

HUDSON TOWNSHIP

Zoning Ordinance

August 2024 Draft

Adopted: TBD

Effective Date: TBD

Amended Through: TBD

TABLE OF CONTENTS

ZONING ORDINANCE AMENDMENTS		
NO.	ADOPTION DATE	Description

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

HUDSON TOWNSHIP HEREBY ORDAINS:

1

Article 1 TITLE & PURPOSE

- 1.01. TITLE
- 1.02. AREA OF JURISDICTION
- 1.03. PURPOSE
- 1.04. RELATIONSHIP TO THE MASTER PLAN
- 1.05. AUTHORITY

1.01 TITLE

This Ordinance shall be known as the “Hudson Township Zoning Ordinance” and will be referred to herein as “this Ordinance”.

1.02 AREA OF JURISDICTION

The provisions of this Ordinance shall apply to all development, public and private, throughout the incorporated areas of the Hudson Township, Charlevoix County, Michigan, to the extent permitted by law.

1.03 PURPOSE

The purposes of this Ordinance are to promote the public health, safety, and general welfare of the residents of the Hudson Township. The Township desires to provide for the orderly development of the Township, which is essential to the wellbeing of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires:

- A. To encourage the use of lands in the Township in accordance with their character and suitability for particular purposes.
- B. To lessen congestion on the public streets and highways.
- C. To minimize potential negative impacts land uses may have on abutting properties and the Township as a whole, while mitigating potential nuisances.
- D. To facilitate the adequate provision of streets and highways, sewage disposal and water supply systems.
- E. To ensure compatibility between land uses and to preserve property values by establishing standards for physical development.

1.04 RELATIONSHIP TO THE MASTER PLAN

This Ordinance is a tool used by the community to effectuate the recommendations of the Hudson Township Master Plan and other planning documents, which serve as a guide to the long-term physical development of the Township.

1.05 AUTHORITY

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

2

Article 2 GENERAL PROVISIONS

- 2.01 APPLICABILITY
- 2.02 VESTED RIGHT
- 2.03 CONFLICTING REGULATIONS
- 2.04 BARRIER FREE MODIFICATION
- 2.05 RESTORATION OF UNSAFE BUILDINGS
- 2.06 RELOCATION OF BUILDINGS
- 2.07 DEMOLITION OF BUILDINGS
- 2.08 TEMPORARY BUILDINGS FOR CONSTRUCTION
- 2.09 VOTING PLACE
- 2.10 YARD PROJECTIONS
- 2.11 HEIGHT EXCEPTIONS
- 2.12 ACCESSORY BUILDINGS, STRUCTURES, & USES
- 2.13 PERSONAL SOLAR INSTALLATIONS
- 2.14 PUBLIC USES: CRITICAL, ESSENTIAL & SUPPORTING
- 2.15 CLEAR VISION AREAS
- 2.16 REFUSE RECEPTACLES
- 2.17 PERFORMANCE STANDARDS
- 2.18 REQUIRED WATER SUPPLY & SANITATION FACILITIES
- 2.19 RECREATIONAL VEHICLES USED AS DWELLINGS
- 2.20 SHORELAND PROTECTION STRIP
- 2.21 PRIVATE ROADS

2.01 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within the Township and within all zoning districts. As an aid to users, this Ordinance cross-references sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this Ordinance. The Ordinance must be read and applied "as a whole."

2.02 VESTED RIGHT

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

2.03 CONFLICTING REGULATIONS

In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than is imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or "for illustrative purposes only" are not regulatory and are provided for illustrative support only.

2.04 BARRIER FREE MODIFICATION

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

2.05 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Official, or Public Health Inspector.

2.06 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the Township shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

2.07 DEMOLITION OF BUILDINGS

No structure shall be demolished until a zoning permit for demolition has been issued by the Zoning Administrator. The demolition shall be completed within such reasonable time period as shall be prescribed by the Township and under conditions that may be specified as necessary to protect the public health, safety and welfare. The demolition of structures within the Township shall comply with all of the following:

- A. The demolition of a structure shall include the demolition and removal of all foundation, cement flooring, footings, and walls, unless the applicant has immediate plans to incorporate those features into the proposed structure's design.
- B. The demolition of structures shall not damage any public property. If any damage is done to public property, the applicant is responsible for making all of the repairs required to remediate the damage in a timely manner.
- C. Following demolition of the structure and the removal of all required materials, the site shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties. All non-paved areas on the site shall be top dressed with a minimum two (2) inches of topsoil and seeded with an appropriate grass seed.

2.08 TEMPORARY BUILDINGS FOR CONSTRUCTION

Temporary buildings or structures may be utilized during construction for the storage of construction materials and for construction offices during a construction period of an approved project. Temporary buildings shall be removed prior to issuance of a Certificate of Occupancy. No temporary building or structure shall be used as a dwelling unit.

2.09 VOTING PLACE

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

2.10 YARD PROJECTIONS

Architectural features may encroach into required setback as follows:

- A. Cornices, eaves, sills, fireplaces, flues, ornamental features, and other similar features may extend or project into a required setback a distance of not more than twenty four (24) inches.
- B. Terraces, patios and similar structures may project into a setback as required herein, provided that such structures are unroofed and without walls or other continuous enclosures; except that porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof.
- C. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback a maximum of five (5) feet.
- D. Driveways

2.11 HEIGHT EXCEPTIONS

Architectural, mechanical, and structural features may exceed the height limitations as follows:

- A. Parapet walls may extend above the maximum height specified in the respective district by up to five (5) feet. Roof-mounted mechanical equipment may extend above the maximum height specified in the respective district if completely screened by said parapet wall.
- B. Freestanding telecommunications towers may exceed the maximum height specified in the respective district.

- C. Architectural features associated with religious institutions shall be exempt from district height limits.
- D. Chimneys attached to residential dwellings may extend above the maximum height specified in the respective district only to the extent required to meet fire and state construction codes.

2.12 ACCESSORY BUILDINGS, STRUCTURES, & USES

- A. When attached to a Principal Building or Structure: Unless specifically provided for, accessory buildings or structures structurally attached to a principal building or structure shall be subject to all the regulations of this Ordinance applicable to principal buildings, structures, and uses.
- B. Prohibited Accessory Buildings, Structures and Uses: Transient (shipping) containers are not permitted as an accessory structure or building. No mobile home, tank, junk object, salvage materials, trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, the above requirements shall not be applicable to:
 - 1. Temporary offices, tool sheds or similar temporary storage structures used as part of a permitted construction project and as regulated in this Article.
 - 2. Storage/shipping containers, such as PODS (Portable On Demand Storage units), shall be allowed as a temporary use within the Township for a period not to exceed fourteen (14) days. Such containers shall only be for the use of the person utilizing the storage/shipping container for moving of goods and materials. At no time shall any container be placed as a permanent structure within any zoning district. Only one (1) container may be placed at any residentially zoned property or use at a time.
 - 3. Accessory structures may be used without dwelling.
 - 4. Propane storage tanks for use on the property.

2.13 PERSONAL SOLAR INSTALLATIONS

Personal solar installations shall be permitted as an accessory use and structure where the primary purpose is to provide energy for on-site consumptions. Personal solar installations shall be subject to the following standards:

2.13.1 Roof-Mounted Solar Installations

- A. Height: The height of the roof-mounted solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district.
- B. Setback: Roof-mounted solar installations shall be considered part of the building and meet all applicable building setbacks.
- C. Placement: Roof-mounted solar installations may be permitted on principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.
- D. Coverage: Roof-mounted solar installations shall be allowed to cover the entire roof upon which they are mounted.
- E. Visibility and Glare: Roof-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures shall be of a single, non-reflective matte finish.

- F. Energy Sales: Excess energy generated by roof-mounted solar installations may be sold to utility company and returned to the grid.

2.13.2 Ground-Mounted Solar Installations

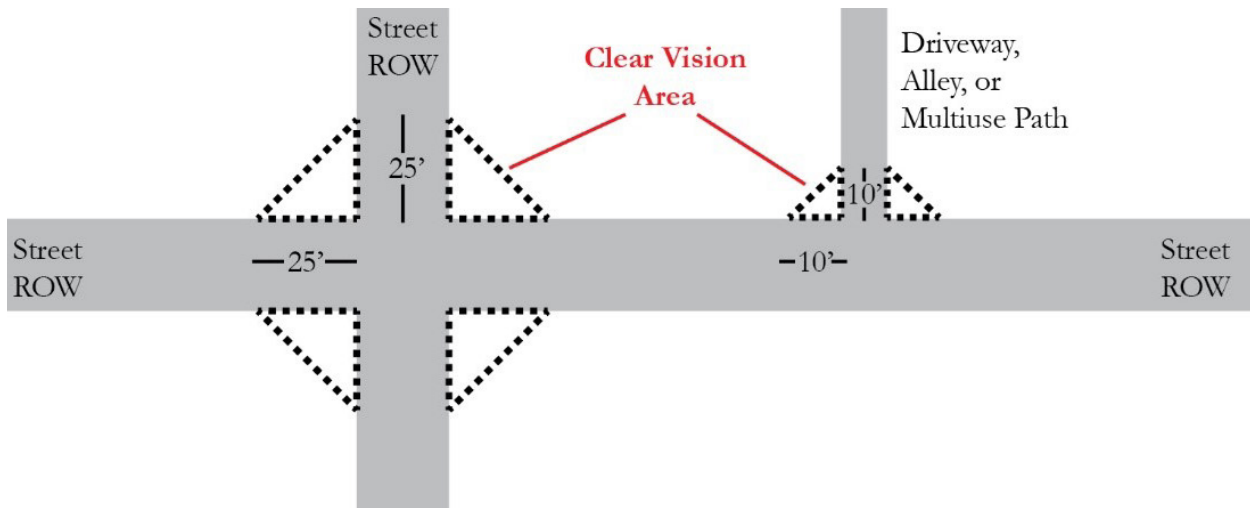
- A. Height: The maximum height of a ground-mounted solar installation shall be sixteen (16) feet above grade at maximum tilt.
- B. Setbacks: Ground-mounted solar installations shall comply with all district required setbacks.
- C. Placement: Ground-mounted solar installations shall only be allowed in the rear or side yard on a property with an established permitted principal use.
- D. Visibility and Glare: Ground-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programed to prevent positioning at any point that would result in glare directed toward nearby properties or rights-of-way. Support structures shall be of a single, non-reflective matte finish.
- E. Energy Sales: Excess energy generated by ground-mounted solar installations may be sold to utility company and returned to the grid.

2.14 PUBLIC USES: CRITICAL, ESSENTIAL & SUPPORTING

Critical, essential, and supporting public uses shall be allowed in any zoning district by right. All applicable laws or other ordinances of the Township shall apply. All structures associated with a public use shall be subject to applicable setbacks for the district in which they are located. Site plan approval and a zoning permit shall be required.

2.15 CLEAR VISION AREAS

- A. All streets, multiuse paths, right-of-way easements, alleys or driveways that intersect a street shall establish a clear vision area in which no plantings, signs, fences or structures shall be installed.
- B. The clear vision area shall be a triangular area formed at the intersection with any street by a straight line drawn between right-of-way or easement lines at the following distances:
 - 1. Street: Twenty-five (25) feet
 - 2. Multiuse Path: Ten (10) feet
 - 3. Driveway: Ten (10) feet
 - 4. Alley: Ten (10) feet



2.16 REFUSE RECEPTACLES

All trash and refuse stored outdoors shall be placed in a designated container and shall meet the following standards. Exception shall be made for temporary dumpsters used for construction projects that have been approved through a zoning permit or building permit, but shall be removed within seven (7) days after the work has been completed and for residential use.

- A. Dumpsters shall be placed on a concrete pad and shall have a deep strength concrete approach large enough to accommodate a truck used for emptying the dumpster(s).
- B. All dumpsters shall be screened on all sides with a masonry wall or of materials that match the front facade of the principle structure and shall include an opaque gate. The screening shall be a minimum of six (6) feet high, but tall enough to completely screen the refuse container.
- C. No refuse receptacle shall be stored in any front yard, setback, or required landscape areas.

2.17 PERFORMANCE STANDARDS

All activities, in any zoning district, shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light onto neighboring properties, adjacent streets or public right of ways.

2.18 REQUIRED WATER SUPPLY & SANITATION FACILITIES

Buildings erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the Health Department.

2.19 RECREATIONAL VEHICLES USED AS DWELLINGS

No recreational vehicle shall be used as a permanent dwelling unit, nor shall any recreational vehicle be permanently connected to drinking water or sewerage facilities. On undeveloped lots or parcels, the Zoning Administrator may issue a renewable temporary use permit for recreational vehicle occupancy not to exceed periods of ninety (90) days. Renewal may be denied if any of the

following conditions occur:

- A. Unsafe or objectionable sanitation conditions
- B. Litter
- C. Lack of maintenance
- D. Any other site condition determined by the Zoning Administrator to constitute a safety hazard or public nuisance

2.20 SHORELAND PROTECTION STRIP

No building, fence or structure, except docks or launch ramps, shall be erected closer than fifty (50) feet from the shoreline at normal high water level of any lake, stream, or creek, within the Township. In addition, a strip of land thirty five (35) feet wide from the shoreline shall be maintained in trees and shrubs in their natural state. Trees and shrubs may be pruned to afford a filtered view of the water. Within the thirty five (35) foot wide vegetation strip, the use of pesticides, herbicides, or fertilizers are strongly discouraged. Additionally, the burning or storage of leaves, grass clippings, or brush within thirty five (35) feet of the shoreline is strongly discouraged and selective vegetation removal may be permitted to provide reasonable pedestrian and boat access to the water, not to exceed fifteen (15) feet of cleared area per one hundred (100) feet of water frontage.

2.21 PRIVATE ROADS

Where a private road serves five (5) or more lots, the road shall be developed in accordance with Charlevoix County Road Commission design standards regarding right-of-way, drainage, construction, erosion control, surface and signage. Where a private road serves three (3) or more lots, a permanent right-of-way or easement of at least sixty six (66) feet in width shall be reserved at a location feasible for future vehicular access, and a passable vehicular access installed within the right-of-way.

3

Article 3 ZONING MAP & DISTRICTS

- 3.01. ZONING MAP
- 3.02. ZONING DISTRICT REGULATIONS
- 3.03. CR: CONSERVATION & FORESTRY RESERVE DISTRICT
- 3.04. A: AGRICULTURAL DISTRICT
- 3.05. LDR: LOW-DENSITY RURAL RESIDENTIAL DISTRICT
- 3.06. MDR: MEDIUM-DENSITY RURAL RESIDENTIAL DISTRICT
- 3.07. LFR: LAKEFRONT RESIDENTIAL DISTRICT
- 3.08. C-LI: COMMERCIAL-LIGHT INDUSTRIAL DISTRICT

3.01 ZONING MAP

The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated the "Official Zoning Map". The Official Zoning Map including all notations, references, data and other information shown therein, is adopted and made a part of this Ordinance as fully as if it were contained within the pages of this Ordinance.

3.01.01 Location

The Official Zoning Map is filed in the office of the Township Clerk.

3.01.02 Updates

The Township Board may adopt amendments to the district boundaries designated on the Official Zoning Map upon review and recommendation by the Hudson Township Planning Commission.

3.01.03 Zoning Districts Established

For the purpose of this Ordinance, the Township is hereby divided into the following Districts:

CR: Conservation & Forestry Reserve

A: Agricultural

LDR: Low-Density Rural Residential

MDR: Medium-Density Rural Residential

LFR: Lakefront Residential

C-LI: Commercial Light Industrial District

3.01.04 Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

- A. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.
- C. Whenever any street, road, alley, place or other public way is officially vacated by the Township or Charlevoix County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.

- D. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "A" through "C" above, the Zoning Administrator shall provide an opinion of the boundaries.
- E. Any dispute in the opinion of the zoning district boundaries from the Zoning Administrator shall be heard by the Zoning Board of Appeals for a final determination.

3.02 ZONING DISTRICT REGULATIONS

3.02.01 Overview

The following Sections regulate the uses, dimensional standards, principal building form, landscaping, screening, and off-street parking design. Additional standards related to these items exist throughout the Ordinance and are in effect as applicable.

3.02.02 Determinations Of Use

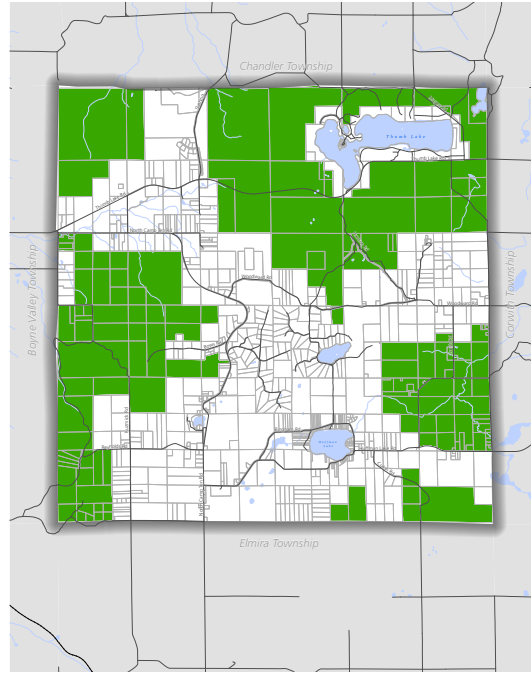
If a proposed use is not clearly listed or identified in the Regulated Uses Tables, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found to not be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.

3.02.03 Interpreting District Regulations

- A. The standards provided in the following sections are to be interpreted as the minimal requirements, unless explicitly stated as a maximum.
- B. Regulated uses listed as "By Right" approval type shall require site plan review, where applicable. Regulated uses listed as "Special Land Use" approval type shall require a special land use permit.
- C. Regulated uses that have additional supplemental use standards are indicated with the Section number where the supplemental use standards can be found.
- D. Additional standards applicable to the items regulated for each zoning district, including but not limited to landscaping, fencing, parking, and loading zones, exist within this Ordinance. Nothing in this Article shall exempt a land use or development from satisfying any additional, applicable standards or design requirements contained within this Ordinance.



CONSERVATION
& FORESTRY
RESERVE
DISTRICT



3.03 CR: CONSERVATION & FORESTRY RESERVE DISTRICT

3.03.01 Intent & Purpose

The purpose of this district is to preserve state and township forest and recreation areas, and privately held timber lands and to prevent the encroachment of residential growth. The provisions of this section are intended to create a zoning district within Hudson Township which recognizes these unique characteristics while at the same time permitting utilization of lands suitable for low-intensity recreational uses including hiking, hunting, and fishing that do not disrupt the natural systems or cause removal of vegetation.

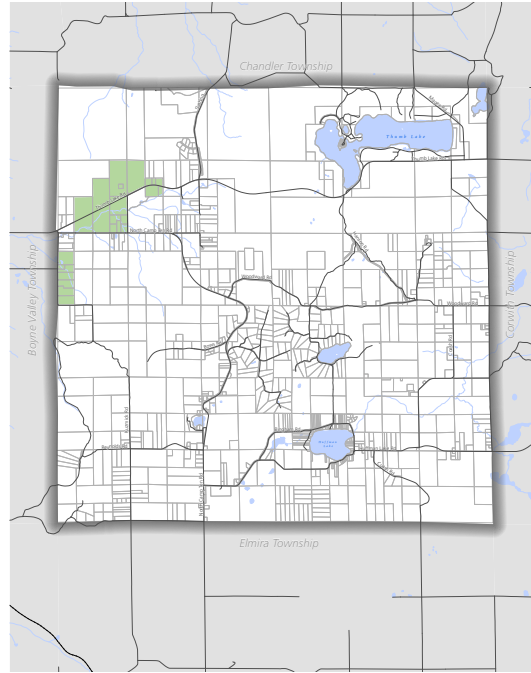
3.03.02 Regulated Uses

CR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Accessory Buildings/Structures	By Right		
Accessory Buildings without Primary Structure	By Right		
Campgrounds	Special	§6.06	
Docks & Launch Ramps	By Right	§6.20	
Public Use–Critical	By Right		
Public Use–Essential	By Right		
Public Use–Supporting	By Right		
Recreational Facilities–Low Intensity	Special		
Solar Energy Farms	Special		
Telecommunication Towers	Special	§6.25	

3.03.03 Dimensional Standards & Building Form

CR: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	–
Minimum Lot Area	40 acres (Local parks have no minimum lot area)
Maximum Density	–
Maximum Lot Coverage	20%
Maximum Impervious Coverage	25%
Principal Structures	
Front Setback	35 feet
Side Setback	50 feet, 35 ft for corner lots
Rear Setback	25 feet
Maximum Height	35 feet
Minimum Ground Floor Area	–
Minimum Horizontal Dimensions	--
Accessory Structures	
Permitted Locations	Front, side, or rear yard
Front Setback	35 feet
Side Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 50 feet
Rear Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 25 feet
Maximum Height	35 feet
Maximum Number	–
Maximum Area	–

NOTES: Additional accessory building standards located in Article 2.



3.04 A: AGRICULTURAL DISTRICT

3.04.01 Intent & Purpose

This district is intended for large tracts for agricultural uses, including other uses generally associated with agriculture and other specialized rural uses. The purpose of this district is to preserve large properties that are used primarily for agricultural uses by maintaining large lot sizes and limiting residential densities. This district will promote a low-intensity rural environment which preserves those natural features that are important to the character of Hudson Township. If development and subdividing are to occur, they should be preceded by rezoning and sound planning.

3.04.02 Regulated Uses

A: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Accessory Buildings/Structures	By Right		
Accessory Buildings without Primary Structure	By Right		
Accessory Dwelling Unit	By Right		
Adult Foster Care Family Homes	By Right		
Agricultural Assembly Spaces	Special	\$6.02	
Agricultural Operations	By Right	\$6.03	
Agricultural Processing Facilities	Special	\$6.04	
Airports	Special		
Bed and Breakfast Establishments	Special	\$6.05	
Breweries	Special		
Campgrounds	Special	\$6.06	

Article 3 ZONING MAP & DISTRICTS

A: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Clubhouse Facilities	Special		
Educational Institutions	By Right	§6.12	
Extractive Industries	Special	§6.13	
Family Child Care Homes	By Right		
Foster Family Group Homes	By Right		
Foster Family Homes	By Right		
Golf Courses	Special	§6.16	
Greenhouses & Nurseries	Special	§6.15	
Group Child Care Homes	By Right		
Junkyards	Special	§6.18	
Kennels	By Right	§6.19	
Public Use–Critical	By Right		
Public Use–Essential	By Right		
Public Use–Supporting	By Right		
Racetracks	Special		
Recreational Facilities—Non-Intensive	By Right		
Riding Stables & Boarding Facilities	Special	§6.23	
Roadside stands	By Right		
Single-Family Detached Dwellings	By Right		
Solar Energy Farms	Special		
Telecommunication Towers	Special	§6.25	
Wineries	Special		

3.04.03 Dimensional Standards & Building Form

A: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	200 feet
Minimum Lot Area	20 acres
Maximum Density	–
Maximum Lot Coverage	20%
Maximum Impervious Coverage	25%
Principal Structures	
Front Setback	35 feet
Side Setback	20 feet; 35 feet for corner lots
Rear Setback	50 feet
Maximum Height	35 feet
Minimum Ground Floor Area	400 square feet

Article 3 ZONING MAP & DISTRICTS

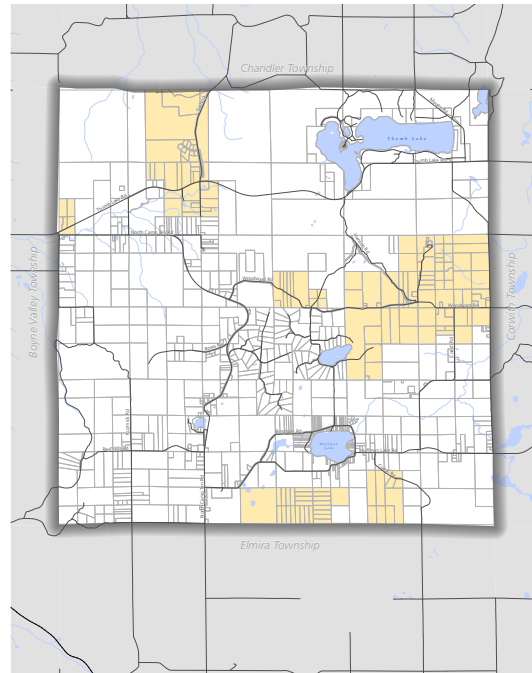
A: DIMENSIONAL STANDARDS & BUILDING FORM

Minimum Horizontal Dimensions	--
Accessory Structures	
Permitted Locations	Front, side, or rear yard
Front Setback	35 feet
Side Setback	If \leq 300 sq ft; 15 feet. If $>$ 300 sq ft; 20 feet
Rear Setback	If \leq 300 sq ft; 15 feet. If $>$ 300 sq ft; 20 feet
Maximum Height	35 feet
Maximum Number	–
Maximum Area	–

NOTES: Additional accessory building standards located in Article 2.

LDR

LOW-DENSITY RURAL RESIDENTIAL DISTRICT



3.05 LDR: LOW-DENSITY RURAL RESIDENTIAL DISTRICT

3.05.01 Intent & Purpose

The district is intended to provide a stable and sound residential environment on large lots to preserve the rural character of the township. The purpose of this district is to allow low-density single-family residential uses on larger lots in areas with less access to roads and services.

3.05.02 Regulated Uses

LDR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Accessory Buildings/Structures	By Right		
Accessory Buildings without Primary Structure	By Right		
Accessory Dwelling Unit	Special	§6.11	
Adult Foster Care Family Homes	By Right		
Agricultural Assembly Spaces	Special	§6.02	
Agricultural Operations	By Right	§6.03	
Bed and Breakfast Establishments	Special	§6.05	
Cemeteries	Special	§6.07	
Clubhouse Facilities	Special		
Educational Institutions	Special	§6.12	
Extractive Industries	By Right	§6.13	
Family Child Care Homes	By Right		
Foster Family Group Homes	By Right		
Foster Family Homes	By Right		

Article 3 ZONING MAP & DISTRICTS

LDR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Golf Courses	Special	§6.16	
Group Child Care Homes	By Right		
Home Occupations	Special	§6.17	
Kennels	By Right	§6.19	
Public Use–Critical	By Right		
Public Use–Essential	By Right		
Public Use–Supporting	By Right		
Religious Institutions	By Right	§6.08	
Roadside stands	By Right		
Single-Family Detached Dwellings	By Right		
Solar Energy Farms	Special		
Telecommunication Towers	Special	§6.25	

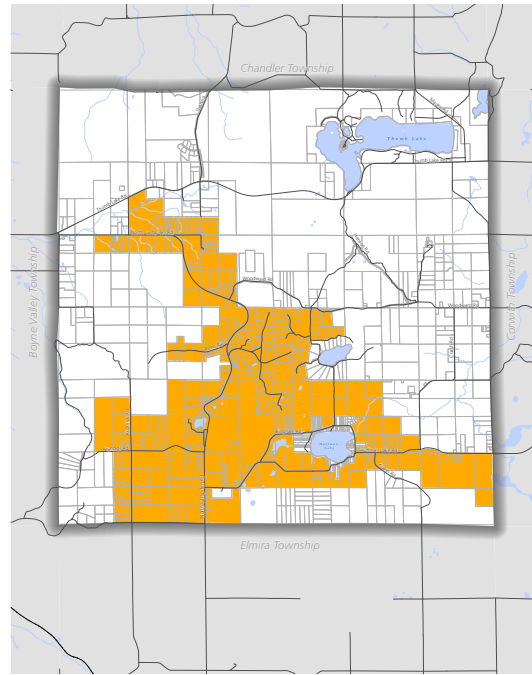
3.05.03 Dimensional Standards & Building Form

LDR: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	200 feet
Minimum Lot Area	5 acres
Maximum Density	–
Maximum Lot Coverage	20%
Maximum Impervious Coverage	25%
Principal Structures	
Front Setback	35 feet
Side Setback	20 feet; 35 feet for corner lots
Rear Setback	50 feet
Maximum Height	35 feet
Minimum Ground Floor Area	400 square feet
Minimum Horizontal Dimensions	--
Accessory Structures	
Permitted Locations	Front, side, or rear yard
Front Setback	35 feet
Side Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 20 feet
Rear Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 50 feet
Maximum Height	35 feet
Maximum Number	–
Maximum Area	–

NOTES: Additional accessory building standards located in Article 2.

MDR

MEDIUM-DENSITY RURAL RESIDENTIAL DISTRICT



3.06 MDR: MEDIUM-DENSITY RURAL RESIDENTIAL DISTRICT

3.06.01 Intent & Purpose

The district is intended to allow for single-family and two-family dwellings on moderate sized lots that are ready for residential development, that have greater road access and services, and that have fewer sensitive natural resources. Land development options that cluster development patterns are encouraged to avoid or minimize development impacts on environmentally sensitive areas, forests, and farmland. This zoning district strives to maintain an ecologically sound balance between human development and the environment to retain the Township’s scenic and rural character

3.06.02 Regulated Uses

MDR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Accessory Buildings/Structures	By Right		
Accessory Buildings without Primary Structure	By Right		
Accessory Dwelling Unit	By Right	§6.11	
Adult Foster Care Family Homes	By Right		
Assisted Living Facilities	By Right		
Bed and Breakfast Establishments	Special	§6.05	
Cemeteries	Special	§6.07	
Childcare Centers	Special		
Clubhouse Facilities	Special		
Educational Institutions	By Right	§6.12	

Article 3 ZONING MAP & DISTRICTS

MDR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Extractive Industries	Special	§6.13	
Family Child Care Homes	By Right		
Foster Family Group Homes	By Right		
Foster Family Homes	By Right		
Golf Courses	Special	§6.16	
Group Child Care Homes	By Right		
Home Occupations	Special	§6.17	
Kennels	By Right	§6.19	
Neighborhood Retail ≤1,000 sq ft	Special		
Nursing Homes	Special		
Public Use–Critical	By Right		
Public Use–Essential	By Right		
Public Use–Supporting	By Right		
Religious Institutions	By Right	§6.08	
Roadside stands	By Right		
Single-Family Detached Dwellings	By Right		
Solar Energy Farms	Special		
Two Family Dwellings	By Right		
Telecommunication Towers	Special	§6.25	

3.06.03 Dimensional Standards & Building Form

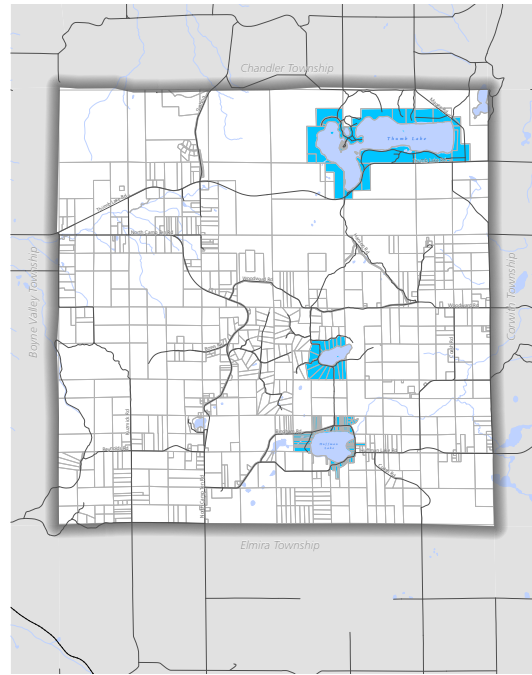
MDR: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	200 feet
Minimum Lot Area	1 acre
Maximum Density	–
Maximum Lot Coverage	30%
Maximum Impervious Coverage	35%
Principal Structures	
Front Setback	35 feet
Side Setback	20 feet; 35 feet for corner lots
Rear Setback	35 feet
Maximum Height	35 feet
Minimum Ground Floor Area	400 square feet
Minimum Horizontal Dimensions	--
Accessory Structures	
Permitted Locations	Front, side, or rear yard
Front Setback	35 feet
Side Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 20 feet
Rear Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 35 feet
Maximum Height	35 feet

Article 3 ZONING MAP & DISTRICTS

MDR: DIMENSIONAL STANDARDS & BUILDING FORM

Maximum Number	-
Maximum Area	-

NOTES: Additional accessory building standards located in Article 2.



3.07 LFR: LAKEFRONT RESIDENTIAL DISTRICT

3.07.01 Intent & Purpose

The purpose of this district is intended to encourage the proper development of lands along the shores of water bodies within the township, to avoid pollution of these water bodies and to preserve the natural resources of the township. The regulation in this district thus focuses on preserving environmental quality and ensuring stewardship.

3.07.02 Regulated Uses

LFR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Accessory Buildings/Structures	By Right		
Accessory Buildings without Primary Structure	By Right		
Adult Foster Care Family Homes	By Right		
Bed and Breakfast Establishments	Special	§6.05	
Campgrounds	Special	§6.06	
Clubhouse Facilities	Special		
Docks & Launch Ramps	By Right	§6.20	
Family Child Care Homes	By Right		
Foster Family Group Homes	By Right		
Foster Family Homes	By Right		
Group Child Care Homes	By Right		
Public Use–Critical	By Right		
Public Use–Essential	By Right		
Public Use–Supporting	By Right		
Recreational Facilities	Special		
Religious Institutions	By Right	§6.08	

LFR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Single-Family Detached Dwellings	By Right		
Telecommunication Towers	Special	§6.25	

3.07.03 Dimensional Standards & Building Form

LFR: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	20,000 square feet
Maximum Density	–
Maximum Lot Coverage	20%
Maximum Impervious Coverage	25%
Principal Structures	
Front Setback	50 feet
Side Setback	15 feet; 35 feet for corner lots
Rear Setback	35 feet
Maximum Height	35 feet
Minimum Ground Floor Area	400 square feet
Minimum Horizontal Dimensions	--
Accessory Structures	
Permitted Locations	Front, side, or rear yard
Front Setback	50 feet
Side Setback	15 feet
Rear Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 35 feet
Maximum Height	35 feet
Maximum Number	–
Maximum Area	–

NOTES: Additional accessory building standards located in Article 2.

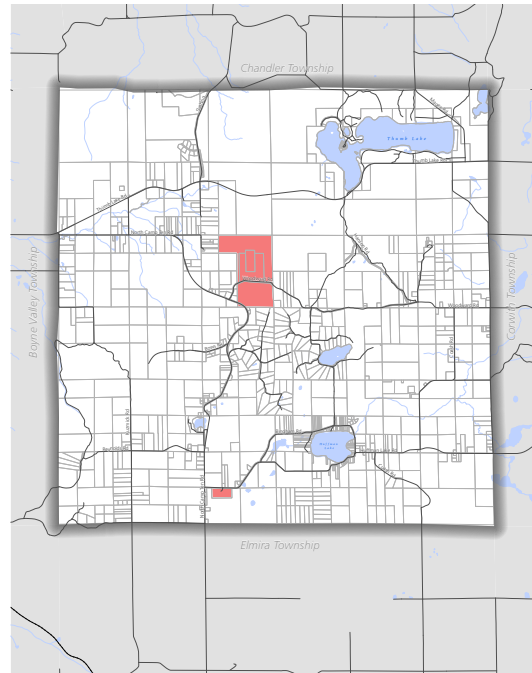
3.07.04 Lake Regulations

The following regulations shall apply to any development in the Lakefront Residential District to preserve the township’s natural resources and environmental quality.

- A. Docks, boat landings and similar structures shall comply with the side setback requirements and shall not be longer than is required to reach a water depth of six (6) feet at normal low water, provided no dock shall exceed fifty (50) feet.
- B. No subsoil footings drain system shall empty directly into any water body.
- C. Any fill material used shall be of sand or gravel or other pervious material and shall not be allowed to enter the water by erosion or mechanical means.
- D. The developer or builder shall be required, where possible, to ensure that new or altered structures in this zoning district will not be damaged by flooding or flood hazards and that excessive soil erosion, adverse changes in the natural drainage course, or unnecessary destruction of natural features will be avoided, or remedies will be provided.

C-LI

COMMERCIAL-LIGHT INDUSTRIAL DISTRICT



3.08 C-LI: COMMERCIAL-LIGHT INDUSTRIAL DISTRICT

3.08.01 Intent & Purpose

The district is intended to allow the neighborhood-scale commercial and light industrial uses in Hudson Township along Huffman Lake Road, Camp Ten Road, and Thumb Lake Road. The purpose of this district is to allow regulated land uses that generate significant impacts on surrounding properties and ensure proper and safe removal of natural resources.

3.08.02 Regulated Uses

C-LI: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Accessory Buildings/Structures	By Right		
Accessory Buildings without Primary Structure	By Right		
Asphalt Plant	Special		
Business Services	Special		
Club, Lodge, Fraternal Organizations	By Right		
Contractor Establishments	Special	§6.09	
Contractor Storage Yards	By Right	§6.10	
Extractive Industries	Special	§6.13	
Financial Services	By Right		
Funeral Homes	Special	§6.14	
Healthcare Services	By Right		
Hospitals	Special		
Manufacturing-Food	Special		
Manufacturing-Light	By Right		
Motor Vehicle Repair-Minor	Special	§6.21	

Article 3 ZONING MAP & DISTRICTS

C-LI: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Motor Vehicle Repair-Major	Special	§6.21	
Motor Vehicle Service Centers	Special		
Office	By Right		
Personal Services	By Right		
Professional Services	By Right		
Public Use–Critical	By Right		
Public Use–Essential	By Right		
Public Use–Supporting	By Right		
Racetrack	Special		
Recreational Facilities	By Right		
Restaurants	By Right		
Retail Establishments	By Right	§6.22	
Solar Energy Farms	Special		
Telecommunication Towers	Special	§6.25	
Veterinary Clinics	Special		

3.08.03 Dimensional Standards & Building Form

C-LI: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	150 feet
Minimum Lot Area	1 acre
Maximum Density	–
Maximum Lot Coverage	20%
Maximum Impervious Coverage	25%
Principal Structures	
Front Setback	25 feet
Side Setback	25 feet; 35 feet for corner lots 50 ft when abutting residential district
Rear Setback	35 feet; 50 ft when abutting residential district
Maximum Height	3 stories / 35 feet
Minimum Ground Floor Area	–
Accessory Structures	
Permitted Locations	Side, or rear yard
Front Setback	25 feet
Side Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 25 feet
Rear Setback	If ≤ 300 sq ft; 15 feet. If > 300 sq ft; 35 feet
Maximum Height	35 feet
Maximum Number	–
Maximum Area	–

NOTES: Additional accessory building standards located in Article 2.

4

Article 4 OVERLAY DISTRICTS (RESERVED)

5

Article 5 SITE DEVELOPMENT STANDARDS

- 5.01. INTENT & PURPOSE
- 5.02. OFF-STREET PARKING
- 5.03. EXTERIOR LIGHTING

5.01 INTENT & PURPOSE

The purposes of the regulations contained in this Article are:

- A. To protect the public health, safety, and general welfare of the Township.
- B. To promote harmonious and orderly development.
- C. To foster civic beauty by improving the appearance, character and economic value of civic, commercial, and industrial development.

5.02 OFF-STREET PARKING

5.02.01 General Requirements

The following standards shall apply to all off-street parking areas except those for one and two-family residential uses:

- A. Use: Off-street parking, loading, or stacking areas shall only be used for their intended purpose. All other uses are prohibited.
- B. Location:
 - 1. All off-street parking areas shall be on the same lot as the use it serves or within five hundred (500) feet, measured from the closest point of the building to the nearest point of the off-street parking area. Exception is granted to municipal parking lots for public use with or without a fee.
 - 2. No off-street parking areas shall be located in the front setback on any lot unless expressly allowed in this Ordinance.
- C. Screening and Landscaping: All off-street parking areas shall be screened as required by the district standards in Article 3, if applicable.
- D. Defined Area: Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to clearly define parking and loading spaces.
- E. Dimensions: Off-street parking areas shall be designed to the following minimum standards:

DIMENSIONAL STANDARDS FOR PARKING SPACES			
Parking Angle	Stall Width	Stall Depth	Min. – Max. Aisle Width
Parallel	8 feet	22 feet	12 – 16 feet
45 degrees	8.5 feet	19 feet	12 – 16 feet
60 degree	8.5 feet	20 feet	16 – 20 feet
90 degrees	8.5 feet	18 feet	22 – 26 feet
90 degrees – compact	8 feet	17 feet	20 – 24 feet

- F. Surfacing: Parking surfaces shall be durable and dustless materials such as asphalt, concrete, brick, stone, gravel, or pavers; pervious materials are recommended.
- G. Drainage: All off-street parking areas shall utilize Low Impact Development (LID) water quality technologies to collect and treat stormwater on site as required for site plan review.

- H. Curbs and Vehicle Stops: All off-street parking areas shall include curbs or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent areas, or landscape areas.
- I. Barrier-Free Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable.
- J. Exterior Lighting: Exterior lighting for new or redeveloped off-street parking, stacking, and loading areas shall comply with the standards of this Section.
- K. Maintenance: All parking areas shall be maintained in good condition and kept free of debris and garbage.
- L. Completion: All off-street parking, stacking, and loading areas indicated on a site plan shall be fully completed before the issuance of certificate of occupancy. In the case of phased developments, only the off-street parking, stacking, and loading areas associated with a given phase of development shall be required to be completed.
- M. Access Through Yards: Access drives may be placed in the required front or side setbacks so as to provide access to rear yards or accessory or attached structures. Any walk, terrace, or like surface area not in excess of nine inches above the grade upon which placed shall not be considered to be a structure and shall be permitted in any required setback.
- N. Use Not Specified: For uses not specified, the Zoning Administrator shall make an interpretation as to the maximum number for a proposed use based on similar uses prescribed in Article 3. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals for a final determination.
- O. Shared Parking: Joint use of an off-street parking area may be permitted for two (2) or more uses located on the same, adjacent or nearby lots provided that the number of parking spaces does not exceed the sum of the maximum number of spaces allowed for each use sharing the off-street parking area. The owners of all lots used for or making use of shared parking areas shall record a commitment that is binding on future owners of the property(s) and shall be recorded with the Charlevoix County Register of Deeds.

5.02.02 Access

- A. All off-street parking, loading, and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street rights-of-way shall be prohibited.
- C. Access to off-street parking areas shall be limited to one (1) curb cut or driveway per lot.
- D. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or in a residential zoning district.

5.02.03 Loading Zones

- A. In all zoning districts, every building or portion thereof that is occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street loading zones.

- B. Location:
 - 1. On-site loading zones shall only be in permitted areas based on the district standards in Article 3.
 - 2. Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street rights-of-way, internal drives, and off-street parking areas.
 - 3. Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.
 - 4. Developments with rear alley access may use the alley as a loading zone.
- C. Administrative Waiver: The Planning Commission may approve a modification to the loading zone location or space requirements where it has been determined that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

5.03 EXTERIOR LIGHTING

5.03.01 Intent & Purpose

The provisions of this section are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky by:

- A. Encourage good lighting practices such that lighting systems are designed to save energy and money.
- B. Minimize glare.
- C. Protect the use and enjoyment of surrounding property.
- D. Increase nighttime safety, utility, security, and productivity.

5.03.02 Exemptions

The following uses and activities shall be exempt from the standards of this section, provided they do not create glare perceptible to persons operating motor vehicles in the public right-of-way:

- A. New Technology: The Zoning Administrator may grant exceptions to the material, light source, or method of installation standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.
- B. Residential Lighting: Low intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.
- C. Holiday Decorations: Provided the decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.
- D. Neon Lights: Displayed in windows or part of an approved sign.

- E. Flag Lighting: Luminaires used for the illumination of the flag of the United States of America.
- F. Temporary Lighting: Associated with an approved temporary event permitted by this Ordinance.
- G. Statutory Authority: Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this section, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations, or lighting that is only activated at the time of power outages.

5.03.03 Shielding & Filtration

- A. All nonexempt exterior lighting shall be hooded and/or louvered to prevent light from spilling over onto neighboring properties and rights-of-way.
- B. All lighting fixtures shall have one hundred (100%) percent cut-off shielding that prevents light from being emitted above a horizontal plane the lowest direct light emitting part of the luminaire.
- C. Light sources shall be located as to minimize the hazards of glare, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare for the light source.

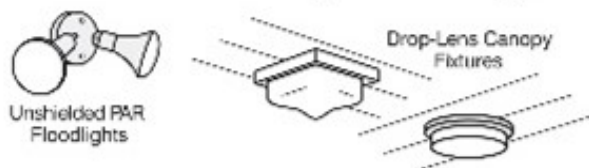
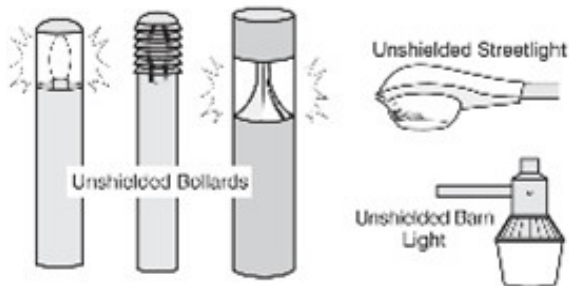
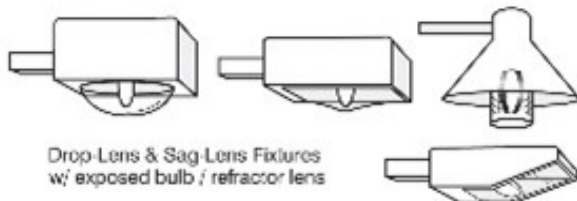
5.03.04 Exterior Lighting Site Standards

- A. Hours of Operation: All exterior lighting shall be equipped with automatic timing devices and shall be shut off if no customers or staff are present between the hours of 10:00 pm and sunrise, except for lighting necessary for security purposes or for uses that continue after 10:00 pm.
- B. Pole Height: The maximum pole height for exterior lighting shall not exceed twenty seven (27) feet, or the maximum height of the principal building, whichever is less.
- C. Prohibitions: The following light sources and fixtures shall be prohibited:
 - 1. Unshielded luminous tube (neon), fluorescent or LED lighting used as accent lighting on facades
 - 2. Mercury vapor
 - 3. High pressure sodium
 - 4. Animated, flashing, or moving lights
 - 5. Laser sources of light
 - 6. Search lights

Examples of Acceptable / Unacceptable Lighting Fixtures

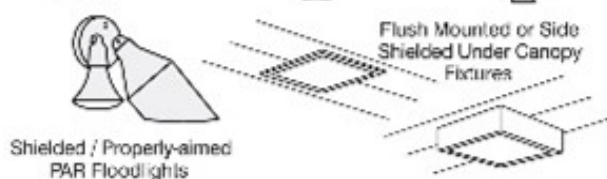
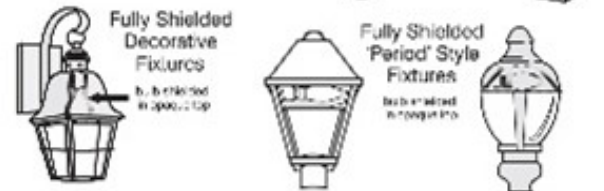
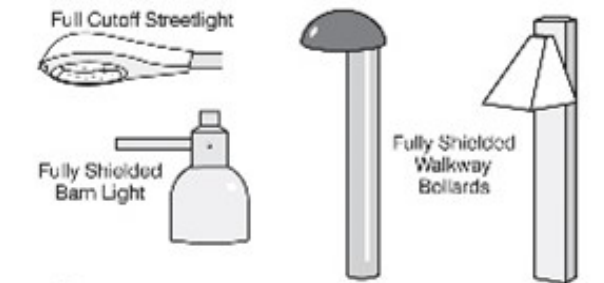
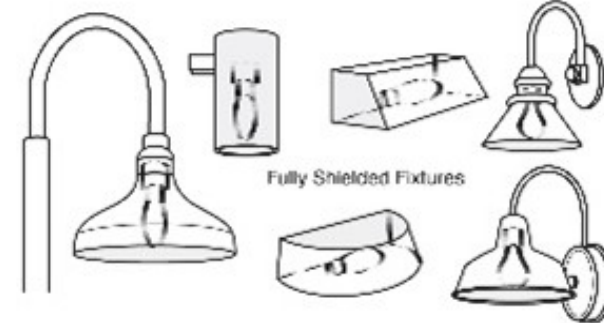
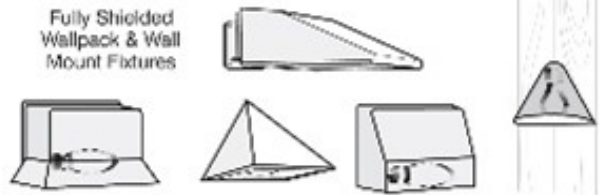
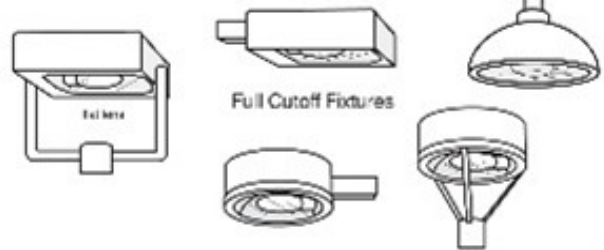
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Corliss © 2005. Modified for the Town of Southwestern, NY. Used with permission.

6

Article 6 SUPPLEMENTAL USE STANDARDS

- 6.01 INTENT & PURPOSE
- 6.02 AGRICULTURAL ASSEMBLY SPACES
- 6.03 AGRICULTURAL OPERATIONS
- 6.04 AGRICULTURAL PROCESSING FACILITIES
- 6.05 BED AND BREAKFAST ESTABLISHMENTS
- 6.06 CAMPGROUNDS
- 6.07 CEMETERIES
- 6.08 CONTRACTOR ESTABLISHMENTS
- 6.9 CONTRACTOR STORAGE YARDS
- 6.10 DOCK AND LAUNCH RAMPS
- 6.11 DWELLING UNITS
- 6.12 EDUCATIONAL INSTITUTIONS
- 6.13 EXTRACTIVE INDUSTRIES
- 6.14 FUNERAL HOMES AND MORTUARIES
- 6.15 GOLF COURSES
- 6.16 GREENHOUSES AND NURSERIES
- 6.17 HOME OCCUPATIONS
- 6.18 JUNKYARD AND SALVAGE YARDS
- 6.19 KENNELS
- 6.20 MOTOR VEHICLE REPAIRS
- 6.21 RIDING STABLES
- 6.22 SEXUALLY ORIENTED BUSINESSES
- 6.23 TELECOMMUNICATION TOWERS

6.01 INTENT & PURPOSE

Those uses permitted by right and uses allowed by special land use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements.

6.02 AGRICULTURAL ASSEMBLY SPACES

An agricultural assembly space shall meet the following standards:

- A. The minimum lot size shall be twenty (20) acres.
- B. All structures shall maintain a minimum setback of one hundred (100) feet from all property lines.
- C. Parking shall be a minimum of one hundred (100) feet from all property lines and be designed to minimize headlight trespass on to neighboring properties.
- D. The Planning Commission may allow designated parking spaces to be of a gravel or vegetated surface if it is determined to have no discernible negative effect on surrounding property owners.
- E. Agricultural assembly spaces shall be located on a paved public road.
- F. All food prep areas and storage shall be screened from view off-site.
- G. Must comply with all relevant Township, State, and County Ordinances and Laws.

6.03 AGRICULTURAL OPERATIONS

An agricultural operation shall meet the following standards:

- A. Operations shall occur on land containing at least ten (10) contiguous acres under same ownership.
- B. Agricultural buildings and structures shall also be regarded as principal permitted uses, provided they directly relate to and are actively used in the bona fide agricultural enterprise being conducted on the property.
- C. All such agricultural activity shall be limited to the raising of crops and/or animals grown and/or raised on the premises and shall conform to generally accepted agricultural and management practices (GAAMPs) as adopted by the state department of agriculture and rural development (or equivalent successor standards).
- D. No agricultural operation shall be operated as a feed lot or for the disposal of garbage, rubbish, offal, or rendering plants or for the slaughtering of animals except such animals raised on the premises for the use and consumption by those persons residing on the premises.

6.04 AGRICULTURAL PROCESSING FACILITIES

An agricultural processing facility shall meet the following standards:

- A. All buildings shall be setback at least 100 feet from any property line.
- B. Access driveways shall be located no less than 75 feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

- C. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the county health department.
- D. On a site plan provided by the applicant the following information shall be outlined:
 - 1. The size, nature, and character of the proposed use.
 - 2. The extent of traffic congestion or hazard which would accompany such a use, i.e., the approximate number of trucks entering and exiting the site on a daily basis.
 - 3. The frequency of use and hours of operation.
- E. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads and meet the lighting standards of this ordinance.
- F. The property shall be kept free of litter, and in a sanitary condition.
- G. Any odor, gas, glare, heat, or smoke detectable at any point along the lot lines shall not be permitted.

6.05 BED AND BREAKFAST ESTABLISHMENTS

A bed and breakfast shall meet the following standards:

- A. The exterior of the structure shall not be altered from its single family character and appearance.
- B. There shall be no separate or additional kitchen facility or facilities for guests.
- C. The number of rental rooms permitted shall be based on the ability of the lot to accommodate parking at one space per room in accordance with the provisions of this Ordinance.

6.06 CAMPGROUNDS

A campground shall meet the following standards:

- A. The campground must provide a health department approved sewage disposal and water system.
- B. The setback of a campsite, building, or facility from the property line must be at least 50 feet.
- C. The property must be screened with six (6) foot fencing when adjacent to a residential use.
- D. Minimum lot size of 10 acres is required for the first 25 sites, and one (1) acre for each additional 15 sites, or fraction thereof.
- E. A store may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store will be one-half the required amount for retail outlets, as outlined in this ordinance.

6.07 CEMETERIES

A cemetery shall meet the following standards:

- A. Minimum lot size of three (3) acres is required.
- B. Site plan shall show all roads and plots within the cemetery.

- C. A five (5) foot fence is required along any property line not adjacent to a road right-of-way.
- D. Health Department approval shall be required prior to Township approval.

6.08 CONTRACTOR ESTABLISHMENTS

A contractor establishment shall meet the following standards:

- A. The principal and accessory buildings and structures shall not be located within 300 feet of any residential use or district property line.
- B. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
- C. Outdoor sales and display areas shall be limited to 20 square feet for each linear foot of building frontage.
- D. All driveways, parking, loading, storage, and vehicular circulation areas shall be improved to provide proper drainage.

6.9 CONTRACTOR STORAGE YARDS

A contractor storage yard shall meet the following standards:

- A. No equipment or materials shall be stored in the required front, side, or rear setbacks.
- B. If a building exists on a lot, the outdoor storage of equipment and materials shall only occur in the side or rear yards.
- C. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround all areas designated for the outdoor storage of equipment and materials. The finished side of any fence or wall shall face adjacent properties.

6.10 DOCK AND LAUNCH RAMPS

A dock or launch ramp shall meet the following standards:

- A. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases on the lot.
- B. No building, structure, dock, or parking area which is part of the boat launch area shall be located closer than 50 feet to any residential lot line.
- C. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.

6.11 DWELLING UNITS

All mobile homes located outside of a mobile home park shall meet the following standards:

- A. All wheels, towing mechanisms and tongues of mobile homes shall be removed and none of the undercarriage shall be visible from outside mobile home.
- B. Exterior building materials of all dwelling units shall extend to the foundation on all sides.
- C. All dwellings shall be firmly attached to the foundation so as to be watertight or if a mobile

home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the construction code.

6.12 EDUCATIONAL INSTITUTIONS

An educational institution shall meet the following standards:

- A. Playground equipment may only be located in the side or rear yard of the lot and must have a five (5) foot fence around its border. The playground must be at least 50 feet from any side or rear property line.
- B. The off-street parking shall be arranged so the bus loading and unloading of students area will not be in the path of vehicular traffic.
- C. The off-street parking shall meet the requirements outlined in this ordinance for schools.
- D. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school and to the required sidewalk along the adjacent road right-of-way line.
- E. The main school building shall be 100 feet from any property line.
- F. Practice and playing fields, tracks, and ball diamonds shall be set back at least 50 feet from any property line.

6.13 EXTRACTIVE INDUSTRIES

An extractive industry shall meet the following standards:

- A. All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- B. The applicant may be required to file a performance bond of sufficient amount to assure completion of the work following excavation, as required by this Section.
- C. No fixed machinery shall be erected or maintained within one hundred (100) feet of any property or street line.
- D. The use shall be enclosed by a fence, berm, or suitable plantings six (6) feet or more in height for the entire periphery of the property.
- E. No slope shall exceed an angle with the horizontal of forty five degrees (45°).
- F. At all stages of operations, pits or quarries shall be completely and continually drained of water when not in use or supervised by a watchman. All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.
- G. No building shall be erected on the premises except as temporary shelter for machinery or field office.
- H. Establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the Township may be established by the Township. That portion of access roads within the area of operation shall be provided with a dustless surface.
- I. All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the Township in general.

- J. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling excavating materials on the site.
- K. When excavation and removal operations are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three (3) to one (1) in horizontal-vertical gradient. A layer of gravel topsoil shall be spread over the excavated areas to minimum depth of four inches in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial rye grass, or other similar soil-holding material, and maintained by the applicant until the area is stabilized.

6.14 FUNERAL HOMES AND MORTUARIES

A funeral home or mortuary shall meet the following standards:

- A. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties as stated in Section 5.3.
- B. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- C. No waiting lines of vehicles shall extend off-site or onto any public street.
- D. Access driveways shall be located at least 75 feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

6.15 GOLF COURSES

A golf course shall meet the following standards:

- A. Minimum lot size of 120 acres is required for a regulation 18-hole golf course, 80 acres for regulation 9-hole golf course or 40 acres for each 9-hole golf course of a par-3 style.
- B. All structures shall be at least 100 feet from any property line abutting residentially zoned land.
- C. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
- D. The off-street parking area shall be at least 50 feet from any property line abutting residentially zoned land.
- E. Accessory uses like pro shops, clubhouses, restaurants and lounges, and golf driving ranges may be permitted.

6.16 GREENHOUSES AND NURSERIES

A greenhouse or nursery shall meet the following standards:

- A. Outdoor display areas shall be set back at least 50 feet from all property lines and shall be limited to an area equal to one-half the square footage of all buildings on the lot associated with the use.

6.17 HOME OCCUPATIONS

Home occupations shall not require a zoning permit and shall meet the following standards:

- A. The home occupation must be operated in its entirety within the principal dwelling and not within any garage or accessory building located upon the parcel, except for incidental storage in use of a residential type garage.
- B. Home occupations shall only be permitted when carried on by the occupant(s) of the dwelling.
- C. A home occupation shall not be allowed if the essential character of a lot or building within a zoning district (in terms of use, traffic generation, noise, odor, vibration, electrical interference, or appearance, including signage) is changed by the home occupation.
- D. The principal use of the parcel shall be a dwelling and the operator of a home occupation shall make the dwelling unit within which the home occupation is conducted his or her legal and primary place of residence, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.
- E. All building, housing, fire and other local or state codes and ordinances shall be adhered to for home occupations.

6.18 JUNKYARD AND SALVAGE YARDS

A junkyard or salvage yard shall meet the following standards:

- A. Minimum lot size for junkyards and salvage yards shall be five (5) acres.
- B. A solid fence or wall at least eight (8) feet in height shall be provided around any outdoor storage areas.
- C. All activities shall be confined indoors or within a fenced in areas. There shall be no stocking of materials above the height of the fence or wall.
- D. All outdoor fenced areas shall be 100 feet from any roadway or property line.
- E. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- F. All structures and fenced in areas shall be 200 feet from residentially zoned properties.

6.19 KENNELS

A kennel shall meet the following standards:

- A. Minimum lot size for kennels shall be 5 acres.
- B. All structures that are used for animal occupancy shall be a minimum of one hundred (100) feet from property lines and located in the rear of the property.

6.20 MOTOR VEHICLE REPAIRS

A motor vehicle repair shall meet the following standards:

- A. The principal and accessory buildings and structures shall not be located within 200 feet of any existing residence, lake, or stream.
- B. Access driveways shall be located no less than 75 feet from the nearest part of the intersection of any street or any other driveway.

6.21 RIDING STABLES

A riding stable shall meet the following standards:

- A. The minimum lot size shall be ten (10) acres.
- B. The maximum horse population shall be limited to one (1) horse per acre.
- C. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least 150 feet from any lot line.
- D. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
- E. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with county and state health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels and must comply with appropriate GAAMP regulation.
- F. Off-street parking shall be provided as required in this ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable.
- G. The loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
- H. A map of the riding trail shall be submitted to the planning commission, with a maintenance plan for the trail, and hours of operation.
- I. The riding trail shall not unreasonably affect adjoining property.

6.22 SEXUALLY ORIENTED BUSINESSES

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary affects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented

businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

A sexually oriented business shall meet the following standards:

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, religious institution, public park, or state licensed child care facility.
- C. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in item (B) above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and promulgated standards of Hudson Township, as well as other governments and governmental agencies that have jurisdiction, and the including the required attainment of approval from these governments and/or government agencies
- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act.
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device.

3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

6.23 TELECOMMUNICATION TOWERS

- A. Intent & Purpose: The intent of this Section is to ensure commercial and governmental communication towers are constructed and placed in a manner which will protect public health, safety, and welfare, and where impact on the surrounding community will be minimized.
- B. Applicable Standards: Communication towers are permitted, through the Special Land Use Permit process, if all of the following requirements are met:
 1. The communication tower is located in a district that allows telecommunication towers as a use, or on property owned by Township government.
 2. The communication tower complies with all applicable FCC and FAA regulations, and all applicable building codes.
 3. Communication towers are not to exceed the minimum height needed for the intended purpose. This height must be determined via propagation prediction software or actual field strength measurements. These reports are to be provided to the Township for review during the application process. However, under no circumstance may a tower be higher at its highest point than seventy five (75) feet. Total height is defined as measured from the preconstruction grade elevation to the highest point on the tower including any attached antennas.
 4. Communication towers must be sited a distance equal to at least seventy five (75%) percent of the total height of the tower, from any adjoining lot line.
 5. Supports, guys, and accessory buildings must adhere to minimum zoning district setback requirements.
 6. The design of buildings, cabinets, and all other structures related to communication towers shall incorporate materials, colors, textures, and screening and landscaping, that causes them to blend into the natural setting and/or surrounding buildings, and shall be screened from the view of adjacent properties and streets.
 7. Existing mature trees and natural land grades on the site are to be preserved to the maximum extent possible.
 8. The tower shall not use blinking or flashing lights or strobes, unless mandated by the FAA. If lighting is required, the lighting must cause the least disturbance to all surrounding properties and views.
 9. Any tower that is not in operation for a continuous period of twelve (12) months is considered abandoned, and the owner must remove the same within ninety (90) days of receipt of notice from the Township.

7

Article 7 SITE PLAN REVIEW

- 7.01 INTENT & PURPOSE
- 7.02 SITE PLAN REQUIRED
- 7.03 SITE PLAN APPLICATION REQUIREMENTS
- 7.04 SITE PLAN APPLICATION REVIEW PROCEDURES
- 7.05 SITE PLAN APPLICATION DETERMINATIONS
- 7.06 STANDARDS FOR SITE PLAN APPROVAL
- 7.07 RECORD OF ACTIONS
- 7.08 EXPIRATION
- 7.09 AMENDMENTS & MODIFICATIONS
- 7.10 FEES & PERFORMANCE GUARANTEES

7.01 INTENT & PURPOSE

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. The Planning Commission shall make the final decision on site plans.

7.02 SITE PLAN REQUIRED

Site plans are required for the following uses:

- A. All new uses and/or structures except residential structures with four (4) or fewer dwelling units, residential accessory uses and structures, and the change in the use of an existing structure to a use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the Ordinance and that the site maintains full and continuing compliance with this Ordinance.
- B. Development that establishes more than one (1) principal use on a parcel, such as, a single family site condominium, mixed use building, or similar project where a single parcel is developed to include two (2) or more uses or sites for development, excluding accessory dwelling units.
- C. Additions or expansions of existing, conforming uses that increase the amount of additional impervious surface by one thousand five hundred (1,500) square feet or five (5%) percent, whichever is less.
- D. Any use, construction, or approval for which a site plan is required by any provision of this Ordinance.

7.03 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
1.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	√	
2.	A boundary survey of the property, to include all dimensions, setbacks, gross and net acreage, and legal description.	√	
3.	The location and width of all abutting rights-of-way.	√	
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a zoning change request, the classification of the proposed new district must be shown.	√	
5.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	√	
6.	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	√	

Article 7 SITE PLAN REVIEW

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
7.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	√	√
8.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, and wildlife habitat.	√	
9.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		√
10.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	√	
11.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	√	
12.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	√	√
13.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	√	
14.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.		√
15.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site, if applicable. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke, or lights.		√
16.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	√	
17.	Elevations for all building façades.	√	
18.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		√
19.	Phasing of the project, including ultimate development proposals.	√	
20.	General description of deed restrictions and/or cross access management easements, if any or required.		√
21.	The name and address of the property owner.	√	√
22.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	√	√
23.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	√	

- A. Upon the recommendation of the Zoning Administrator, the Planning Commission may waive any of the above required items based upon a finding that it is not applicable.
- B. The Planning Commission, Zoning Administrator, or other party authorized by the Township may request any additional information it deems necessary in the review of submitted site plan.

- C. Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to Charlevoix County Road Commission, Health Department, Soil Erosion, Michigan Department of Transportation (MDOT), and Michigan Department of Energy, Great Lakes, and Environment (EGLE). If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.
- D. All site plan drawings shall be submitted on seven (7) physical copies of legible size and in digital PDF format.

7.04 SITE PLAN APPLICATION REVIEW PROCEDURES

- A. **Pre-Application Conceptual Review:** An applicant may request a pre-application conceptual review with the Planning Commission to discuss in general the substantive requirements for the application prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements by the Township. Feedback provided by the Planning Commission under a pre-application conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A pre-application conceptual review does not include a completeness or technical review by the Zoning Administrator.
- B. **Completeness Review:** All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent at least twenty one (21) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall review the application for completeness to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance. Once deemed complete, the application will be forwarded for technical review as applicable.
- C. **Technical Review:** An application determined to be complete will undergo a technical review by the Zoning Administrator or Township designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission agenda.
- D. **Administrative Review:** The Zoning Administrator may review and make a determination on a site plan review application that meets all the standards for administrative review eligibility. Nothing in this subsection shall prohibit the applicant or Zoning Administrator from requesting the site plan review application be submitted to the Planning Commission for determination. The standards for administrative review eligibility shall be:
 - 1. The use is permitted by right in the established zoning district.
 - 2. Will result in less than one thousand (1,500) square feet of new building and/or impervious area.
 - 3. Will generate less than five hundred (500) trip ends per day as determined by the proposed land use activity based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.

- E. Planning Commission Review: All other uses requiring a site plan shall be reviewed by the Planning Commission for a determination.

7.05 SITE PLAN APPLICATION DETERMINATIONS

The Planning Commission shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application.

- A. Approval: The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
- B. Conditional Approval: The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall meet each of the following objectives:
 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- C. Denial: If the Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

7.06 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. Adequacy of Information: The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. Site Design Characteristics: All elements of the site shall be harmoniously designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- C. Site Appearance: Landscaping, earth berms, fencing, signs, walls, structures, and other site features shall be designed and located on the site so that the proposed development is harmonious with nearby existing or future developments.
- D. Compliance with District Requirements: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density, and all other requirements set forth in the Article 3 for each district, unless otherwise provided in these regulations.

- E. Privacy: The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
- F. Emergency Vehicle Access: All buildings or groups of buildings shall be so arranged as to permit direct emergency vehicle access.
- G. Circulation: Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
- H. Parking: Any off-street parking facility shall meet all applicable design standards of this Ordinance.
- I. Drainage: Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review and approval by the Township.
- J. Soil Erosion and Sedimentation: The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Township and County standards.
- K. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, the dark sky is preserved, and does not impede vision of drivers along adjacent streets as stated in Section 5.03.
- L. Public Services: Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- M. Screening: Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public rights-of-way shall be screened by walls, fencing, or landscaping of adequate height. All walls and fencing must be solid and constructed of durable material and shall be subject to the approval of the Planning Commission.
- N. Danger From Fire and Hazards: The level of vulnerability to injury or loss from incidents involving fire and hazardous materials, or processes, shall not exceed the capability of the Township to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.
- O. Health and Safety Concerns: Any use in any zoning district shall comply with applicable federal,

state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

- P. Phases: All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

7.07 RECORD OF ACTIONS

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

- A. Minutes: All minutes from any meeting where the site plan was considered.
- B. Findings of Fact: The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.
- C. Final Site Plans: An electronic pdf version and two copies of the final site plans stamped by a licensed architect, landscape architect, or civil engineer, if required.
 - 1. Approved site plans shall include any required revisions and the date of the revisions. The print sets shall be marked "Approved" and signed and dated by the Applicant and Planning Commission Secretary if approved by the Planning Commission, or the Zoning Administrator if administratively approved. One signed set of site plans will be retained by the Township as part of the permanent record, while the other signed set will be returned to the applicant.
 - 2. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Secretary if denied by the Planning Commission, or the Zoning Administrator if administratively denied.
- D. Development Agreement: An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Secretary.

7.08 EXPIRATION

A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a zoning permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year.

7.09 AMENDMENTS & MODIFICATIONS

A previously approved site plan may be modified subject to the following procedures:

- A. Insignificant Deviations: The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development

and will not noticeably change or relocate the proposed improvements to the property. The Planning Commission may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Planning Commission may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the Zoning Administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.

- B. Major Amendments: All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

7.10 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Article 12.

8

Article 8 SPECIAL LAND USES

- 8.01. INTENT & PURPOSE
- 8.02. SPECIAL LAND USE APPLICATION REQUIREMENTS
- 8.03. SPECIAL LAND USE APPLICATION REVIEW PROCEDURES
- 8.04. SPECIAL LAND USE DETERMINATIONS
- 8.05. GENERAL STANDARDS
- 8.06. RECORD OF ACTIONS
- 8.07. EXPIRATION
- 8.08. AMENDMENTS & MODIFICATIONS
- 8.09. FEES & PERFORMANCE GUARANTEES

8.01 INTENT & PURPOSE

This Article provides the review procedures and standards instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses, or which contain unique features. The procedures and standards apply to those special land uses which are specifically designated as such in this Ordinance. Special use permits shall be reviewed and approved by the Planning Commission.

8.02 SPECIAL LAND USE APPLICATION REQUIREMENTS

An application for special land use permit approval shall include a complete site plan review satisfying all the standards in Article 7.

8.03 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES

The procedures for a special land use permit application review shall follow those for a site plan review in Article 7 with the following modifications:

The Planning Commission shall:

- A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance. Administrative review shall not be an option for special land use permit applications.
- B. Hold a public hearing to consider the proposed special land use consistent with the procedures for a public hearing in Article 12.
- C. The Planning Commission shall review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance, and Planning Commission's recommendation and make a determination to approve, approve with conditions, or deny the application. Any decision made shall include the adoption of a finding of facts to support the Planning Commission's decision.

8.04 SPECIAL LAND USE DETERMINATIONS

- A. Approval: The special land use permit shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
- B. Conditional Approval: The Planning Commission may approve a special land use permit, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall the objectives of outlined in Section 7.05.
- C. Denial: If the Planning Commission determines that a proposed special land use does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare, or orderly development of the Township, it shall deny the application.

8.05 GENERAL STANDARDS

Each application for a special land use permit shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, including those for site plan review and the specific standards below:

- A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed so as to be appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police, and fire protection, of drainage structures, refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public expense for public facilities and services.
- F. Will be in accordance with all required conditions of the district in which it will be located.
- G. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located, and will not be detrimental to existing and/or other permitted land uses in the applicable zoning district.

8.06 RECORD OF ACTIONS

All decisions on a special land use shall be maintained as specified in Section 7.07 of this Ordinance.

8.07 EXPIRATION

The standards and procedures for expiration of an approved special land use permit shall be the same as those for site plan review in Section 7.08.

8.08 AMENDMENTS & MODIFICATIONS

The standards and procedures for amendments or modifications of an approved special land use permit shall be the same as those for site plan review in Section 7.09, with the exception that a major amendment to an approved special land use permit will require a new public hearing following the standards and process in Section 7.09.

8.09 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a special land use application shall be consistent with the requirements in Article 12.

9

Article 9 LAND DEVELOPMENT OPTIONS

- 9.01. INTENT & PURPOSE
- 9.02. RESIDENTIAL DEVELOPMENTS
- 9.03. MANUFACTURED HOUSING DEVELOPMENT
- 9.04. OPEN SPACE PRESERVATION DEVELOPMENT (OSPD)

9.01 INTENT & PURPOSE

Development may be pursued in a variety of different ways. This Article sets forth the development options established by Hudson Township. Depending on the circumstances of particular development scenarios, these options may be used singly or jointly. The purpose of this Article is to set forth the regulations regarding the different land development options in order to protect the health, safety, and welfare of the citizens of Hudson Township. Where necessary the provisions relating to the different development options contain standards and/or procedures that supplement or replace particular standards and/or procedures elsewhere in this Ordinance.

9.02 RESIDENTIAL DEVELOPMENTS

All residential development subdivision plans shall be reviewed and approved by the Planning Commission. In determining whether to approve a subdivision plan, the Planning Commission may consult with the Township Attorney, Zoning Administrator, and Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act and/or Land Division Act.

9.02.01 General Requirements

- A. Lots: For the purposes of this ordinance, each lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. Not more than one (1) dwelling unit shall be located on a lot, nor shall a dwelling unit be located on a lot with any other principal structure or use.
- B. Revision of Residential Development Plan: If the development plan is revised, the final site plan shall be revised accordingly and submitted for review by the Planning Commission to approve or deny the application before any zoning permit may be issued, where such permit is required.
- C. Amendment of Master Deed or Bylaws: Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan shall be reviewed by the Planning Commission to approve or deny the application before any zoning permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- D. Development Agreement: The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the Charlevoix County Register of Deeds.
- E. Relocation of Boundaries: Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- F. Subdivision of Lots: Each lot that results from a subdivision of another lot, if such subdivision is permitted by the condominium documents, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

- G. Private Streets: All subdivisions in which private streets are proposed shall be developed to the public street requirements of the Township. Subdivisions and lots may abut public or private streets.
- H. Road Rights-of-Way: Road rights-of-way shall be parcels separate from individual lots, and shall be accurately delineated by bearings and distances on the subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all public water and sanitary sewer lines and appurtenances.
- I. Easement for Utilities: The residential development plan shall include all necessary easements granted to the Township, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structure.
- J. Monuments: Monuments shall be set at all boundary corners and deflection points and at all roads right-of-way intersection corners and deflection points. Lot irons shall be set at all lot corners and deflection points of lot lines. The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the site plans, at a cost not to exceed the amount of the security deposit.
- K. As-Built Drawings: A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the Charlevoix County Register of Deeds.

9.02.02 Site Plan Requirements

A residential development application submitted for consideration shall include a site plan with all the requirements outlined in Article 7.

9.02.03 Application Submission Procedures

- A. Preliminary Site Plan:
 - 1. A preliminary site plan shall be filed for approval at the time of notice of proposed action is filed with the Township. Preliminary site plans shall be reviewed by the Planning Commission to approve or deny the application.
 - 2. The preliminary site plan shall include all land that the developer intends to include in the project.
 - 3. The preliminary site plan shall include all information required herein, except in the case of single-family detached dwelling units.

4. Dwelling units and required setbacks, shall be shown on the preliminary site plan. In those instances where dwelling unit plans are not known the plan may show the building envelope provided such building envelope meets all side, front and rear setback requirements of the zoning district.

B. Final Site Plan:

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan. Final site plans shall be reviewed by the Planning Commission to approve or deny the application.
2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.
3. A final site plan shall include all information required by Section 66 of the Condominium Act, if applicable, and the master deed and bylaws. The final site plan shall also include all information required herein, except in the case of single family detached dwelling units, location, and dimensions of condominium units rather than individual buildings and required setbacks, shall be shown on the site plan.
4. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department and the Michigan Department of Natural Resources. The Planning Commission shall not approve a final site plan until all County and State agencies, required to review the condominium subdivision plan, have approved the condominium subdivision plan.

9.02.04 Design & Approval

- A. All subdivision plans shall conform to the design, layout and improvements standards of the Township. A deposit in the form of cash, certified check, or irrevocable bank letter of credit acceptable to the Township Board shall be made with the Hudson Township Clerk to guarantee the installation and completion of any required public sanitary sewer, water supply, drainage facilities, and public or private street and walkway improvements within a length of time agreed upon from the date of final approval of the subdivision plan by the Planning Commission.
- B. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a development until a final site plan therefore has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums as defined in the Condominium Act (PA 59 of 1978 as amended).
- C. The approval of any plan under this provision shall expire one (1) year after the date of such approval unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one (1) year in continuous construction and development does not occur, in which event, said approval shall expire. Prior to such expiration date the development owner shall be notified in writing thirty (30) days in advance of the expiration date. The Zoning Administrator shall not issue a zoning permit for any type of construction based on

the approved plan after such approval has expired. Fees for review of expired site plan may be waived in those instances where no substantial change in conditions of the site condominium plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired plans for new site condominium plans shall be the same as for the initial submittal.

- D. All site improvements including sanitary sewers, water mains, storm sewers, retention basin, site grading and private street improvements shall meet or exceed the minimum design standards of Hudson Township.
- E. A final survey plan of the subdivision or phase thereof shall be submitted together with a closure sheet of the external boundary and internal common areas, condominium land units, lots, blocks of condominium units, street rights-of-way and all other land units for review and approval by the Township Engineer. The exact length and bearing of all external and internal boundaries shall be clearly shown on the plan. The bearing source of orientation of the survey plan shall conform with that of an existing adjacent recorded subdivision or other established survey.

9.02.05 Notice of Proposed Action

The notification requirements stated in Section 71, of the Condominium Act (PA 59 of 1978, as amended), shall be filed with Hudson Township and other listed agencies.

9.03 MANUFACTURED HOUSING DEVELOPMENT

9.03.01 Intent and Purpose

The purpose of this Section is to regulate manufactured housing communities in order to maintain the character of the residential zoning districts where permitted and to protect the health, safety, and general welfare of the residents within the manufactured housing communities and the Township.

9.03.02 General Standards

All manufactured housing communities shall meet the following standards:

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, PA 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

9.03.03 Review and Approval

The procedures for review and approval of a manufactured housing community shall be the same as those for a special use permit approval under Article 8, including the applicable special use permit standards.

9.04 OPEN SPACE PRESERVATION DEVELOPMENT (OSPD)

9.04.01 Intent and Purpose

The purpose of an Open Space Preservation Development (OSPD) is to allow property zoned for residential uses to be developed with the same number of dwelling units but on smaller parcels than would otherwise be required by this Ordinance, in return for the preservation of part of the property in an undeveloped state.

9.04.02 Standards

- A. The number of permitted dwelling units in an OSPD shall be no greater than if the subject property were subdivided based upon the minimum parcel size per dwelling unit as specified in Article 3 for the respective residential use in its respective zoning district.
- B. The minimum parcel size per dwelling unit in an OSPD shall not be reduced by more than half that as specified in Article 3 for the respective use in its respective zoning district. If a subject lot of this reduced minimum parcel size cannot meet normal setbacks, then the otherwise required setbacks for that lot shall not be reduced by more than half.
- C. At least half of the subject property in an OSPD, as designated by the landowner, shall remain perpetually in an undeveloped state by means of a conservation easement. Otherwise unbuildable areas such as wetlands shall not qualify as land in an undeveloped state for purposes of meeting this standard.
- D. The conservation easement shall be granted by the landowner to the Township or to a nonprofit conservation organization approved by the Township Board. The conservation easement must be approved by the Township Board in order to fulfill the requirements of this Ordinance. The Township Board may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded by the landowner at the Register of Deeds.

9.04.03 Procedure

The determination that the above standards have been satisfied by an OSPD shall be made by the Planning Commission as part of its site plan review.

10

Article 10 NONCONFORMITIES

- 10.01. INTENT & PURPOSE
- 10.02. GENERAL STANDARDS
- 10.03. NONCONFORMING USES
- 10.04. NONCONFORMING STRUCTURES
- 10.05. NONCONFORMING LOTS

10.01 INTENT & PURPOSE

It is the intent of this Ordinance to permit legal nonconforming uses, sites, structures, and lots to continue until they are removed but not to encourage their survival. It is recognized that there exists within districts established by this Ordinance and subsequent amendments, uses, sites, structures, and lots which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

10.02 GENERAL STANDARDS

- A. Continuation: On or after the effective date of this ordinance or any subsequent amendments, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this Section.
- B. Change in Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming use or structure which does not alter the nonconforming status.
- C. Issued Zoning Permit: Any zoning permits issued prior to the effective date of this Ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and proceeds meaningfully until completion.
- D. Exception for Repairs Pursuant to Public Order: Nothing in this article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.
- E. Loss of Nonconformity: A legal nonconformity is lost by changing to conform to the ordinance or through vacancy, lack of operation, intent to abandon and in fact abandons, or otherwise for twelve (12) or more successive calendar month by the owner. If lost, any future use of such premises shall be in conformity, in its entirety, with the provisions of this ordinance. Loss of a nonconformity shall terminate the right to continue the nonconformity. When determining the intent of the owner to abandon a nonconformity, the zoning administrator shall consider the following factors:
 - 1. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
 - 2. Whether the property, buildings, and grounds have fallen into disrepair.
 - 3. Whether signs or other indications of the existence of the nonconformity have been removed.
 - 4. Whether equipment or fixtures necessary for the operation of the nonconforming used have been removed.
 - 5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconformity.

10.03 NONCONFORMING USES

Nonconforming uses may be continued, enlarged, or expanded in accordance with the following provisions:

- A. Continuance: A legal nonconforming use of any structure may be continued, although such use does not conform to the provisions of this ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure are made.
- B. Enlargement or Expansion: A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded unless approved by the Zoning Board of Appeals per Section 10.3.C.3, below, except as required by law or to comply with an order of the Building Official.
- C. Change of Use Regulations:
 - 1. Changes to Conforming Uses: Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided; however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.
 - 2. Changes to Other Nonconforming Uses: A nonconforming use may be changed to another nonconforming use if approved of the Zoning Board of Appeals, upon a finding that the new use is determined to be more consistent with the spirit of this Ordinance, the neighborhood, and the master plan than the nonconforming use which is being replaced.
 - 3. Approval Standards: The Zoning Board of Appeals shall only approve the enlargement or expansion of an existing conforming structure within which a nonconforming use is located if it makes findings in support of each of the following:
 - a. The new use or expansion will not be contrary to the public interest.
 - b. The new use or expansion will not substantially or permanently injure the appropriate use of adjacent conforming property.
 - c. The new use or expansion will be in harmony with the spirit and purpose of these regulations and the master plan goals, objectives, and policies.
 - d. The plight of the applicant for which the new use or expansion is sought is due to unique circumstances existing on the property and/or within the surrounding district.
 - e. Approval of the new use or expansion will not substantially weaken the general purposes of this Section or the regulations established in this Ordinance for the applicable zoning district.
 - f. The new use or expansion shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use or expansion as if the increment were a separate use.
 - g. The new use or expansion shall conform to all regulations and standards established by this Ordinance.
 - h. The new use or expansion will not adversely affect the public health, safety, and welfare of the Township.

10.04 NONCONFORMING STRUCTURES

Nonconforming structures may be continued, repaired, replaced, enlarged or expanding in accordance with the following provisions:

- A. Continuation of Nonconforming Structures: Subject to all limitations in this Article, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless the enlargement or extension complies with the dimensional requirements of this ordinance.
- B. Repair and Maintain at Whatever Cost: Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures, provided such repair and maintenance does not exceed fifty percent (50%) of the appraised replacement cost of the structure which was damaged. For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute more than fifty percent (50%) of the appraised replacement cost shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.
- C. Replacement of Damaged Nonconforming Structures: Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint, does not increase the original usable floor area or volume of such structure. Such replacement shall commence within twelve (12) months of the damage or destruction.
- D. Enlargement or Expansion: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable Township ordinances.

10.05 NONCONFORMING LOTS

- A. Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located, except those uses that specify a minimum lot size. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that setbacks and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

11

Article 11 ZONING BOARD OF APPEALS

- 11.01 AUTHORITY
- 11.02 MEMBERSHIP
- 11.03 ALTERNATES
- 11.04 ORGANIZATION
- 11.05 APPLICATIONS
- 11.06 APPEALS OF ADMINISTRATIVE DECISIONS
- 11.07 INTERPRETATION OF ZONING ORDINANCE PROVISIONS
- 11.08 VARIANCES
- 11.09 HEARINGS & DECISIONS
- 11.10 FEES
- 11.11 LIMITATIONS OF AUTHORITY

11.01 AUTHORITY

There is hereby established a Zoning Board of Appeals (herein referred to as the “ZBA”), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected and substantial justice done.

11.02 MEMBERSHIP

The Zoning Board of Appeals shall consist of three (3) members and two (2) alternates as appointed by the Township Board for staggering three (3) year terms as follows:

- A. One (1) member shall be a member of the Planning Commission, and one (1) member may be a member of the Township Board. An employee or contractor of the Township Board may not serve as a member.
- B. Remaining members shall be selected from the electors of the Township and reside within the Township.
- C. The members selected shall be representative of the population distribution and of the various interests present in the Township.
- D. Members of the ZBA may be removed from office for inefficiency, neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the Township Clerk and a public hearing has been held by the Township Board.
- E. Vacancies shall be filled for the remainder of the unexpired term by resolution of the Township Board.
- F. Members shall be appointed not more than one (1) month after the term of the preceding member has expired.
- G. A member of the ZBA who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same administrative matter that the member voted on, or will vote on, as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
- H. In the event a ZBA member is elected to Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member’s seat on the ZBA shall be deemed vacant. Such vacancy shall be filled for the remainder of the unexpired term by appointment in the same manner as for regular appointments for full terms.

11.03 ALTERNATES

Alternate members may be called on a rotating basis to sit as members of the ZBA in the absence and recusals of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest. The alternate member appointed shall serve in the case involving the conflict of interest until a final decision is made.

11.04 ORGANIZATION

The ZBA shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings, in addition to the following:

- A. All meetings of the ZBA shall be held at the call of the Chair at such times as the ZBA may determine.
- B. The ZBA shall render decisions upon all matters within a reasonable time.
- C. The ZBA may distribute the application materials to the Zoning Administrator or other designated Township consultants to review the application and provide a report to the ZBA that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Township master plan and any sub-area plans.
- D. The ZBA may request that any or all of the following information be provided to the ZBA by the Township Clerk or the Zoning Administrator, where available and applicable to the issue in question:
 - 1. The history of development on the site in question.
 - 2. A summary of past Township approvals, orders and decisions related to the site or issue in question.
 - 3. Whether all outstanding infractions related to this Ordinance or other Township ordinances have been resolved, other than the issue to be addressed by the ZBA.
- E. A concurring vote of a majority of the total ZBA membership shall be necessary to render a decision. The ZBA shall not conduct business unless a majority of its regular members are present.
- F. The Township Clerk shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official action. Such minutes shall also be filed with the Township Clerk.
- G. The ZBA shall have the power to require attendance of witnesses, and compel testimony and the production of documents, files, and other information pertinent to the matters before it.

11.05 APPLICATIONS

Applications to the ZBA shall be filed with the Township on a form provided by the Township, and a fee established by Township Board shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

- A. Applicant's name, address, telephone number, and email address.
- B. The address, location and tax identification number for each parcel involved in the request.
- C. Zoning classification of the subject parcel(s) and all abutting parcels.
- D. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
- E. A letter from the applicant summarizing the request, and stating the reasons for the request.

- F. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

11.06 APPEALS OF ADMINISTRATIVE DECISIONS

The ZBA shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the person or body charged with administration of the Zoning Ordinance. Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an officer, department, board or bureau of the Township affected by the order, requirement, decision, or determination, provided that a notice of appeal application is filed with the Township within a reasonable time of the order, requirement, decision, or determination, not to exceed twenty-one (21) days. An appeal shall stay all administrative proceedings associated with the appeal, unless the Zoning Administrator certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the Zoning Administrator would cause imminent peril to life or property.

The ZBA shall reverse an administrative decision only after finding that the order, requirement, decision, or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

11.07 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

- A. Interpretations: The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance, the Master Plan or any sub-area plans. This shall not include use determinations as provided for in this Ordinance, except upon appeal of a determination that has been made.
- B. Determinations of Similar Uses: In recognition that every potential use cannot be addressed in this Ordinance, the ZBA shall have the authority, upon referral by the Zoning Administrator or appeal of the Zoning Administrator's determination, to determine whether a proposed use not listed in this Ordinance is similar to a principal or special land use permitted by this Ordinance, subject to the following:
 1. Prior to making such a determination, the ZBA must find that the proposed unlisted use closely resembles a listed use in any zoning district, either by right or by special use permit, in terms of characteristics, intensity, nature and other applicable common elements of such uses, including but not limited to potential impacts on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety and welfare.
 2. If the ZBA finds that the proposed unlisted use is similar to a listed use in any zoning district, either by right or by special use permit, then the proposed unlisted use shall be permitted only in the zoning district(s) in which the similar listed use is authorized and only as a use by right or by special use permit, the same as the similar listed use. The proposed unlisted use would then be subject to all regulations and standards governing the similar listed use.
 3. If the ZBA finds that the proposed unlisted use is not similar to a listed use in any zoning district, either by right or by special use permit, then the proposed unlisted use shall not be permitted as a similar use under this subsection. The proposed use would only be allowed as authorized by an amendment to this Ordinance.

11.08 VARIANCES

Use variances shall be prohibited. The ZBA shall have authority in specific cases to authorize one or more dimensional variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. The ZBA may grant a requested dimensional variance only upon a finding that practical difficulties exist. A dimensional variance shall be granted when the ZBA finds that the applicant has provided evidence that all of the following standards have been met:

- A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
- B. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
- C. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, and cannot be solely economic in nature.
- D. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant.

11.09 HEARINGS & DECISIONS

The ZBA shall make no determination on a specific case until after a public hearing conducted in accordance with the requirements in Article 12. Each decision of the ZBA shall include a written record of the ZBA's findings and determinations in the case.

11.10 FEES

The Township Board may, from time to time, prescribe or amend a reasonable schedule of fees to be charged to applicants for applications to the ZBA. Such fees shall be paid to the Township at the time of filing the application.

11.11 LIMITATIONS OF AUTHORITY

- A. No order of the ZBA permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year, unless substantial construction has begun in furtherance of the ZBA order.
- B. The ZBA shall not consider appeals of any decisions by the Planning Commission or Township Board regarding requests for approval of amendments, site plans, or special land uses, as defined in this Ordinance.
- C. Except as otherwise provided in this Ordinance, the ZBA shall not have the authority to alter this Zoning Ordinance or Zoning Map.

12

Article 12 ADMINISTRATION, ENFORCEMENT, & VIOLATIONS

- 12.01. ZONING ADMINISTRATOR
- 12.02. FEE SCHEDULE AND ESCROW ACCOUNT FOR ZONING FEES
- 12.03. PERFORMANCE GUARANTEES
- 12.04. PUBLIC HEARINGS
- 12.05. REHEARINGS
- 12.06. ZONING PERMITS
- 12.07. VIOLATIONS & PENALTIES

12.01 ZONING ADMINISTRATOR

A Zoning Administrator shall be employed by and on such terms as shall be determined by the Township Board. The duties of the Zoning Administrator may be delegated by the Township Board to another employee of the Township or a consultant approved by the Township Board. It shall be the duty of the Zoning Administrator to:

- A. Receive applications for zoning permits and issue or deny same.
- B. Inspect buildings or structures in order to determine compliance with the zoning permits issued in compliance with this Ordinance.
- C. Be in charge of the enforcement of this Ordinance. The Township Board may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The Township Board may instruct the Zoning Administrator in writing, to initiate legal action. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary its terms in carrying out the Zoning Administrator's duties.
- D. Perform pre-application conferences, completeness reviews and technical reviews for all applications that include a site plan review, and to perform administrative reviews of applicable site plan review applications.

12.02 FEE SCHEDULE AND ESCROW ACCOUNT FOR ZONING FEES

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
 - 1. Zoning permits.
 - 2. Special use permits.
 - 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - 4. Classification of unlisted property uses.
 - 5. Requests for variances from the Zoning Board of Appeals.
 - 6. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board, or the Planning Commission shall not be subject to a zoning fee.
 - 7. Site plan reviews.
 - 8. Requests for a planned unit development (PUD).
 - 9. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- B. If the Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal or if the Planning Commission or Zoning Board of Appeals desires assistance in the review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

12.03 PERFORMANCE GUARANTEES

To ensure compliance with the Ordinance and any conditions imposed, the Planning Commission and/or Township Board may require that a cash deposit, irrevocable letter of credit, certified check, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the zoning permit.

The Township shall not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. If requested by the applicant of the site plan review, the Township shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

12.04 PUBLIC HEARINGS

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2008, as amended, and the following:

- A. Notice of the public hearing shall be:
1. Posted by the Township Clerk at the place the hearing will be held.
 2. Published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the public hearing.
 3. Sent by mail or personal delivery not less than fifteen (15) days before the date of the public hearing to:
 - a. The applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question. When a rezoning is considered involving 11 or more adjacent properties, these notices shall not be required.
 - b. All occupants of structures within three hundred (300) feet of the boundary of the

property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner, who shall post the notice at the primary entrance to the structure.

- B. The notice shall include all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property corners. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.

12.05 REHEARINGS

- A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
 3. The township attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:
1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known

address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

12.06 ZONING PERMITS

A. General:

1. No person shall erect, alter, move or demolish a structure, whether temporary or permanent, or to establish a new use or change in use for any parcel, without a zoning permit.
2. The Zoning Administrator shall issue a zoning permit if the proposed structure or use is in compliance with the provisions of this Ordinance.
3. The applicant shall furnish permits or approvals from all applicable agencies before the Zoning Administrator may issue a permit with the exception of the building permit.
4. A copy of each zoning permit will be retained by the Zoning Administrator as a part of the permanent records of the Township.
5. The Zoning Administrator shall promptly inform the applicant of the denial of a zoning permit if the proposed structure or use does not comply with the provisions of this Ordinance.
6. Issuance of a zoning permit, or approval of a site plan for a permitted use or special land use permit does not waive the requirements to comply with all applicable local, state and federal codes and statutes, including, but not limited to State Construction Code, Electrical Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code.

B. Application: Each application for a zoning permit shall include the following minimum requirements:

1. Plot Plan: Drawn to scale illustrating:
 - a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and if any building or other structure is already on the lot.
 - c. The existing and intended use of the lot and of all such structures upon it, including residential areas and the number of dwelling units that the building is intended to accommodate.
 - d. Such other information concerning the lot or adjoining lots as may be essential to determining that the provisions of this Ordinance are being observed.
2. Property Boundaries: In cases where property boundaries are not clearly indicated by corner

markers or other means, the Zoning Administrator may require, at the applicant's expense, the property to be located by a registered surveyor.

3. Evidence of Ownership: All applications for zoning permits under the provisions of this Ordinance shall include the land owner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by deed or land contract.
 4. Supporting Documentation: In the event the Zoning Administrator feels additional information is required before determining the suitability of an application for a zoning permit, the Zoning Administrator may request that the applicant submit such additional information as surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.
- C. Voiding Permit: Any permit granted under this section shall become null and void after one (1) year from the date of granting such permit unless substantial construction has begun in furtherance of the permit. The applicant shall have the option of extending the permit by a maximum of one (1) year upon written notice to the Zoning Administrator. Said notice shall be filed no later than five (5) working days following the expiration of the permit. If a zoning permit expires, the applicant will have to reapply as a new application.
- D. Inspection: The developer of the property is solely responsible for meeting the conditions and terms of the zoning permit and this Ordinance.

12.07 VIOLATIONS & PENALTIES

- A. Nuisance Per Se: Any uses, land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Municipal Civil Infraction: Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined above or who violates or fails to comply with any provision of this Ordinance, or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
- C. Penalties: Any person who shall violate any provision of this Ordinance in any particular, who creates or maintains a nuisance per se, or who fails to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed five hundred dollars (\$500.00), and each day such violation continues shall be deemed a separate offense.
- D. Enforcement Official: The Zoning Administrator, or other Township Board designee, is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- E. Nuisance Abatement: In addition to enforcing this Ordinance as a municipal civil infraction the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

13

Article 13 AMENDMENTS & SEVERABILITY

- 13.1. AMENDMENTS
- 13.2. SEVERABILITY
- 13.3. REPEAL
- 13.4. SAVINGS CLAUSE

13.01 AMENDMENTS

The Township Board may, after recommendation from the Planning Commission, amend, supplement, or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended, and the following:

13.01.01 Initiation Of Amendment

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, Zoning Administrator or by petition from one (1) or more residents or property owners of the Township. An amendment to the Official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, Zoning Administrator or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board, Planning Commission or Zoning Administrator.

13.01.02 Application

An amendment to this Ordinance, except those initiated by the Township Board, Planning Commission or Zoning Administrator, shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

- A. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
- B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property and surrounding properties.
- D. A written description of how the requested amendment meets the criteria stated in this Section.

13.01.03 Amendment Review Procedure

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

- A. **Completeness Review:** Upon receipt of an application to amend this Ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.
- B. **Technical Review:** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
- C. **Public Hearing:** The Planning Commission shall hold a public hearing for all proposed amendments in accordance with the procedures in Article 12.

- D. Planning Commission Consideration and Recommendation: Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the Township Board. In considering an amendment to the Official Zoning Map (rezoning) or Ordinance text, the Planning Commission shall consider the following factors in making its findings and recommendations, although not all standards must be met in order to recommend approval of an amendment:
1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
 3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
 4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Charlevoix County with unplanned capital improvement costs or other unplanned public expenses.
 5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
 6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
 7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
 8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
 9. Other factors deemed appropriate by the Planning Commission and/or Township Board.
- E. County Planning Commission Review and Recommendation: Following the public hearing, the Planning Commission shall submit the proposed amendment including any Zoning Map changes to the County Planning Commission for review and recommendation. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the proposed amendment, it shall be conclusively presumed that the County has waived its right to review.
- F. Township Board Action: The Township Clerk shall forward a copy of the proposed amendment, findings, and recommendation from the Planning Commission and County Planning Commission to the Township Board for consideration and final action.
1. The Township Board may adopt or reject the proposed amendment, or may refer the

amendment back to the Planning Commission for revision or further consideration. The Township Board may modify the proposed amendment before adopting.

2. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment. Furthermore, the Township Council shall hold a public hearing if requested by an interested property owner. Any public hearing held by the Township Board shall follow the procedures in Article 12.

13.01.04 Effective Date

A notice of adoption of an approved amendment shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The amendment's text or a summary of its regulatory impact, including the affected geographic area, must be published. The amendment shall become effective eight (8) days after being published or a later date as established by the Township Board.

13.01.05 Re-Application

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of one (1) year unless the Zoning Administrator determines that one (1) or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

13.02 SEVERABILITY

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

13.03 REPEAL

The prior Hudson Township, Michigan Zoning Ordinance, adopted by the Township Board of Hudson Township, in Charlevoix County, as Ordinance number A-38 in September 1988, as amended, is hereby repealed in its entirety.

13.04 SAVINGS CLAUSE

The repeal of the prior Hudson Township Zoning Ordinance as provided in Section 13.03 shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

14

Article 14 DEFINITIONS

14.01	RULES OF CONSTRUCTION	14.14	"M" TERMS
14.02	"A" TERMS	14.15	"N" TERMS
14.03	"B" TERMS	14.16	"O" TERMS
14.04	"C" TERMS	14.17	"P" TERMS
14.05	"D" TERMS	14.18	"Q" TERMS
14.06	"E" TERMS	14.19	"R" TERMS
14.07	"F" TERMS	14.20	"S" TERMS
14.08	"G" TERMS	14.21	"T" TERMS
14.09	"H" TERMS	14.22	"U" TERMS
14.10	"I" TERMS	14.23	"V" TERMS
14.11	"J" TERMS	14.24	"W" TERMS
14.12	"K" TERMS	14.25	"Y" TERMS
14.13	"L" TERMS	14.26	"Z" TERMS

14.01 RULES OF CONSTRUCTION

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

- A. The particular shall control the general.
- B. All words used in the present tense shall include the future.
- C. All words in the singular number include the plural number and all words in the plural number include the singular number, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary and the word "may" is permissive
- E. The masculine gender includes the feminine and gender neutral.
- F. All measurements shall be to the nearest integer, unless otherwise specified herein.
- G. The words "used" or "occupied" includes the words "intended," "designed", "arranged to be used or occupied" and "maintained."
- H. The word "building" includes the word "structure." The word "structure" includes the word "building." The word "dwelling" includes "residence." The word "build" includes the words "erect" and "construct."
- I. The word "person" includes "corporation," "copartnership," "partnership," "association," "incorporated association," "individual," or any similar entity.
- J. Words defined in this Article shall have their meaning construed as defined in this Article. Words or terms not defined in this article shall have the same meaning customarily assigned to them.
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or" the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- L. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

14.02 "A" TERMS

ABANDONMENT: To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

ACCESS: An established public or private road, subject to the requirements for either within this ordinance, or within an overall commercial or industrial development plan serving more than two parcels, lots or units.

ACCESSORY BUILDING OR STRUCTURE: A building or structure, that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal building and/or structure to which it is exclusively related.

ACCESSORY DWELLING UNIT: A separate, complete housing unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

ACCESSORY USE: A use that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity to receive at least seven (7) but not more than twelve (12) adults to be provided with foster care.

AGRICULTURAL ASSEMBLY SPACE: An agricultural tourism use designed to provide an assembly space for small-scale entertainment, weddings, birthday parties, corporate picnics, and other similar events on property that is actively engaged in agricultural processes.

AGRICULTURAL OPERATION: A contiguous tract of land which is directly farmed or used for commercial agriculture, including the sale of goods produced on the premises. An agricultural operation may include any farm dwelling and accessory buildings necessary for the storage or housing of farm implements, farm products, or farm animals or used for the operation of the farm. It also includes establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, dairy farms and apiaries and other similar activities.

AGRICULTURAL PROCESSING FACILITY: One or more facilities or operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use and surrounding property.

AIRPORT: An area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

ALLEY: Any dedicated vehicular or pedestrian way affording a secondary means of access between or behind buildings, that affords a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS: Any change, addition, or modification in construction to a structure or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams

or girders, the completed act of which may be referred to herein as “altered” or “reconstructed.”

ARCHITECTURAL FEATURES: The components of construction, either permanent or temporary, that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

ASPHALT PLANT: A plant for the manufacturing of asphalt and other forms of coated roadstone, also known as blacktop.

ASSEMBLY FACILITY: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors or outdoors as a principal or accessory use, including but not limited to schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

ASSISTED LIVING FACILITY: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATTIC: The area located between the ceiling of the highest habitable floor and the roof of the structure.

AWNING: A retractable or fixed shelter constructed of nonrigid materials on a supporting framework that projects from the exterior wall of a building.

14.03 “B” TERMS

BASEMENT: That portion of a building below the first or ground-floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height. This definition shall include a cellar that may be below grade with an entrance separate from the principal building.

BED AND BREAKFAST ESTABLISHMENT: A use that is subordinate to the principal use of a single-family dwelling, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests. The owner must be actively occupying the property during the time of operation.

BEDROOM: A room designed or used in whole or part for sleeping purposes and generally has a closet and window.

BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BILLBOARD: A type of advertising sign which is either erected on the ground or attached to, painted on, or supported by a building which directs attention to a business commodity, service, entertainment or other activity conducted, sold or offered at a place other than on the premises on which the sign is located

BOARD: See TOWNSHIP BOARD

BORDERING LANDS: All lands adjacent to a parcel of land, including, but not limited to those lands separated from the parcel by a road right-of-way, easements or public utility right-of-ways.

BREEZEWAY: A covered structure connecting an accessory building with the principal building making the two structures, one.

BUFFER-STRIP: A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING: A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

BUILDING, ACCESSORY: See ACCESSORY BUILDING.

BUILDING AREA: The space remaining on a property for building purposes after compliance with minimum building setback requirements and any applicable lot area coverage limitations.

BUILDING ENVELOPE: The area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

BUILDING HEIGHT: The vertical distance measured from the finished grade to the highest point of the building.

BUILDING, MAIN OR PRINCIPAL: means a building, or group of buildings where applicable, built, used, designed or intended for the principal use of the land on which it is situated.

BUILDING OFFICIAL: The Charlevoix County Building Department official(s) designated by the County Board of Commissioners to administer and enforce the Building Codes of the County. Duties include but are not limited to inspecting and reviewing new construction, installations, and alterations of private and public buildings to ensure that all applicable codes, laws, and regulations have been met; reviewing proposed construction plans and documents; issuing notices of code violations requiring corrective action; and testifying at hearings or court cases related to violations of codes, laws, or regulations.

BUSINESS SERVICES: An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, Township planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate.

BUILDING SITE: This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

BREWERIES: An industrial use that brews less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state, must be combined and all facilities for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility.

14.04 “C” TERMS

CAMPGROUND: A parcel of land that is intended and designed for recreational use to be occupied by transients using motorhomes, mobile trailers, and tents for lodging. Campsite shall not include any manufactured housing community, or park models.

CEMETERY: Land used for the burial of the dead, including a columbarium, crematorium, and/or mausoleum.

CERTIFICATE OF OCCUPANCY: A document signed by an authorized Building Official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the zoning ordinance.

CHANGE OF OCCUPANCY: The term “change of occupancy” shall mean a discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or, the expansion of a use.

CHILD CARE: The provision of care and supervision of children for periods of less than 24 hours a day. The term “child care” shall include the following:

- A. Commercial Day Care Center: A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term “child care center” includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term “child care center” does not include any of the following:
1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
 2. A facility operated by a religious organization where children are in the religious organization’s care for not more than three hours while persons responsible for the children are attending religious services.
 3. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
 4. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- B. Family Day Care Home: A private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated child for more than four weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As

used in this subsection, “providing babysitting services” means caring for a child on behalf of the child’s parent or guardian when the annual compensation for providing those services does not equal or exceed an amount that would obligate the child’s parent or guardian to provide a relevant IRS form, as amended, to the individual for compensation paid during the calendar year for those services.

- C. Group Day Care Home: A private home in which more than seven, but not more than 14, minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption, but including a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- D. Private Home: A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group child care home, or a family child care home.

CHURCH: See RELIGIOUS INSTITUTION

CLUB, LODGE AND FRATERNITY: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, public service, patriotic, or the like.

CO-LOCATE: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Co-locate does not include makeready work or the installation of a new utility pole or new wireless support structure

COMMERCIAL USE: The use of property where goods or services are provided directly to the consumer. As used in these regulations, “commercial use” shall not include industrial, manufacturing, or wholesale businesses.

COMMERCIAL ZONING DISTRICTS: A zoning district primarily established for commercial land uses. Commercial zoning districts shall include those zoned C: Commercial.

COMMUNITY CENTER: A building either owned and maintained publicly, or in cooperation under an owners association or manufactured home park owner, that is generally open to the public or members to rent, or as a safe haven in case of a natural or other disaster.

CONDOMINIUM: A condominium is a system of separate ownership of individual units in multi-unit projects according to PA 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- A. Condominium Act: Shall mean Michigan PA 59 of 1978, as amended.
- B. Condominium Lot: That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum setback requirements and other requirements set forth in the Dimensional Standards for each district of this Ordinance.
- C. Condominium Subdivision Plan: Drawings and information that show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Condominium, as amended.

Article 14 DEFINITIONS

- D. Condominium Unit: That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this ordinance
- E. Common Elements: Portions of the condominium project other than the condominium units.
- F. Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- G. Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. Convertible Area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- I. Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- J. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- K. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- M. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

CONTRACTOR ESTABLISHMENTS: Establishments primarily engaged in retailing new building material and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or outdoors under covered areas. The staff is usually knowledgeable in the use of the specific products being retailed in the construction, repair, maintenance of the home and associated grounds.

CONTRACTOR STORAGE YARD: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

CONSERVATION EASEMENT: Term as defined in section 2140 of the Natural Resources and Environmental Protection Act PA 451, MCL 324.2140.

CULTURAL INSTITUTION: A public or non-profit institution that engages in the cultural, intellectual, scientific, environmental, educational, or artistic enrichment of the community. Examples include, but are not limited to museums, libraries, historical societies, art galleries, botanical societies, land conservation organizations, performing art centers, scientific societies, and wildlife conservation societies. Cultural Institutions do not include any school or institution primarily engaged in religious or sectarian activities.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

14.05 “D” TERMS

DAY CARE CENTER: See “CHILD CARE CENTER

DECK: A platform that is typically attached to a house, and used for outdoor leisure activities.

DEVELOPMENT: The construction of a new building reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

DEVELOPMENT PLAN: A scale drawing which shows the location and dimensions of improvements upon a parcel of land, including, but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems and drainage facilities, and environmental features

DISTRICT: A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance. “Districts” as used herein is synonymous with the word “zones” or “zoning districts”

DRIVEWAY: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area.

DUMPSTER: A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having capacity of at least one cubic yard.

DWELLING: Any building, or part thereof: containing sleeping, kitchen and bathroom facilities designed for and occupied by an individual or one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

DWELLING, MULTIPLE-FAMILY: A dwelling or group of dwellings on one (1) lot and in one (1) structure, containing separate living units for three (3) or more families, but not including automobile courts, motels or hotels

DWELLING, ONE-FAMILY or SINGLE-FAMILY: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only.

DWELLINGS, TWO-FAMILY: A detached building designed exclusively for occupancy by two (2) families living independently of each other.

14.06 “E” TERMS

EARTH BERM, OBSCURING: An earthen mound of definite height, location and appearance, designed and intended to serve as an obscuring device in carrying out the screening requirements of this Zoning Ordinance.

EASEMENT: The legal right of an owner of property to use the property of another person for purposes of ingress, egress, utilities, drainage, and similar uses.

EDUCATIONAL INSTITUTIONS: Use of land or a building or buildings as or for an institution not

for profit but for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction and cultivation of the mind and or the inculcation of a clearer sense of moral and spiritual values. This does not include an institution or organization directed primarily to the physical training or development of physical or manipulative skills, or for-profit schools.

ENGINEER, TOWNSHIP: the person or firm authorized by the Township to advise the Township Manager, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

ESSENTIAL SERVICES: This shall include the erection, construction, alteration, or maintenance by public utilities, municipal departments or other governmental agencies of underground or overhead gas, electrical communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, cables, towers, fire alarm boxes, poles or other call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies. Essential services shall be permitted as authorized and regulated by law, the applicable standards of this Zoning Ordinance, and other applicable ordinances of the Township.

EXCAVATION: The removal or movement of soil, sand, stone, gravel, or fill dirt on or from any parcel except common household gardening, farming and general ground care.

EXTRACTIVE INDUSTRY: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

14.07 “F” TERMS

FAMILY: One or more persons related by blood, marriage, or legal adoption plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of individuals living together in one dwelling unit, under a relationship that is continuing, non-transient, and domestic character, who cook and live as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAMILY CHILD CARE HOME: A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household.

FARM: Contiguous land under single ownership, and which is actively operated as a single unit on which bona fide traditional farming is carried on as defined in the Michigan right to farm act, as amended (MCL 286.471 et seq.), directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees. and for the purpose of this Ordinance, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, dairy farms and

Article 14 DEFINITIONS

apiaries and other similar activities. The words "agriculture" and "farming" shall be considered synonymous.

FEED LOT: The feeding of livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

FENCE: An artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, mark a boundary, or constitute an obstruction to human passage regardless of the component material.

FILL: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

FINANCIAL SERVICES: Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

FLASHING SIGN: Any sign having a conspicuous and intermittent variation in the illumination of the sign

FLOOR AREA, GROSS: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

FLOOR AREA, MINIMUM GROUND: The minimum finished, conditioned, livable area, needed in a dwelling unit measured as the sum of the horizontal area of the first story, from exterior face of exterior walls.

FLOOR, GROUND: That portion of a building which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

FOR-PROFIT EDUCATIONAL INSTITUTIONS: Educational institutions that are privately controlled entities that are operated as a business with the expectation to generate a positive monetary return.

FOSTER CARE: The provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation provided at a single address. Providing room under a landlord and tenant arrangement does not, by itself, exclude a person from the licensure requirement under the Adult Foster Care Facility Licensing Act, Michigan PA 218 of 1979, as amended.

FOSTER FAMILY HOME: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of

the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER CHILD: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

FRONTAGE: The portion of any property that abuts a private or public street. A corner lot and a through lot have frontage on both abutting private or public streets.

FUNERAL HOME: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

14.08 “G” TERMS

GARAGE, PRIVATE: An accessory building designed or used for the storage or parking of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages do not have public repair facilities. A private garage may be either attached to or detached from the principal structures.

GARAGE, PUBLIC: A building, other than a private garage, used for the sale, repair, or equipment of automobiles, motorcycles, snowmobiles, boats and other similar vehicles or where such vehicles are parked or stored for remuneration, hire or sale.

GOLF COURSE: A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms, maintenance structures, driving range, practice facilities, instruction and trailing center. A golf facility may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required approval process.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and taking the average of such total averages.

GREENBELT, OBSCURING: A landscape area of definite width, height and location containing live plant materials of definite spacing or grouping designed and intended to serve as an obscuring device in carrying out the requirements of this Zoning Ordinance.

GREENHOUSES: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees, either seasonally or year-round.

GROUP CHILD CARE HOME: A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household

14.09 “H” TERMS

HEALTH CARE SERVICES: A clinic, business or institution that offers any type of healthcare to the public which requires as a condition precedent to the rendering of such care the obtaining of a license or other legal authorization. By way of example, without limiting the generality of this

definition, healthcare services include services rendered by chiropractors, dentists, osteopaths, physicians, dieticians, surgeons, podiatrists, physical therapists, counselors, and psychiatrists. Healthcare services does not include a hospital.

HOME OCCUPATION: An occupation or profession carried on as a subordinate use by a member of a family residing on the premises and which is clearly incidental and secondary to the use of the parcel of land for residential purposes and does not change the character thereof.

HOSPITAL: An institution that is licensed by the State of Michigan to provide in-patient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as laboratories, medical testing services, training facilities, central service facilities, and staff offices, staff dormitories, or other staff living accommodations, cafeterias and gift shops.

14.10 “I” TERMS

IMPERVIOUS COVERAGE: The part or percentage of the lot that is occupied by all buildings and/or structures, and impervious surfaces. The percentage is determined by dividing the sum of the ground floor area of all buildings and structures on a lot and impervious surfaces by the lot area.

IMPERVIOUS SURFACE: Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

INGRESS AND EGRESS: As used in this Ordinance, “ingress and egress” generally is used in reference to a driveway that allows vehicles to enter or leave a lot, or to a sidewalk that allows pedestrians to enter or leave a lot, a building, or another location.

14.11 “J” TERMS

JUNK: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

JUNKYARD: An open area where waste or used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, except for the normal household refuse which is stored only between regular pickup and disposal of household refuse; provided the same is not left for a period of over 30 days, in which case it shall be considered as junk. This definition does not pertain to uses conducted entirely within an enclosed building.

14.12 “K” TERMS

KENNEL: Any lot or premises on which four (4) or more dogs, or other household pets are either permanently or temporarily boarded. The term “kennel” shall also include any lot or premises where household pets are sold or bred with intent by property owner.

14.13 “L” TERMS

LAKE, PRIVATE: Any body of water, other than a public lake, which is owned by one person, group of persons, partnership, or corporation for use by the owners only.

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such

as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

LICENSED MARIHUANA FACILITY: The location(s) where the Permit Holder shall operate as a medical or recreational marihuana Grower, Processor, Secured Transporter or Safety Compliance Facility under the Acts and as allowed by Ordinance.

- A. Grower: a licensee that is a commercial entity located in this State that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
- B. Processor: shall have the same meaning as defined in MMFLA and MRTMA and shall apply to both medical marihuana facilities and recreational marihuana facilities.
- C. Safety Compliance Facility: shall have the same meaning as defined in MMFLA and MRTMA and shall apply to both medical marihuana facilities and recreational marihuana facilities.
- D. Secured Transporter: shall have the same meaning as defined in MMFLA and MRTMA and shall apply to both medical marihuana facilities and recreational marihuana facilities.

LIGHTING, SOURCE: The source of light shall refer to the lightbulb or filament which is exposed or visible through a clear material.

LIVERY: An establishment where boats or canoes are kept for hire or rent.

LIVE/WORK UNITS: A single unit (e.g. studio, loft, one-bedroom) consisting of both a residential and commercial/office component that is occupied by the same resident as their primary residence and primary occupation.

LIVING SPACE: That area within a structure intended, designed, erected, or used for human occupancy.

LOADING SPACE: A space that is safely and conveniently located on the same lot as the building being served, or group of buildings, for the temporary parking of delivery vehicles while loading and unloading merchandise or materials.

LOT OR ZONING LOT: A parcel of land described either by metes and bounds or by reference to a recorded plat, or a site condominium unit created in a recorded master deed, occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width as required by this Ordinance for the zoning district in which it is located.

LOT AREA: The total horizontal area within the lot lines of the lot, excluding any portion of abutting private streets.

LOT, CONTIGUOUS: Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

LOT, CORNER: A lot abutting on and at the intersection of two (2) or more streets. For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.

LOT, INTERIOR: Any lot other than a corner lot with only one (1) lot line fronting a street.

LOT COVERAGE: The amount of a lot, stated in terms of percentage that is covered by all roofed buildings and other structures located thereon. This shall be deemed to include all buildings,

porches, arbors, breezeways, patio-roofs and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences or swimming pools. The percentage is determined by dividing the ground floor area of all buildings and structures on a lot by the lot area.

LOT DEPTH: The horizontal distance between the front lot line and rear lot line, measured along the median between the side lot lines.

LOT, THROUGH OR LOT, DOUBLE FRONTAGE: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. If there are existing buildings in the same block fronting on one (1) or more of the streets, the required minimum front setback shall be observed on the street where buildings presently front.

LOT LINE: For the purpose of this Ordinance, a lot line is the boundary line between two (2) lots or the line between the properties of two (2) different owners.

- A. Front: In the case of an interior lot, the boundary line of the lot immediately adjacent to the right-of-way upon which the lot fronts, and in the case of a corner lot, the front lot line shall be the boundary line of the lot immediately adjacent to the street right-of-way on that side of the lot which has the narrowest street frontage. In the case of a waterfront lot, the front lot line shall be considered to be the lakeward or riverfront property line, and setback measurements shall be made from the ordinary high water mark.
- B. Rear: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- C. Side: Any boundary line not a front lot line or a rear lot line.

LOT LINE, WATERFRONT: The lot line separating the lot from a body of water.

LOT, WIDTH: The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT OF RECORD: A lot, the dimensions of which are shown on a document or map on file with the Township or county and which actually exists as so shown, or any part of such lot held in record ownership separate from that of the remainder.

14.14 “M” TERMS

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE: The principal use to which the lot is devoted and the principal purpose for which the lot exists.

MANUFACTURED HOME: A factory-built home constructed off-site after June 15, 1976 and transportable in one or more sections. A manufactured home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate. Manufactured homes include a permanent chassis constructed of metal beams that are structurally part of the dwelling, cannot be removed, and are supported by blocks and/or piers on footers. Also see Modular Home.

MANUFACTURED HOME DEVELOPMENT: A lot or lots under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and that

is offered to the public for the purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended to use incident to the occupancy of the mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

MANUFACTURING, FOOD: Establishments engaged in the manufacturing, processing, or packaging of food products for consumption.

MANUFACTURING, HEAVY: The manufacturing, assembly, fabrication, packaging or compounding of extracted or raw materials or other large scale specialized industrial operations having external effect which will be felt to some degree by surrounding uses. These activities or processes would necessitate the use or storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process, and have the potential to produce noise, dust, glare, odors or vibrations beyond the property line.

MANUFACTURING, LIGHT: The act of processing, assembling, fabricating, treating and packaging of raw or unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

MASTER PLAN: Any plan adopted or amended under this Michigan Planning Enabling Act, PA 33 of 2008, as amended. This includes, but is not limited to, a plan prepared by a planning commission authorized by the act and used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, Township plan, plan, or any other term.

MODULAR HOME: A factory-built home constructed off-site after 1971 and transportable in one or more sections. A modular home is designed constructed to the State's building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards. Also known as a factory built home or a Building Officials and Code Administrators (BOCA) home.

MOSQUE: See RELIGIOUS INSTITUTION

MOTEL: Groups of furnished rooms or separate structures providing overnight lodging and parking accommodations to the public for compensation.

MOTOR VEHICLE: Every vehicle that is self-propelled.

MOTOR VEHICLE REPAIR, GENERAL OR MINOR: The general mechanical repair, including overhaul and reconditioning of motor vehicle engines, transmissions and other mechanical repairs, but not including collision services such as body, frame or fender straightening and repair, painting or undercoating.

MOTOR VEHICLE REPAIR, MAJOR: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair, painting or undercoating.

MOTOR VEHICLE SERVICE CENTER: A use which is accessory to a designated retail commercial outlet located within a shopping center or which is within a building composed of the same construction material and of the same design as the shopping center, wherein automobile products such as motor oils, lubricants and various automobile parts retailed directly to the public by such retail commercial outlet are installed.

MUNICIPALITY: Hudson Township, Charlevoix County, Michigan.

14.15 “N” TERMS

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING LOT: Any use, whether located within a building or structure or on a lot, which does not conform to the the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

NONCONFORMING STRUCTURE: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

NONCONFORMING USE: Any use, whether a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment.

NURSERY: An area for the growing of plant materials not offered for sale on the lot.

NURSING HOME: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Such home shall conform and maintain licensure under applicable state law.

14.16 “O” TERMS

OCCUPIED: Used in any manner. Includes the meaning of intent, design, or arranged for occupancy.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

OPEN SPACE: That lot, including courts and/or yards, that is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot. Does not include land dedicated for street rights-of-way, off-street parking and loading spaces, an established use, or stormwater management.

ORDINARY HIGH WATER MARK: A line between upland and bottomland, which persists through successive changes in water levels, below which the present action of the water is so common and recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

OUTDOOR STORAGE: The keeping of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours in an unroofed area.

OWNER: A person holding any legal, equitable, option or contract interest in land.

14.17 “P” TERMS

PARCEL: See LOT.

PARK: Any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.

PATIO: An improved recreation area which is commonly made of pavement or pavers, no part of which is roofed.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that specific improvements, facilities, construction or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

PERSON: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PERSONAL SERVICES: Enterprises serving individual necessities, such as barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry cleaning establishments, photographic studios, pressing, dyeing, tailoring, shoe repair, tattoo parlors, and travel agencies.

PERVIOUS SURFACE: A surface that permits full or partial absorption of storm water.

PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

PLANNED UNIT DEVELOPMENT (PUD): Means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where necessary), provisions for public utilities, drainage and other essential services has been approved by the Township Board which has been, is being, or will be developed under the approved plan.

PLANNING COMMISSION: Planning Commission of Hudson Township, Charlevoix County, Michigan as established under in the Michigan Planning Enabling Act, PA 33 or 2008.

PLOT PLAN: A plan that is prepared according to requirements stated in this Ordinance, containing information required for such a plan. A plot plan is less detailed than a formal site plan. A plot plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site plan.

PORCH: A structure, which may be a covered, partially enclosed and is projecting out from a building. A porch may be cantilevered or attached to the ground.

POULTRY: A domestic fowl, such as chickens, turkeys, ducks, and geese.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

PRINCIPAL USE: See MAIN USE

PRIVACY SCREEN: An artificially constructed barrier of wood, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

PROFESSIONAL SERVICES: A business that offers any type of professional service to clients which requires as a condition precedent to the rendering of such service the obtaining of a license, higher education degree, or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include those rendered by certified public accountants, public accountants, engineers, architects, planners, landscape architects, interior designers, attorneys at law, life insurance agents, advertising, environmental analysts, insurance agents, management consultants, title agents, and realtors. Professional services shall not include healthcare or financial services, or veterinarian clinics.

PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

PROTECTED ROOT ZONE: The area surrounding the trunk of a tree established with a radius of one and a half (1.5) feet for every one (1) inch caliper of trunk where to grading, cutting, storing or materials, or moving of machinery may occur.

PUBLIC SAFETY OFFICIAL: The Public Safety Official refers generally to the persons who perform police, fire fighting, and other public safety functions for the Township.

PUBLIC USE: Basic services usually furnished by local government, but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

- A. Critical: such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.
- B. Essential: the erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.
- C. Supporting: public uses such as, but not limited to, Township hall, library, park, athletic fields, public recreational facility, open space, civic center, community center, official government offices, authority office, post office, special events authorized by the Township, etc., and associated facilities.

PUBLIC UTILITY: A person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing under governmental regulations, to the public, gas, steam, electricity, sewage disposal, communication, telegraph, telecommunication, transportation or water.

14.18 “Q” TERMS

14.19 “R” TERMS

RACE TRACK: A facility containing a measured dirt or paved roadway used for the sport of motor racing. It may include areas for parking, seating, concession areas, and other facilities to be used to enable the racetrack to function for the general public.

RECREATIONAL FACILITY: An entity which receives a fee, whether by membership or daily passes, in return for the provision of some active recreational activity including but not limited to: gymnastic facilities, indoor soccer, bike & skate parks, racquet clubs, tennis and pickle ball courts,

physical fitness facilities, swimming pools, athletic fields, yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness and including their ancillary support services.

RECREATIONAL LAND: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, sports fields, camping, swimming, picnicking, hiking, and nature trails.

RECREATION VEHICLE OR EQUIPMENT: shall include the following:

- A. Travel trailer or fifth wheel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, commonly identified as “travel trailer” by the manufacturer.
- B. Pickup camper, which is a structure designed primarily to be mounted in the bed of a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
- C. Motorized home, which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Folding tent trailer, which is a folding structure, mounted on wheels and designed for travel and vacation use, commonly referred to as a “pop-up” trailer.
- E. Boats and boat trailers, which shall include boats, floats and rafts, along with the necessary equipment to transport.
- F. Snowmobile and all-terrain vehicles, along with the necessary equipment to transport.

RELIGIOUS INSTITUTION: A place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

RESTAURANT: An establishment in which the principal use is the preparation and sale of food and beverage. The food and beverage may be consumed on-site, carried out, or offered for delivery. Restaurants may include the sale of prepared food and beverages to other establishments for resale or consumption.

RETAIL SALES ESTABLISHMENT: A commercial enterprise that provides new or used goods and/ or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RIDING STABLES & BOARDING FACILITIES: An establishment where horses or other animals that can be ridden by humans are kept for riding and boarding, and which offers access to the general public for a fee.

RIGHT-OF-WAY: A street, alley, or other roadway or easement permanently established for the passage of persons or vehicles and within which no permanent structures can be built.

ROADSIDE STAND: A temporary or permanent building operated for the purpose of selling produce raised or produced by the proprietor of the stand or his family on the premises. Such use in an agricultural or residential district shall not be deemed an approved commercial activity.

ROOF LINE: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

14.20 “S” TERMS

SCREENING: A wall, earth berm, fence or land used for growing heavy concentrations of trees and shrubs, or combinations of these, for the purpose of shielding the view of one use of land from another, and for the protection of adjoining premises.

SELF-STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate controlled facilities.

SEMI-TRAILER: A trailer, that may be enclosed or not enclosed. having wheels generally only at the rear, and supported in front by a truck tractor, towing vehicle, or dolly.

SETBACK: The minimum horizontal distance from an applicable lot line within which no building or structure can be placed, except as otherwise provided in this Ordinance.

SEXUALLY ORIENTED BUSINESS: A business or commercial enterprise engaging in any of the following, or other similar uses:

- A. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
 - 3. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty five (25%) percent or more of the floor area or visible inventory within the establishment.
- C. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. Adult Motel: A hotel, motel or similar commercial establishment that:
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- H. Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in section 2 of Act No. 343 of the PAs of 1984, being section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in section 3 of PA 33 of 1978, being section 722.673 of the Michigan Compiled Laws.
 - a. Specified Anatomical Areas: Means and includes any of the following:
 - 1) Less than completely and opaquely covered:
 - i Human genitals
 - ii Pubic region
 - iii Buttocks
 - iv Female breast below a point immediately above the top of the areola.

- 2) Human male genitals in a discernible turgid state even if completely or opaquely covered.
- b. Specified Sexual Activities: Means and includes any of the following:
- 1) Human genitals in a state of sexual arousal.
 - 2) Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus.
 - 3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - 4) Excretory functions as part of or in connection with any of the activities set forth in 1) - 3) above.

SIGN: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. See Article 5 for definitions of individual sign types.

SIGN, ABANDONED: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of billboard signs; or at least 360 days in the case of all other signs.

SIGN AREA: The sign area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed; provided, however, any open space contained within the outer limits of the display face of a sign or between any component, panel, strip, or figure of any kind composing the display face shall be included in the computation of the area of the sign, whether such open space is enclosed or not by a frame or border. For double-faced signs, each display face shall be measured or counted in computing the sign area. All lettering and other sign elements printed or mounted upon a wall of a building without any distinguished border, panel or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation and enclosed tightly with an imaginary line to define the area for computation.

SINGLE FAMILY DETACHED DWELLINGS: A residential structure designed to house a single-family unit not attached to any other dwelling unit.

SITE PLAN: A plan showing all salient features of a proposed development so that it may be evaluated in order to determine compliance with the applicable requirements of this Ordinance.

SOLAR INSTALLATIONS, GROUND-MOUNTED: A personal system installed on the ground of a lot as a principal or accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

SOLAR INSTALLATIONS, ROOF-MOUNTED: A private system installed on the roof of a building as an accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

SOLAR ENERGY FARMS: A utility-scale commercial facility that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various

experimental solar technologies. The primary purpose is the wholesale or retail sale of generated energy off site.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or religious importance, that is organized and sponsored by a non-profit community group, congregation, organization, club or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a defined short period (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL LAND USE: A use of land which requires compliance with certain development or location conditions as set forth for the use in this Zoning Ordinance. A permitted special land use is not a nonconforming use.

STABLE, LIVERY: A structure or shelter where horses, owned and not owned by the proprietor of the property, are boarded or are kept for remuneration, and where horses may be ridden by the public and trained.

STABLE, PRIVATE: A structure or shelter with capacity for not more than three horses which are not boarded and are not for hire or sale and are owned by the immediate family.

STABLE, PUBLIC: A building where horses for hire, sale, or boarding are kept, for remuneration.

STORY: That part of a building included between the surface of one floor and the surface of the next floor or the roof next above it. A story shall not include a basement, unhabitable attic or mezzanine as defined herein.

STORY, HALF: That portion of a building between the eaves and ridge lines of a pitched roof which may or may not be used for tenant purposes

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation.

STREET, PRIVATE: A street which provides the principal means of access to abutting land use, portions of which may be owned and controlled by the abutting property owners, and which may or may not be open to public use.

STREET, PUBLIC: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

STREET LOT LINE: A dividing line between the street and a lot, also known as the right-of-way line or front property line.

STRUCTURAL ADDITION: Any alteration that changes the location of an exterior wall of a building or modifies the area of a building.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, tents, greenhouses, sheds, antennae, swimming pools, signs, and billboards.

SUBDIVISION PLAT: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, PA 288 of 1967, as amended, and the Municipal land division regulations.

SYNAGOGUE: See RELIGIOUS INSTITUTION

SWIMMING POOL: Any permanent, non-portable structure or container, located either partially or totally below grade, designed to hold water to a depth of greater than twenty four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

14.21 “T” TERMS

TASTING ROOM: Means any of the following:

- A. A location on or off the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactured.
- B. A location on or off the manufacturing premises of a wine maker or small winemaker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled.
- C. A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured.
- D. A location on or off the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured.
- E. A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured.

TELECOMMUNICATION TOWERS: Any structure designed and constructed primarily for the purpose of supporting one or more personal wireless service facility antennas, including but not limited to monopoles, guyed towers, and lattice towers.

TEMPORARY USE OR BUILDING: A use permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

THEATER: An outdoor area or building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

TOWNSHIP BOARD: The elected legislative body of Hudson Township, Charlevoix County, Michigan.

TOWNSHIP PLANNER: The Township Planner is the person or firm designated by the Township Board to advise the Township Board, Planning Commission, and Township staff on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

14.22 “U” TERMS

USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

14.23 “V” TERMS

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

VETERINARY CLINIC: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

14.24 “W” TERMS

WALL: An upright structure, typically constructed of wood, masonry, or stone materials, that encloses, divides, or protects an area.

WETLAND: A wetland as defined by Part 303: Wetland Protection Act of Michigan’s Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

WINERIES: A facility licensed to manufacture wine and to sell that wine to a wholesaler, to a retailer, to a consumer by direct shipment, or retail on the licensed winery premises.

WIRELESS COMMUNICATION EQUIPMENT: The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

WIRELESS SUPPORT STRUCTURE: Means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

WIRELESS TELECOMMUNICATION FACILITY: All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving signal and may include, but is not limited to: radio and television towers; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; television reception antennae; satellite dishes; and governmental facilities that are subject to state and federal law or regulations that preempt municipal regulatory authority.

14.25 “Y” TERMS

YARD: The space between a principal building, excluding steps and unenclosed porches, and a lot line.

- A. Front Yard: The yard between the principal building and the front lot line extending across the entire width of the lot.
- B. Side Yard: The yard between the principal building and a side lot line extending between the front yard and the rear yard.
- C. Rear Yard: The yard between the principal building and the rear lot line extending across the entire width of the lot.

14.26 “Z” TERMS

Article 14 DEFINITIONS

ZONING ADMINISTRATOR: The Township employee hired by the Hudson Township Board, authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearings, and similar work.

ZONING BOARD OF APPEALS: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to serve as the Zoning Board of Appeals for Hudson Township.

ZONING DISTRICT: See DISTRICT

ZONING PERMIT: A standard form issued by the Zoning Administrator, upon application and declaration by the owner or his duly authorized agent, granting approval for the construction or use for which an application was made.