D - 1</b>
Height	28'	None
<b>Yards</b>		
Front	25'	40'
Sides	10'	20'
Rear	20'	25'

# TOWNSHIP OF IRON RIVER

ORDINANCE NO. \_\_\_\_\_

## ARTICLE I

### INTRODUCTION

#### TITLE:

An ordinance to repeal Ordinance No. 16, as amended, and replace same with a new ordinance enacted pursuant to the authority contained in Michigan Public Act 110 of 2006, as amended, known as the "Michigan Enabling Act" for the establishment of zoning districts in the unincorporated portions of Iron River 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, number of stories, and size of dwellings, buildings and structures, including tents and trailer coaches, which may hereafter be erected or altered; for the regulation of the area yards, courts, and other open spaces and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures, including tents and trailer coaches; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents and trailer coaches; to establish a Zoning Board of Appeals, to grant authority to said Board; 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.

#### PREAMBLE:

Pursuant to and in accordance with the authority and intent of Michigan Public Act 110 of 2006, as amended, being the Township Zoning Act, MCL 125.3101 *et seq.*; the Land Division Act, Public Act 288 of 1967 being MCL 560.101 *et seq.*; and the Township Ordinance Act, Public Act 246 of 1945 being MCL 41.181 *et seq.*; all as amended, the Township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or energy conservation. The Township further desires to assure adequate sites for industry, commerce, food production, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the Township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and buildings within the Township are so related as provide for economy in government and mutual support; and to promote and protect the public health safety, comfort, convenience and general welfare of all persons and property owners within the Township.

**ENACTING CLAUSE:**

The Township of Iron River, County of Iron, State of Michigan, ordains:

**SHORT TITLE:**

This Ordinance shall be known as the Iron River Township Zoning Ordinance.

**ARTICLE II**

**ZONING DISTRICTS**

**DIVISION OF TOWNSHIP**

The Township of Iron River 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 Planning Commission for such special exception uses.

2.1 The zoning district classifications shall be as follows:

**I. RESIDENTIAL DISTRICTS**

- a. A Suburban Residential
- b. A-A Residential and Agricultural
- c. L Lakes and Ponds
- d. R Rivers

**II. COMMERCIAL DISTRICTS**

- a. B-1 General Business
- b. D-1 Industrial

**DESCRIPTION OF DISTRICTS**

**2.2 RESIDENTIAL DISTRICTS**

A - Suburban Residential

The Suburban Residential District shall consist of that property which is within 500 feet of each side of the established right-of-way of the following described roadways:

2.2.1. That section of U.S. Highway 2 between the west boundary of the City of Iron River and the intersection with Highway M-73.

2.2.2. That section of Gibbs City Road between the intersection with U.S. Highway 2 and the intersection with Woodberry Drive.

- 2.2.3. That section of Michaels Road between the intersection with U.S. Highway 2 and the intersection with Bernhardt Road.
- 2.2.4. That section of Bernhardt Road between the intersection with U.S. Highway 2 and the intersection with Michaels Road.
- 2.2.5. That section of Mattson Road between the intersection with U.S. Highway 2 and the intersection with Bernhardt Road.
- 2.2.6. That section of Dobson Drive between the intersection with U.S. Highway 2 and the southerly boundary of 150 Dobson Drive.
- 2.2.7. That section of Playground Road between the intersection with U.S. Highway 2 to the end of Playground Road.
- 2.2.8. All of Frea Road.
- 2.2.9. That section of Old Beechwood Road between the intersection with U.S. Highway 2 and the intersection with Makela Road.
- 2.2.10. That section of County Road 653 between the north boundary of the Village of Mineral Hills (now Iron River City) and the intersection with Iron Lake Road.

**2.3 A-A - Residential and Agricultural**

The Residential and Agricultural District shall consist of all that property not specifically described within another district herein.

**2.4 L - Lakes and Ponds**

The Lakes District shall consist of all those lakes and ponds in the Township. The district shall consist of all that property which is within three hundred (300') feet of the high water mark of said lakes and ponds, both natural and manmade pursuant to MDNR definition.

**2.5 R - Rivers**

The Rivers District shall consist of all that property within three hundred (300') feet of the high water mark of any named navigable body of water located within the township.

**Commercial Districts**

**2.6 B-1 General Business**

The General Business District shall consist of that property which is within five hundred (500') feet of each side of the established right-of-way of the following described roadways:

- 2.6.1. That section of Highway M-73 between the intersection with U.S. Highway 2 and the intersection with Division Street.

- 2.6.2. That section of U.S. Highway 2 between the intersection with Highway M-73 and the intersection with Gibbs City Road.
- 2.6.3. That section of U.S. Highway 2 between the intersection with Gibbs City Road and the Lift Station on Brandon Hill.
- 2.6.4. Southside of US Highway 2 east of Smokey Lake Road to east line of Section 12.
- 2.6.5. The N1/2 of SW1/4 and SE1/4 of NW1/4 Sec 3, T43R35. State of Michigan property formerly known as the prison property on Gendron Road.

**2.7 D-1 - Industrial District**

All that property known as the Iron River Township Industrial Park being described as:

All land lying within 600' of the northerly right-of-way limit of North Twin W Road, from the easterly boundary of the Township Hall parcel easterly to the westerly boundary of the Township Well site.

[A map showing of this District to be made.]

**ARTICLE III**

**GENERAL PROVISIONS**

- 3.1 The following general requirements shall apply to all State Approved Plats in the A-A Residential and Agricultural District; the A Suburban Residential District, and the B-1 General Business District established herein;
  - 3.1.1. Every structure hereafter erected/used for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities.
  - 3.1.2. No outside toilets shall hereafter be erected except such as may temporarily be needed during construction on the premises.
  - 3.1.3. Clear Vision Corners. All intersections of public streets shall be provided and maintained with a clear unobstructed vision corner extending not less than 20 feet from all right-of-way line intersections along said right-of-way line in the form of an isosceles triangle, within which no vehicle parking or obscuring structures, storage, growth or displays shall be located or allowed.
  - 3.1.4. Accessory Building or Use Prohibited Without a Principal Building or Use.
 

No accessory building or use shall be used or engaged in prior to the establishment of the principal building or use upon the premises except as a construction facility for said principal building. Such construction facility use shall terminate upon the expiration of the building permit. A garage as defined in Article XXIV shall be considered a principal building.

- 3.2 The following general requirements shall apply to all districts except the D-1 Industrial District.
- 3.2.1. No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Planning Commission for a limited period of two years to permit the construction of the above grade dwelling superstructure as shown on appropriate plans submitted by the applicant and provided said Planning Commission is satisfied of the applicant's ability and intent to complete such construction within said period.
- 3.2.2. Walls and Fences – Residential
- Up to six-foot high fences, measured from natural ground level consistent with surrounding area grade, are allowed on all sides of any lot or parcel, with the finished side to the neighbor.
- In Residential Districts the front yard fencing shall be set back at least 15' from the curb or street edge or the right-of-way, whichever is greater.
- Construction of residential fences requires a conditional permit. The area must be surveyed to determine lot lines and fence location by a survey provided by a licensed and registered land surveyor. Fences need to be three feet inside the side and back lot line. The owner of the fence must maintain both sides, including mowing grass, removing weeds, etc., between the property line and fence.
- 3.2.3. Accessory Buildings
- Accessory buildings shall be prohibited in the front yard. No more than two accessory buildings shall be permitted in a residential lot. Except accessory buildings are permitted in the front yard of parcels of 10 acres or more with 100 foot set back from property line.
- 3.2.4. Second Building
- No building on the same lot as the principal building shall be used for residential purposes unless all yard, set-back and accessibility requirements are met by both buildings.
- 3.3 The following general requirements shall apply only to the B-1 General Business District and to the A Suburban Residential.
- 3.3.1. The keeping of more than five dogs and/or cats, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, llama, ostrich, emu, alpaca, or livestock is prohibited provided, however, that any litter of dogs or cats which causes the aforesaid limit of five to be exceeded shall not constitute a violation of this provision for a period of four months after birth.

- 3.3.2. Horses are allowed subject to a minimum of 2 acres per horse with a set back from neighbor side and back lot line of not less than 30 feet, and not in the front yard ahead of the front line of the house.

## **ARTICLE IV**

### **RESIDENTIAL DISTRICTS**

#### **4.1 A - Suburban Residential Districts**

Permitted Uses: This district shall be restricted to one-family residential use.

#### 4.2 Height, Area and Lot Restrictions:

4.2.1. Height: No building shall exceed a maximum of two stories or 28 feet in height, whichever is lesser.

4.2.2. Lot Area: Residential lots shall have a minimum of two acres with the width at the front building line of not less than 200 feet, except if public sewer and water are available, then one acre minimum with 100 feet width at building line, except pre-existing nonconforming lots of lesser size shall be permitted.

4.2.3. 30 foot front and rear yards are required.

4.2.4. Building side setbacks shall be no less than 15 feet from lot lines.

4.2.5. Floor Area: There shall be a minimum floor area of 600 square feet.

#### 4.3. Special Exceptions:

The following uses may be permitted in this district subject to the provisions of Article X, entitled, "Special Exceptions Uses":

4.3.1. Home Occupations

4.3.2. Professional Offices

4.3.3. State-licensed residential facilities

4.3.4. Day nurseries

4.3.5. Trailer parks, motels and campgrounds

4.3.6. Essential Services

4.3.7. Prohibited Use: No commercial marijuana grow houses or sales of marijuana shall be permitted in Residential Districts and all Lakes and Rivers Districts.

#### **4.4 A-A - Residential and Agricultural District**

4.4 Permitted Uses: This district shall be restricted to agriculture, residential, and recreational uses.

- 4.5. Height, Area, and Lot Restrictions:
  - 4.5.1. Height: No building shall exceed a maximum of two stories or 28 feet in height, whichever is less. No restrictions shall apply to mining and agricultural buildings.
  - 4.5.2. Lot Area:
    - 4.5.2.(a) Residential lots shall have a minimum of two acres and the width at the front building line of not less than 200 feet, except if public sewer and water are available, then one acre minimum with 100 feet width at building line, except pre-existing nonconforming lots of lesser size shall be proportionately permitted.
  - 4.5.3. 30 foot front and rear yards are required.
  - 4.5.4. Building side setbacks shall be no less than 15 feet from each lot line.
  - 4.5.5. Floor Area: There shall be a minimum area of 480 square feet.
- 4.6. Special Exceptions:

The following uses may be permitted in this district, subject to the provisions of Article X entitled, "Special Exception Uses":

  - 4.6.1 Home occupations
  - 4.6.2 Professional offices
  - 4.6.3 State-licensed residential facilities
  - 4.6.4 Trailer parks, motels and campgrounds
  - 4.6.5 Convenience stores, restaurants and taverns
  - 4.6.6 Junk yards, salvage yards
  - 4.6.7 Saw mills
  - 4.6.8 Mining, gravel processing, earth removal, quarrying
  - 4.6.9 Churches and parish houses, public schools and educational institutions and other municipal buildings, structures or uses.
  - 4.6.10 Community buildings, parks, public recreational areas or golf courses
  - 4.6.11 Essential services
  - 4.6.12 Cemeteries
  - 4.6.13 Nursing or Convalescent Homes
  - 4.6.14 Wildlife Reserves, Hunting Reserves

## ARTICLE V

### LAKES & PONDS DISTRICT

#### L - Lakes and Ponds

5.1 Permitted Uses: This district shall be restricted to single family residential use. The following restrictions shall apply to this district.

5.1.1. Minimum lake frontage: 100 feet

5.1.2. Minimum lot depth: 300 feet

5.1.3. No buildings within 100 feet on a horizontal plane of the high water mark.

5.1.4. Minimum floor area: 480 square feet

5.1.5. A 50-foot green belt from the high water mark (full width of lot). In the green belt, trees and shrubs in a space 30 feet wide may be trimmed and pruned through the native strip to the shore line for a view of the fronting waters and access to a boat dock. Fencing is prohibited in the green belt.

Except accessory building not more than a 8'x8'x8' but not closer than 15 feet from high water mark and 15 feet from side lot line. A zoning permit is required.

5.1.6. Maximum building height: 28 feet

5.1.7. Minimum side yard: 15 feet

5.1.8. Minimum back yard: 30 feet

5.1.9. The general access road shall be no less than 300' from the lake shore.

5.1.10. Single family residence per lot.

5.1.11. Lots must be a minimum width of 100 feet at building line.

5.1.12. Lots must have a minimum area of 20,000 square feet.

5.2. No Keyhole Lots.

5.3. Special Exceptions:

The following uses may be permitted in this district subject to the provisions of Article IX, entitled "Special Exception Uses":

5.3.1. Multiple Family Dwellings

5.3.2. Convenience stores, restaurants and taverns

5.3.3. Motels, cabins, trailer parks and campgrounds

5.3.4. Essential Services

**ARTICLE VI**  
**RIVERS DISTRICT**

**R - Rivers**

- 6.1. Permitted Uses: This district shall be restricted to residential use. The following restrictions shall apply to this district:
  - 6.1.1. Minimum river frontage: 200 feet
  - 6.1.2. Minimum lot depth: 300 feet
  - 6.1.3. No building within 100 feet on a horizontal plane of the normal high water mark.
  - 6.1.4. Minimum floor area: 480 square feet
  - 6.1.5. A 50-foot green belt from water (full width of lot) is required. In the green belt, trees and shrubs in a space 30 feet wide may be trimmed and pruned through the native strip to the shore line for a view of the fronting waters and access to a boat dock. Fencing is prohibited in the green belt.
  - 6.1.6. Maximum building height: 28 feet
  - 6.1.7. Minimum side yard: 15 feet
  - 6.1.8. Minimum back yard: 30 feet
  - 6.1.9. The front yard shall be that part facing the water.
  - 6.1.10. The general access road shall be no less than 300' from the river.
  - 6.1.11. Single family residence per lot.
  - 6.1.12. Lots must be a minimum of 100 feet wide at the building line.
  - 6.1.13. Lots must have a minimum area of 40,000 square feet.
- 6.2. No Keyhole Lots.
- 6.3. Special Exceptions
  - The following uses may be permitted in this district subject to the provisions of Article X, entitled "Special Exception Uses":
    - 6.3.1. Multiple Family Dwellings
    - 6.3.2. Essential Services
    - 6.3.3. Motels, cabins, parks, trailer parks and campgrounds

## ARTICLE VII

### B-1 GENERAL BUSINESS DISTRICT

- 7.1 Intent and Permitted Uses: To establish areas for commercial facilities which are compatible and in close proximity to existing residential areas which they serve, the following uses are permitted unless specifically prohibited:
- 7.1.1. Retail or wholesale sales and services.
  - 7.1.2. Residential use of a building being used for retail sales.
  - 7.1.3. Accessory uses that are necessary and incidental to any principal use, including necessary incidental manufacturing, processing, or the indoor storage of goods for sale.
- 7.2 **Required Conditions:** The following conditions are required:
- 7.2.1. All business, service or processing shall be conducted wholly within the confines of a building, except for the sale of automotive fuel, lubricant and accessories at service stations, billboards and sign boards, the sale of produce and plants in semi-open structures, automobile or trailer display or sales, off-street parking and off-street loading. Displays must be neat and orderly, to include side yards and up to the property line. Special exceptions are to come before the Planning Commission.
- 7.3 **Height and Area:** The following height and area regulations shall apply:
- 7.3.1. Maximum Height: 28' Requests for greater height may be permitted on application to the Planning Commission based on compatibility with the neighborhood and neighboring building, visibility from neighboring properties, need and alternatives.
  - 7.3.2. Front Yard: There shall be a front yard not less than 25 feet from the street line; off-street parking, as required is permitted.
  - 7.3.3. Side Yard: Two side yards of at least ten feet each shall be provided, except a 20-foot side yard is required where a side yard adjoins a public street.
  - 7.3.4. Rear Yard: There shall be a rear yard of at least 20 feet.

## ARTICLE VIII

### D-1 INDUSTRIAL DISTRICTS

- 8.1 **Primary Intended Use:** This district is intended primarily for all industrial uses which conform to the standards of Section VIII.
- 8.2 **Prohibited Uses:** Within any area zoned "D-1" Industrial District, no building, structure or premises shall be used and no building or structure or premises shall be constructed or altered which is intended or designed to be used in whole or in part for any of the following uses:

- 8.2.1. Residential construction, conversion or use of any kind, including hotels, motels, or the use of trailers as dwelling units.
- 8.2.2. Schools, hospitals, and other institutions for educational purposes or for human care, except when incidental to a permitted or principal use.
- 8.2.3. Junk and salvage yards are prohibited.
- 8.3 Required Conditions:** The following conditions shall be complied with.
  - 8.3.1. Off-street parking shall be provided in accordance with Article XIV.
  - 8.3.2. Signs and billboards shall meet the provisions of Article XVII.
  - 8.3.3. All operations or servicing shall be conducted wholly within the confines of a building. The storage of material and/or equipment outdoors shall require a fence or wall with a minimum height of six feet, uniformly painted, located on side and rear lot lines and a minimum of 40 feet from the front lot line. The fence or all shall be kept in good condition.
- 8.4 Height and Area:** The following height and area requirements shall apply:
  - 8.4.1. Height: No limit
  - 8.4.2. Front Yard: There shall be a front yard of not less than 40 feet from the front lot line.
  - 8.4.3. Side Yard: There shall be two side yards and no side yard shall be less than 20 feet from side lot line. Where the side yard is adjacent to a street front yard, provisions shall apply.
  - 8.4.4. Rear Yard: There shall be a rear yard of at least 25 feet from rear lot line.
- 8.5 Special Exceptions:** The following uses may be permitted in this district subject to the provisions of Article X, entitled "Special Exception Uses:"
  - 8.5.1. Junk yards, salvage yards
  - 8.5.2. Retail sales incidental to the industrial use
  - 8.5.3. Retail lumber sales

## ARTICLE IX

### MINING EXTRACTIONS FROM EARTH

This ordinance shall not prevent the extraction of minerals, oil, gas, rock, dirt, sand, gravel, clays, ores, and the mining of valuable natural resources, from any property in the Township unless very serious consequences would result from the extraction. All such extraction operations will be considered Special Exception Uses and the procedure therefor as provided in Article X shall be followed. Natural resources shall be considered valuable for the

purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

To conduct mining operations the operator and land owner must request a zoning permit. The permit application shall include descriptions of the factors to be considered by the Planning Commission hereunder.

The permit shall be granted unless after considering the following factors, the Planning Commission concludes that very serious consequences would result:

Factors:

- (a) The relationship of extraction and associated activities with existing land uses.
- (b) The impact on existing land uses in the vicinity of the property.
- (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- (e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- (f) The overall public interest in the extraction of the specific natural resources on the property.

The Planning Commission applying such factors may reasonably regulate hours of operation, blasting hours, noise levels, dust control, and traffic. However, such regulation shall be reasonable in accommodating customary mining operations.

## ARTICLE X

### SPECIAL EXCEPTION USES

**10.1 Special Exception Standards:** In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission is authorized to recommend to the Township Board the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this ordinance.

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

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

Special Exception Procedure:

10.3 (1) All applications for Special Exceptions Use Permits shall be filed with the Township Clerk and shall include all pertinent plans, specifications, and other upon which the applicant intends to rely for a Special Exception Use Permit.

10.3 (2) The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration and the owners and occupants of all property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered and published in a local newspaper between 5 and 15 days prior to the hearing. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

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

10.3.4. Following such hearing, said Planning Commission shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said Planning Commission in its decision and shall be filed with the Zoning Administrator of the Township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural

resources, the health, safety and welfare, and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

- 10.3.5. The Planning Commission shall have the right to limit the duration of a Special Exception Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Planning Commission after a hearing upon application of any aggrieved party.
- 10.3.6. The plot plan and specifications and all conditions, limitations and requirements imposed by the Planning Commission shall be recorded with the Township and shall be incorporated as a part of the special exception permit. Violations of any of these at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.
- 10.3.7. Any property which is the subject of a special exception permit which has not been used for a period of six months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such special exception was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such Special Exception Uses shall thereupon terminate.
- 10.3.8. To insure compliance with the zoning ordinance and any conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

## ARTICLE XI

### PLAN UNIT DEVELOPMENT

- 11.1 Purpose.** The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A permit may be issued for construction and occupancy of a plan unit development subject to compliance with the requirements, standards and procedures set forth in this ordinance.
- 11.2 Application.** Official filing of a planned unit development application shall be made to the Township Clerk. Said application shall include all of the following:
- 11.2.1. A preliminary plan, in appropriate scale, indicating the proposed use for each individual site, the exact boundaries, existing and proposed topographical contours, proposed location and dimensions of all buildings and structures, points of ingress and egress from each site and development locations and dimensions of all streets, alleys and other traffic ways within or bounding the site; and
- 11.2.2. An exemplary text explaining how and why, in the applicant's opinion, the Plan Unit Development meets the following criteria:
- 11.2.2. (a) **Minimum Size:** The site must consist of at least ten (10) acres.
- (b) **Uses Permitted:** The uses permitted may include single dwellings, multiple dwellings, and attached and detached recreational and service facilities.
- (c) **Density:** The total number of units established for the Planned Unit Development may not exceed the number which would be permitted if the entire property was developed under the density standards of the district where the development is located.
- (d) In what respects the plan is or is not consistent with the purpose and interest of this section.
- (e) The location where and extent to which the plan departs from the zoning requirements otherwise applicable to the development.
- (f) The nature and extent of the common space in the development and the adequacy or the inadequacy of the amount and function of the space as it relates to the overall project.
- (g) The types of all service facilities and the manner and necessity for their services to the development.

- (h) The manner in which the plan makes adequate provisions for public services, provides efficient pedestrian and vehicular traffic movement and furthers recreation and visual enjoyment.
  - (i) **Compatibility:** The relationship beneficial and adverse of the proposed development upon the neighborhood in which it is proposed to be established.
  - (j) The manner in which the sale of property within the development assures that the common theme and aesthetic nature of the plan will continue into the future.
- 11.2.3. A filing fee, as established by the Township Board, must also accompany the application.
- 11.3 Planning Commission Action.** Within sixty (60) days of the filing of a Plan Unit Development application, the Planning Commission shall hold a public hearing in the manner provided for a zone change.
- 11.4** Within thirty (30) days of the public hearing the Planning Commission must deliver to the applicant the written decision of the Commission. Said written decision shall include any modifications, conditions or safeguards it deems necessary and set forth the reason for the denial, approval, or conditional approval, meet the necessary criteria and purpose of the Plan Unit Development.
- 11.5 Final Approval.** The Planning Commission shall make its recommendation for approval, approval with conditions, a disapproval of the Plan Unit Development application to the Township Board at its next regular meeting following the Planning Commission's written decision. Final approval shall be made by the Township Board at said meeting if the application complies with the Zoning Ordinance, any conditions required by the Planning Commission, and all other applicable local, state, and federal statutes.

## ARTICLE XII

### VARIANCES

- 12.1** The Planning Commission may grant a specific variance to a substantive requirement of the ordinance if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both the following requirements are satisfied:
- 12.1.1. The performance of the particular activity or location of a building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the ordinance of that particular activity or location for the health, safety and welfare of the people of this Township.
  - 12.1.2. The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of the ordinance with respect to the condition reasonably practical or desirable.

- 12.2** The Planning Commission may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of this Township. The breach of a condition shall automatically invalidate the variance and any permit granted on the basis of it. In no case shall more than minimum variance from the ordinance be granted than is necessary to alleviate the exceptional, practical difficulty.
- 12.3** The procedure for obtaining a variance shall be in the same manner as specified in Section 10.3 of Article X, entitled "Special Exception Uses", except that the word "variance" shall be substituted for "Special Exception Uses."

### **ARTICLE XIII**

#### **NON-CONFORMING USES**

- 13.1** The following regulations shall control lawful nonconforming uses in existence at the time of passage of this ordinance:
- 13.1.1. Lawful nonconforming uses or structures in existence at the time of passage of this ordinance may be continued, but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.
- 13.1.2. If the cost of repair or replacement of a nonconforming use of structure which has been destroyed by reason of windstorm, fire, explosion or any Act of God or the public enemy exceeds 50% of the total replacement cost of the use or structure, such structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.
- 13.1.3. If the nonconforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be reestablished and any future use of land and structure shall be in conformity with this ordinance.
- 13.1.4. If a nonconforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming, less restrictive use.
- 13.1.5. Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.
- 13.1.6. Unlawful Use Not Authorized. Nothing in this ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect immediately prior to the date of this ordinance.
- 13.1.7. Nonconforming Due to Reclassification. The foregoing provisions of this Article shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of districts under this ordinance or any subsequent change in the regulations of this ordinance.

## ARTICLE XIV

### OFF-STREET PARKING OF MOTOR VEHICLES

- 14.1 Every property owner shall provide and maintain at all times as adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.
- 14.2 A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
- 14.3 Parking space shall be provided in the manner and location herein specified. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.
- 14.4 Requirements for all parking spaces and parking lots:
- 14.4.1 All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets.
- 14.4.2 Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
- 14.4.3 No parking space shall be closer than five feet from the property line.
- 14.4.4 Off-street parking facilities in nonresidential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four feet or more than eight feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
- 14.4.5 All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.

## ARTICLE XV

### GENERAL LIGHTING AND SCREENING REQUIREMENTS

- 15.1 All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the travelling public on public highways.
- 15.2 Except as otherwise provided in this zoning ordinance all premises used for business, commercial or industrial purposes and located within the B-1 General Business and D-1 Industrial Districts shall be screened from adjoining premises located in any Residential District by any of the following:
- 15.2.1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four feet in height at the time of planting and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
- 15.2.2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
- 15.2.3. No such planting area, wall or fence shall be closer than ten feet from any adjoining right- of-way line.
- 15.3 In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Administrator shall report same to the Township Board in the same manner as any violation of this ordinance.

## ARTICLE XVI

### RESIDENTIAL BUFFER AREA

- 16.1 As a result of the lack of zoning prior to the adoption of this ordinance, many residential dwellings have been constructed and located within areas that are now predominantly commercial or industrial areas. In order to protect such existing dwellings from new commercial or industrial activities, no structures shall hereafter be located closer than 100 feet to any such existing dwelling which is occupied for dwelling purposes and further such new commercial or industrial structure or activity shall be screened from such adjoining dwelling in accordance with the provisions of Article XII of this ordinance.
- 16.2 The foregoing provision shall not, however, operate to reduce the useable area of the adjoining commercial or industrial property under bona fide separate ownership on the effective date of this ordinance below 50%. If the same would cause such a result, this buffer area shall be accordingly reduced to permit such 50% use.