



Markey Township

ZONING ORDINANCE

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CHAPTER 1

TITLE AND PURPOSE

Section 1.01 Preamble

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

Section 1.02 Enacting Clause

The Township of Markey, County of Roscommon, State of Michigan, ordains:

Section 1.03 Title

An Ordinance enacted pursuant to the authority contained in Act 110 of 2006 , as amended, known as the “Michigan Zoning Enabling Act” for the establishment of zoning districts in the unincorporated portions of Markey Township, within the districts the use of commerce, forestry, recreation, residence, water supply conservation, and additional uses of land may be encouraged, regulated, or prohibited; for the adoption for such



districts of provisions designating or limiting the location, height, bulk, number of stories, uses and size of dwellings, buildings and structures, including tents, recreation vehicles, and travel trailers which may hereafter be erected or altered; for the regulation of the area yards, courts, and measures that shall be required for such dwellings, buildings and structures, including tents, recreation vehicles, and travel trailers; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents, recreation vehicles, and travel trailers; to provide regulation, as allowed in said Public Act 110, for the elimination, repair, or maintenance, of buildings and structures, and uses of land that are made non-conforming by the adoption of this Ordinance; to establish a Zoning Board of Appeals, and to grant authority to hear and decide on matters referred to the Zoning Board of Appeals, including appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Ordinance adopted under Public Act 110 of 2006; to provided standards to guide actions and decisions of said Board; to provide to the enforcement of the provisions of this Ordinance and penalties and other relief for the violation of said Ordinance; and to provide for the amendment thereof and the repeal of all Ordinance or parts of the Ordinance in conflict therewith.

Section 1.04 Short Title

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

Section 1.05 Scope

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

Section 1.06 Control

Where this Ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this Ordinance shall control.



Chapter 2

Definitions

Section 2.01 Construction of Language

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. The word “occupied” includes arranged, designed, built, altered, converted to, rented, and leased.
- H. The words “zone” and “district” are the same, meaning a Zoning District as herein defined.
- I. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.



2. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 3. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- J. Terms not herein defined shall have the meaning customarily assigned to them.
- K. This Ordinance contains various cross-references and citations to other provisions of the Ordinance or to provisions of other laws intended for helpfulness to the reader. However, should additional requirements apply in addition to any cross-reference a person must meet those obligations of the Ordinance. Further, understanding that cross-references may change due to updates to this Ordinance or other laws: (1) the Ordinance Administrator is empowered to make determinations as to requirements of the Ordinance that apply, which may result from changes impacting cross references; (2) the Township may recodify this Ordinance to fix erroneous cross-references citations to provisions of this Ordinance (without adjusting the substantive content of this Ordinance) without undertaking a formal amendment; and (3) any person shall not be deemed not in compliance with this Ordinance due to the impossibility of fulfilling Ordinance provisions caused by an errant cross-reference.

Section 2.02 Definitions - A

ACCESSORY (ACCESSORY STRUCTURE) - A building or a portion of a building subordinate to, and on the same premises as a main building and occupied by or devoted exclusively to an accessory use, including but not limited to a private garage.

ACCESSORY DWELLING UNIT (ADU) – A type of accessory building and accessory use available subject to the regulations of each zoning district, allowing for an additional small residence on the same lot as a single-family detached dwelling. An ACCESSORY DWELLING UNIT may be a detached accessory building or attached to a primary dwelling unit, consistent with the provisions for ACCESSORY BUILDINGS.



ACCESSORY USE, OR ACCESSORY - A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building on the lot.

ACCESSORY USE, LOW PROFILE - An accessory use that is incidental in a Residential Zoning District and which has no discernable impact on the neighborhood.

ADULT FOSTER CARE FACILITY - A facility defined as an “ADULT FOSTER CARE FACILITY” by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An “adult foster care facility” includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

ADULT FOSTER CARE

- A. FAMILY HOME - A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The ADULT FOSTER CARE FAMILY HOME licensee shall be a member of the household, and an occupant of the residence.
- B. GROUP HOME - A private residence with the approved capacity to receive more than six (6) adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The ADULT FOSTER CARE GROUP HOME licensee shall be a member of the household, and an occupant of the residence.

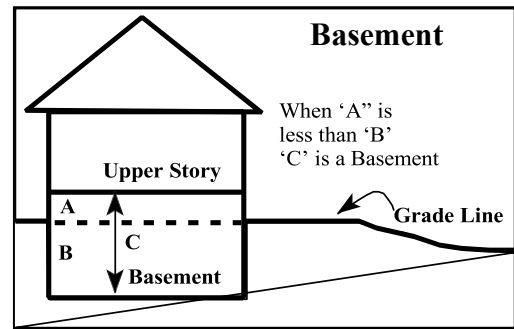
AGRICULTURE - Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

AFFORDABLE HOUSING – Consistently with the definition utilized by the US Department of Housing and Urban Development, housing within which the occupant pays no more than 30 percent of gross income for housing costs, including utilities.



Section 2.03 Definitions - B

BASEMENT - A portion of a building partly below the average grade, that portion being more than one-half (½) of its height below the average grade. A basement shall not be counted as a story.



BED AND BREAKFAST ESTABLISHMENT -

A single family residential structure which is occupied by the owner(s) and has one (1) or more of the sleeping rooms available for rent by transient people, and in which the owner(s) serves the breakfast to the transient people at no extra cost.

BERM - A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BOARD - The Markey Township Board.

BOARD OF APPEALS, OR ZONING BOARD OF APPEALS - The Zoning Board of Appeals of Markey Township.

BOAT HOUSE - A structure that encloses a boat well, used to store boats or other structure that encloses a boat well, used to store boats or other like equipment. Such structures shall not be used for guest or sleeping quarters, saunas, or dwelling purposes.

BREEZEWAY - A covered structure significantly connecting an accessory building with the principal building making the two (2) structures, one (1).

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 - An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

BUILDING, PRINCIPAL - See PRINCIPAL BUILDING.



BUILDING HEIGHT - See “HEIGHT OF BUILDING”

BUILDING SETBACK LINE - The line established by the minimum required setbacks forming the area within a lot in which a main building may be located, unless otherwise provided by the Ordinance.

BUILDING OFFICIAL, OR BUILDING INSPECTOR - The persons designated by the Township Board to administer the provisions of the adopted Building Codes for Markey Township.

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.

Section 2.04 Definitions – C

CAMPGROUND - A public or privately-owned establishment intended or used for the purpose of supplying a location for temporary or recreational overnight camping.

CELLULAR COMMUNICATION TOWER - See Section 2.23 WIRELESS COMMUNICATION TOWER, COMMERCIAL.

CHILD CARE CENTER - Is one of the following:

- A. **DAY CARE CENTER** - A facility, other than a private residence, authorized by the State of Michigan, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.



- B. FAMILY DAY CARE HOME - A private home in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- C. GROUP DAY CARE HOME - A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

“Child Care Center” does not include a Sunday School, a Vacation Bible School, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

CHURCH - A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

CLUB - An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL - Any use connected with, or work intended for financial gain.

COMMERCIAL STORAGE WAREHOUSE/MINI-STORAGE UNITS - A building or buildings used primarily as a commercial business for the storage of personal goods and materials of individuals or households, but not limited to these groups. COMMERCIAL STORAGE WAREHOUSES are commonly referred to as “mini-storage units” or “self-storage units”.



COMMUNITY CENTER - A building either owned and maintained publicly, or in cooperation under an owner's 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.

Section 2.05 Definitions - D

DAY CARE CENTER - See "CHILD CARE CENTER."

DRIVE-THROUGH FACILITY - A business so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in their motor vehicle, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DUPLEX – See DWELLING, TWO-FAMILY.

DUPLEX, DETACHED – A form of TWO-FAMILY DWELLING allowing for the separation of two permitted primary dwelling units in a layout similar to that of two SINGLE FAMILY DETACHED DWELLINGS.

DWELLING UNIT - A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other rooms or DWELLING UNITS which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the DWELLING UNIT and shall comply with all applicable provisions of this Ordinance for dwellings.

DWELLING, MULTIPLE-FAMILY - A building or lot containing three (3) or more individual dwelling units.

DWELLING, SINGLE FAMILY DETACHED - A building containing only one (1) dwelling unit.

DWELLING, TWO-FAMILY - A residential structure or lot containing two separate living units, distinct from an ACCESSORY DWELLING UNIT in that both dwellings are approximately the same size. Dwelling units are to be placed either side-by-side, in a stacked design, or in a DETACHED DUPLEX configuration where permitted.



Section 2.06 Definitions – E

EAVES - The lower border of the roof that overhangs the wall.

ENERGY STORAGE FACILITY- A system that absorbs, stores, and discharges electricity (e.g., using batteries) generally to be transmitted to off-site customers.

ENFORCEMENT OFFICER - The person authorized by the Township Board to issue Municipal Civil Infraction citation for Ordinance violations.

ERECTED - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term “ESSENTIAL PUBLIC SERVICES” shall not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network.

EXCAVATION - Any breaking of ground, except common household gardening and ground care.

EXOTIC ANIMAL - See “WILD OR EXOTIC ANIMAL”

Section 2.07 Definitions - F

FAMILY - A person living alone in a single dwelling unit, or two (2) or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. “FAMILY” does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.



FAMILY DAY CARE HOME - See “CHILD CARE CENTER”

FARM - Any parcel or the contiguous neighboring or associated parcels operated as a single unit which is used for raising agricultural products, livestock, poultry, or dairy products as a source of income for the owner-operator, manager, or tenant farmer, carried on by his own labor or with the assistance of members of his household or hired employees. FARMS may include a single-family dwelling and may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur-bearing animals or game, stock yards, or sand and gravel pits shall not be considered farms. For the purposes of this Ordinance, the following additional definitions shall apply:

- A. Farm operation. A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- B. Farm product. Those plants and animals useful to human beings and includes, but not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

FENCE - A barrier intended to mark a boundary, enclose animals or property, or a decorative device or planting. Generally made of wood, metal, wire, masonry, or vegetation.

FESTIVAL - A periodic seasonal program of cultural or sporting events or other entertainment.

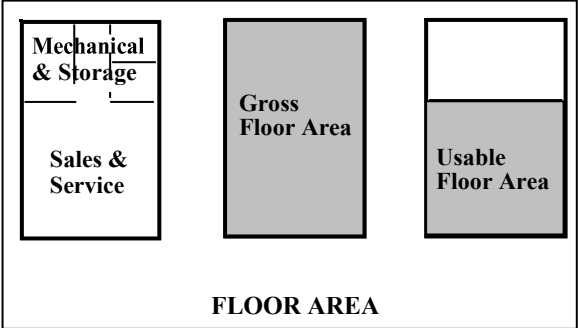
FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters. The unusual and rapid accumulation or runoff of surface waters from any source.



FLOOD PLAIN - All areas adjoining a lake, stream, river, creek, or a channel which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the Township Board, or by applicable federal, state, or other local agency having regulatory authority over floodplains.

FLOOR AREA, GROSS - The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls excluding basements.

FLOOR AREA, DWELLING – For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the Sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior wall. The main floor area shall be a minimum of 720 square feet for residential dwelling units, except a minimum of 1000 square feet shall be required within the R1A District. The floor area measurement is exclusive of areas not having a clear height of seven (7) feet six (6) inches, the basements, attics, attached garages, breezeways, enclosed or unenclosed porches, patios, terraces, carports, verandas, and attached accessory buildings.



FLOOR AREA, USABLE (For the purposes of computing parking) - That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of USABLE FLOOR AREA. Measurement of USABLE FLOOR AREA shall be the sum of the horizontal areas of all floors of the building measured from the interior faces of the exterior walls.

FRONTAGE - The continuous linear distance of that portion of a parcel abutting upon a public street, right-of-way, private street, private easement or waterway.



Section 2.08 Definitions - G

GARAGE SALE - A temporary event where household goods are sold by the occupants and owners of a property, or by their relatives.

GRADE - The gradient, the rate of incline or decline expressed as a percent. (A rise of twenty (20) feet in a horizontal distance of eighty (80) feet would be expressed as a grade of twenty-five (25) percent.

GRADE, AVERAGE - The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

GROUP DAY CARE HOME - See “CHILD CARE CENTER”

Section 2.09 Definitions – H

HEIGHT OF BUILDING - The vertical distance measured from the average grade to the highest point of a structure.

HOME BASED BUSINESS - An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit but which has a potential to possess characteristics resulting in non-compliance with the more traditional Home Occupation Standards of this Ordinance.

HOME OCCUPATION (See Accessory Use, Low Profile) - An occupation or profession carried on within a portion of a dwelling unit, or accessory building, that is clearly a customary, incidental, and secondary use of the residence, and which does not negatively impact the residential character of the neighborhood in which the HOME OCCUPATION is located.



HOSPITAL - An institution providing health, services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL/MOTEL - A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities. A hotel/motel generally differs from a short-term rental as the land use is designed for transient stays of guests, while a short-term rental usually involves short-term renting of traditional housing units (e.g., those designed without a lobby for check-in and are owner-operated).

HUNTING RESERVE - An area of land specifically designated as being set aside for hunting of wild game.

Section 2.10 Definitions - I

INDUSTRY - A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise.

INTENSIVE LIVESTOCK OPERATIONS - An operation where live animals or poultry are concentrated or restricted, to an area more limited than to natural feeding habitats and containing one or both of either 'A' or 'B', below:

- A. A total of four hundred (400) mature dairy cattle (all classes); five hundred (500) slaughter or feeder cattle; one thousand two hundred fifty (1,250) swine (each weighing 55 pounds or more); three hundred (300) horses; five thousand (5,000) sheep or lambs; twenty seven thousand five hundred (27,500) turkeys; fifty thousand (50,000) laying hens or broilers (with continuous overflow watering); fifteen thousand (15,000) laying hens or broilers (with a liquid manure system); twenty five hundred (2,500) ducks, or a combination of the above equal to or exceeding five hundred (500) animal units.

OR



- B. A population per acre of at least four (4) mature dairy cattle (all classes); five (5) slaughter or feeder cattle; twelve (12) swine (55 pounds or more); three (3) horses; fifty (50) sheep or lambs; two hundred fifty (250) turkeys; five hundred (500) laying hens or broilers; twenty-five (25) ducks; or a combination of the above equal to or exceeding five (5) animal units per acre.
- C. For the regulations applicable to INTENSIVE LIVESTOCK OPERATIONS, the term “per acre” shall mean the total contiguous acreage under the control of the applicant.
- D. For the purpose of this Ordinance, one (1) animal unit shall be equivalent to one thousand (1,000) pounds of live body weight.

Section 2.11 Definitions - J

JUNK - Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances.

JUNK YARD - An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Section 2.12 Definitions - K

KENNEL - Any lot or premise on which three (3) or more dogs, cats, or other household pets, four (4) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred, sold, or treated for commercial purposes.



Section 2.13 Definitions - L

LAND USE PERMIT - A permit for commencing construction, or a land use, issued by the Ordinance Administrator, in accordance with a plan for construction or use that complies with all the provisions of this Zoning Ordinance.

LOADING SPACE - An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

LOT - A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings or utilized for principle and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A LOT may or may not be specifically designated as such on public records. A LOT may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual LOT which does not meet the requirements of this ordinance:

- A. A platted lot, or a portion of a platted lot;
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
- C. A "Building Site" as defined in this Ordinance in connection with a site condominium project.

LOT, CORNER - Any lot having at least two (2) contiguous sides abutting upon a road, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty- five (135) degrees.

LOT, DOUBLE - A parcel maintaining twice the minimum amount of lot width and twice the minimum area for its zoning district.

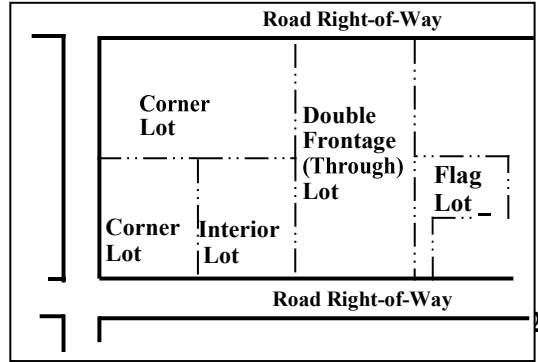


LOT, FLAG - A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

LOT, INTERIOR - A lot other than a corner lot, flag lot, or through lot.

LOT, THROUGH - Any interior lot having frontage on two (2) parallel streets. In the case

of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.



LOT, FRONTAGE WATERFRONT - A lot having a property line abutting a shoreline, including lots abutting lakes, canals, and rivers.

LOT AREA - The total horizontal area within the lot lines. For the purposes of this Ordinance, where the front or side lot line is the centerline of the right-of-way or private easement, or a portion of the lot lies in part of the right-of-way or easement, that portion of the lot shall not be considered when calculating the required LOT AREA.

LOT COVERAGE - The total area occupied by the principal dwelling, all accessory buildings, and accessory structures such as breezeways, carports, gazebos, decks, patios and similar structures shall not exceed the maximum lot coverage permitted in each district. Lot coverage shall be measured from the drip line of the roof.

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

LOT LINES - The lines bounding a lot as defined herein:

- A. **FRONT LOT LINE** - In the case of a Flag Lot or Interior Lot, it is the line separating the lot from the street. In the case of a Corner Lot or Through Lot, it is that line separating said lot from either street. In the case of a Waterfront Lot, it is the line separating the lot from the water.



- B. REAR LOT LINE - The lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- C. SIDE LOT LINE - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street or road is a STREET SIDE LOT LINE. A side lot line separating a lot from another lot is an INTERIOR SIDE LOT LINE.

LOT OF RECORD - A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH - The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the required front setback line intersects the side lot lines.

Section 2.14 Definitions - M

MANUFACTURED HOME - A transportable, factory-built home, designed to be used as a year - round residential dwelling.

MANUFACTURED HOME PARK - A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MARINA - An establishment for the parking, storage, repair, and sale of boats and other watercraft, but generally include restaurants, boat and watercraft supply shops, and similar uses.



MASTER PLAN - The comprehensive plan known as the “Markey Township Master Plan” currently adopted by Markey Township, including written proposals indicating the general physical development of the Township, and any unit or part of such Plan and any amendment to such Plan.

MINI-STORAGE UNITS - See Section 2.04, COMMERCIAL STORAGE WAREHOUSE.

MOTEL/RESORT - Groups or furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as MOTELS, RESORTS, motor courts, or cabin courts.

Section 2.15 Definitions - N

NONCONFORMING BUILDING OR STRUCTURE - A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the Zoning District in which it is located.

NONCONFORMING LOT - A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the Zoning District in which it is located.

NONCONFORMING USE - A use or activity of property that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the Zoning District in which it is located.

NONRESIDENTIAL DISTRICT - This term shall include the C-1, C-2 and Airport Service Zoning Districts.

NONRESIDENTIAL USE-A use other than for residential purposes excluding open space.



NURSING HOME - A nursing care facility licensed as a “NURSING HOME” by the State Department of Public Health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15(20101) et seq.), as amended. A “NURSING HOME” as defined by this section shall include extended care facility and convalescent home.

Section 2.16 Definitions - O

OFF-STREET PARKING LOT - A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OFFICE - A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, accounting, filing, recording, communication or stenographic equipment for current use in the office business, including personnel engaged in executive, administrative, professional, political, informative, research or clerical duties, and other similar related or incidental furniture equipment or personnel connected or concerned with the performance of a service.

OPEN AIR BUSINESS - Retail sales establishments operated substantially in the open air, including:

- A. Utility truck or trailer, motor vehicle, boats, recreational vehicles, or home service equipment sales or rental.
- B. Outdoor display area for sale or rent of recreation vehicles, manufactured homes, swimming pools, farm implements, commercial construction equipment, and similar goods.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumberyards.

OPEN SPACE - Any space suitable for growing vegetation, recreation, or gardens, but not occupied by buildings or structures.

ORDINANCE ADMINISTRATOR/ORDINANCE ADMINISTRATOR - The administration officer appointed by the Township Board to carry out the provisions of this Ordinance.



ORDINARY HIGH-WATER MARK - The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ORDINARY HIGH-WATER MARK shall be the higher of the levels generally present.

Section 2.17 Definitions - P

PARKING SPACE - An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT - A commercial business conducting services that are performed primarily on the premises.

PET, INDOOR HOUSEHOLD ANIMAL – An animal normally considered an indoor pet including, but not limited to, dog, cat, fish, ferret, hamster, gerbil, certain reptiles and birds. Pets do not include animals in which their possession is prohibited by local, state or federal law. Pets further do not include wild or exotic animal or farm animals such as those referred to in Section 3.21(b).

PLANNED UNIT DEVELOPMENT (PUD) - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements to permit flexibility in the regulation of land development as authorized by the Michigan Zoning Enabling Act.

PLANNING COMMISSION - The Markey Township Planning Commission.

PREMISES - A lot, including the land, main building, and any accessory buildings.

PRINCIPAL BUILDING - A building in which the main use of the premises is conducted on which the building is situated (Also know as MAIN BUILDING).



PRINCIPAL USE - The main, primary, or predominate use of the premises. (Also known as MAIN USE)

PRIVATE PARK AND SPORTS AREA - An area utilized by private or institutional clubs or organizations to provided noncommercial outdoor recreation facilities such as golf courses, archery ranges, recreational camps, picnic grounds, ball fields, and beach access.

PUBLIC UTILITY - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

PUBLIC WATER - The supply of potable water from a municipal department, board, or commission authorized to furnish such, or a private firm or corporation permitted to provide such service via a community system. All public water systems shall meet the minimum standards of the local, State, and Federal agencies regulating drinking water.

Section 2.18 Definitions - R

RECREATIONAL VEHICLE OR EQUIPMENT - Vehicles or equipment used primarily for recreational purposes, excluding motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this Ordinance, RECREATIONAL VEHICLE shall also mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- B. Boats and personal watercraft, and trailers designed to transport boats and personal watercraft;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles; and



E. Pop-up tent and camper trailers.

F. Any type or size of tent.

RECYCLING CENTER - An area where used, or discarded materials are brought, then disassembled or separated, then stored, baled, packed, or handled for sale or exchange to be re- processed into another useful product. These materials include but are not limited to: scrap iron and other metals, paper, rubber, corrugated paper and paper board, glass, and plastic.

RESIDENTIAL DISTRICT - This term shall include the A-1, R-3, R-2, R-1a, R-1b, and MHP Districts, and any residential uses within an approved Planned Unit Development District.

RESIDENTIAL POLE BARN - A typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, construction trade storage or for general storage within a residential area and not intended for commercial use or human habitation.

RESORT – A group of three or more detached living units under single ownership, rented for limited periods, and intended to be occupied seasonally.

ROAD, PRIVATE - An undedicated, privately controlled and maintained in compliance with the provisions of this Ordinance which provides access to abutting property.

ROAD, PUBLIC - A public dedicated right-of-way controlled and/or maintained by the Roscommon County Road Commission, Michigan Department of Transportation, or the U.S. Department of Transportation, which affords the principal means of access to abutting property.

ROAD, SECONDARY - On a corner lot, it is the road adjacent to the street side yard.

ROADSIDE SALES – An area adjacent to a roadway, for the purpose of exchanging goods for money or services.

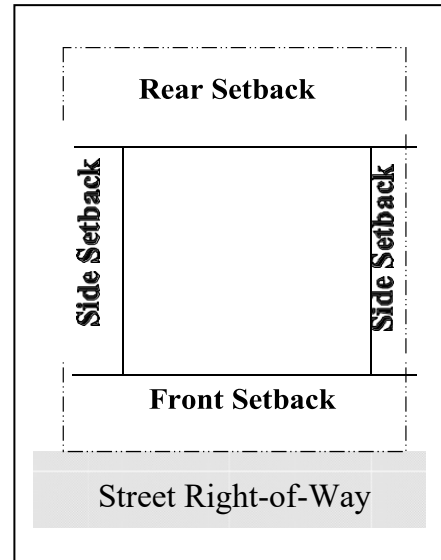


Section 2.19 Definitions - S

SALVAGE YARD - An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA - An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SETBACK - The minimum distance by which any building or structure must be separated from the lot lines, roadways, or from the other buildings or uses. For the purposes of administration of this Ordinance, building setbacks shall be measured from the building drip line.



SEXUALLY ORIENTED BUSINESSES - The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- A. **ADULT BOOKSTORE** - A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to patrons therein.
- B. **ADULT LIVE ENTERTAINMENT THEATER** - A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”

- C. ADULT MOTION PICTURE THEATER - A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.
- D. SPECIFIED ANATOMICAL AREAS - Are defined as:
1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- E. SPECIFIED SEXUAL ACTIVITIES - Are defined as:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy;
 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SHORT-TERM RENTAL - A Dwelling Unit in which overnight accommodations are provided or offered to transient guests for compensation, often advertised and booked through websites including but not limited to Airbnb, VRBO/HomeAway, FlipKey, VacationRentals.com, and Booking.com. The rental of a Dwelling Unit or portion thereof for a period of time from 1 night to 29 nights shall be prima facie evidence that the same is being used as a Short-Term Rental. A Short-Term Rental shall not be considered or construed to include approved bed & breakfast establishments, hotels, motels, resorts, long-term tenant housing (e.g., a single-family dwelling or multiple-family dwelling such as an apartment that is rented to tenants on a permanent or semi-permanent basis), or campgrounds. All Short-Term Rentals must receive a license pursuant to the Markey Township Short-Term Rental Ordinance, Ordinance No. 58.



SINGLE SECTION DWELLING - A manufactured home delivered to the site (Lot) in one intact section.

SHIPPING/STORAGE CONTAINERS - i.e. metal containers used for rail and/or ocean shipping are allowed in Airport Service District.

SHORELINE - See “ORDINARY HIGH-WATER MARK”

SIGN - A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

SIGNIFICANT NATURAL FEATURE - A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

SOLAR ENERGY SYSTEM- A photovoltaic system or solar thermal system for the purpose of collection and conversion of solar energy into electricity or heat.

- A. **SMALL SCALE SOLAR ENERGY SYSTEM**- A single residential or small-scale solar system, with a generating capacity of less than one (1) megawatt of generating capacity, installed at or near residential, commercial, or industrial site, supplying electricity to a single land use.
- C. **COMMUNITY SOLAR**- Solar energy systems with a nameplate capacity of less than 20 megawatts within a purchasing program or geographic area, collectively subscribed to by and benefitting multiple members, in which the benefits flow to multiple customers such as individuals, businesses, nonprofits, and other groups within a purchasing program or geographic area.
- D. **UTILITY-SCALE SOLAR ENERGY SYSTEM**- A solar energy system intended to distribute electricity via a utility with a nameplate capacity of over 20 megawatts.



SPECIAL LAND USE - A use which by its nature requires additional review, as opposed to a “Permitted Use” or a use permitted by right. A “SPECIAL LAND USE” is subject to approval by the Planning Commission, as specified by this Ordinance. A permitted SPECIAL LAND USE is not a nonconforming use.

STABLE - Shall mean either:

- A. Private STABLE - A building where horses are kept for the personal enjoyment of the property owner without remuneration.
- B. Public STABLE - A building where horses for hire, sale, or boarding are kept, for remuneration.

STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS) - A structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “STATE LICENSED RESIDENTIAL FACILITY (SIX OR LESS PERSONS)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORY - That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF - An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches.

STRUCTURE - Anything constructed or erected including decks, steps, balconies, overhangs, and awnings, the use of which requires location on the ground or attachment to something on the ground.



SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Ordinance, “SUBSTANTIAL IMPROVEMENT” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SWIMMING POOL - Any structure located either above or 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.

Section 2.20 Definitions – T

TAVERN - Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises.

TEMPORARY USE - A use or building permitted to exist during period of construction of the main building or use, or for special events.

TEMPORARY DWELLING - See TEMPORARY USE.

TRANSPORTATION TERMINAL - A building or area in which freight brought by ground or air transportation, is assembled or stored for routing or re-shipment, or in which semi trailers, including tractor or trailer units and other trucks, are parked or stored.

Section 2.21 Definitions - U

USE - The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained, let, or leased.

USE, PRINCIPAL - See PRINCIPAL USE. USE, TEMPORARY - See TEMPORARY USE



Section 2.22 Definitions - V

VEHICLE - A device for carrying or conveying persons or objects on wheels, runners, treads, skids, or combination thereof.

VEHICLE REPAIR - Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

VEHICLE REPAIR ESTABLISHMENT - A building and premises where the vehicle repair takes place, as defined herein.

VEHICLE SALES AREA - An area used for the display, sales, repair or rental of new or used motorized vehicles including but not limited to cars, trucks, motorhomes, motor cycles, snowmobiles, ATV's and jet skis.

VEHICLE SERVICE STATION - Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including "vehicle repair" as defined herein.

VEHICLE WASH ESTABLISHMENT - A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Section 2.23 Definitions – W

WIND ENERGY CONVERSION SYSTEM (WECS)- An improvement which converts wind energy into electricity through the use of a wind turbine generator(s) and includes the turbines, blades, and tower as well as related electrical and ancillary equipment of the land use.

- A. PRIVATE WECS- A WECS with a nameplate capacity of less than one megawatt, intended to provide power to one associated principal non-agricultural land use on the same parcel.



- B. AGRICULTURAL WECS- Any WECS that is accessory to a permitted farm or agricultural operation and is designed and built to serve the needs of that farm or agricultural operation.
- C. UTILITY-SCALE WECS- A WECS that is designed and built to provide electricity to multiple off-site parcels, generally by way of a utility-company or some other entity authorized to distribute electricity.

WILD OR EXOTIC ANIMALS - Any animal normally found in the wild irrespective of geographic origin, including any crossbreeds of these animals with domestic animals (50% wild/50% domestic), or any descendant of such crossbreeds which is 25% or more wild, and which because of its size or vicious propensity or other characteristic would constitute a danger to human life or domesticated animals. WILD OR EXOTIC ANIMALS include but are not limited to the following:

- A. venomous snake, python, or constrictor snakes which because of size pose a potential danger to human life.
- B. monkey;
- C. raccoon;
- D. skunk;
- E. leopard, lion, tiger, lynx, bobcat, or any large carnivorous feline;
- F. badger;
- G. fox, coyote, wolf, or similar canine;
- H. llamas;
- I. camels;
- J. ostriches and emus
- K. potbelly pigs
- L. Any canine with a genetic make-up of 25% or higher wolf, coyote, or fox; and



M. A hybrid of any of the above animals shall be considered a wild animal.

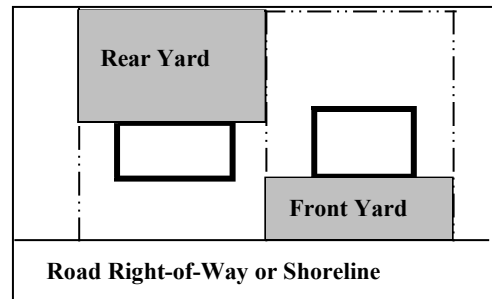
WIRELESS COMMUNICATIONS TOWER, COMMERCIAL - A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

WORKFORCE HOUSING – Workforce housing is defined as a housing option reasonably affordable to, and occupied by, a household whose total household income is not greater than 120% of the municipality’s area median income as published by the US Department of Housing and Urban Development or other applicable state or federal agency

Section 2.24 Definitions - Y

YARDS - The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise permitted in this Ordinance, and as defined herein.

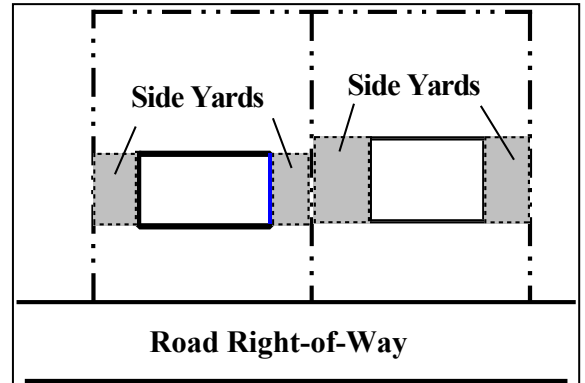
A. **FRONT YARD** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building. In the case of a lot fronting on a river or lake, the front yard shall face the water.



B. **REAR YARD** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard shall be opposite the street frontage of the principal street.



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



YARD, REQUIRED - The required yard shall be that set forth as the minimum yard setback requirements for each district.

Section 2.25 Definitions – Z

ZONING DISTRICT - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Chapter 3 General Provisions

Section 3.01 Essential Public Service

The erection, construction, alteration or maintenance of Essential Public Services shall be permitted in any zoning district. It is the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

Section 3.02 Main Building

No more than one (1) main building may be located on a parcel, except for duly permitted groups of related commercial buildings, two-family dwellings (including detached duplexes), multiple-family dwellings, or manufactured homes contained within a single, integrated complex which share parking and access. A survey shall be required prior to the issuance of a Land Use Permit for any new building, prepared by a registered land surveyor or certified civil engineer.

Section 3.03 Required Area or Space

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.



- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

Section 3.04 Required Access

No Land Use Permit shall be issued unless the property for which the permit is requested fronts upon a designated and approved public or private road right-of-way or easement, at least the length of the minimum lot width as required for zoning district in which the lot is located. Dwellings located within an Open Space Preservation Development shall comply with the provisions of Section 3.26.

Section 3.05 Water and Sanitary Sewer Service

- A. No structure for human occupancy shall be erected, altered, moved, or used in whole or in part for dwelling, commercial, or recreation purposes unless provided with a safe, sanitary, and potable water supply, with a safe and effective means of collection, treatment, and disposal of human, domestic, and commercial waste. Such facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department and the County Health Department, the Subdivision Regulations, Building Code, and other applicable ordinances of Markey Township and Roscommon County.
- B. No outside toilets shall hereafter be erected except as may be temporarily needed during construction on the premises, approved by the County Health Department.



Section 3.06 Illegal Dwellings

The use of any portion of a detached garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited, unless authorized as an accessory dwelling unit. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Michigan State Building Code. In no case, shall any living space located in a basement be counted toward the required floor area living space for the district in which it is located.

Section 3.07 Regulations Applicable to Single-Family Dwellings Outside Manufactured Home Parks

Any single-family dwelling on a lot, whether constructed and erected on-site, or a manufactured home, shall be permitted only if it complies with the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced above, and found, upon inspection by the Building Inspector or his designee, to be safe and fit for residential occupancy.

- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are, or may be adopted by the Township. However, where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by Township codes, then such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.



- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum floor area living space, required yard and maximum building height requirements of the zoning district in which it is located.
- D. The dwelling unit shall have a horizontal dimension across the front, side, and rear elevation of at least twenty-two (22) feet. **Exception:** Existing single section dwellings may be replaced by a single section dwelling that is five (5) or less years old, in the following areas, Higgins Lake Forest Estates #3 lots 485-513, and 663-685, Higgins- Houghton Highlands lots 1-95, and Woodland Acres lots 1-212. The single section dwelling shall be of the same square footage or greater.
- E. The pitch of the main roof of the dwelling unit shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run and shall have not less than a six (6) inch overhang. Exception: Single Section Dwellings as described in section 3.07, G, are allowed to have main roof as manufactured.
- F. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.
- G. The dwelling shall not contain any additions of rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- H. No building which has been wholly or partially erected or assembled on any premises located within or outside the Markey Township, shall be moved to or placed upon any other premises in the Township without full compliance with the provisions of this Ordinance in the same manner as a new building.

Section 3.08 Condominium Conversions

Notwithstanding the provisions of section 3.03A, any resort existing at the time of adoption of this ordinance, may be converted to site condominiums, allowing individual ownership of units and property, provided the following requirements are met:



- A. Only the land area and units existing at the time of adoption of this ordinance shall qualify for any reduction in size or setbacks, otherwise required for new development. Any additional site condominiums or dwellings proposed shall comply with all requirements of the zoning district in which the property is located.
- B. An application shall be submitted in compliance with section 3.22 of this ordinance and all requirements of such section shall be met.
- C. The following minimums shall be required of all conversions:
 - 1. Condominium dwelling: 400 Sq. Ft.
 - 2. Separation between buildings: 10 feet
- D. Each condominium dwelling shall contain bathroom, cooking, and sleeping facilities.
- E. All dwellings shall be connected to public water and/or sanitary sewer systems, if available within 300 feet of the subject property. If such public utility service is not available, written evidence shall be provided of County Health Department approval of each individual on-site water and/or wastewater system.
- F. The Planning Commission and/or Township Board may attach such other conditions deemed necessary to meet the intent and spirit of this ordinance and to protect the health, safety, and general welfare of the community. Such conditions may include, but are not limited to: improving vehicular access, upgrading interior roads, providing screening or landscaping, and removing existing unsightly structures or features.

Section 3.09 Boat Houses

Allowed on the Channel Court canal front lots 16-28, 34-41, 49-67, and properties 72-008-028- 008-0080, 008-0160, 008-0120, and 008-0180, Winding River Estates lots 1-24.



The boat house must not exceed the following requirements: Maximum sq. ft. 760 sq. feet, 10- foot side walls, Roof pitch maximum 4/12.

The needed permits from the D.N.R. or EGLE for a boat well are required before review.

Boat houses may be serviced with electric service for the purpose of but not limited to general lighting, and electric boat hoists contained within the boat house, no well water, sewer or permanent heat allowed.

Existing boat houses in the above described areas can be replaced on the same foot print or smaller foot print, with a Land Use Permit, without a site plan review as long as the proper permit such as from D.N.R. or EGLE can be obtained, all new boat houses or increases in the foot print of an existing boat house will be subject to a site plan review by the Planning Commission.

Existing boat wells are exempt from current side set backs.

Section 3.10 Required Buffer Strips

To provide protective screening for residential areas adjacent to, or near non-residential areas, a landscaped buffer strip shall be provided along the district boundary line by the non- residential property owners.

- A. Such buffer shall be a strip of at least twenty (20) feet in width which is planted and maintained with evergreen trees at least four (4) feet in height at the time of planting, and fifteen (15) feet on-center; or a compact hedge of evergreen shrubs at least four (4) feet in height, situated so as to provide an effective sound and visual buffer.
- B. For each three (3) evergreen trees, or each forty-five (45) feet of linear frontage, one (1) deciduous tree shall be planted in the buffer strip. Such trees may be planted in a row, or clustered in a single location. Further, such deciduous trees shall have at least a two (2) inch caliper measured six (6) inches from ground level at the time of planting. All trees shall be properly maintained.



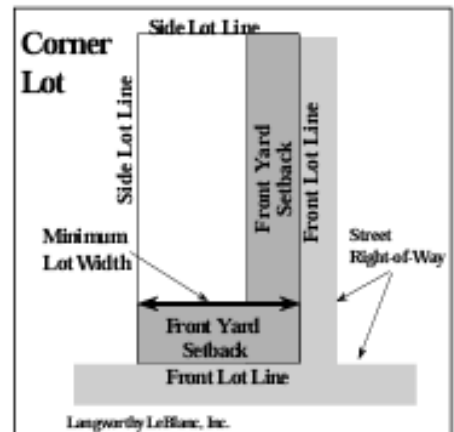
- C. The portion of the buffer strip not covered by trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance. Further, any dead plant material shall be replaced by the property owner, within four (4) months of written notice by the Ordinance Administrator.
- D. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
- E. The buffer shall not in any way cause a vision hazard at a road intersection, or driveway.
- F. Where it is determined by the Ordinance Administrator that insufficient area is available to provide the required buffer strip, or that such vegetation screen would be ineffectual, a solid wall or fence at least four (4) feet in height, but not higher than eight (8) feet may be substituted.

Section 3.11 General Lighting and Screening Requirements

All lighting upon any premises, regardless of the zoning district, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

Section 3.12 Corner Lots

- A. A corner lot shall have two (2) front lot lines: a principal front lot line, and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, or the principal front lot line is not evident, then the Ordinance Administrator shall determine the principal front lot line.



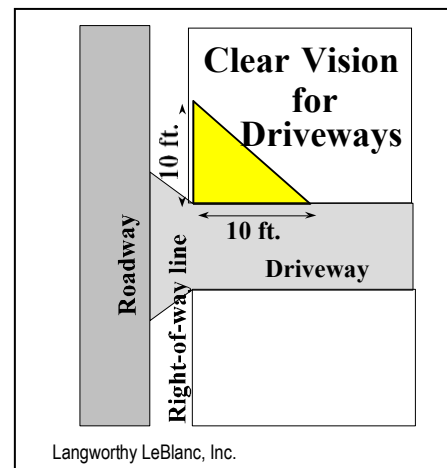
B. General Provisions

1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three (3) front setbacks, the remaining setback shall be a rear setback.
2. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line

- C. Commercial and Airport Zoning Districts. For a corner lot which is completely within a C-1 or Airport District, the setback along the secondary lot line(s) shall not be less than twenty-five (25) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

Section 3.13 Clear Vision

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. This shall prohibit the planting of shrubbery which will achieve a height at maturity of more than thirty (30) inches.



- B. No plantings shall be established in any required front yard which, in the opinion of the Ordinance Administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.
- C. No plantings, landscaping, fences, or other structures or obstacles, except mail boxes and resident identification signs no greater than two (2) square feet in area, shall be placed in any road right-of-way.

Section 3.14 Accessory Buildings, Structures, and Uses

- A. Accessory Buildings – General
 - 1. Where an accessory building is attached to a main building, it shall conform to all setback requirements of this Ordinance applicable to the main building.
 - 2. Accessory buildings shall not be located in any front yard, unless otherwise permitted by this Ordinance.
 - 3. Accessory buildings shall not be permitted on a parcel without a principal building, unless otherwise allowed. A survey may be required prior to the issuance of a Land Use Permit for an accessory building, prepared by a licensed land surveyor or civil engineer if a property line cannot be determined.
 - 4. Accessory building, structures, and uses which are supplemental, customary, and incidental to a use permitted in a given District, may also be permitted when located on the same building lot, provided that such accessory buildings and uses conform to the provisions prescribed in this ordinance for the respective district, including but not limited to lot coverage and setback requirements.

Storage shed(s) up to a maximum of 200 square feet in area are permitted on any size building lot or parcel with a residence, only as an accessory use, provided such structure(s) meet all other zoning regulations and a land use permit is obtained as required from the Ordinance Administrator.



The relationship between lot sizes and accessory building sizes in residential districts must adhere to any and all sections of this ordinance governing accessory buildings and lot coverage and must also meet the following restrictions:

- a. Lots or parcels totaling 25,000 square feet or less, Total area of accessory buildings must not exceed the ground floor area of the principal building (if more than one (1) principal building is permitted for the parcel, not to exceed the ground floor of the smallest principal building); but not to exceed 2000 square feet.
- b. Lots or parcels totaling between 25,000 square feet and one (1) acre, the total area of accessory buildings must not exceed 2000 square feet.
- c. Lots or parcels totaling between one (1) acre and two and one-half (2 ½) acres, the total area of accessory buildings must not exceed 2, 500 square feet.
- d. Lots or parcels totaling more than two and one-half (2 ½) acres, the total area of accessory buildings must not exceed 3,000 square feet.

B. Accessory Uses – General

1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. No accessory use may be placed on a lot without a main use.
2. An accessory use must be in the same zoning district as the main use on a lot.
3. No accessory use shall be occupied unless the main structure to which it is accessory is occupied.
4. Accessory uses shall not be permitted in the front yard.



- a. EXCEPTIONS: BOAT HOUSES ARE ALLOWED ON CANAL FRONTAGE IN THE FOLLOWING DESCRIBED AREAS. Channel Court lots 16-28, 34-41, 49-67, and properties 72-008-028-008-0080, 008-0160, 008-0120, and 008-0180, Winding River Estates lots 1-24
- C. Residential Accessory Buildings and Structures. Accessory buildings to residential uses shall be permitted as a use by right within the A-1, R-3, R-1a, R-1b, R-2, and MHP Districts, provided that the following restrictions are met:
 1. The combined floor area of all accessory buildings (including any Accessory Dwelling Units) shall be as specified in the district regulations.
 2. The total area occupied by the principal dwelling, all accessory buildings, and accessory structures such as breezeways, carports, gazebos, decks, patios and similar structures shall not exceed the maximum lot coverage permitted in each district.
 3. Carports shall be allowed within the front yard provided District setback requirements are met. Carports in the RIA District shall only be permitted in the rear yard.
 4. No detached accessory building shall be located closer than the required setbacks for the zoning district in which the property is located.
 5. Refer to Chapters 5 through 13, Zoning Districts, for height requirements.
 6. If attached to the main building, the accessory building shall be constructed of like materials, similar design, and in a workman-like manner.
 7. Any use within a residential accessory building shall be customary and incidental to the primary use of the lot as residential. Any home occupation shall require the requisite Land Use Permits.



8. An Accessory Dwelling Unit is a type of residential accessory building subject to additional permitting and review, given its intent of residential occupancy. A maximum of one (1) Accessory Dwelling Unit per parcel, only on a parcel including a single-family detached dwelling, may be permitted.
9. Private boat docks accessory to residential uses may be permitted under the provisions outlined in this subsection.
 - a. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot.
10. Accessory buildings shall be of similar design, construction, and appearance as the principal dwelling.

D. Accessory Dwelling Units.

1. An Accessory Dwelling Unit shall be permitted by right on a lot where the principal use is an existing single-family detached dwelling unit, but shall be subject to site plan and permitting requirements consistent with the construction of single-family detached dwellings generally.
2. Setback and maximum lot coverage requirements for a zoning district shall remain in force with an accessory dwelling unit onsite.
3. No more than one (1) Accessory Dwelling Unit is permitted on any lot.
4. The size of the Accessory Dwelling Unit may be not be greater than the floor area of the principal dwelling. If the Accessory Dwelling Unit is co-located above or adjoining an existing garage, the floor area of the garage shall not count towards the floor area of the Accessory Dwelling Unit.
5. On a double lot on which two (2) single-family detached dwelling units have been permitted, an Accessory Dwelling Unit shall not be permitted.



6. An Accessory Dwelling Unit shall be of similar design, construction, and appearance as the principal dwelling. A detached Accessory Dwelling Unit may not be located to the front of the principal dwelling.
 7. Occupancy of an accessory dwelling unit permitted by right shall be limited to the following:
 - a. Owners/occupants of the single-family detached dwelling on the same property.
 - b. Non-renting invited guests of the owners/occupants of the single-family detached dwelling on the same property, such as family or friends.
 - c. Occupants of the accessory dwelling unit with a valid lease agreement, consistent with the minimum leasing period defined in the Short Term Rental Ordinance of Markey Township.
 - d. Complaints regarding the use of the accessory dwelling unit shall be investigated consistently with violations of the Zoning Ordinance. If a violation is found, the Township shall use all available legal means to pursue compliance.
- E. Other District Accessory Buildings and Structures. Accessory buildings shall be permitted within the C-1, C-2, and Airport Service Districts provided the following restrictions are met:
1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
 2. Detached accessory buildings shall meet all setback requirements as for principal buildings, for the zone district in which they are located.
 3. No detached accessory building shall be located nearer than eighteen (10) feet to any other building on the property.
 4. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.



5. Shipping/Storage Containers are allowed in the Airport Service zoning district.
- F. Temporary Storage Structures. A temporary storage structure shall be permitted within the A-1, R-3, R-1a, R-1b, R-2, and the MHP districts provided the following restrictions are met:
1. A single storage structure per occupied parcel shall be allowed.
 2. Temporary storage structures shall be permitted in the back or side yards and shall comply with the setback requirements and lot coverage requirements of the zone in which they are located.
 3. Temporary storage structures and their supporting framework commercially manufactured shall be adequately braced and anchored to prevent weather related collapse.
 4. Temporary storage structures must be maintained and repaired as needed to comply with the Markey Township Blight Ordinance.
 5. A Land Use Permit will be required.

Section 3.15 Fences

Installation of fences in all Zoning Districts requires a Land Use Permit. The finished side of the fence shall face adjoining property.

- A. Fences erected in any front yard in a residential district shall not exceed four (4) feet in height. Fences within any front yard shall be of a type which is not more than fifty (50) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.



- B. In all residential districts, privacy fences, up to a maximum of six (6) foot in height measured from average grade to the uppermost portion of the fence will be allowed on the side and rear property lines. In the A-1, R-3 and R-2 Districts, a six (6) foot privacy fence shall be allowed within the front yard, provided the privacy fence is not located within the front yard setback. On property lines adjoining commercial or agricultural property, an eight (8) foot privacy fence will be allowed.
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified, unless in the A-1 district, and used in connection with a farm operation.
- D. Fences in nonresidential districts shall not exceed six (6) feet in height in any yard and shall not be more than fifty (50) percent solid in the front yard, unless otherwise provided in this Ordinance.
- E. Fences in nonresidential districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than eight (8) feet from the surface of the ground. Under no circumstances shall razor wire be used. The total height of fences in any non-residential district shall not exceed ten (10) feet and may be permitted in the rear yard only.
- F. Fences shall be installed no closer than two (2) inches from any property line.
- G. Fences shall not be erected within any public right-of-way in any district.
- H. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the clear vision area as outlined in Section 3.13, for corner lots. Further, clear vision shall be maintained at all driveways between the heights of three (3) feet and ten (10) feet above the ground surface, in a triangular area formed by the road right-of-way line, the outside edge of the driveway, and a line connecting them at points ten (10) feet from their intersection.
- I. Snow fences are considered temporary, and must be installed after November 1, and removed by the following May 1.



- J. Living fences, such as dense evergreen or other form of shrub, shall be at least forty-eight (48) inches from the inside of the lot line and comply with this ordinance.
- K. A Land Use Permit is required to install all fences including those for special uses. Special use fences include but are not limited to pet enclosures and swimming pools. A survey may be required prior to the issuance of a Land Use Permit for a fence, prepared by registered land surveyor or certified civil engineer should a property line be unable to be determined by the Township without a survey.

Section 3.16 Temporary Dwelling, Tent, Camper or Recreational Vehicle

One temporary dwelling, tent, camper or recreational vehicle will be permitted on a lot in all residential zones for a period not to exceed fifteen (15) days for the purpose of accommodating guests or owner's family members, without the necessity of obtaining a permit under this ordinance. For any such purpose which will exceed fifteen (15) days, a permit must be obtained from the Ordinance Administrator. Said permit may be issued for seven (7) additional days and the fee for said permit shall be determined by the Township Board. A maximum of two (2) seven-day permits may be issued, per property, per calendar year. Federal or state recognized holidays shall be excluded from the days requiring a permit exceeding the fifteen (15) day limit. On state recognized holidays, up to two (2) Campers or Recreational vehicles or combination thereof, shall be permitted, provided the total number of all Campers, Recreational Vehicles and tents shall at no time exceed a total of three (3) to avoid overcrowding.

Section 3.17 Low Profile Accessory Use

Application by the homeowner and subsequent approval by the Ordinance Administrator is subject to review by the Markey Township Planning Commission. If documented complaints justify a review, the applicant will be notified of the date, time and location of the review by certified mail. In the event that said use is revoked by the Ordinance Administrator or the Markey Township Planning Commission, the Applicant may apply for a Home Occupation Permit. The Non-Refundable Fee for a Low-Profile Accessory Use Permit is set by the Markey Township Board.



Section 3.18 Home Occupations

- A. A request for a Land Use Permit shall be submitted in writing to the Township Ordinance Administrator who shall forward the request to the Planning Commission for a decision. At a minimum, the request shall provide the following information:
1. Type of activity
 2. Hours of operation
 3. Amount and type of waste (material and effluent) to be generated and the amount of handling and disposing of all waste.
 4. Anticipated impacts including levels of noise, odor, glare, dust, fumes and similar nuisance effects.
 5. Anticipated traffic levels (customers, delivery vehicles, etc.)
- B. Such occupation shall only be conducted by the person or persons occupying the premises as their principal residence while the occupation is being conducted.
- C. Required parking shall be provided off-street, in accordance with the applicable provisions of this ordinance, and shall not be permitted within the front yard. One vehicle of one-ton capacity or less and one trailer of 5,000 lb. capacity or less directly related to the business may be parked at the residents.
- D. All activities connected with the home-based occupation shall be conducted entirely within the dwelling or an approved accessory building and shall not result in the alteration of the dwelling, or the construction of an accessory building which is not customary to or compatible with the residential character of the district in which it is located. No building or activity which requires automatic fire suppression, explosion proof construction, paint booths, hazardous waste containment (except for small quantities of motor oil, lubricants, or anti-freeze), or similar specialized systems shall be permitted.



- E. There shall be no exterior evidence, other than a permitted sign, that a home-based occupation is being conducted on the premises.
- F. The home-based occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes.
- G. No goods or services shall be sold which are not strictly incidental to the home-based occupation conducted therein.
- H. No occupation shall be permitted or conducted upon or from the premises which would constitute a nuisance or annoyance to nearby residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or creation of traffic out of character with the surrounding residential area. In any case, no such nuisance effects shall be discernable beyond the boundaries of the property on which the occupation is conducted.
- I. A Land Use permit shall be required and any Home-Based Occupation shall be subject to annual inspections by the Ordinance Administrator. The Land Use Permit may be terminated at any time by order of the Ordinance Administrator or the Planning Commission if it is determined that the occupation doesn't comply with the standards and requirements of this section.
- J. The Planning Commission shall review the request and determine whether or not a proposed use complies with the Zoning Ordinance and is consistent with the intent and spirit of such ordinance. In addition to the requirements of this section, the Planning Commission shall also consider the following in deciding whether to approve a request for home based occupation: compatibility of the proposed use with the character of the zoning district in which it is located; protection of the health, safety, and general welfare of the surrounding properties; not have a negative effect on neighboring property values; and not have a detrimental impact on the viability of commercially zoned property within the Township. The applicant for a home base occupation shall also demonstrate to the Planning Commission why the proposed use would not be more appropriately located within an established commercial district.



Section 3.19 Garage Sales

Garage sales, yard sales, shall be permitted on any one (1) piece of property only three (3) times during any one (1) year, and at no time shall such sale have a duration of more than three (3) days. A permit for such sale shall be obtained at the Markey Township Hall. Garage sale signs are regulated as “temporary signs” within Section 16.03.

Section 3.20 Flood Plain

The flood plain area of lakes, ponds, rivers, and streams and their branches and tributaries shall be determined from time to time by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official U.S. or Michigan, public agency responsible for defining and determining flood plain areas. No building for human occupancy shall be erected or hereafter occupied, if vacant, in such designated flood plain areas.

Section 3.21 Keeping of Animals

- A. The keeping of wild or exotic animals shall not be permitted in any district without a permit from the state and county agencies responsible for regulating such activities.

Section 3.22 Condominiums and Site Condominium Projects

Pursuant to authority conferred by Section 141, of the Condominium Act, Act 59 of 1978, as amended, all site condominiums shall be reviewed and are subject to approval of the Township Board as outlined in this section. In determining whether to approve a condominium subdivision plan, the Township Board shall consult with the Planning Commission, Ordinance Administrator, Township Attorney, and Township Engineer 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.



A. Definitions.

1. CONDOMINIUM PROJECT - A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
2. CONDOMINIUM SUBDIVISION PLAN - The drawings and information prepared and required pursuant to section 66, of the Condominium Act and such other information as required by this Ordinance.
3. CONDOMINIUM UNIT - That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium unit is not a lot or parcel as those terms are used within the Zoning Ordinance.
4. CONSOLIDATING MASTER DEED - The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, the final amended master deed will fully describe the condominium project as completed.
5. CONTRACTIBLE CONDOMINIUM - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance of the condominium project.
6. CONVERSION CONDOMINIUM - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
7. CONDOMINIUM 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 limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.



8. 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.
 9. FRONT YARD SETBACK - The distance between the front yard area line and the condominium dwelling.
 10. LOT - The same a “Condominium Unit”, as defined herein.
 11. MOBILE HOME CONDOMINIUM PROJECT - A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.
 12. MASTER DEED - The condominium document as described and required by section 8, of the Condominium Act as approved by the Township Board to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
 13. REAR YARD SETBACK - The distance between the rear yard area line and the condominium dwelling.
 14. SIDE YARD SETBACK - The distance between the side yard area line and condominium dwelling.
- B. Information requested. Concurrently with the notice required to be given Markey Township pursuant to section 71, of the Condominium Act, a person, firm, or corporation intending to develop a condominium project shall provide the following information with respect to the project:
1. The name, address, and telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each such entity interest.



- b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium project.
 2. The legal description of the land on which the project will be developed as well as the appropriate tax identification number(s).
 3. The amount of acreage of the land on which the project will be developed.
 4. The purpose of the project (i.e., residential, commercial, industrial, etc.)
 5. Number of condominium units for the project.
 6. Whether or not a community water system is proposed.
 7. Whether or not a community septic system is proposed.

The above information shall be furnished to the Township Board and Ordinance Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

- C. Site Plans - Condominium Plans. Prior to recording of the master deed required by section 72, of the Condominium Act, as amended, the project and condominium subdivision plan shall undergo site plan review according to Section 16 of this Ordinance.

All condominium plans, for site plan review, shall include the information required by section 66, of the Condominium Act including the following:

1. A survey plan of the condominium subdivision.
2. A flood plain plan, when appropriate.
3. A site plan showing the location, size, shape, area, and width of all condominium units.
4. A site plan showing the location, size and number of each parking space with dimensions showing their relationship to all of the condo units.



5. A utility plan showing all sanitary sewer, water, and storm sewer lines, and any easements granted to an entity other than the developer or owners association for installation, repair, and maintenance of all utilities. To the maximum extent possible, all utility lines should be located in the street right-of-way.
6. A street construction, paving, and maintenance plan for any street within the proposed condominium project. All streets within the condominium project must be constructed in compliance with the Private Road provisions of this ordinance (Section 3.23).
7. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities approved by the County Drain Commission.
8. Each plan must be submitted on a separate sheet. A composite sheet of all the plans must also be included.

Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant hereto and Section 16 of this Ordinance.

D. Site Condominium Projects - Monuments Required. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreations sites shall be marked with monuments as provided in this subsection.

1. Monuments shall be located in the ground and made according to the following requirements. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference, to monuments along the sidelines of the streets.



2. All monuments used shall be made of solid iron or steel bars at least one-half ($\frac{1}{2}$) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project: at the intersection lines of streets where such lines intersect the boundaries of the condominium project, and at the intersection lines of alleys where such lines intersect the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of street and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
 4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half ($\frac{1}{2}$) inch in diameter shall be drilled and grouted into a solid rock to a depth of at least eight (8) inches.
 6. All required monuments shall be placed flush with the ground where practicable.
 7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half ($\frac{1}{2}$) inch in diameter, other markers may be approved by the Township Board.
- E. All Condominium Projects - Monuments Required. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section D.2, above.



- F. State and County approval. The developer or proprietor of the condominium project shall provide to the Township appropriate documentation establishing that appropriate State and County approvals have been received regarding the fresh water system of the proposed project and regarding the waste water disposal system for the proposed project.
- G. Compliance with Federal, State, and Local law. All condominium projects shall comply with federal and state statutes and local ordinances.
- H. Single Family and Multiple Detached Condominiums.
 - 1. In the event the project will include recreation space or open space for park, environmental preservation, or other aesthetic reasons, then the project may provide for lots smaller in area than that required by the zoning district in which it is located; provided, however, under no circumstances shall the project contain more units than would be allowed if there was no such open space. In computing the number of units allowable in relation to the overall acreage of the project, the area comprising the streets and roads within the project shall not be included in determining the number of units in the project.
- I. Subdivision of Condominium Units. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance or minimum lot width, lot area, and the building setback requirements, shall be approved by the Planning Commission, and these requirements shall be made part of the bylaws and recorded as part of the Master Deed.
- J. Encroachment Prohibited. Encroachment on one (1) condominium unit upon another, as described in section 40, of the Condominium Act, shall be prohibited by the Condominium Bylaws and recorded as part of the master deed.
- K. Relocation of Boundaries. The relocation of boundaries, as described in section 48, of the Condominium Act, shall conform to all setback requirements of this ordinance for the district in which the project is located, shall be approved the Ordinance Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.



- L. Documents to be filed with Markey Township. After final approval, the condominium project developer or proprietor shall furnish to the Ordinance Administrator a copy of the recorded master deed with Exhibits A and B, and any and all amendments thereto.
- M. Condominium Plans - Copy Requirements. After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish the Township of Markey and Roscommon County Register of Deeds with a copy of the site plan on a photographic hard copy, laminated photo static copy or Mylar sheet of at least thirteen inches by sixteen inches (13" X 16") with an image not to exceed ten and one-half inches by fourteen inches (10.5" X 14").
- N. Procedure. The Township of Markey requires that all condominium projects be reviewed and approved according to a two step process a "Preliminary Site Plan Approval", and "Final Site Plan Approval".
 - 1. Preliminary site plan.
 - a. The applicant for all condominium projects is required to submit at least seven (7) copies of the preliminary site plan to the Township Clerk with the information as required under paragraph B, and C, herein. The Township Clerk will provide copies of the site plan to the Planning Commission and the Ordinance Administrator.
 - b. Submittal of the preliminary site plan must be received by the Planning Commission at least thirty (30) days prior to the next regularly scheduled Planning Commission meeting. The Township Clerk shall not place the submittal on the agenda until all required information has been properly provided. Once officially placed on the agenda, the Planning Commission shall approve, conditionally approve or deny in accordance with the time requirements of Section 16 of this Ordinance.



- c. The Planning Commission shall review the preliminary site plan and the comments of any Township consultants, and shall approve, deny, or grant conditional approval subject to specific modification and changes all to be recorded in the minutes of the meeting.
- d. The Planning Commission shall note its approval on the copy of the preliminary plan and return to the proprietor or set forth reasons in its minutes for rejection or requirements for approval. The Planning Commission may require the submission of other pertinent related data as it deems necessary. After approval, the Township Clerk shall distribute approved copies to:
 - i. One (1) copy to proprietor.
 - ii. One (1) copy as a matter of permanent record to the Planning Commission files.
 - iii. One (1) copy to the Township Ordinance Administrator.
- e. The proprietor, upon receiving the preliminary site plan approval from the Planning Commission, shall submit the preliminary plan to all authorities required by Public Act 59 or 1978, as amended, to include but not limited to:
 - i. County Drain Commissioner.
 - ii. County Road Commission.
 - iii. County Health Department.
- f. Preliminary site plan approval shall confer upon the developer a commitment of approval for a period of one (1) year with regard to the size, shape and layout of the building site and street layouts. Such preliminary plan approval may be extended if applied for by the proprietor within the effective period and approved by the Planning Commission.



2. Final condominium subdivision plan review.
 - a. The applicant for a final site plan shall submit the plan to the Planning Commission and Township Board for its review. Plans and documentation shall be detailed sufficiently for the Planning Commission and Township Board to determine the project compliance with all applicable laws, rules, codes, ordinances, and approved site plans.
 - b. The final condominium subdivision plan to be recorded shall include the following certificates similar to those as prescribed in the Subdivision Control Act for a recorded plat, lettered or printed legibly with black, durable ink or typed legibly with black ribbon shall appear on it and the certificate shall contain the following statements and shall be signed and dated by the appropriate authority:
 - i. A surveyor's certificate of compliance with the statute.
 - ii. A certificate of taxes being paid, from the Roscommon County Treasurer.
 - iii. A certificate of approval from the County Drain Commissioner.
 - iv. A certificate of approval from the Board of County Road Commissioners if public streets and roads shown on the development will be under its jurisdiction and, if any of the streets or roads are private, a certificate from the Township consultant that it complies with the standards for private roads and drives as adopted by the Township.
 - v. A certificate of approval of the governing body if the development meets compliance with this ordinance.
 - vi. A certificate of approval from the County Health Department.



- c. The Planning Commission will ascertain that the development has complied with the preliminary site plan approval requirements as specified therein.
- d. The developer/project applicant also shall submit for review and approval by the Township Attorney a copy of the proposed master deed and any additional information to be recorded at the County Register of Deeds.
- e. At a regularly scheduled meeting or a special meeting called for that specific purpose, the Planning Commission shall approve the final site plan and documents if all of the requirements have been met to the satisfaction of the Commission.
- f. If granting approval of the final condominium subdivision plan, the Planning Commission shall instruct the Ordinance Administrator to issue a land use permit. Building Permits, Site Construction Permits and Certificate of Occupancy are in the purview of County agencies, but the Township shall issue land use permits prior to the County issuing their final permits for Certificate of Occupancy. If the Planning Commission disapproves the final site plan, specific reasons shall be given.
- g. The Planning Commission shall render its decision on the final site plan within sixty (60) days after receiving the final site plan unless the time period is extended by mutual agreement between the developer/applicant and the Planning Commission.

Section 3.23 Private Roads

- A. Purpose. The Township has determined that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of private roads. These provisions have been enacted to ensure that:
 - 1. Proposed private roads will not be detrimental to the public health, safety, or general welfare.



2. Proposed private roads will not adversely affect the long-term development policies of Markey Township.
 3. Private roads will be designed and constructed with adequate width, road surface, and grade to insure safe passage and maneuverability of private vehicles, as well as police, fire, ambulance, and other safety vehicles.
 4. Private roads will be constructed so as to protect against or minimize soil erosion, and prevent damage to the lakes, rivers, streams, wetlands, and natural environment of Markey Township.
- B. The following terms found in this Section shall be defined as outlined below. Terms not herein defined shall have the meaning customarily assigned to them.
1. Certificate of compliance - A document signed by an authorized Township official as a condition precedent to the commencement of opening a private road which acknowledges that such road complies with the provisions of this Ordinance.
 2. Cul-de-sac - A road with a single, common ingress and egress, with a turnaround at the end.
 3. Design professional - A registered land surveyor or certified civil engineer.
 4. Road commission - The Roscommon County Road Commission.
 5. Road surface - The portion of the right-of-way treated for safe passage of all types of motorized vehicles that meet the minimum standards outlined in this Ordinance.
- C. Application Procedure. The application packet for the construction of a Private Road shall be submitted to the Ordinance Administrator. The application packet shall contain the following to be considered a complete packet:
1. An application form supplied by the Township, completed by the applicant.



2. Payment of a fee for such permits shall be submitted. Such fee shall be established by the Township Board from time to time by resolution.
3. Seven (7) copies of a site plan, drawn to scale, shall be submitted. Such site plan shall include the following:
 - a. The precise location of the private road.
 - b. Road grade.
 - c. Road route.
 - d. Road elevation.
 - e. Road dimensions.
 - f. A written legal description of the right-of-way.
 - g. Existing features within three hundred (300) feet of the proposed road.
 - h. Other roads within three hundred (300) feet of the proposed road, and any road to which the proposed road connects.
 - i. Location of public utilities.
 - j. Location of lakes, rivers, streams, wetlands, and significant natural features within one hundred (100) feet of the proposed road.
 - k. Any proposed extensions to the road, or additional phases of construction.
 - l. A small map to illustrate the proposed road location in relation to the existing Township road system.



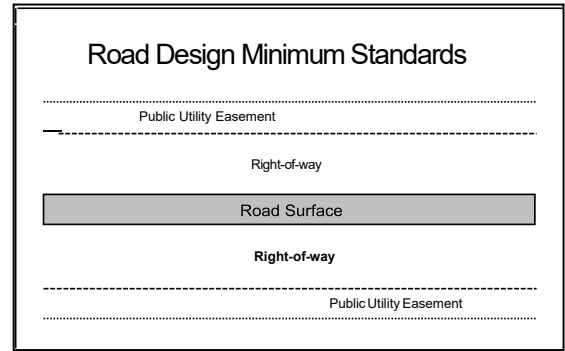
D. Review Procedure.

1. The application packet shall be forwarded to the Township Board, at the next scheduled meeting. The Board shall then schedule a public hearing within forty (40) days of their receipt of the application packet.
2. The Township Board shall hold a public hearing on the application.
 - a. Prior to the hearing, the Township shall cause a notice to be published in a newspaper with general circulation in the Township, such notice shall indicate that the Board will hold a public hearing regarding the proposed private road, including the proposed road location (by approximate common address), where the hearing will take place, the date and time of the hearing, and an address where comments may be sent regarding the request.
 - b. Further, the same notice shall be sent, or personally delivered to all property owners adjacent to the properties to be served by the proposed road, as indicated by the last tax assessment roll.
 - c. Said notices shall be published and sent not less than fifteen (15) days prior to such hearing.
3. The Board shall consider the application based on the standards outlined in Subsection E of this Ordinance.
4. The Township Board may request the Planning Commission review the private road application and make a recommendation. The Planning Commission shall use the same standards as outlined in Subsection E, in making their recommendation.

E. Design Requirements. The construction of private roads shall comply with the following standards:



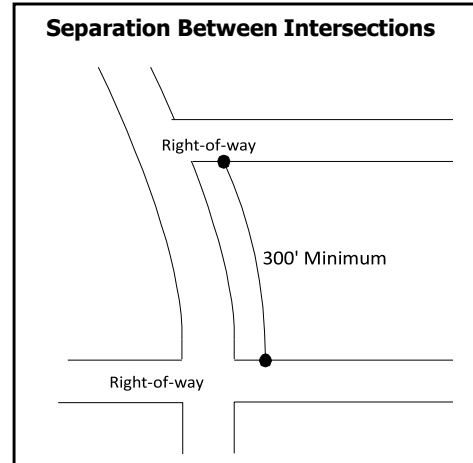
1. No private road shall extend for a distance more than two thousand six hundred forty (2,640) feet in length from the nearest public road right-of-way, without a second direct access available from another public road. Said distance shall be measured along the centerline of the private road.



2. All private roads shall have a recorded permanent right-of-way and easement with a minimum width of forty-five (45). Public utilities shall be permitted to be installed in a required fifteen (15) foot wide utility easement on both sides of the right-of-way.
3. The road surface shall follow as closely as practicable, the centerline of the right- of-way. The Board may permit variations if the applicant can demonstrate that adhering to the strict letter of the Ordinance will diminish the rural character of the area or will result in the removal or degradation of significant natural features.
4. The road surface shall be a minimum of twenty (20) feet in width.
5. Roadside ditches shall be at least twenty-four (24) feet apart, have a minimum depth of eighteen (18) inches, and a minimum width at the bottom of twenty-four (24) inches.
6. The maximum longitudinal road grade shall not exceed six percent (6%), however, if the applicant produces written justification satisfactory to the Township engineer, that an increase in the road grade will not adversely affect public safety and the design of the road system(s), then ten percent (10%) grade may be permitted.



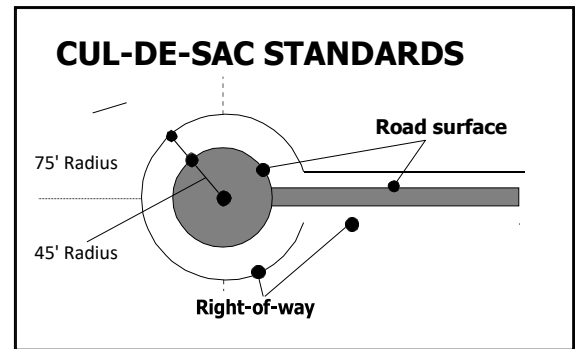
7. The layout of the private road and the intersections of the private road with any other road shall be such that clear vision and safe turning and travel in all directions at the posted speed limit is assured, as determined by the Ordinance Administrator or Township engineer. The minimum distance between intersections shall not be less than three hundred (300) feet, as measured along the right-of-way line.



8. The private road shall be constructed with storm water run-off culverts and drainage contours as is required by the Roscommon County Drain Commission, if the Ordinance Administrator or Township engineer determines construction with such systems would promote the Purpose of this Ordinance.
9. All roads may be named by the applicant; however, the road commission is not obligated to approve said road name if it is the same as, or in their opinion closely resembles an existing road name. The street addresses shall be posted in a conspicuous place at the entrance to the private road.
10. Stop signs shall be provided, by the applicant, at the intersection of the private road and any other road. All signs shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices.
11. Frontage.
- a. Parcels utilizing a private road shall have frontage on the private road for a distance equal to, or greater than the minimum lot width required for the Zoning District in which the parcel is located.

- b. If the road surface ends at the parcel, and the lot has access to the road by a cul-de-sac or continuous loop, then the frontage shall be not less than one hundred (100) feet.
- c. The right-of-way shall continue the entire length of the end lot(s), for possible future development. If the applicant can demonstrate that no future development can take place because of soil type or topography, for example, then the Board may waive this requirement.

12. A cul-de-sac, or a continuous loop shall be required at the end of any dead-end private road. The cul-de-sac shall have minimum radius of seventy-five (75) feet, and a road surface radius of forty-five (45) feet.



- 13. All existing private roads shall be made to comply with these standards if another private road connects to it, it is extended, or if additional lots are created adjacent to it, and to be served by it.
- 14. At the initiation of a property owner(s) being served by the private road, or the Board, private road rights-of-way may be vacated after a public hearing as outlined under Section 3.23, D, parts 1, 2, and 4. However, a public utility easement shall be maintained where the right-of-way was abandoned.

F. Maintenance and Repairs.

- 1. Private roads shall be maintained in a manner that complies with the provisions of this Ordinance.
- 2. All private roads shall be continuously maintained in such way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township and are readily accessible to, and usable by emergency vehicles in all types of weather.



3. All costs for maintenance and repair of the private road shall be the responsibility of the property owners served by the private road.
 4. The applicant shall provide the Board with a recordable Private Road Maintenance Agreement which shall indicate that the road will be regularly maintained, repaired, and snow plowed, so as to ensure that the provisions of this Ordinance are complied with. The maintenance agreement shall also indicate the responsible parties for carrying out the private road maintenance outlined in said agreement.
- G. Effect of Approval. The private road approval shall not become effective until the applicant provides the following:
1. A letter indicating acceptance of all conditions of approval made by the Board.
 2. A letter indicating that by applying for or securing a permit to construct the private road they shall indemnify and will hold the Township harmless from any and all claims for personal injury or property damage arising out of the use of the private road, or of the failure to properly construct, maintain, use, repair, and replace the private road.
 3. Prior to the beginning of road construction, the Board may require as a condition of approval, the applicant to provide a performance guarantee, in accordance with following:
 - a. As a condition of approval, the Township Board may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and the users of the proposed development. Such features or components, hereafter referred to as “improvements.”



- b. Performance guarantees shall be processed in the following manner:
- i. Prior to the issuance of a Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Township Supervisor. The amount of the performance guarantee shall be one hundred percent (100%) of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 - ii. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
 - iii. Upon receipt of the required performance guarantee, a Permit for the subject development shall be issued, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
 - iv. The Township Treasurer will refund to the developer portions of the performance guarantee, only after written notice from the Township Supervisor, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.



- v. When all of the required improvements have been completed, the applicant shall send written notice to the Township Supervisor of completion of said improvements. Thereupon, the Township Supervisor shall cause a final inspection to be made of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth.
- vi. A record of authorized performance guarantees shall be maintained by the Township Clerk.

- 4. Private road construction is to be completed within one (1) year of approval by the Board. Failure to complete private road construction within one (1) year shall render said approval null and void.
- 5. Upon completion of the private road, the applicant shall provide a letter signed by their design professional indicating the private road has been constructed to meet the standards outlined in this Ordinance.

H. Permits.

- 1. The Board may elect to have all design and construction plans, and maintenance agreements or other covenants reviewed by the Township attorney, engineer, and/or planner, as applicable, prior to consideration of the application for the private road permit.
- 2. No Building Permits shall be issued for construction of any building or structures on lots or condominium units served by a private road until construction of the private road as approved by the Board has been completed and certificate of compliance has been issued.
- 3. A driveway permit shall be obtained from the Roscommon County Road Commission prior to issuance of any Building Permit.



4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Roscommon Drain Commission, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. It shall be the applicant's responsibility to obtain all applicable State and Federal permits for the road construction.

Section 3.24 Nonconforming Lots of Record, Uses, Buildings and Structures

A. Intent

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Section to permit legal nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Nonconforming lots, uses, and buildings and structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Section that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.



B. Nonconforming Lots of Record

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any use permitted by right in the zoning district in which the lot is located, subject to approval of water supply, and sanitary sewer or septic system by the County Health Department, or other proper agency having jurisdiction, further, the requirements on chart 15.01B shall be met for the zoning district in which the lot is located.

C. Conforming Uses

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
2. No part of any nonconforming use shall be moved unless such movement eliminates the non-conformity.
3. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;



- e. Other actions, which in the opinion of the Ordinance Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Zoning Board of Appeals:
- a. The proposed nonconforming use shall be as compatible, or more compatible with the surrounding neighborhood than the previous use.
 - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous use.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.
5. An existing resort located in a zone which does not permit the same may still be altered, expanded, or rebuilt after obtaining the required permits. For this purpose, they will not be considered as a nonconforming use. Any new unit will be at least 576 square feet.

D. Nonconforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by up to one half (½) the distance required by this Ordinance. Only in these



cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.

- b. Should a nonconforming building or structure be destroyed to an extent of more than fifty (50) percent of its replacement value, exclusive of the foundation, it shall be reconstructed only within its existing foundation, unless it is designed and rebuilt to become more conforming with the provisions of this Ordinance.
 - c. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.
- E. The Township may acquire, through purchase or condemnation, private nonconforming buildings, structures, or land. The Township Board may make this purchase of private property in the manner provided for by law.
- F. Those alleged nonconforming uses of land, buildings, and structures which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses and shall be discontinued upon written notification from the Ordinance Administrator.

Section 3.25 Soil Removal and Grading

- A. Where soil is removed for any purpose, it shall be done in such a manner as to leave the area from which it was removed reasonably level. No holes may be left where stagnant water could partially or entirely fill them. No soil shall be removed that will cause erosion of any public street or highway.



- B. In no event shall soil be removed below grade level within one hundred seventy-five (175) feet of the nearest existing street or highway right-of-way.
- C. Any soil removed mentioned herein shall not be construed to include excavation in conjunction with on site construction, construction of ponds for fish, wildlife and other conservation practices, in ground swimming pools and/or artificial lakes shall require Land Use Permits.
- D. Prior to removal of any soil, aggregate, sand, stone, or other mineral, the person or persons removing same shall deposit with the Township Treasurer cash bond to the Township of Markey in the amount of \$1,000.00 dollars to insure compliance with the provisions of this section. If said bond is a surety bond, there shall be sufficient sureties to be approved by the Township Treasurer.
- E. Upon commencement of any soil removal, said removal must be completed within a reasonable period thereafter, a reasonable period being defined as not to exceed six (6) months. Upon completion of soil removal, the party removing same shall notify the Ordinance Administrator, who shall make an inspection to determine compliance with this section.
- F. Upon completion of said inspection and a determination by the Ordinance Administrator that the provisions of this section have been complied with, the Ordinance Administrator shall direct the Township Treasurer to release any cash or surety bond.
- G. In the event the Ordinance Administrator determines that the provisions of this section have not been complied with, said Administrator shall notify said party in writing, by certified mail, return receipt requested, specifying the nature of the non-compliance with this section and ordering compliance within thirty (30) days after the date of said notice. In the event that said party fails to comply with the provisions of said Section within thirty (30) days after the date of said notice, said bond shall be forfeited.



- H. It shall be the duty of the Ordinance Administrator to notify the Township Treasurer forthwith of such forfeiture. The proceeds of said bond shall be used as directed by the Township Board to the extent necessary to bring compliance within the provisions of this Section and the surplus, if any, shall be returned to sureties therein. In event that the proceeds of said bond are not sufficient in amount to bring compliance with the provisions of this Section, the party shall be liable to the Township of Markey for the amount of such deficiency.
- I. There shall be no filling in or removal of ground on a building lot which would seriously affect the grade at the adjacent neighbor's lot line unless mutually agreed to, in writing, by the respective owners of the property affected by such change in grade. No lot or parcel of land shall be filled until the area thereof to be used for buildings, septic, tanks, drainage fields, or wells, shall be stripped of all organic material such as logs, brush, stumps, and organic soil. Any owner of a lot to be filled that needs fifty (50) yards or more of fill dirt for filling shall first get a land use permit from the Land Use Administer. All grading shall comply with Act 347, Public Acts of 1972, Soil Erosion Law.

Section 3.26 Open Space Preservation

- A. Purpose: The purpose of this Section is to adopt open space preservation provisions consistent with the Michigan Zoning Enabling Act and to permit lands satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50%, that could otherwise be developed, under existing regulations, on the entire land area.
- B. Qualifying conditions: Land may be developed under the provisions of this Section only if each of the following conditions is satisfied:
 - 1. The land shall be zoned in the A-1, R-2, or R-3 Zoning Districts;
 - 2. The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system;



3. The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension; and
 4. The open space preservation option shall not have previously been exercised with respect to the same land.
- C. Permitted uses: Only dwelling units and non-dwelling unit structures (as described in Section 3.26F.10. permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this Section.
- D. Application and Review Procedure: The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Section 16 of this Ordinance, governing site development plans, except as otherwise provided in this Section. In addition to the application materials required by Section 16 of this Ordinance, an application for the development of land under the provisions of this Section shall include the following:
1. A Parallel Plan prepared for the purpose of demonstrating the number of dwelling units that could reasonably be developed on the land under its existing zoning if the open space preservation option were not exercised. The Parallel Plan may be conceptual in nature but shall include at least the following information:
 - a. Date, north arrow and scale, which shall not be more than 1" = 100, and in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed open space preservation development.
 - b. Location of street rights-of-way or easements.
 - c. Location of all lots, illustrating lot area and width to demonstrate compliance with the minimum requirements of the applicable zoning district.



- d. Required building setback lines on all lots to demonstrate the availability of sufficient buildable land to make the lot usable.
 - e. Location of all utilities that would be necessary to serve a development under the Parallel Plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
 - f. If development under the Parallel Plan would require the use of septic tanks and drain fields, such Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Roscommon County Health Department.
 - g. The location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, slopes in excess of 25%, flood plains, or other features prohibiting development for residential purposes.
2. When reviewing an application submitted under the terms of this Section, the Planning Commission shall determine whether the Parallel Plan accurately reflects the number of dwelling units that could be developed on the land under its existing zoning. If the Planning Commission determines that the number of dwellings illustrated on the Parallel Plan exceeds the number of dwellings that could be permitted on the land if it were developed under its existing zoning, the applicant shall submit a revised site development plan for the clustering option reflecting the permitted number of dwellings, as determined by the Planning Commission.



3. A copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land and would have the legal effect of preserving the open space in perpetuity in an undeveloped state. Such legal instrument shall be reviewed by the township attorney prior to recording and shall be subject to the approval of the Township Board, consistent with the terms of this Section. The legal instrument shall:
 - a. Indicate the proposed permitted use(s) of the undeveloped open space.
 - b. Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that may be approved by the Planning Commission.
 - c. Require that the open space be maintained by parties who have an ownership interest in the property.
 - d. Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.
4. The site development plan for the open space preservation option shall include the following minimum information, in addition to that required by Section 16.01C.2. of this Ordinance:
 - a. Land proposed to remain in a perpetually undeveloped state and the portions of the land to be used for clustered development.
 - b. Total number of acres of land proposed to remain in a perpetually undeveloped state, the total number of acres of land proposed to be used for clustered development, and the area contained within rights-of-way or easements for streets. The percentage of each, as compared to the total site acreage, shall be indicated.



- c. Lots and proposed building envelopes and indicate the lot area and width of each lot. The number of lots on the site development plan shall not exceed the number of lots on the Parallel Plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described in Section 3.26F.11.
 - d. Location and type of all proposed structures or improvements that are not dwellings.
 - e. Location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Roscommon County Health Department.
- 5. If the development is to be served by public streets, proof that the Roscommon County Road Commission has approved the design, layout and construction of the streets.
- E. If a site development plan satisfies all applicable requirements of Section 16 of this Ordinance, all requirements of this Section and all conditions of approval imposed by the Planning Commission, the Planning Commission shall approve the site development plan. The Planning Commission may require performance guarantees.
- F. Development requirements:
 - 1. Required Open Space. At least 50% of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "open space"), as provided in Section 3.26D.3. The following areas shall not constitute open space:
 - a. The area within all public street rights-of-way.
 - b. The area within all private street easements.



- c. Any easement for overhead utility lines, unless adjacent to open space.
 - d. The area within a platted lot or site condominium unit.
 - e. Off street parking areas.
 - f. Detention and retention ponds.
 - g. Community drain fields.
 - h. Areas devoted to community water supply or sanitary sewer treatment systems.
 - i. Marinas.
 - j. Club houses and swimming pools.
2. Standards for Open Space. The following standards shall apply to the open space required pursuant to this Section:
- a. The open space shall not include a golf course.
 - b. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, natural area, agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 - c. The open space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably usable by such residents for passive recreation such as hiking and picnicking. The open space may be, but is not required to be, dedicated to the use of the public.



- d. Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided.
 - e. A portion of the open space shall be located along the perimeter street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
 - f. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
 - g. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
3. Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, in its discretion, may permit structures or improvements to be located in the open space if such would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use. However, club houses, swimming pools, golf courses, marinas, and similar recreational amenities shall not be permitted within the designated open space.
4. Underlying- Zoning District. The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback and lot area requirements that must be adjusted to allow the clustering option permitted herein.



5. Uniform Lot Size. Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
6. Building Envelopes. The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
7. Required Frontage. Each lot shall have a minimum of 50 feet of frontage measured at the street right of way or easement line. All dwelling lots shall be accessed from an interior street within the development and shall meet the minimum frontage requirement on such interior street.
8. Lot Width. Each lot shall have a minimum width equal to no less than one-half (2) the minimum lot width specified for the zoning district in which the land is located.
9. Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the Parallel Plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in Section 3.26F.11.
10. Non-Dwelling Unit Structures. Lots containing non-dwelling structures such as a clubhouse and its related amenities, shall be subject to all requirements of this Section applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed.
11. Reduction in Lots for Non-Dwelling Structures. If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted to be developed shall be reduced as follows:



- a. The area occupied by non-dwelling structures, shall be divided by the average area of dwelling lots that could be situated in the clustered development if the non-dwelling structures were not included, based on the approved Parallel Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
 - b. The number calculated under subsection (a) above shall be subtracted from the number of dwelling lots that could be permitted in the clustered development, as determined from the approved Parallel Plan.
12. Perimeter Lots. Notwithstanding any other provision of this Section, the Planning Commission may require that the open space preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
13. Grading. Grading within the development shall comply with the following requirements:
- a. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.
 - b. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.



- c. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.

14. Private Streets. Private streets within an open space preservation development shall conform to the private street requirements of this Ordinance.

15. Other Laws. The development of land under this Section is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

G. Amendments to an Approved Site Plan:

1. An approved open space preservation development plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change.

2. Changes to an approved development plan may be permitted only under the following circumstances.

a. The holder of an approved plan shall notify the Ordinance Administrator of any desired change.

b. Minor changes may be approved by the Ordinance Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the open space development, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:



- i. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
- ii. Internal rearrangement of a Parking Lot which does not affect the number of parking spaces or alter access locations or design;
- iii. Changes required or requested by the Township, Roscommon County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- iv. Change of phases or sequence of phases if all phases have been approved.

H. Time Limitation on Development:

- 1. Each development permitted pursuant to this Section shall be under construction within one year after the date of approval of the open space preservation plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant no more than one extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.
- 2. If the clustered development has not been commenced within the above-stated time period, or within any authorized extension thereof, any building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this Section in order to exercise the clustering option.



Section 3.27 Emergency Temporary Dwellings

PURPOSE:

Emergency Temporary Dwellings may be permitted upon a finding by the Township that the principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable and the standards set forth herein have been met.

PERMIT APPLICATION AND REVIEW.

1. An application for a zoning and land use permit for the emergency temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Ordinance Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure.
2. The application shall be reviewed by a committee composed of the Ordinance Administrator, Township Supervisor and Planning Commission Chairman or the person designated. Approval of the application may be granted by a majority vote of the committee upon a finding that all of the following conditions are met.
 - a. The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
 - b. The temporary dwelling unit will be connected to public sewer or septic and a well.
3. The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one (1) year from the date of approval by the committee. Any conditions of approval shall be specified in writing on the permit.



4. To guarantee compliance with the provisions of the ordinance and removal of the emergency temporary dwelling upon expiration of the permit, the committee or the Township Board may require a cash bond to be posted prior to the issuance of a permit.

Section 3.28 Single Family Residential Driveways

All new driveways providing access for single-family dwellings shall be constructed in such a manner as to provide a year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. Driveways shall be a minimum of ten (10) feet wide, minimum of thirteen feet six inches (13 ft 6 in.) overhead clearance of vegetation and other obstructions and shall be constructed from the road (public or private) to a point which intersects the front plane of the structure closest to the road.



Chapter 4 Zoning Districts - General

Section 4.01 Districts Established

For the purposes of this Ordinance, Markey Township is hereby divided into the following zoning districts:

Zoning District Designation		Chapter	Page
A-1	Rural Preservation District	6	92
R-3	Rural Residential District	7	96
R-2	Medium Density Residential District	8	101
R-1a	Lakeside Residential District	9	105
R-1b	High Density Lakeside Residential District	10	110
MHP	Manufactured Home Park District	11	114
C-1	Neighborhood Commercial Service District	12	117
C-2	Commercial Service District	13	123
AS	Airport District	14	127



Section 4.02 District Boundaries

- A. Boundaries - The boundaries of the districts listed in Section 4.01 are hereby established as shown on the Markey Township Zoning Ordinance Map, which is part of this Ordinance.

- B. Interpretation of District Boundaries - Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the center lines of streets, roads, highways, or alleys shall be construed to follow such center lines.
 - 2. Boundaries indicated as approximately following platted lot lines or Township limits shall be construed as following such lot lines or Township limits.
 - 3. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
 - 4. Boundaries indicated as parallel to or extensions of features indicated in Section 4.02, B, 1, 2, and 3, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
 - 5. Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Zoning Board of Appeals shall interpret the district boundaries.
 - 6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right- of-way.



Section 4.03 Zoning of Vacated Areas

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between, unless the Township Board shall otherwise designate.



Chapter 5

RCG (River and Creek Greenbelt) Overlay District

Section 5.01 Purpose

This District shall provide for the preservation of the natural features and view of the Cut River and Backus Creek to preserve the high quality of the river and creek and to prevent the deterioration thereof. The RCG District shall overlay the existing zoning district and includes land within three hundred (300) feet from the ordinary high-water mark on both sides of the Cut River, and four hundred (400) feet from the ordinary high-water mark on both sides of Backus Creek.

Section 5.02 Permitted Uses

No land or buildings in the RCG District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

Any permitted use in the underlying district.

Section 5.03 Special Land Uses

No land or buildings in the RCG District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Hunting Reserves
- B. Public or Private boat launches
- C. Public Parks and Recreation areas

Section 5.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:



- A. Additional setbacks and lot widths for structures.
1. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of forty (40) feet from a shoreline or ordinary high- water mark, whichever is greater. Side and rear yard setbacks shall conform to R-1a- Lakefront Residential requirements. The applicant shall provide a survey from a licensed surveyor or engineer documenting the high-water mark and setbacks.
 2. No dwelling shall be constructed or placed on lands which are subject to flooding, or on banks where four (4) feet between the finished grade level and high ground water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high ground water line, only under the following conditions:
 - a. No material is allowed to enter the water either by erosion or mechanical means.
 - b. The fill material is of a pervious nature, such as gravel or sand.
 - c. Any necessary permits shall have been acquired as required by the laws of Roscommon County, the State of Michigan, and the rules and regulations of the Department of Natural Resources of the State of Michigan. It shall be unlawful to alter the shoreline of any river or creek in the Township by soil removal or fill.
 - d. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
- B. General Provisions outlined in Chapter 3.
- C. Site Plan Review as may be required in accordance with Section 16.01.
- D. Off-Street Parking as may be required in accordance with Section 16.02.
- E. Signs are permitted in accordance with the requirements of Section 16.03.



- F. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as indicated above or, if silent, subject to the ordinary zoning district where properties are located.



Chapter 6 A-1 (Rural Preservation) District

Section 6.01 Purpose

Lands designated with this District classification shall be primarily identified as large lot residential, recreational, agricultural, and forest related activities. This district is intended to prevent the destruction of natural or man-made resources to the greatest extent possible and to provide for residential development without the need for public sewer and water services. This district is essentially intended to maintain large tracts for forest management programs, to provide for the continuation and preservation of recreation areas to foster the continuation of existing farming activities, and other public activities which are compatible with the general welfare.

Section 6.02 Permitted Uses

No land or buildings in the A-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right

- A. Crop farming.
- B. Single family detached dwellings.
- C. State licensed residential family care facilities.
- D. Essential public services.
- E. Greenhouses and Nurseries
- F. Private Wind Energy Systems
- G. Small Scale Solar Energy Systems.
- H. Residential Pole Barn subject to Section 3.14.



Section 6.03 Special Land Uses.

No land or buildings in the A-1 District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Roadside stands.
- B. Cemeteries.
- C. Public or private campgrounds.
- D. Mining of natural resources.
- E. Forest connected industries, including but not limited to, sawmills, lumber and planing mills, debarking operations, and chipping facilities.
- F. Churches.
- G. Golf courses and country clubs.
- H. Planned unit developments.
- I. Utility Scale Wind Energy Conversion Systems.
- J. Utility Scale Solar Energy Systems.
- K. Community Scale Solar Energy Systems.
- L. Energy Storage Facilities.
- M. Wildlife preserves.
- N. Hunting reserves.
- O. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs for exclusive use of its members.
- P. Kennels.



- Q. Veterinary hospitals and clinics.
- R. Home occupations.
- S. Deer, Elk, or other cervine farms.
- T. Intensive livestock operations.
- U. Riding stables.
- V. Wireless Communication Towers
- W. Bed and Breakfast Establishments
- X. Multiple Family Dwellings
- Y. Retail Sales Accessory to a permitted use
- Z. Home based business
- AA. Home based occupation
- BB. Adult foster care group homes
- CC. Public parks and recreation areas
- DD. Riding stables

Section 6.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 16.01.
- C. Off-Street Parking as may be required in accordance with Section 16.02.
- D. Signs are permitted in accordance with the requirements of Section 16.03.



- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 15.

A-1 (Rural Preservation) District	
Minimum Lot Size	10 acres
Minimum Lot Width	330 feet
Front Yard Setback	100 feet
Side Yard Setback	50 feet
Rear Yard Setback	50 feet
Corner Lot Setback	25 feet from the Secondary Road
Maximum Height (Dwelling)	40 feet
Minimum Floor Area (Dwelling)	720 square feet
Maximum Height (Accessory building)	40 feet
Maximum Floor Area (Accessory bldg.)	3,000 square feet
Maximum Lot Coverage (parcels of 5 acres or more)	5%
Maximum Lot Coverage (parcels of 1 acre to 4.99 acres)	20%
Maximum Lot Coverage (parcels of less than 1 acre)	30%



Chapter 7

R-3 (Rural Residential) District

Section 7.01 Purpose

Lands in this District are similar to the Rural Preservation District, however, residential uses on large lots shall predominate the district. Lands in this district are generally served by a quality transportation network and are more likely to experience development pressures over that in the Rural Preservation District. The District provides for the orderly transition of land from agricultural to low density residential uses, without straining the land, or requiring public services or utilities, even if they exist, or are planned.

Section 7.02 Permitted Uses

No land or buildings in the R-3 District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential family care facilities.
- C. Essential public services.
- D. Private Wind Energy Conversion Systems (maximum height (35) thirty-five feet).
- E. Small Scale Solar Energy Systems.
- F. Residential Pole Barn subject to Section 3.14.
- G. Short-term rentals



Section 7.03 Special Land Uses

No land or buildings in the R-3 District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Greenhouses and nurseries.
- B. Roadside sales.
- C. Public or private campgrounds.
- D. Bed and Breakfast establishments.
- E. Public parks and recreation areas.
- F. Golf courses and country clubs.
- G. Group day care homes.
- H. Adult foster care group homes.
- I. Churches.
- J. Cemeteries.
- K. Planned unit developments.
- L. Public or private schools.
- M. Municipal buildings.
- N. Riding stables.
- O. Home based businesses.
- P. Crop farming.
- Q. Nursing or convalescent homes.



- R. Home Occupations.
- S. Medical offices.
- T. Utility Scale Wind Energy Conversion Systems.
- U. Utility Scale Solar Energy Systems.
- V. Community Solar Energy Systems.
- W. Energy Storage Facilities
- X. Wireless Communication Towers
- Y. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs, for the exclusive use of its members
- Z. Commercial outdoor recreation facility
- AA. Community centers
- BB. Deer, elk or other cervine farms
- CC. Hunting reserves
- DD. Kennels
- EE. Two-family dwelling
- FF. Multiple family dwelling
- GG. Places of assembly (including, but not limited to, dance pavilions, auditoriums, and private clubs)
- HH. Retail sales accessory to a permitted use
- II. Veterinary hospitals and clinics
- JJ. Wildlife preserves



Section 7.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 16.01.
- C. Off-Street Parking as may be required in accordance with Section 16.02.
- D. Signs are permitted in accordance with the requirements of Section 16.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 15.

R-3 (Rural Residential) District	
Minimum Lot Size	1 acre
Minimum Lot Width	100 feet
Front Yard Setback	50 feet
Side Yard Setback	15 feet
Rear Yard Setback	30 feet
Corner Lot Setback	25 feet from the Secondary Road
Maximum Height (Dwelling)	35 feet
Minimum Floor Area (Dwelling)	720 square feet
Maximum Height (Accessory building)	28 feet at the peak, 14 feet at eaves and 14-foot sidewalls, as measured finish floor to top plate.
R-3 (Rural Residential) District	
Maximum Floor Area (Accessory bldg)	See Section 3.14, 4A
Maximum Lot Coverage	40 %



Chapter 8

R-2 (Medium Density Residential) District

Section 8.01 Purpose

This District is intended to provide areas for the preservation and establishment of stable, high quality residential neighborhoods. The district will promote a higher density residential environment, while preserving those natural features that are important to the character of the Township.

Section 8.02 Permitted Uses

No land or buildings in the R-2 District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. Two-family dwellings.
- C. State licensed residential family care facilities.
- D. Essential public services.
- E. Short-term rentals.
- F. Small Scale Solar Energy Systems.
- G. Private Wind Energy Conversion Systems.

Section 8.03 Special Land Uses

No land or buildings in the R-2 District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 17:



- A. Group day care homes.
- B. Adult foster care group homes.
- C. Churches.
- D. Public or private schools.
- E. Public parks and recreation areas.
- F. Planned unit developments.
- G. Home occupations.
- H. Bed and breakfast
- I. Cemeteries
- J. Commercial outdoor recreation facility
- K. Community centers
- L. Crop farming
- M. Duplexes
- N. Golf courses and country clubs
- O. Greenhouses and nurseries
- P. Medical offices
- Q. Multiple family dwellings
- R. Municipal buildings
- S. Nursing or convalescent homes
- T. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs



- U. Public or private campgrounds
- V. Retail sales accessory to a permitted use
- W. Riding stables
- X. Roadside sales
- Y. Wildlife preserves
- Z. Wireless communication towers
- AA. Home based business

R-2 (Medium Density Residential) District	
Minimum Lot Size	1/2 acre
Minimum Lot Width	75 feet
Minimum Double Lot Size	1 acre
Minimum Double Lot Width	100 feet
Front Yard Setback	50 feet
Side Yard Setback	10 feet
Rear Yard Setback	15 feet
Corner Lot Setback	25 feet from the Secondary Road
Maximum Height (Dwelling)	35 feet
Minimum Floor Area (Dwelling)	720 square feet
Maximum Height (Accessory building)	25 feet at the peak, 14 feet at eaves and 14-foot sidewalls, as measured finish floor to top plate.
Maximum Floor Area (Accessory building)	See Section 3.14, 4A
Maximum Lot Coverage	40 %



Section 8.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 16.01.
- C. Off-Street Parking as may be required in accordance with Section 16.02.
- D. Signs are permitted in accordance with the requirements of Section 16.03.
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 15.



Chapter 9

R-1a (Waterfront Residential) District

Section 9.01 Purpose

This District is characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of Markey Township. It is the intent of the District to provide regulations on lands located along the waterfront areas of the Township. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront properties, and to ensure that the structures and uses in this District are compatible with and protect these unique attributes.

Section 9.02 Permitted Uses

No land or buildings in the R-1a District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential family care facilities.
- C. Essential public services.
- D. Private Wind Energy Conversion Systems (maximum height (35) thirty-five feet).
- E. Small Scale Solar Energy Systems.
- F. Short-term rentals.



Section 9.03 Special Land Uses

No land or buildings in the R-1a District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 1:

- A. Public or private boat launches.
- B. Home occupations.
- C. Adult foster care group homes
- D. Bed and breakfast establishments
- E. Marinas
- F. Multiple family dwellings
- G. Public parks and recreation areas
- H. Retail sales accessory to a permitted use
- I. Two-family dwellings
- J. Home based business
- K. Home based occupation
- L. Existing resorts

Section 9.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirement

- A. Additional setbacks and lot widths for structures.
 - 1. Unless specified by any other provision of this ordinance, no dwelling, accessory building or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of forty (40) feet from



a shoreline or ordinary high- water mark, or a minimum of thirty (30) feet from the road/street side. The applicant shall provide a survey from a licensed surveyor or engineer documenting the high-water mark and setbacks.

2. No dwelling shall be constructed or placed on lands which are subject to flooding, or on banks where four (4) feet between the finished grade level and high ground water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high ground water line, only under the following conditions:
 - a. No material is allowed to enter the water either by erosion or mechanical means.
 - b. The fill material is of a pervious nature, such as gravel or sand.
 - c. Any necessary permits shall have been acquired as required by the laws of Roscommon County, the State of Michigan, and the rules and regulations of the Department of Natural Resources of the State of Michigan. It shall be unlawful to alter the shoreline of any lake, river or creek in the Township by soil removal or fill.
 - d. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
 - e. Accessory Decks will be allowed in the front yard setbacks in R1-A District provided they meet the following:
 - i. They cannot be attached to any building.
 - ii. Are not higher than 12 inches off the ground,
 - iii. measured from the original grade to the top of the deck boards.



- iv. Cannot have any type of structure on top of deck either temporary or permanent including but not limited to Gazebos, Pergolas, and Screened in areas.
- v. They will not be used when setting Dwelling setback distances.
- vi. They will meet sideline setbacks
- vii. No built-in seating allowed
- viii. Not to exceed 200 Square Feet.
- ix. Accessory Decks may have railings of not higher than 33 inches

- B. General Provisions outlined in Chapter 3.
- C. Site Plan Review as may be required in accordance with Section 16.01.
- D. Off-Street Parking as may is required in accordance with Section 16.02.
- E. Signs are permitted in accordance with the requirements of Section 16.03.



R-1a (Lakefront Residential) District	
Minimum Lot Size	12,000 square feet
Minimum Lot Width	50 feet
Front Yard Setback	40 feet (except under conditions in Section 9.04, A, 1)
Side Yard Setback	14 % of lot width, on each side with a maximum of 10'
Rear Yard Setback	30 feet
Corner Lot Setback	25 feet from the Secondary Road
Maximum Height (Dwelling)	35 feet
Minimum Floor Area (Dwelling)	1,000 square feet
Maximum Height (Accessory building)	25 feet at the peak, 14 feet at eaves and 14-foot sidewalls, as measured finish floor to top plate.
Maximum Floor Area (Accessory bldg.)	Refer to sec. 3.14 sub 4-A
Maximum Lot Coverage	40%

- F. All uses shall be served by public sewer.
- G. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as indicated, below, and as outlined in Schedule of District Regulations, Chapter 15.



Chapter 10

R-1b (High Density Residential) District

Section 10.01 Purpose

Development within this District is characterized by uses which are strongly oriented toward the recreational and seasonal residential land uses, and enjoyment of Houghton Lake. It is the intent of the District to provide regulations on land located adjacent to the lakefront and shoreline areas of Houghton Lake for the continued enjoyment of such areas. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of lakefront properties, and to ensure that the structures and uses in this District are compatible with the surrounding features.

Section 10.02 Permitted Uses

No land or buildings in the R-1b District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. Single family attached dwellings.
- C. Two-family dwellings.
- D. State licensed residential family care facilities.
- E. Essential public services.
- F. Private Wind Energy Conversion Systems. (maximum height thirty-five (35) feet)
- G. Small Scale Solar Energy Systems.
- H. Short-term rentals.



Section 10.03 Special Land Uses

No land or buildings in the R-1b District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Home occupations.
- B. Detached duplexes, located on a double lot.
- C. Churches, provided the building is at least fifty (50) feet from any residentially zoned lot.
- D. Adult foster care group homes
- E. Bed and breakfast establishments
- F. Multiple family dwellings
- G. Public parks and recreation areas
- H. Retail sales accessory to a permitted use
- I. Home based business

Section 10.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. No dwelling shall be constructed or placed on lands which are subject to flooding.
 - 1. No material is allowed to enter the water either by erosion or mechanical means.
 - 2. The fill material is of a pervious nature, such as gravel or sand.



3. Any necessary permits shall have been acquired as required by the laws of Roscommon County, the State of Michigan, and the rules and regulations of the Department of Natural Resources of the State of Michigan. It shall be unlawful to alter the shoreline of any lake, river or creek in the Township by soil removal or fill.
 4. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
- B. General Provisions outlined in Chapter 3.
 - C. Site Plan Review as may be required in accordance with Section 16.01.
 - D. Off-Street Parking as may be required in accordance with Section 16.02.
 - E. Signs are permitted in accordance with the requirements of Section 16.03.
 - F. All uses shall be served by public sewer.
 - G. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as indicated, below, and as outlined in Schedule of District Regulations, Chapter 15.



R-1b (High Density Residential) District	
Minimum Lot Size	12,000 square feet
Minimum Lot Width	50 feet
Minimum Double Lot Size	24,000 square feet
Minimum Double Lot Width	150 feet
Front Yard Setback	40 feet
Side Yard Setback	14 % of lot width on each side with a maximum of 10'
Rear Yard Setback	10 feet
Corner Lot Setback	25 feet from the Secondary Road
Maximum Height (Dwelling)	35 feet
Minimum Floor Area (Dwelling)	720 square feet
Maximum Height (Accessory building)	25 feet at the peak, 14 feet at eaves and 14-foot sidewalls as measured finish floor to the top plate.
Maximum Floor Area (Accessory bldg.)	Refer to sec. 3.14 sub 4-A
Maximum Lot Coverage	40 %



Chapter 11

MHP (Manufactured Home Park) District

Section 11.01 Purpose

Consistent with the Township's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all people, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to permit additional variety in housing opportunities and choices.

Section 11.02 Permitted Uses

No land or buildings in the MHP District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. State licensed manufactured home parks.
- B. State licensed residential family care facilities.
- C. Essential public services.
- D. Private Wind Energy Conversion Systems (maximum height thirty-five (35) feet).
- E. Small Scale Solar Energy Systems.

Section 11.03 Special Land Uses

No land or buildings in the MHP District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Public parks and recreation areas.



- B. Community Centers.

Section 11.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 16.01.
- C. Off-Street Parking as may be required in accordance with Section 16.02.
- D. Signs are permitted in accordance with the requirements of Section 16.03.
- E. All uses shall be served by public sewer and water facilities, or by an approved community system.

Section 11.05 General Requirements

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in Markey Township, irrespective of the requirements of any other ordinance of Markey Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.
- C. All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.



D. The Planning Commission and Township Board shall consider the conformance of the manufactured home park with the adopted rules of the Mobile Home Commission of the State of Michigan and the following additional standards:

1. Whether the proposal is in accordance with the Markey Township Master Plan.
2. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
3. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
4. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
5. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.

E. Manufactured Home Sales

1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.



Chapter 12

C-1 (Neighborhood Commercial Service) District

Section 12.01 Purpose

This District is intended to provide areas for the establishment of retail sales and personal service uses, catering to the general public, as well as the residents of Markey Township. The uses in the District will remain small in scale to be well integrated into a rural setting and possess appropriate traffic safety components which will limit potential negative impacts resulting from adjacent non-residential uses. Development in this district should not be of such a scale as to overwhelm the rural-resort characteristic of the Township.

1. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development, provided the development permits the sale.

Section 12.02 Permitted Uses

No land or buildings in the C-1 District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Retail sales uses conducted entirely within an enclosed building not exceeding five thousand (5,000) square feet, and where no assembly, treatment, or manufacturing takes place on site.
- B. Office buildings.
- C. Banks, credit unions, and other financial institutions.



- D. Restaurants.
- E. Personal service uses including but not limited to, barber shops and beauty salons, shoe repair, electronics repair, or dry cleaning and laundry service.
- F. Indoor recreational and entertainment facilities, including but not limited to, theaters, bowling lanes, billiard parlors, taverns, and skating rinks.
- G. Essential public services.
- H. Single family dwellings.
- I. Two-family dwellings.
- J. Private Wind Energy Conversion Systems.
- K. Small Scale Solar Energy Systems.

Section 12.03 Special Land Uses

No land or buildings in the C-1 District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Hotels and motels.
- B. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- C. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
- D. Health and physical fitness clubs.
- E. Vehicle service establishments.
- F. Gasoline stations.
- G. Vehicle sales areas.



- H. Vehicle wash establishments.
- I. Lumber yards and building material sales areas.
- J. Nursing or convalescent homes.
- K. Funeral homes and mortuaries.
- L. Veterinary hospitals and clinics.
- M. Commercial outdoor recreation facility.
- N. Wireless communication towers and radio and television broadcast towers.
- O. Planned unit developments.
- P. Municipal buildings.
- Q. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- R. Self-serve Laundromats.
- S. Billboards.
- T. Storage buildings for residential and commercial.
- U. Commercial Storage (mini-storage units.)
- V. Storage building / yards for contractor's equipment.
- W. Adult foster care group homes
- X. Bed and breakfast establishments
- Y. Churches
- Z. Community centers



- AA. Golf courses and country clubs
- BB. Greenhouses and nurseries
- CC. Group day care homes
- DD. Medical offices
- EE. Multiple-family dwellings
- FF. Public or private schools
- GG. Public parks and recreation areas
- HH. Rental shops for equipment, tools, cars, trailers, trucks and recreational products
- II. Retail sales accessory to a permitted use
- JJ. Roadside sales
- KK. Research and development facilities
- LL. Office buildings for professional activities.
- MM. Wind energy systems.

Section 12.04 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 16.01.
- C. Off-Street Parking as may be required in accordance with Section 16.02.
- D. Signs are permitted in accordance with the requirements of Section 16.03.



- E. All uses shall be served by county health department approved sewer and water system.
- F. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 15.
- G. For lots that are determined to be non-conforming lots because of a non-conforming minimum lot size and/or width, and are therefore unable to meet present site development standards, the site development requirements outlined in chart 15.01B will apply.



C-1 (Neighborhood Commercial Service) District	
Minimum Lot Size	30,000 square feet
Minimum Lot Width	100 feet
Front Yard Setback - refer to Sec. 15.02, A, 1	75 feet
Side Yard Setback - refer to Sec. 3.10	20 feet
Rear Yard Setback - refer to Sec. 3.10	50 feet
Maximum Height (Main building)	35 feet
Maximum Height (Accessory building)	28 feet at the peak, 16 feet at eaves and 16-foot sidewalls as measured from the finish floor to the top plate.
Maximum Lot Coverage	40%
Corner Lot Setback	35 feet from Secondary Street
Minimum square footage of first floor on dwelling	720 square feet



Chapter 13 C-2 District

Section 13.01 Purpose

This District is intended to provide areas for establishment of retail sales, personal service, manufacturing and industrial catering to the general public, as well as the residents of Markey Township. The uses in the District will be well integrated into a rural setting and possess appropriate traffic safety components which limit potential negative impacts resulting from adjacent non-residential uses.

Section 13.02 Permitted Uses

No land or building in the C-2 District shall be used, erected, altered or converted in whole or in part without a Special Land Use Permit.

Section 13.03 Special Land Uses

- A. Hotels and motels.
- B. Places of assembly, including but not limited to dance pavilions, auditoriums, and private clubs.
- C. Commercial schools including, but not limited to dance, music trade, and martial arts.
- D. Health and physical fitness clubs.
- E. Vehicle sales areas.
- F. Gasoline stations.
- G. Manufacturing and Industrial.



- H. Vehicle wash establishments.
- I. Lumber yards and building material sales areas.
- J. Nursing or convalescent homes.
- K. Funeral homes, mortuaries and crematoriums.
- L. Veterinary hospitals and clinics.
- M. Municipal building.
- N. Drive-through facilities for uses including, but not limited to, restaurants, banks, personal service establishments like dry cleaning pick-up stations and pharmacies.
- O. Self-serve Laundromats.
- P. Storage building/yards for contractor's equipment in conjunction with an office building.
- Q. Churches.
- R. Community centers.
- S. Greenhouses and nurseries.
- T. Multiple-family dwellings.
- U. Medical offices, pharmaceutical facilities and medical supplies.
- V. Public parks and recreation areas.
- W. Rental shops for equipment, tools, cars, trailers, trucks and recreational products.
- X. Repair Facilities.
- Y. Research and development facilities.



- Z. Office buildings for executive administration, professional, accounting, drafting and other similar professional activities.
- AA. Retail Sales. Outside sales are subject to blight ordinance.
- BB. Banks, credit unions, and other financial institutions with drive thru facilities.
- CC. Personal service uses including but not limited to, barber shops, beauty salons, electronic repair, dry cleaning and like businesses.
- DD. Indoor recreational and entertainment facilities, including, but not limited to, theaters, bowling lanes, billiard parlors, taverns and skating rinks.

Section 13.04 Site Development Requirements

All Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review as shall be required in accordance with Section 16.01
- B. Off street Parking as shall be required in accordance with Section 16.02
- C. Signs are permitted in accordance with requirements of Section 16.03
- D. All uses shall be served by county health department approved sewer and water systems.
- E. Lot dimension, setbacks, height and lot coverage requirements for all buildings, met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District Regulations, Chapter 15.



For lots that are determined to be non-conforming lots the site development requirements are outlined in chart 15.01 b.

C-2 District	
Minimum Lot Size	30,000 square feet
Minimum Lot Width	100 feet
Front Yard Setback - refer to Sec. 15.02, A, 1	25 feet
Side Yard Setback - refer to Sec. 3.10	20 feet
Rear Yard Setback - refer to Sec. 3.10	25 feet
Maximum Height (Main building)	50 feet
Maximum Height (Accessory building)	40 feet at the peak
Maximum Lot Coverage	60%
Corner Lot Setback	25 feet from Secondary Street
Minimum square footage of first floor of structure	720 square feet



Chapter 14 Airport Service (AS) District

Section 14.01 Purpose

This District is intended to provide an area for airport related commercial uses and warehousing uses that do not require a high degree of visibility. Sanitary sewer shall be available to this district. This district shall be compatible with surrounding uses, and consistent with the rural character of the Township. Sites in this district shall be sensitive to traffic safety issues and environmental features. These areas will provide developers with sites close to primary roads for ease of transportation and away from residential areas to minimize potential incompatibilities.

Section 14.02 Permitted Uses

No land or buildings in the AS District shall be used, erected, altered, or converted, in whole or part, except for the following purposes by right.

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
- B. Research and development facilities.
- C. Laboratories (experimental, film, research, or testing).
- D. Essential public services.
- E. Warehousing/distribution facilities.
- F. Shipping / Storage containers are allowed in AS (airport service district) only. Example: metal containers used for rail and / or ocean shipping.



Section 14.03 Special Land Uses

No land or buildings in the AS District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Municipal airports.
- B. Sexually oriented businesses.
- C. Transportation terminals.
- D. Wireless communication towers and radio and television broadcast towers.
- E. Commercial storage (mini-storage units).
- F. Retail sales accessory to a permitted use.
- G. Tool, die, gauge, and machine shops.
- H. Vehicle service establishments.
- I. Gasoline stations.
- J. Lumber yards and building material sales areas.
- K. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- L. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
- M. Storage buildings / yards for contractor's equipment.
- N. Community centers
- O. Storage buildings for commercial uses
- P. Hotels and motels



- Q. Municipal buildings
- R. Places of assembly including but not limited to, dance pavilions, auditoriums and Private clubs.
- S. Public or private schools.
- T. Public parks and recreation areas.

Section 14.04 Site Development Requirements

All Permitted Uses and special Uses are subject to the following Site Development Requirements

- A. General Provisions outlined in Chapter 3.
- B. Site Plan Review as may be required in accordance with Section 16.01.
- C. Off-Street Parking as may be required in accordance with Section 16.02
- D. Signs are permitted in accordance with the requirements of Section 16.03
- E. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as noted on the following chart, unless otherwise indicated, and as outlined in Schedule of District regulations, Chapter 15.



Airport Service (AS) District	
Minimum Lot Size	45,000 square feet
Minimum Lot Width	150 feet
Front Yard Setback	30 feet
Side Yard Setback	20 feet
Rear Yard Setback	30 feet
Maximum Height (Main building)	45 feet, or in compliance with the Federal Aviation Administration requirements, whichever is lower
Maximum Lot Coverage	35 %



Chapter 15 District Regulations

Section 15.01A Schedule of Regulations

Unless specified elsewhere in this Ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

Zoning Districts (a)	Lot Area	Lot Width	Yard Setbacks (in feet)			Main Building Height	Lot Coverage	Accessory Building Height
			Front	Side	Rear			
RCG - River and Creek Greenbelt	See Chapter 5 for Regulations							
A-1 - Rural Preservation	10 acres	330 feet	100	50 (i)	50	40 feet	5%(k)	35 feet
R-3 - Rural Residential (m)	1 acre	100 feet	50	15 (i)	30	35 feet	40%	28 ft. at peak, 14 ft. at eaves
R-2 - Medium Density Residential (c) (m)**	.5 acre	75 feet	50	10 (i)	15	35 feet	40%	25 ft. at peak, 14 ft. at eaves
R-1a - Lakefront Residential (d)(m)	12,000 square feet	50 feet	40	14% (i)*** 10' max	30	35 feet	40%	25 ft. at peak, 14 ft. at eaves
R-1b - High Density Residential (b), (d) (m)**	12,000 square feet	50 feet	40	14% (i)*** 10' max	10	35 feet	40%	25 ft. at peak, 14 ft. at eaves
MHP Manufactured Home Park (e)	See Chapter 11 for specific requirements							
C-1 - Neighborhood Commercial Service (d),(f),(g),(h)	30,000 square feet	100 feet	75	20 (i)	50	35 feet	40%	28 ft. at peak, 16 ft. at eaves
C-2 Commercial Service District	30,000 square feet	100 feet	25	20 (l)	25	50 feet	60%	40 ft. at peak
AS - Airport Service (d), (g), (h)	45,000 square feet	150 feet	30	20 (i)	30	(j)	35%	(l)



*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

** In the indicated zoning districts, the Lot Area and Lot Width criteria shall be doubled to determine whether a lot constitutes a double lot.

*** The 14% side yard shall be determined by multiplying the lot width by 14%.

Section 15.01B Schedule of Regulations-Non-Conforming Lots of Record

Zoning Districts (a)	Yard Setbacks (in feet)			Building Height	Lot Coverage	Accessory Building Height
	Front	Side	Rear			
R-3 - Rural Residential	30	5 (i)	5	35 feet	40%	28 ft. at peak, 14 ft. at eaves
R-2 - Medium Density Residential (c)	30	5 (i)	5	35 feet	40%	25 ft. at peak, 14 ft. at eaves
R-1a - Lakefront Residential (d)(m)	40	5 (i)	30	35 feet	40%	25 ft. at peak, 14 ft. at eaves
R-1b - High Density Residential (b), (d) (m)	30	5 (i)	5	35 feet	40%	25 ft. at peak, 14 ft. at eaves
C-1 Neighborhood Commercial Service (g)	50	5**	25	35 feet	40%	28 ft. at peak, 16 ft. floor to top plate

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

**A minimum side yard setback of twenty (20) feet shall be required adjacent to residential uses.



Section 15.02 Footnotes to District Regulations

A. In all districts where residential uses are permitted either by right, or as a special land use, all dwellings shall contain a minimum living area in accordance with the following, unless otherwise specified in this Ordinance:

<p>Single family</p>	<p>720 square feet, except R-1a which shall have 1,000 square feet and 22' wide</p>
<p>Two-family or multiple-family</p>	<p>484 square feet, per unit, for one (1) bedroom dwellings</p> <p>600 square feet, per unit, for two (2) bedroom dwellings</p> <p>720 square feet, per unit, for three (3) bedroom dwellings, plus 100 square feet, for each additional bedroom, for dwellings with more than three (3) bedrooms.</p>
<p>Condo Development</p>	<p>Must meet requirements in section 17.07 CC</p>



- B. In the R-1b District, residential uses may have less than the required living area as required in footnote (a), as outlined below:

Single family	720 square feet and 22' wide
Two-family or multiple-family	484 square feet, per unit, for one (1) bedroom dwellings, and one hundred (100) square feet for each additional bedroom beyond the first one (1).
Condo Development	Must meet requirements in section 17.07 CC

- C. Lots served by sanitary sewer and approved water may be reduced to a minimum lot area of fifteen thousand (15,000) square feet, and a minimum lot width of eighty-five (85) feet.
- D. All uses shall be served by approved water and sanitary sewer facilities.
- E. All uses shall be served by approved water and sanitary sewer facilities, or by an approved community system.
- F. In no case shall the minimum required setback be less than the height of the building.
- G. Where a side or rear yard abuts a Residential District, a buffer shall be provided in accordance with Section 3.10.
- H. The required front yard shall not be used for off-street parking, except for driveways, and shall be landscaped.
- I. On corner lots, the required setback along the secondary road shall be specified herein.



- J. The maximum height in the AS District shall be forty-five (45) feet, or in compliance with the Federal Aviation Administration (FAA) requirements, whichever is lower.
- K. See Section 6.04 for parcels less than ten (10) acres.
- L. To be determined by the Federal Aviation Administration (FAA)
- M. On irregular shaped lots, due to lakeside curvature, roadside curves and similar situations, first determine the front and rear setbacks. Then determine the mid-point of the remaining space. The lot width at that point shall be used to determine the side lot setback.



Approval Procedures

	Land Use Permit	Special Use Permit (SUP)	Site Plan	Variance
Section of Zoning Ordinance	<p>Section 16.01(E): Approved Plans and Amendments</p> <p>Section 17.07: Special Land Use Specific Design Standards</p>	Chapter 17: Special Land Uses	<p>Section 16.01: Site Plan Review Procedures</p> <p>Section 16.01(C) Application and Review Procedures</p>	Section 18.06: Variance Procedures
When Required?	<p>In most circumstances involving land use activities including:</p> <p>(1) erecting, altering, or moving a building, structure or sign; and (2) altering the use of land. See Sect. 19.02.</p>	<p>Required for uses with unique characteristics that need special review for compatibility with surrounding properties and the community. Sect. 17.01.</p>	<p>Required for all land uses, new construction, new uses established, or additions over 25% of the gross floor area, except for Single family dwellings, Temporary buildings and uses, Accessory uses or structures, and Existing resorts. Sect. 16.01(B)(1)(a).</p> <p>Site Plans are also required for Special land uses in any zone district, Condominium projects or Site Condominiums, and Open space preservation developments. Sect. 16.01(B)(1)(b)-(d).</p> <p>Applications for Site Plan Review must be submitted at least thirty (30) days before the next scheduled Planning Commission meeting and must be submitted through the Ordinance Administrator, who reviews the application materials and transmits the completed and compliant application and materials to the Planning Commission. Sect. 16.01(C)(1)(b).</p>	<p>Required when an applicant can demonstrate there are practical difficulties or unnecessary hardship in the way of adhering to zoning provisions. Sect. 18.06(A).</p>



Approval Procedures

Who Issues?	Ordinance Administrator. Sect. 16.01(E)(1).	Planning Commission. Sect. 17.03(A).	Planning Commission and the Ordinance Administrator. Sect. 16.01(C)(1)(a)-(b).	Zoning Board of Appeals. Sect. 18.03(B).
Notice Required?	Not Applicable.	<p>Yes.</p> <p>Notice must be published in a newspaper that circulates throughout the Township to notify that a request for Special Land Use approval has been received, and a public hearing for the request will be held. Sect. 17.03(A)(1).</p> <p>Additionally, notice must be sent by mail or personal delivery to property owners within 300 feet of the boundary of the property in question. Sect. 17.03(A)(2).</p> <p>Finally, the notice shall be given within fifteen (15) days before the date of the public hearing. Sect. 17.03(A)(3).</p>	<p>No.</p> <p>Although notice is not required for Site Plan Review or Approval, notice of the Planning Commission meeting shall be given by publication in a newspaper of general circulation in the zoning jurisdiction. Notice shall be given not less than fifteen (15) days before the meeting, and must notify the time and place of the meeting. MCL 125.3304.</p>	<p>Yes.</p> <p>Once a written request for a variance is received, the Zoning Board of Appeals must fix a reasonable time for the hearing of the request and notice must be given in the following methods:</p> <ol style="list-style-type: none"> 1. Publish notice in the newspaper fifteen (15) days before the day of the hearing. 2. Sent by mail or personal delivery to property owners within 300 feet of the property that is subject to the request 3. Delivered or deposited during normal business hours. <p>MCL 125.3604.</p>



Approval Procedures

<p>Appeal</p>	<p>The concurring vote of a majority of the membership of the Board is required to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to affect a variation in the ordinance. Sect. 18.04(H)(1).</p>	<p>The Zoning Board of Appeals have the authority to hear appeals from a decision made in respect to a rezoning, and special land use request. Sect. 18.03.</p> <p>The Zoning Board of Appeals shall render its decision upon any appeal within a reasonable time after the hearing, and those decisions shall become final five (5) days after the date that an order has been entered. Sect. 18.04(H)(2), (3).</p>	<p>An appeal may be taken to the Zoning Board of Appeals. Sect. 18.14(B).</p> <p>The party appealing must transmit to the Zoning Board of Appeals the completed application form and site plan, including the project information, existing features, proposed construction, and any surveys the Zoning Board of Appeals may require. Sect. 18.04(B).</p>	<p>Appeals to the decision of the Zoning Board of Appeals must be made to the Circuit Court. Sect. 18.04(J).</p>
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MARKEY TOWNSHIP ZONING DISTRICTS

A-1	Rural Preservation District
R-3	Rural Residential District
R-2	Medium Density Residential District
R-1a	Lakeside Residential District
R-1b	High Density Lakeside Residential District
MHP	Manufactured Home Park District
C-1	Neighborhood Commercial Service District
C-2	Commercial Service District
AS	Airport District
RCG	River and Creek Greenbelt (RCG) Overlay District

TABLE OF PERMITTED USES & SPECIAL LAND USES

P = Permit by right S = Permitted with a Special Use Permit	A1	R-3	R-2	R-1a	R-1b	MHP	C-1	C-2	AS	RCG
A – Defined in Section 2.02										
<i>Accessory Buildings – Residential</i>	P	P	P	P	P					
<i>Accessory Dwelling Units</i>	P	P	P	P	P					
<i>Adult Foster Care Group Homes</i>	S	S	S	S	S		S			
B - Defined in Section 2.03										
<i>Banks, Credit Unions, and Other Financial Institutions With No Drive-Through Facilities</i>							P			
<i>Bed and Breakfast Establishments</i>	S	S	S	S	S		S			
<i>Billboards</i>							S			
C – Defined in Section 2.04										
<i>Campground – Private</i>	S	S	S							
<i>Campground - Public</i>	S	S	S							
<i>Cemeteries</i>	S	S	S							
<i>Cervine Farms</i>	S	S								
<i>Church</i>	S	S	S		S		S	S		
<i>Club</i>	S									
<i>Clubs, Lodges, Fraternities (Including but not limited to, gun and shooting clubs for exclusive use of its members)</i>	S	S								
<i>Commercial Outdoor Recreation Facility</i>		S	S				S			



TABLE OF PERMITTED USES & SPECIAL LAND USES

P = Permit by right S = Permitted with a Special Use Permit	A1	R-3	R-2	R-1a	R-1b	MHP	C-1	C-2	AS	RCG
<i>Community Center</i>		S	S			S	S	S	S	
<i>Crop Farming</i>	P	S	S							
D - Defined in Section 2.05										
<i>Drinking Establishments/Taverns</i>							P	S		
<i>Drive-Through Facility</i>							S	S		
<i>Duplex Unit – Detached on a Double Lot</i>			S		S					
<i>Dwelling – Multiple-Family</i>	S	S	S	S	S		S	S		
<i>Dwelling – Single Family Attached</i>					P		P			
<i>Dwelling – Single Family Detached</i>	P	P	P	P	P		P			
<i>Dwelling – Two-Family</i>		S	P	S	P		P			
E – Defined in Section 2.06										
<i>Essential Public Services</i>	P	P	P	P	P	P	P		P	
<i>Existing Resorts</i>				S						
<i>Energy Storage Facilities</i>	S	S								
F - Defined in Section 2.07										
<i>Forest Connected Industries (Including but not limited to sawmills, lumber and planing mills, debarking operations, and chipping facilities)</i>	S									
<i>Funeral Homes and Mortuaries</i>							S	S		
G - Defined in Section 2.08										
<i>Gasoline Stations</i>							S	S	S	
<i>Golf Courses and Country Clubs</i>	S	S	S				S			
<i>Greenhouses and Nurseries</i>	P	S	S				S	S		
<i>Group Day Care Homes</i>		S	S				S			
H - Defined in Section 2.09										
<i>Health and Fitness Clubs</i>							S	S		
<i>Home Based Business</i>	S	S	S	S	S					
<i>Home Occupation</i>	S	S	S	S	S					
<i>Hospital</i>										
<i>Hotels / Motels</i>							S	S	S	
<i>Hunting Reserve</i>	S	S								S



TABLE OF PERMITTED USES & SPECIAL LAND USES

P = Permit by right S = Permitted with a Special Use Permit	A1	R-3	R-2	R-1a	R-1b	MHP	C-1	C-2	AS	RCG
I - Defined in Section 2.10										
<i>Indoor Recreational and Entertainment Facilities (Including but not limited to theaters, bowling lanes, billiard parlors, and skating rinks)</i>							P	S		
<i>Intensive Livestock Operations</i>	S									
K - Defined in Section 2.12										
<i>Kennel</i>	S	S								
L - Defined in Section 2.13										
<i>Laboratories (Experiential, Film, Research, or Testing)</i>									P	
<i>Laundromat – Self-serve</i>							S	S		
<i>Lumber Yards and Building Material Sales Areas</i>							S	S	S	
M - Defined in Section 2.14										
<i>Marina</i>				S						
<i>Medical Offices</i>		S	S				S	S		
<i>Mini-Storage Units</i>										
<i>Mining of Nature Resources</i>	S									
<i>Municipal Airport</i>									S	
<i>Municipal Buildings</i>		S	S				S	S	S	
N - Defined in Section 2.14										
<i>Nursing Home</i>		S	S				S	S		
O - Defined in Section 2.16										
<i>Office Building</i>							P			
<i>Office Buildings for Professional Activities</i>							S	S	P	
<i>Offices and Showroom for Building and General Construction Contractors, Electricians, Plumbers, Mechanical Contractors, and Similar Trades</i>									S	
P - Defined in Section 2.17										
<i>Personal Service Establishment</i>							P	S		
<i>Places of Assembly (Including but not limited to dance pavilions, auditoriums, and private clubs)</i>		S	S				S	S	S	
<i>Planned Unit Development</i>	S	S	S				S			



TABLE OF PERMITTED USES & SPECIAL LAND USES

P = Permit by right S = Permitted with a Special Use Permit	A1	R-3	R-2	R-1a	R-1b	MHP	C-1	C-2	AS	RCG
<i>Private Schools</i>		S	S				S		S	
<i>Public and Private Boat Launches</i>				S						S
<i>Public Parks and Recreation Areas</i>	S	S	S	S	S	S	S	S	S	S
<i>Public Schools</i>		S	S				S		S	
R - Defined in Section 2.18										
<i>Rental Shops for Equipment, Tools, Cars, Trailers, Trucks, and Recreational Products</i>							S	S	S	
<i>Repair Facilities</i>								S		
<i>Research and Development Facilities</i>							S	S	P	
<i>Residential Pole Barn</i>	P									
<i>Restaurants Without Drive-Through Facilities</i>							P			
<i>Retail Sales Accessory to a Permitted Use</i>	S	S	S	S	S		S	S	S	
<i>Riding Stables</i>	S	S	S							
<i>Roadside Stands</i>	S	S	S				S			
S - Defined in Section 2.19										
<i>Sexually Oriented Business</i>									S	
<i>Adult Bookstore</i>									S	
<i>Adult Live Entertainment Theater</i>									S	
<i>Adult Motion Picture Theater</i>									S	
<i>Massage Parlor</i>									S	
<i>Short Term Rental</i>		P	P	P	P				S	
<i>Solar Energy Systems, Small Scale</i>	P	P	P	P	P	P	P			
<i>Solar Energy Systems, Community Scale</i>	S	S								
<i>Solar Energy Systems, Utility Scale</i>	S	S								
<i>Shipping/Storage</i>									P	
<i>State Licensed Manufactured Home Parks</i>						P				
<i>State Licensed Residential Family Care Facilities</i>	P	P	P	P	P	P				
<i>Storage Buildings – Residential and Commercial</i>							S		S	



TABLE OF PERMITTED USES & SPECIAL LAND USES											
P = Permit by right S = Permitted with a Special Use Permit	A1	R-3	R-2	R-1a	R-1b	MHP	C-1	C-2	AS	RCG	
<i>Storage Building / Yards For Contractor's Equipment</i>							S	S	S		
T - Defined in Section 2.20											
<i>Transportation Terminal</i>									S		
V - Defined in Section 2.22											
<i>Vehicle Repair Establishment</i>							S				
<i>Vehicle Sales Area</i>							S	S			
<i>Vehicle Service Station</i>							S		S		
<i>Vehicle Wash Establishment</i>							S	S			
<i>Veterinary Hospitals and Clinics</i>	S	S					S	S			
W - Defined in Section 2.23											
<i>Warehouse / Distribution Facilities</i>									P		
<i>Wildlife Preserves</i>	S	S	S								
<i>WECS, Private</i>	P	P	P	P	P	P	P				
<i>WECS, Utility Scale</i>	S	S									
<i>Wireless Communications Tower</i>	S	S	S				S		S		

Ordinance Amendment Procedures		
	Short Answer	Zoning Ordinance Citation
Initiation	The Township Board, the Planning Commission, or property owners affected by the proposed amendment.	Section 19.05 Amendments



Ordinance Amendment Procedures

<p>Planning Commission Review</p>	<p>The Planning Commission receives the petition and fee, sets a hearing date while issuing required notices, and will make a recommendation to the Township Board and Roscommon County Planning Commission for review.</p>	<p>Section 19.05(A) – (B).</p>
<p>County Review</p>	<p>The County must review the Planning Commission’s recommendation within thirty (30) days of receiving the request and make a recommendation to the Township. If the County fails to make a recommendation within the required period, approval is presumed.</p>	<p>Section 19.05(C).</p>
<p>Township Board</p>	<p>The Township Board may amend, supplement, and change the Ordinance. The Township Board may also hold additional hearings, if it deems necessary, but must follow notice requirements consistent with this Ordinance.</p>	<p>Section 19.05 Amendments. Section 19.05(D).</p>



Chapter 16

Site Development Requirements

Section 16.01 Site Plan Review Procedures

- A. The purpose of this Chapter is to provide for consultation and cooperation between the Land Developer and the Township Planning Commission in order that the developer may accomplish their objectives in the utilization of the land within the regulations of this Zoning Ordinance, and with minimum adverse effect on the use of adjacent streets, highways, and existing uses in the immediate vicinity.

- B. Uses Subject to Site Plan Review. A Land Use Permit for any proposed use or building or any other improvement shall not be issued until a Site Plan has been reviewed and approved by either the Planning Commission, or Ordinance Administrator, under the following procedure:
 - 1. The following uses shall be subject to Site Plan Review by the Planning Commission in accordance with the provisions of this Section.
 - a. All land uses, new construction, new uses established, or additions to existing buildings in excess of twenty-five (25) percent of the gross floor area of the main building in all Zoning Districts, except the following:
 - i. Single family dwellings
 - ii. Temporary buildings and uses
 - iii. Accessory uses or structures
 - iv. Existing resorts



- b. Special land uses in any zone district.
 - c. Condominium projects or Site Condominiums.
 - d. Open space preservation developments.
2. All uses for which Site Plan Review by the Planning Commission is not required under Section 15.0l, B, l, shall be subject to review by the Ordinance Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements.
- C. Application and Review Procedures
1. Application Procedures
- a. A preliminary sketch plan shall be submitted for review by the Planning Commission for all projects which Site Plan Review by the Planning Commission is required. The purpose of such procedure is to cause discussion between the developer and the Planning Commission to better inform the developer of the acceptability of the proposed plans prior to incurring extensive of engineering and other costs, which might be necessary for final site plan approval. Further, the preliminary sketch plan provides an opportunity for the developer to explain their plans for site development, and the Planning Commission to share the township goals. Such sketch plans shall include at least the following information:
 - i. The name and address of the applicant, including the name, address, and phone number of a contact person.
 - ii. The legal description and Zoning of the property.
 - iii. Drawings showing tentative site development.



- iv. The Planning Commission shall not be bound by any tentative approval given at the preliminary sketch plan review.
- b. An application for Site Plan Review shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Ordinance Administrator, who will review the application materials to ensure that the requirements of the Zoning Ordinance, are met, then transmit the application and materials to the Planning Commission. If the plan does not meet the requirements of the Zoning Ordinance, then the plan shall be returned to the applicant without further action, and the application fee shall be forfeited by the developer. If the plan meets the requirements of the above subsections, then the plan, application, and materials shall be transmitted to the Planning Commission for review.
- c. Review comments shall be submitted by such departments, other agencies (i.e., Sheriff's Department and Fire Department) and consultants to the Planning Commission for consideration prior to the meeting at which the request is to be considered. The Ordinance Administrator shall have the discretion to determine proper departments, agencies, and consultants to send the site plan to for preliminary review and comment.
- d. An application for Site Plan Review shall consist of the following:
 - i. An application form provided by the Township, completed by the property owner, or their authorized agent.
 - ii. Seven (7) copies of the Site Plan.
 - iii. Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.



- iv. A legal description, including the permanent parcel number, of the subject property and a boundary survey map.
 - v. Other materials as may be required by this Section or the Planning Commission.
- 2. Site Plan Requirements. Site Plans shall be prepared in a neat and orderly manner, drawn to scale, and unless specific requirements are waived by the Planning Commission, all the following information shall be provided by the applicant:
 - a. The date, North arrow, and scale. The scale shall not be less than 1" = 20' for sites under three (3) acres, and at least 1" = 100' for those sites of three (3) acres or more.
 - b. Small sketch of properties, streets and use of land within one quarter (1/4) mile of the subject property.
 - c. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
 - d. All lot lines with dimensions.
 - e. Parking lots and access points.
 - f. Proposed buffer strips, greenbelts, or screening.
 - g. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
 - h. Location of any signs.



- i. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property. If no buildings are within one-hundred (100) feet of the property lines, the use of the adjacent property shall be indicated.
 - j. General topographical features including existing contours at intervals no greater than five (5) feet.
 - k. Number of acres allocated to each proposed use and gross area in building, structures, parking, public or private streets and drives, and open space.
 - l. Dwelling unit densities by type, if applicable.
 - m. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - n. Proposed method of providing storm drainage with a drawing showing method.
 - o. Written description of the computation for required parking.
 - p. Name, address, and phone number of applicants.
 - q. Name, address, phone number, of the individual responsible for preparing the plan.
 - r. Roof pitch on all proposed buildings.
 - s. Land survey.
3. The Planning Commission shall review the Site Plan, along with any comments submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance.



- a. To this end, the Planning Commission may request from the applicant additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan.
 - b. Such material may include, but is not limited to:
 - i. aerial photography, photographs;
 - ii. traffic impacts;
 - iii. impact on significant natural features and drainage;
 - iv. soil tests;
 - v. environmental impacts;
 - vi. and other pertinent information.
4. The Planning Commission shall approve, deny, or approve with conditions any site plan it reviews based on the requirements of this Ordinance, and specifically the review standards of Section 16.01, D.
 5. No petition submitted for Site Plan Review which has been denied, shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. Site Plan Review Standards

1. All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:



- a. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, impervious surface, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- b. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- c. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Markey Township.
- d. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, or greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- e. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of Markey Township will be met.
- f. The general purposes and spirit of this Ordinance and the Master Plan of Markey Township shall be maintained.



E. Approved Plans and Amendments

1. Upon approval of the Site Plan, the Township Clerk shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) copy shall be forwarded to the Ordinance Administrator for issuance of a Land Use Permit; and one (1) copy shall be returned to the applicant.
2. Each development shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.
 - a. The Township Board may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the Site Plan and provided that:
 - i. the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - ii. the site plan requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
 - b. Should neither of the provisions of Section 16.01, E, 2, a, be fulfilled, or an extension has expired without construction underway, the Site Plan approval shall be null and void.
 - c. Amendments to an approved Site Plan may occur only under the following circumstances:
 - i. The holder of a valid Site Plan approval shall notify the Ordinance Administrator of any proposed amendment to such approved site plan.



- ii. Minor changes, requested by the applicant, may be approved by the Ordinance Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Commission. In considering such a determination, the Ordinance Administrator shall consider the following to be a minor change:
 - (a) Reduction of the size of any building or sign.
 - (b) Movement of buildings or signs less than ten (10) feet.
 - (c) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes required or requested by the Township, Roscommon County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- iii. Should the Ordinance Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.



Section 16.02 Off-Street Parking and Loading Provisions

A. General Requirements

1. Off-street parking for all nonresidential zone districts and uses shall comply with the following:
 - a. Parking shall be either on the same lot, or within three hundred (300) feet of the building or use it is intended to serve, as measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
 - b. The first twenty-five (25) feet, measured from the road right-of-way, shall be landscaped and used as a greenbelt. The remainder of front setback area may be used for off-street parking.
 - c. No driveway or driveways in combination shall occupy more than thirty- three (33) percent of the lot frontage.
2. The storage of merchandise or products, or the repair of vehicles is prohibited in any off-street parking lot.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than forty percent (40%) of the required front yard.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.
5. No building shall be permitted to change use, be enlarged, or expanded until the required number of spaces have been constructed, or waived under subsection 16.02, A, 8, below.
6. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.



7. Two (2) or more buildings or uses may collectively provide the required off-street parking.
8. The Planning Commission may reasonably waive the required number of parking spaces if the following conditions are met:
 - a. Areas proposed for deferred parking shall be shown on the site plan and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - b. Evidence shall be presented by the applicant in support of a lower requirement.
 - c. Alterations to the deferred parking area may be initiated by the owner or required by the Ordinance Administrator. Any alteration to the deferred parking area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

B. Parking Lot Design Standards

1. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking pattern	Two-way aisle width	One-way aisle width	Parking space width	Parking space length
Parallel Parking	18 feet	12 feet	10 feet	25 feet
30-75 degree angle	24 feet	12 feet	10 feet	21 feet
76-90 degree angle	24 feet	15 feet	10 feet	20 feet

2. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Ordinance Administrator if consistent with generally recognized design standards for off-street parking facilities.



3. All parking lots shall be constructed with a durable and dustless surface resistant to erosion, and properly maintained at all times.
4. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of Markey Township and the Roscommon County Drain Commission.
5. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent properties.
6. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
 - b. Any expansion or addition of a parking lot equal to or greater than twenty- five (25) percent of the area of the existing parking lot.
 - c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
 - d. Any other change which, in the opinion of the Ordinance Administrator, constitutes a major change.

C. Off-Street Parking Requirements

1. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Ordinance Administrator considers similar in type.
2. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.



3. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Nursing or Convalescent Homes	One (1) space for each 2 dwelling units, plus one (1) space for each 5 dwelling units to be marked as visitor spaces
Single family dwellings	Two (2) for each dwelling unit
Two-family dwellings	Two (2) for each dwelling unit
Multiple-family dwellings	Two (2) for each dwelling unit
Institutional	
Assembly areas, auditoriums, and gymnasiums	Two (2) spaces for: each 5 seats, or each 8 feet of pew length; or, one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Churches	One (1) space for each 3 seats in the main unit of worship; or one (1) space for each 6 feet of pew length, whichever is less.
Group day care homes and group foster care homes	One (1) space for each 4 clients, plus one (1) space for each employee
Schools, elementary and middle	One and one-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	One (1) space for each 8 students, plus One and one-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating



Commercial	
Beauty/barber shop	Three (3) spaces or each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each five-hundred (500) square feet of usable floor area
Hotels and motels	One and one-half (1.5) spaces for each guest room, plus required spaces for any accessory uses
Open air businesses and roadside stands	One (1) space for each two-hundred (200) square feet of indoor usable area, plus one (1) space for each 1,000 square feet of outdoor display area
Personal service establishments	One (1) space for each fifty (50) square feet of usable floor area
Restaurants - without drive- through facilities	One (1) space for each one-hundred (100) square feet of usable floor area; or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each two-hundred (200) square feet of usable floor area; or one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One (1) space for each two-hundred (200) square feet of usable floor area
Theaters	Two (2) spaces for: each 5 seats; or, one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle wash (self service)	One (1) space for each 5 stalls



Vehicle wash (automatic)	One (1) space for each employee on the largest shift
Video rental stores	One (1) space for each one-hundred (100) square feet of usable floor area, plus one (1) space for the maximum number of employees on the premises at any one time
Offices	
Banks, credit unions, and other similar uses	One (1) space for each one-hundred fifty (150) square feet of usable floor area, plus two (2) spaces for each non-drive through automatic teller machine.
Medical and dental offices and clinics	Three (3) spaces for each examining room, dental chair, or similar use area.
Other offices not specified	One (1) space for each three hundred (300) square feet of useable floor area.
Research, Warehouses, and Wholesale	
Research establishments	One (1) space for each seven hundred fifty (750) square feet of gross floor area, plus the area required for offices or other accessory uses located on the premises.
Warehouses and wholesale	One (1) space for each two thousand (2,000) square feet of gross floor area, plus those spaces required for offices located on the premises

D. Off-Street Loading Requirements

1. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. In the C-1 District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front linear foot of building and shall be computed separately from off-street parking requirements.



3. AS District:
 - a. In the AS District at least one (1) loading space shall be provided for each twenty thousand (20,000) square feet of floor area, or fraction thereof. All loading spaces shall be at least twelve feet by seventy feet (12' x 70'), and a minimum fourteen (14) foot clearance height shall be provided.
 - b. Loading spaces shall be off the street, and in the rear yard or interior side yard.
4. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
5. All dedicated loading spaces shall be provided with a pavement having an asphalt or portland cement binder so as to provide a permanent, durable and dustless service.

Section 16.03 Sign Regulations

- A. This section is intended to regulate signs in a content-neutral manner to protect and further the health, safety, and welfare of the residents of Markey Township; to maintain and improve the appearance of Markey Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community that is attractive to residents, visitors, and commercial, industrial, and professional businesses while maintaining a sustainable economy. The elements of this program will:
 1. Recognize that the proliferation of signs is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.



2. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
3. Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the placement of signs.
4. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
5. Preserve and improve the aesthetics and character of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
6. Provide regulations that focus on the time, place, manner, and physical characteristics of signs, but not the content of signs in accordance with the First Amendment of the United States Constitution.

B. Definition of terms found in this Section related to signs.

1. Abandoned Sign: A sign that has ceased to be used, and the owner intends no longer to have used it for the display of sign copy, or any sign not repaired or maintained properly.
2. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
3. Awning sign: A sign affixed flat against the surface of an awning.
4. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
5. Billboard: Any free-standing sign separate from a premises erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located.



6. Business Center: A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.
7. Canopy, Awning, or Marquee Sign: Any sign attached to or constructed within or on a canopy, awning, or marquee.
8. Changeable Copy Sign: A sign designed to allow for message changes, either automatically (as in the case of electric time and temperature signs) or manually (as in the case of physically replacing letters).
9. Directional Sign: Any on-premises sign that includes information assisting in the safety of pedestrian or vehicular traffic such as enter, exit, parking, and circulation signs.
10. Flag: A sign consisting of a piece of cloth, fabric or other non-rigid material.
11. Freestanding Sign: A sign that is not attached to a principal or an accessory structure and is supported from the ground by one or more poles, posts, or similar uprights, with or without braces.
12. Government-Installed or Sign Required by Law: Any sign erected or installed by a public agency, either local, state or federal or as otherwise required to be posted by law (e.g., electrical warning sign, etc.).
13. Roof Sign: A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch.
14. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.



15. Temporary Sign: A sign intended for a use not permanent in nature. Unless otherwise provided for in this section, a sign intended to be used for a period of time equal or related to the duration of an event shall be deemed a temporary sign.
16. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
17. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
18. Reader Board: A portion of a sign on which copy is changed manually.
19. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
20. Roof Sign: A sign erected above the roof line of a building.
21. Wall Sign: A sign which faces an adjacent parking area and/or public street and is attached directly to a building wall, or rigid or nonrigid fabric marquee or awning-type structure attached to a building, and is generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy, awning, or marquee-type structure.
22. Window Sign: A sign located in or on a window which is intended to be viewed from outside the premises. This term does not include merchandise located in a window.

C. General Sign Provisions

1. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a Land Use Permit and a Building Permit, providing the following signs shall not require a land use permit.
 - a. Directional signs of four (4) square feet in size or less
 - b. Government signs



- c. Placards of two (2) square feet in size or less
 - d. Temporary signs of four (4) square feet in size or less
 - e. Window signs
2. Applications for a permit to erect or replace a sign shall be made by the owner of the property, or an authorized agent, to the Ordinance Administrator by submitting the required forms, fees, exhibits, and information. If site plan review is required for a proposed project which a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Ordinance Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Ordinance Administrator may defer action on proposed signage to the Planning Commission.
 3. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
 4. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
 5. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. The source of illumination upon a sign shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the lighted sign is located. This requirement shall not apply in the case of the use of fixed incandescent bulbs in association with approved changeable copy or marquee signs.



6. No sign shall be illuminated by other than electrical means and all wiring shall conform to the Michigan Construction Code.
7. No banners, pennants, festoons, spinners, and streamers that may be distracting to motorists, except as allowed as a temporary sign and displayed for not more than thirty (30) continuous days.
8. Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes, are not permitted.
9. No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
10. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
11. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
12. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided scrolling variable time temperature signs may be permitted.
13. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
14. No sign shall project into any air space so as to interfere with public safety, including vehicular or pedestrian movement.
15. No sign shall be placed within a public right-of-way except where expressly authorized in writing by the appropriate authority for signs of right-of-ways.



16. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
 17. Temporary signs must be removed within ten (10) days after the event.
- D. Exempted Signs. The following signs shall be exempt from the provisions of the Markey Township Zoning Ordinance, except for the provisions of Section 16.03, C:
1. Government signs
 2. Historical markers
 3. Window signs
 4. Memorial signs or tablets
 5. Murals
 6. Signs not visible from any street
 7. Signs for essential services
 8. Signs up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall
 9. Flags
 10. Any sign required by law
- E. Non-conforming Signs, Illegal Signs, and Signs Accessory to Non-conforming Uses
1. It is the intent of this section to permit the continuance of a lawful use of any sign existing at the effective date of adoption of this section, although such sign may not conform with the provisions of this section. It is also the intent that nonconforming signs shall not be enlarged upon, expanded, or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs within the Township shall be subject to the conditions and requirements set forth herein.



2. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
3. For purposes of this Section, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
4. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty percent (50%) of the value of the sign on the date of loss.
5. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Ordinance Administrator. A sign accessory to a non-conforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district.

F. Units of Measurement

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.



2. The area of a freestanding or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.



R-1a, R-1b, R-2, R-3, A-1, and MHP Zoning Districts – Permitted Signs	
Ground signs for residential subdivisions, manufactured home parks, multiple family dwelling complexes, and condominiums	
Number	One (1) per major entrance
Size	No greater than twenty-four (24) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than four (4) feet
Signs for home occupations	
Number	One (1) per lot or parcel
Size	No greater than four (4) square feet
Location	Ten (10) feet from side line and must not constitute a traffic hazard
Signs for home-based businesses	
Number	One (1) per lot or parcel
Size	No greater than twenty-four (24) square feet
Location	On the wall of the building in which the use takes place, or in the front yard placed no closer than one-half (½) the required front yard setback from the front property line.
Temporary signs	
Size/Number	No greater than nine (9) square feet for developed properties or lots; sixteen (16) square feet for vacant lots or parcels. The cumulative total of all signs shall not exceed twenty-four (24) square feet.
Location	Minimum of ten (10) feet from side line, and must not constitute a traffic hazard
Height	No higher than six (6) feet

- G. Sign Regulations Applicable to All Zoning Districts
1. All ground, wall and freestanding signs may include reader boards.
 2. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.



3. Directional signs are permitted subject to the following restrictions:
 - a. No such sign shall exceed four (4) square feet in area or three (3) feet in height.
 - b. Directional signs shall be primarily limited to pedestrian and vehicle traffic control and safety functions only.
 - c. Signs shall not cause a vision hazard at any road intersection, or driveway.

H. Signs in each Zoning District shall be subject to the following regulations:

Signs for nonresidential uses	
Number	One (1) per lot or parcel, either a wall sign, or a ground sign
Size	For Wall Signs: No greater than five percent (5%) of the wall area to which the sign is affixed.
	For Ground Signs: No greater than twenty-four (24) square feet
Location	For Wall Signs: On wall of building facing street
	For Ground Signs: No closer than twenty-five (25) feet from any property line
C-1, C-2 and AS Zoning Districts – Permitted Signs	
Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than six (6) feet
Freestanding signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than fifty (50) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.



Wall signs		
Number	One (1) per street frontage	
Size	No greater than ten percent (10%) of the wall area to which the sign is affixed, not-to-exceed a maximum sign area of one hundred (100) square feet.	
Location	On wall of building facing street	
Temporary signs		
Size/Number	No greater than sixteen (16) square feet. The cumulative total of all signs shall not exceed thirty-two (32) square feet.	
Location	Minimum of fifteen (15) feet from any side or rear property line	
Height	No higher than six (6) feet	
C-1, C-2 and AS Zoning Districts – Permitted Signs		
Gasoline stations		
Ground signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than fifty (50) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than six (6) feet
Freestanding signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than fifty (50) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.
	Additional Sign	One (1) additional sign may be attached to the support column(s) of the freestanding sign. Such sign shall not exceed three (3) square feet, and shall have at least ten (10) feet of ground clearance



Temporary Signs	Size/Number No greater than (9) square feet each. The cumulative total of all signs shall not exceed eighteen (18) square feet.	
	Location	Minimum of five (5) feet from front lot line, and fifteen (15) feet from any side or rear lot line
	Height	No higher than four (4)feet
Other permitted signs for gasoline stations	Customary lettering on or other insignia which are a structural part of a gasoline pump, and any other insignia required by law. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard.	
Billboards are permitted in the C-1 and C-2 districts only		
Billboards shall be permitted as a principal or accessory use with Special Land Use approval (see Section 17.07.C) only on those lands in the C-1 and C-2 district which abut and have frontage on M-18. All requirements of the Highway Advertising Act of 1972, Act 106 of 1972, as amended, shall apply.		



Chapter 17 Special Land Uses

Section 17.01 Purpose

In order to make this ordinance a flexible zoning device, and still afford protection of property values and orderly and compatible development, the Planning Commission, in addition to its other functions and duties, is authorized to approve the establishment of certain uses designated as Special Land Uses. This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow practical latitude for the applicant, at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Markey Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 17.07, as applicable.

Section 17.02 Application Procedures

Application for a Special Land Use permit shall be made to the Ordinance Administrator and shall include the following:

- A. Seven (7) copies of a site plan containing the information required by Section 16.
- B. An application form supplied by the Township, completed by the applicant or their authorized agent.
- C. Payment of a non-refundable application fee, and a review fee, as established from time to time by resolution of the Township Board.



Section 17.03 Notification, Hearing, and Review Procedures

- A. Notification. Upon receipt of an application for a Special Land Use permit, the Planning Commission shall cause:
1. A notice to be published in a newspaper which circulates in the Township, that a request for Special Land Use approval has been received, and that a public hearing for the request will be held.
 2. Send by mail or personal delivery a notice of Special Land Use request to the owners of the property for which the request is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupant of all structures within three hundred (300) feet.
 3. The notice shall be given not less than fifteen (15) days before the date of the public hearing.
 4. If the name of the occupant is not known, the term “occupant” may be used in making notification.
 5. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, the occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.
 6. The notice shall:
 - a. describes the nature of the request,
 - b. indicates the property which is the subject of the special land use request, by address and property number,
 - c. state when and where the request shall be considered, and



- d. indicate when and where written comments will be received concerning the request.
- B. Following notice, the Planning Commission shall hold a public hearing on the Special Land Use permit application.
- C. The Planning Commission may approve, approve with conditions, or deny the Special Use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Chapter.
- D. If the Planning Commission finds that the request meets all required standards, they shall approve the Special Use request.

Section 17.04 General Standards for Approval

- A. The Planning Commission review each Special Land Use permit request, and approve said request only upon a finding that all of the following general standards are complied with:
 - 1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 - 2. The use is or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
 - 3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 - 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.



5. The site plan proposed for such use demonstrates compliance with the specific design standards for the special land use as contained in Section 17.07.
- B. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Planning Commission minutes.
- C. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 17.05 Conditions of Approval

The Planning Commission may impose reasonable conditions in conjunction with approval of a Special Land Use permit which are deemed necessary to ensure compliance with the general standards for approval.

Section 17.06 Approval Term and Expiration

- A. A Special Land Use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted. The Special Land Use permit shall be binding upon subsequent owners and all occupants of the subject land. However, a time limit for the Special Land Use may be imposed as a condition of approval, with the exception of fixed uses such as two-family dwellings and multiple-family dwellings.
- B. The special use shall be established within one (1) year of the date of approval by the Planning Commission. One (1) extension of this time period of up to one (1) additional year may be granted by the Ordinance Administrator. Such extension shall be requested in writing by the applicant, along with payment of a renewal fee as established by the Township Board, prior to the expiration of the initial approval period. In such case, the Ordinance Administrator shall notify the Planning Commission, in writing, of the request for extension and the decision to grant or deny such extension.



Section 17.07 Special Land Use Specific Design Standards

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Adult foster care group homes.
- B. Bed and Breakfast establishments.
- C. Billboards.
- D. Cemeteries.
- E. Churches.
- F. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs, for the exclusive use of its members.
- G. Commercial outdoor recreation facility.
- H. Commercial schools including but not limited to dance, music, trade, and martial arts.
- I. Commercial storage (mini-storage units).
- J. Community centers.
- K. Crop farming.
- L. Deer, elk, or other cervine farms.
- M. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- N. Forest connected industries, including but not limited to, sawmills, lumber and planning mills, debarking operations, and chipping facilities.
- O. Funeral homes and mortuaries.



- P. Gasoline stations.
- Q. Golf courses and country clubs.
- R. Greenhouses and nurseries.
- S. Group day care homes.
- T. Health and physical fitness clubs.
- U. Storage buildings for residential and commercial
- V. Hotels and motels.
- W. Hunting reserves.
- X. Kennels.
- Y. Lumber yards and building material sales areas.
- Z. Marinas.
- AA. Medical offices.
- BB. Mining and extraction operations.
- CC. Multiple family dwellings other than existing condo associations.
- DD. Municipal airports.
- EE. Municipal buildings.
- FF. Nursing or convalescent homes.
- GG. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
- HH. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
- II. Planned unit developments.



- JJ. Private landing fields.
- KK. Public or private boat launches.
- LL. Public or private campgrounds.
- MM. Public or private schools.
- NN. Public parks and recreation areas.
- OO. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- PP. Retail convenience shopping and personal service establishments within a building less than three thousand (3,000) square feet in area.
- QQ. Retail sales accessory to a permitted use.
- RR. Riding stables.
- SS. Roadside sales.
- TT. Laundromats (self-serve).
- UU. Sexually oriented businesses.
- VV. Storage building / yards for contractor's equipment.
- WW. Transportation terminals.
- XX. Vehicle sales areas.
- YY. Vehicle service establishments.
- ZZ. Vehicle wash establishments.
- AAA. Veterinary hospitals and clinics.
- BBB. Wildlife preserves.
- CCC. Wireless communication towers and radio and television broadcast towers.



DDD. Energy Storage Facilities

EEE. Solar Energy Systems

FFF. Wind Energy Conversion Systems (WECS)

A. Adult foster care group homes.

1. The use may not be closer than 1,500 feet to any of the following:
 - a. Another licensed Foster Care Facility or Group Day Care Home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
 - c. A facility offering substances abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
 - d. A community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

This distance shall be measured along a street, road, or place maintained by the state, county, or Township of Markey and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

2. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
3. Fencing at least fifty-four (54) inches, and no more than six (6) feet in height shall be provided around all outdoor areas accessible to clients.
4. All playground equipment, and areas for playing and exercise shall be in the rear yard of the property. This area shall be at least two thousand five hundred (2,500) square feet in size.



5. The property shall be consistent with the characteristics of the neighborhood.
 6. The facility shall not exceed sixteen (16) hours of operations during a twenty-four (24) hour period, and shall not operate between the hours of 10:00p.m., and 5:00a.m.
 7. One non-illuminated sign measuring no more than four (4) square feet may be permitted if attached to the principal structure.
- B. Bed and breakfast establishments.
1. The establishment shall be serviced by public water and sanitary sewer services, or adequate on-site resources may be used.
 2. The establishment shall be located on property with direct access to a public road.
 3. No such use shall be permitted on any property where there exists another bed- and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
 4. Such uses shall only be established in a single-family dwelling.
 5. Off-street parking shall be in the rear yard, and one (1) space per sleeping room shall be required. If it is impracticable to locate the parking in the rear, the Planning Commission or Township Board may permit the required off-street parking to be located in an area that best minimizes negative impacts on adjacent properties.
 6. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed seven (7) guest rooms in any case.



7. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall comply with the requirements of the zone district in which the use is located.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
11. Meals shall be served only to the operator's family, employees, and overnight guests.

C. Billboards.

1. Two (2) signs may be counted as a single billboard, if the signs are placed back-to- back.
2. The maximum height of the signs shall be no higher than that permitted in the district in which the billboard is located.
3. No billboards may be located within five hundred (500) feet of another billboard.
4. The billboard may be illuminated; however, such illumination shall be so arranged as to not cause a hazard to drivers on the adjacent roadway.
5. No animation or moving parts may be permitted, nor any flashing lights, or intermittent lights that may simulate movement.

D. Cemeteries.

1. Minimum lot size of three (3) acres is required.
2. Plan must show any interior roads, and plot areas.



3. A five (5) foot tall fence is required along any property line not adjacent to a road right-of-way and in compliance with Section 3.15.
4. One (1) sign is permitted that must conform with the district restrictions for signs.

E. Churches.

1. The property location shall be such that at least one (1) side of the property abuts and has access to a county road.
2. The parking lot shall be screened with a proper greenbelt in accordance with Section 3.10.

F. Clubs, lodges, and fraternities, including but not limited to, gun and shooting clubs for the exclusive use of its members.

1. The main building shall be setback at least two hundred fifty (250) feet from all property lines.
2. Hours of operation for outdoor activities: 9:00 a.m. to sundown.
3. The use shall not be located any closer than one-quarter (1/4) mile from any church or school.
4. Rifle, pistol, and archery ranges shall have adequate backstops.

G. Commercial outdoor recreation facility.

1. Minimum lot size of three (3) acres.
2. All outdoor lighting shall be directed away from and shall be shielded from adjacent parcels.
3. All adjacent parcels shall be screened with a proper buffer or greenbelt, as outlined in Section 3.10, to afford adjacent property owners protection from noise, light, dust, or other nuisances.



4. Accessory retail sales may be permitted but limited to the sale of goods specific to the recreation facility.
 5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
- H. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
1. The use shall meet the general standards for special land uses, the general provisions for all uses, and the requirements for the district in which the use is located.
- I. Commercial storage (mini-storage units).
1. No more than forty percent (40%) of the lot may be covered by buildings, on-site driveways, parking and loading areas, and vehicular circulation aisles.
 2. Parking and circulation:
 - a. One parking space shall be provided for each ten (10) storage cubicles and shall be equally distributed throughout the site.
 - b. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved or treated so as to prevent dust.
 3. A six (6) foot fence may surround the property. The fence shall be aesthetically pleasing, and be made of an acceptable material, such as but not limited to, redwood, cinder block, or chain link with slats in compliance with Section 3.15. The fence, with gate, must be setback at least forty (40) feet from the road right-of-way.
 4. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, as outlined in Section 3.10.



5. The facility shall be fully lighted to ensure optimal security. Any lights shall be shielded to direct light onto the use establish, and away from the adjacent properties.
 6. An office may be permitted on site, but the office area shall be included in calculating the lot coverage.
 7. In addition to any standards in this section, outside storage shall also comply with the following:
 - a. Must be at the rear of the property, at least one hundred (100) feet from the front property line, and not in any required yard.
 - b. A decorative and aesthetically pleasing fence shall be required surrounding the designated outside storage area, with a minimum height of eight (8) feet and in compliance with Section 3.15
 8. No toxic, hazardous, flammable, or explosive materials may be stored in such a unit.
 9. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.
- J. Community centers.
1. Off-street parking shall be required as outlined for “Assembly areas, auditoriums, and gymnasiums” in Chapter 15.
 2. The parcel on which the use is located shall front on at least one (1) side, on a paved road.
 3. Any outdoor playground equipment shall be enclosed by a fence at least four (4) feet in height and in compliance with Section 3.15. Such play area shall be setback from any property line at least fifty (50) feet.



- K. Crop farming.
 - 1. The use shall meet the general standards for special land uses, the general provisions for all uses, and the requirements for the district in which the use is located.

- L. Deer, elk, and other cervine farms.
 - 1. The minimum lot size for such a use shall be forty (40) acres.
 - 2. The use shall meet the general standards for special land uses, the general provisions for all uses, and the requirements for the district in which the use is located.
 - 3. If the population of the deer, elk, other cervine, or a combination of the aforementioned animals exceeds fourteen (14) per acre, the use must meet the standards of an Intensive Livestock Operation as outlined in Section 17.07.

- M. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
 - 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
 - 2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.



3. Parking areas shall be set back at least one-half the required front yard setback for the district in which the use is located, and at least twenty (20) feet from the side and rear lot lines.
 4. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
 5. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
 6. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in Section 3.10.
- N. Forest connected industries, including but not limited to, sawmills, lumber and planing mills, debarking operations, and chipping facilities.
1. Forest connected industries shall be subject to the standards of section 17.04 of this ordinance.
 2. The Planning Commission may impose additional reasonable restrictions under section 17.05 of this ordinance.
 3. Forest connected industries, including but not limited to, sawmills, lumber and planing mills, debarking operations, and chipping facilities. All buildings and structures associated with the use shall be set back at least two hundred (200) feet from all property lines, however if the use is adjacent to a residential use, the setback shall be five hundred (500) feet. Upon showing from an applicant that it has appropriate screening or operation controls to avoid unreasonable nuisances onto neighboring properties, the Planning Commission may waive the setback requirements above; however, shall still require a minimum setback required within the land use's zoning district.



4. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
 5. Outdoor storage of raw material shall be limited to the side and rear yards of the property, and not within twenty (20) feet of such property lines.
 6. Outdoor storage areas shall be within a fenced area, such fence shall be completely opaque, and at least six (6) feet in height, but no higher than ten (10) feet and in compliance with Section 3.15
- O. Funeral homes and mortuaries.
1. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.
 2. 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.
 3. No waiting lines of vehicles shall extend off-site or onto any public street.
- P. Gasoline stations.
1. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or property line.
 2. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
 3. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.



4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
5. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of twenty (20) feet is maintained, and further provided that the fascia of such canopy is a minimum of twelve (12) feet above the average grade. Lighting in such canopies shall be flush with the underside of the canopy structure.
6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
7. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in Section 3.10.
8. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

Q. Golf courses and country clubs.

1. Minimum lot size of one hundred twenty (120) acres is required for a regulation eighteen (18) hole golf course, or forty (40) acres for each nine (9) holes of a par- 3 style course.
2. The site shall be so planned to provide all access directly onto or from a major paved road.
3. All structures associated with the use shall be at least one hundred (100) feet from any property line abutting residentially zoned land.
4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.



5. The off-street parking area shall be at least fifty (50) feet from any property line abutting residentially zoned land.
6. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted.

R. Greenhouses and nurseries.

1. All buildings and structures associated with the use shall be on a conforming lot and shall meet the setbacks for the zoning district in which the lot is located
2. Outdoor display areas shall meet the setbacks for the zoning district in which the lot is located.
3. A designated outdoor storage area shall be permitted for storage of machinery, pallets, and other items necessary for the use, provided such area is in the rear yard and meets both the rear yard and side yard setbacks for the zoning district in which the lot is located.
4. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.

S. Group day care homes.

1. Group day care homes shall meet those applicable standers as determined by the Ordinance Administrator, for Adult Foster Care Group Homes, in Section 17.07.

T. Health and fitness clubs.

1. The use shall meet the general standards for special land uses outlined in section 17.04, the general provisions for all uses, and the requirements for the district in which the use is located.



U. Storage building for residential and commercial.

1. All storage shall be within the building.
2. All drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property.
3. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved or treated so as to prevent dust.
4. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, as outlined in Section 3.10.
5. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.

V. Hotels and motels.

1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
2. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.

W. Hunting reserves.

1. Minimum lot size shall be forty (40) acres.
2. The use shall meet the general standards for special land uses, the general provisions for all uses, and the requirements for the district in which the use is located.



X. Kennels.

1. Buildings wherein dogs are kept, dog runs, and/or exercise area shall not be located nearer than one hundred (100) feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
2. Dog runs and/or exercise area, and buildings where the dogs are maintained shall be located in the rear yard only.
3. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run and/or exercise area.
4. There shall be a fence around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six (6) feet and in compliance with Section 3.15.
5. Parcel shall be five (5) acres or more in size.
6. Such facilities shall be under the jurisdiction of the Markey Township Planning Commission/Roscommon Animal Control, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, additional fencing, soundproofing, and sanitary requirements.

Y. Lumber yards and building material sales areas.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with Section 3.10.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.



4. Outdoor sales and display areas shall be limited to twenty (20) square feet for each linear foot of building frontage.
5. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

Z. Marinas

1. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases unless said storage facility meets all local, county, state, and federal EPA regulations.
2. No building, structure, dock, or parking area which is part of the marina shall be located closer than twenty (20) feet to any residential lot line.
3. On-land boat storage areas shall be either inside an enclosed building or fenced and screened following the standards outlined in Section 3.10.
4. Accessory restaurants and lounges may be permitted.
5. Accessory retail sales may be permitted.

AA. Medical offices.

1. The use shall front upon a paved public road. All ingress and egress shall be from said thoroughfare.
2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.



BB. Mining and Extraction Operations

1. Purpose: The Township recognizes that sand, gravel and other valuable natural resources within the Township have beneficial uses when extracted from the earth. The Township further understands that mining and extraction operations have the potential to impose very serious consequences on township residents and visitors if not appropriately regulated. This section regulates mining and extraction operations to promote utilization of these resources in a manner that is compatible with surrounding land uses and to prevent very serious consequences related to impacts on property values, pedestrian and traffic safety, the environment, other land uses, and other identifiable health, safety, and welfare interests.
2. Permitting:
 - a. Length of Permit. A mining and extraction operation special land use permit shall be issued for not more than ten (10) years. A permit may be renewed at the Planning Commission's discretion upon providing the Township a Renewal Report. No renewal of any special land use permit for a mining and extraction operation shall allow such use to continue for more than 10 years without submission of a new special land use permit application containing all information required by Township Zoning Ordinance.
 - b. Renewal. As a condition of a special land use permit for a mining and extraction operation, the Township shall inspect the operation for compliance with the Township Zoning Ordinance and conditions of a special land use permit before renewing a special land use permit.
 - c. Renewal Report. Before renewing a special land use permit for a mining and extraction activity, a permit holder must submit to the Planning Commission for approval a report of the land use's operations including: (1) the location of all extraction activities to date; (2) a description of the expected future extraction operations and locations thereof in the future; (3) restoration and reclamation



activities performed to date and plans for reclamation activities in the future; (4) proof of a financial guarantee compliant with this Ordinance; (5) changes in or withdrawal of any permits required by this Ordinance; and (6) any information reasonably requested by the Planning Commission to determine if a permit shall be renewed.

- d. Inspections. Mining and extraction operations are subject to site inspections as determined by the Township. As a condition of obtaining a special land use permit, applicants are deemed to have authorized these inspections and will cooperate fully in making the mining and extraction operations available for inspections.

3. Application for Special Land Use Permit for Mining and Extraction Operation:

- a. Applicants who apply for a special land use permit for a mining and extraction operation must, in addition to all the information required for a special land use permit application include the following information:

- i. Site Plan. Applicants must submit a preliminary and final site plan under the Zoning Ordinance. Site plans for mining and extraction operations include the following information in addition to the information requirements in Chapter 15 of the Zoning Ordinance:

- 1.) The proposed excavation area;
- 2.) A list of any deed restrictions and easements of record appearing in the chain of title;
- 3.) The location of sediment ponds, drainage diversions and offsite discharge points; and
- 4.) The location of permanent site equipment.



- ii. Extraction Master Plan: Applicants must submit an extraction master plan that assesses the operation's impact on natural features of the property and outlines their proposed operation by including:
 - 1.) A statement outlining compatibility with surrounding land uses;
 - 2.) Information describing proposed excavation methods, including projected depths and drainage methods;
 - 3.) A plan to control the impacts of dust from the operation;
 - 4.) Information regarding the amount of material and types of material to be taken from the site;
 - 5.) Information regarding the market's demand for the materials to be extracted from the site;
 - 6.) Information regarding proposed clearance methods and debris clean-up;
 - 7.) Information regarding how the applicant plans to control erosion;
 - 8.) Information regarding the control or storage of ponded or surface water;
 - 9.) A statement outlining the type of mobile and nonmobile equipment to be used at the site, including, but not limited to, available manufacturer specifications regarding noise levels, size, height, and operational characteristics;



- 10.) The location of the proposed haul routes including where traffic will enter and exit the proposed mining and extraction operation;
- 11.) A vertical aerial photograph enlarged to a scale equal to one (1) inch equal to two hundred (200) feet, which identifies site boundaries, land uses within one half (1/2) mile of the parcel, and proposed locations of all extraction activities and phases;
- 12.) Proposed plans regarding fencing and signage;
- 13.) Information relating to the time, duration, phasing, and proposed work schedule of the total project;
- 14.) Identification of all materials, including fill to be imported to the site and its necessity to a mining and extraction operation;
- 15.) If not subject to the hydrology report requirements above, a statement prepared by a professional engineer or other professional that demonstrates the proposed operation's impacts on private wells on properties within 500 feet of the proposed site;
- 16.) Information discussing necessary permits from any local, state, and/or federal governmental entity necessary to conduct the operation and how the applicant intends to obtain or has obtained the necessary permits. An applicant must provide a sworn affidavit that they will obtain all necessary permits from governmental agencies before operating a mining and extraction operation;



- 17.) Information related to proposed drainage systems, settling ponds, and retention ponds as appropriate;
 - 18.) A description of the area from which extraction will take place in the first year of operation and likewise for each successive year to completion; and
 - 19.) Topography information based on USGS or NAVD data for the site and 100 feet of adjoining property showing:
 - a. Existing and Proposed Contours at two (2) foot intervals for property five (5) acres and greater;
 - b. Existing and Proposed Contours at one (1) foot intervals for property one (1) to five (5) acres; and
 - c. Existing and Proposed Contours at one (1) foot intervals and spot elevations for property under one (1) acre.
 - 20.) Any other information deemed reasonably required by the Planning Commission to determine whether a permit should be issued or not.
- iii. Land Reclamation Plan: Applicants must include a land reclamation plan prepared by a professional engineer or other qualified professional that identifies, at the minimum, the following:
- 1.) The anticipated future use of the restored land;



- 2.) Steps to be taken to preserve topsoil;
- 3.) The placement of a three (3) inch layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use;
- 4.) Identification of all structures and equipment that must be removed from the premises upon completion of the extraction activity other than those necessary for reclamation;
- 5.) The restoration of the site topography so that no gradients in the disturbed area are steeper than a slope of 1:3;
- 6.) Identification of fill and soils to be used. Fill and soils must be of sufficient quality to be well-drained and non-swelling and cannot be overly compacted. To the extent the reclamation plan involves the construction or development of buildings, fill and soils must be of proper bearing capacity to support foundations and waste disposal systems;
- 7.) Location and extent of all natural features to be retained after extraction operations, including but not limited to wetlands, streams, and wooded areas;
- 8.) The slope of all restored areas;
- 9.) Proposed completed topography at contour intervals of not more than five feet;



- 10.) A schedule describing the phases of reclamation. All areas shall be progressively restored to mitigate hazards and to blend with the general surrounding environment to appear reasonably natural;
 - 11.) Proposed ground cover and other plants to stabilize the soil surface and to restore the area;
 - 12.) A description of the methods and materials to be utilized restoring the site;
 - 13.) A sketch plan of the proposed use of the restored site when restored;
 - 14.) An estimate of the costs to restore land impacted by the mining and extraction operation in compliance with the Township Zoning Ordinance;
 - 15.) Reclamation shall be completed in accordance with the plan approved by the Planning Commission and Township Board within one (1) year after all extraction has been completed;
- b. The excavated area shall not retain stagnant water.
 - c. The surface of the excavated area shall be graded or backfilled to produce gently rolling surface that will minimize wind and water erosion and be compatible with the adjoining land area.
 - iv. The finished grade resulting from excavation shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - d. Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas, except on roads, beaches, or other planned improvements. The depth of the topsoil shall be at least four (4) inches deep.



- e. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
- f. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one (1) year after extraction has ceased.
- g. Any other information deemed reasonably required by the Planning Commission to determine whether a permit should be issued or not.
- h. All-natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission and Township Board. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.

4. Financial Guarantee:

Excavation and Restoration Plans. To ensure successful restoration of a mining and extraction operation, an applicant must deposit with the Township cash, a certified check, irrevocable bank letter of credit, or a performance bond acceptable (“Financial Guarantee”) to Township before issuance of a special land use permit. The Planning Commission will determine the amount of the Financial Guarantee which shall be sufficient to restore the disturbed area of the site. In determining the amount of such security, the Planning Commission shall take into account the size and scope of the proposed excavation, probable cost of reclamation of the site upon default of operator, recommendation of appropriate consultants, estimated expenses, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application. The costs of restorations will include the



administrative costs to the township for performing restoration.

- a. Inspections shall be made of the mining site, not less often than twice in each calendar year, by the Ordinance Administrator. Failure to correct a reported violation shall be reason for revocation of the special land use permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of proof of good and sufficient cause by the operating company.
- b. The Financial Guarantee shall be submitted by applicant prior to the issuance of any permit and shall be held by the Township until restoration is completed and has been approved by the Township. At no time shall any excavation be undertaken or continued unless, and until the Township receives an acceptable Financial Guarantee.
- c. Insurance. The applicant shall maintain liability insurance in an amount determined reasonable by the Planning Commission, shall name the Township as an additional insured, and provide the Township with a copy of the insurance policy to be kept on file with the Township Clerk.

5. Specific Operating Requirements:

These requirements shall also be standards and conditions of approval for a permit.

- a. Setbacks. A minimum setback for the mining operation of fifty (50) feet from any property line, and seventy-five (75) feet from any public road. The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public road. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual and noise impact of the plant



structure. Storage piles of processed material and overburden stripped mining areas shall not be located closer than fifty (50) feet from any property line, and one hundred (100) feet from any public road.

- b. Lot Size. A minimum of twenty (20) acres is required for the use.
- c. Access/Road Maintenance Agreement. All means of access to the property shall only be from public roads designated by the Roscommon County Road Commission or private roads approved by the Township pursuant to Section 3.23 of the Zoning Ordinance. The first two hundred (200) feet of access into the site from the edge of a public/private road must be paved.
- d. Gates and Fences. All access points to a mining and extraction operation must include a lockable gate. Said gates shall be closed and locked at all times except during the permitted hours of operation. Upon commencement of mining operations, the mining area shall be enclosed within a five (5) foot high fence, and “No Trespassing” signs shall be posted at most one hundred (100) feet apart. The fence shall be maintained in a good condition in compliance with Section 3.15. All required gates and fencing must be installed before any mining or extraction operation commences unless waived by the Planning Commission.
- e. Noise, Vibration, and Air Pollution. Any noise, odors, smoke, fumes, or dust generated on said property by any digging, excavating, loading or processing operation borne, or able to be borne, by the wind shall be controlled so as not to cause a nuisance or hazard to any adjoining property or road. All equipment used for the mining operation shall be operated in such a manner as to minimize—dust, noise and vibration conditions. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings



- f. Pollution of Waters. The removal or storage of materials shall not cause unauthorized contamination by any material to any body of water.
- g. Access Roads. All private access roads shall be treated to minimize dust creation. Interior roads serving the mining operation shall be paved, treated, or watered insofar as is practicable, to minimize dust conditions.
- h. Slopes. Finished and restored slopes of the banks of the excavation shall in no event exceed a minimum of four (4) feet to one (1) foot (four feet to one foot vertical). Where ponded water results from the operations, slopes must be maintained and extended into the water to a depth of five (5) feet.
- i. Elevation of Plant Site. Wherever practical, all aggregate processing plants shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual and noise of the plant structure.
- j. Stockpiles. There shall be no stockpiling or equipment storage or repair on the site outside of any required screening berms or closer than two hundred (200) feet from any property line or any public highway right.
- k. Water and Sewage Disposal. On-site domestic water supply and domestic sewage disposal systems shall be approved, if required, by the Roscommon County Health Department.
- l. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environment, Great Lakes, and Energy (EGLE).



6. Hours of Operation:

- a. Mineral and extraction operations may only occur between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday, and between 7:00 A.M. and 2:00 P.M. on Saturday. Operations on Saturday shall be for load out only, no extraction or processing.
- b. Transporting and Loading. No transporting or loading of aggregates from the site shall be permitted prior to 7:00 A.M. and after 6:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 2:00 P.M. on Saturday.
- c. Repair of Equipment. Repair and maintenance of site equipment shall be permitted only during the hours of 6:00 A.M. through 9:00 P.M., Monday through Friday and 6:30 A.M. through 5:00 P.M. on Saturdays.
- d. Sunday Operations. No operations may occur on Sundays.
- e. Operations on Holidays. No operations may occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, and Christmas Day.

7. Landscaping:

- a. Landscaping Plan Required: A separate detailed landscape plan is required to be submitted as part of a special land use permit for a mining and extraction operation to minimize negative impacts on adjacent properties. Sight barriers shall be provided along all boundaries adjacent to roads which lack the natural vegetative terrain conditions to effectively screen the mining operation. The landscape plan shall be prepared at a minimum scale of 1" = 100' and identify all berms. The landscape plan shall include, but not be limited to, the following items:
 - i. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Ordinance.



- ii. Identification of grass and other proposed ground cover and method of planting.
 - iii. Identification of existing trees and vegetative cover to be preserved.
 - 1.) Berm plantings include at a minimum, one coniferous tree of at least six feet in height per 40 linear feet of berm where the Planning Commission finds such screening is necessary to minimize negative visual or audio impacts upon abutting roads and parcels. The trees shall be located between the berm and the back of the property but not in any right of ways. All plantings proposed along berms or otherwise in setback areas shall be of an informal character, rely on native species, and include a combination of coniferous and deciduous plant material.
- b. Berms. The construction of a screening berm shall be initiated immediately upon the initiation of extraction operations on a site and shall be completed within three months of such extraction operations. Berms serve to visually screen the operations on the site as well as reduce noise and dust from properties. Berms shall be located as indicated on the approved site and landscaping plans and shall meet the following requirements:
- i. Earth berms which shall be constructed to a height of five (5) feet above the mean elevation of the centerline of the public road adjacent to the mining property. The berm shall have a slope not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs.



- ii. Screen plantings of coniferous or other suitable species at least five (5) feet in height, in two (2) rows parallel to the boundary of the property, with spacing of rows no greater than ten (10) feet and spacing of trees within rows no greater than ten (10) feet apart.
 - iii. Be designed to prohibit changes in drainage patterns on abutting properties and rights-of-way.
 - iv. Be seeded or otherwise planted maintained with vegetative character of the area.
 - v. Berms may be removed in the process of reclamation when the operations that were being screened have moved or have been completed.
- c. Quality of Plant Material. Plant material and grasses shall be of acceptable varieties and species, free of insects or diseases, and hardy to the climate. Plant species that are generally considered undesirable due to limited disease tolerance, low wood strength, and/ or high tendencies toward splitting of wood, such as box elder, mulberry, and willows, are not permitted unless authorized by the Planning Commission. Plant material shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of death or the next appropriate planting period, whichever comes first.
- d. Unexcavated Areas. Unexcavated areas shall be left in such a condition to ensure growth of vegetation, soil stabilization and erosion control. Topsoil of a quality equal to that occurring naturally in the area shall be replaced, if necessary, to a depth of four (4) inches on unexcavated areas that have been disturbed.



8. Waiver and Modification:

- a. Applicants must notify the Township of any changes of operations contrary to any application materials submitted as part of a special land use permit for a mining and extraction operation. The Township Planning Commission must approve these changes in writing.
- b. The Planning Commission reserves the rights to waive requirements in this section if it determines that some requirements are not necessary or do not apply to a proposed mining and extraction operation.

CC. Multiple-family dwellings other than existing condo associations.

1. $12,000 \text{ Sq. Ft. Per Site (Land), } 1,000 \text{ Sq. Ft. Per Unit or Dwelling, Number of Allowed Sites (Land) or units (Dwellings) = The total sq. ft. of land divided by } 12,000$
2. If unit is 2 story, the side setbacks would double to allow views of the lake.
3. 3 Parking spaces per dwelling (12' x 24') for each space. Parking not to encroach into setbacks.
4. Outdoor lighting for parking or activity areas shall be shielded to prevent light from spilling onto any adjacent property.
5. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.

DD. Municipal airports.

1. The area proposed for the use shall be sufficient to meet the applicable Michigan Aeronautics Commission and Federal Aeronautics Administration's requirements for the class of airport proposed.



2. No existing flight obstructions, such as towers, chimneys, or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways or landing strips of the airport.
3. Sufficient distance exists between the end of each landing strip and the airport boundary to satisfy the requirements of the Federal Aeronautics Administration or any other appropriate agency responsible for authorizing such uses. In cases where air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
4. Any buildings, hangers, or other structures associated with the use shall be at least one hundred fifty (150) feet from any lot line.
5. The site plan submitted for review and approval shall include in addition to the requirements of Section 16, a layout for the proposed runways, landing strips or areas, taxi strips, aprons, on-site roads, parking areas, hangers and other buildings, and the height of all buildings and structures.

EE. Municipal buildings.

1. The proposed site shall front upon a paved public road. All ingress and egress shall be from said road.
2. Buildings and structures shall be setback at least one hundred (100) feet from all property lines and street rights-of-way.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. The use shall meet the general standards for special land uses, the general provisions for all uses, and the requirements for the district in which the use is located.



FF. Nursing or convalescent homes.

1. All bedrooms shall have a minimum of two hundred (200) square feet.
2. The allowable density of the zoning district may be increased by no more than fifty percent (50%) for all nursing care units licensed by the state of Michigan and no more than twenty-five percent (25%) for non-licensed nursing care and supportive care units.
3. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
4. The site shall front upon a paved road. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from said road.
5. Minimum setbacks for all main and accessory buildings shall be seventy-five (75) feet.
6. Any emergency entrances shall be visually screened from view of adjacent residential uses by a structure, or by a sight-obscuring wall or fence of six (6) feet in height in compliance with Section 3.15. Access to and from the emergency entrance area shall be directly from a paved road.
7. No more than thirty percent (30%) of the gross site area shall be occupied by buildings.
8. All off-street parking areas shall be in the side or rear yard.
9. A five (5) foot sidewalk shall be required adjacent to the front property line beginning at one side lot line and ending at the other. In the case of a corner lot, the sidewalk shall run adjacent to the entire road frontage.



10. Any outdoor recreation, sitting, or walking areas shall be served by a five (5) foot wide sidewalk connecting all such areas, with all egress doors on the main building, the off-street parking area, and the sidewalk adjacent to the front property line.
 11. The use shall be supported by certain infrastructure features, including paved roads, natural gas, and public water and sanitary sewer.
- GG. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.
1. Minimum setbacks of seventy-five (75) feet for all structures and storage yards shall be required.
 2. The use shall be in the building where such allied goods are assembled, repaired, altered, or stored.
 3. The offices and showrooms shall not occupy more than fifty percent (50%) of the floor area of the building or space the main use occupies.
 4. Outside storage shall not be permitted in any required setback area, and only in the rear of the building.
 5. The wall facing and visible from the primary street shall be used for the main entrance, offices, and display area.
 6. Off-street parking shall be required as provided in this Ordinance for office uses, plus required parking for the main use.
- HH. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
1. Off-street parking shall be required as outlined for “Assembly areas, auditoriums, and gymnasiums” in Chapter 16.



2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
3. The use shall meet the general standards for special land uses outlined in section 17.04, the general provisions for all uses, and the requirements for the district in which the use is located.

II. Planned unit developments.

1. Description and Purpose.

- a. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) main building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD), is intended to permit and control the development of planned areas for various compatible uses allowed by this Zoning Ordinance, and for other exceptional uses not so provided.
- b. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.
- c. Under this Subsection, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations affecting public



health, safety and general welfare of the people of the surrounding area.

2. Objectives and Qualifying Conditions.

- a. The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning, and development of such planned development:
- 1.) To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural features.
 - 2.) To encourage the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units, or working/shopping outlets.
 - 3.) To encourage developers to use a more creative and imaginative approach in the development of areas.
 - 4.) To encourage underground utilities that can be more efficiently designed when master planning a larger area.
 - 5.) To allow phased construction with the knowledge that subsequent phases will be approved as originally planned, and approved by the Township.
 - 6.) To promote flexibility in design and permit planned diversification in the location of structures.



- 7.) To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
 - 8.) To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
 - 9.) To ensure a quality of construction commensurate with other developments in the Township.
- b. Any proposed PUD must meet the following qualifying conditions:
- 1.) The tract of land for which a PUD application is received must be either in one (1) ownership, or the subject of an application filed jointly by the owners of all affected properties.
 - 2.) The property that is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area, unless specified elsewhere in this subsection.
 - 3.) To be considered as a Residential PUD the proposed development must fulfill at least one (1) of the following conditions:
 - a) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple-family dwellings, or two-family and multiple-family dwellings;
 - b) The PUD site exhibits significant natural features encompassing at least twenty percent (20%) of the land area of the PUD, which will be preserved as a result of the plan.



- c) The PUD is designed to preserve in perpetuity at least twenty percent (20%) of the total area of the site for open space.
- 4.) Basis of Determination - Prior to approval of a Planned Unit Development application, the Planning Commission shall insure that the standards specified in this subparagraph, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.
 - a) General Standards - The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards, and shall approve a Planned Unit Development only upon a finding of compliance with each of the following standards:
 - i. The standards outlined in Section 17.04;
 - ii. The standards of review for Site Plan Review in Section 17.01;
 - iii. The applicable standards of this subparagraph; and
 - iv. The applicable standards as may be established elsewhere in this Ordinance.
 - b) Conditions - The Planning Commission may impose conditions with the approval of a Planned Unit Development which are necessary to ensure compliance with the standards for approval stated in this subsection, and any other



applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval, and shall be enforced by the Ordinance Administrator.

3. Application Procedures.

- a. An application for a PUD shall be submitted, and acted upon as a Special Land Use in accordance with the requirements of Chapter 16, and as noted in this subparagraph.
- b. In addition to the requirements of a Special Land Use, an application for a PUD shall be accompanied by a statement with regard to compliance with the criteria imposed by this Ordinance affecting the PUD under consideration.
- c. Review and Approval – The Planning Commission shall review the application for a PUD, the site plan, and other materials submitted in relation to the application. After such review, the Planning Commission may deny, approve, or approve with conditions, the PUD application in accordance with the purpose of this Section, and all other applicable provisions within this Ordinance. Other such standards contained in this Ordinance that relate to the PUD under consideration, including those for Site Plan Review will also be considered by the Planning Commission. The Planning Commission shall prepare a report stating its conclusions on the request for a PUD, the basis for this decision, any conditions relating to an affirmative decision, or reasons for denial.

4. Planned Unit Developments in applicable Residential Districts.

- a. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in a Residential District (excluding R-1A):
 - 1.) Single-family detached dwellings.



- 2.) Two-family dwellings.
 - 3.) Multiple-family dwellings, provided that such units make up no more than forty percent (40%) of the total number of residential dwelling units in the PUD.
 - 4.) Permitted Uses in the NCS District, subject to the standards noted for non-residential uses in the PUD, Section, 17.07, JJ, 5, f, and the requirements of the NCS District.
- b. Except as noted in within this Ordinance the maximum number of dwelling units permitted shall be determined by the designation of the Master Plan for the property in which the PUD is proposed. If the PUD lies in more than one (1) Future Land Use category, the number of dwelling units shall be calculated on a proportionate basis.
 - c. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area, and subtracting lands used or dedicated for public easements and public or private road rights-of-way.
 - d. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the requirements of the underlying zone district, unless the Planning Commission finds that slight deviations from those standards is reasonably necessary for the site to meet the objectives of this Section and will not adversely impact neighboring land uses.
 - e. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of this Ordinance.
 - f. Non-Residential Uses.



- 1.) All non-residential uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD project's developable area.
 - 2.) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
 - 3.) Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood or the PUD.
 - 4.) All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
 - 5.) Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - a) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - b) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
- g. Open Space - At least twenty percent (20%) of the PUD site must be designated as open space. Open space provided in the PUD shall meet the following conditions and requirements:
- 1.) Additional open space may be established to separate use areas within the PUD.
 - 2.) Open space areas shall be contiguous to the extent reasonably



possible, with adequate access through easements or other similar arrangements such that all properties within the entire PUD may utilize the available open space.

- 3.) Open space may be provided where significant natural features may be preserved, or be used for passive or active recreation.
- 4.) All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- 5.) Open space shall be designated by means of a conveyance, such as a conservation easement held to the benefit of the property owners in the PUD, approved by the Township Board. The conveyance shall state and outline:
 - a) that the open space is protected from all forms of development except as shown on the approved site plan;
 - b) that the open space shall not be changed to another use without the consent of the Township;
 - c) the proposed allowable use of the designated open space;
 - d) that the designated open space is maintained by the parties who have an ownership interest in the open space;
 - e) the scheduled maintenance of the open space; and,
 - f) that the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further that, any costs incurred by the Township for such



maintenance shall be assessed against the property owners.

- h. Open Space Preservation Incentive - In order to preserve the maximum amount of open space, for PUDs in a Residential District, an increase in the total number of dwelling units may be permitted, according to the following requirements:
 - 1.) PUDs providing at least thirty-five percent (35%) of open space in an undisturbed state shall be allowed an additional ten percent (10%) of the number of dwelling units otherwise permitted by this Section.
 - 2.) PUDs providing between thirty-six percent (36%), and fifty percent (50%) of open space in an undisturbed state shall be allowed an additional twenty percent (20%) of the number of dwelling units otherwise permitted by this Section.
 - 3.) PUDs providing fifty-one percent (51%) of open space in an undisturbed state, or more, shall be allowed an additional twenty five percent (25%) of the number of dwelling units otherwise permitted by this Section.
 - 4.) All open space provided under these provisions shall meet the following criteria:
 - a) The open space shall not be part of any building lot included in the development.
 - b) The open space shall be in contiguous areas, and shall not be of an unusual shape, configuration, or other conditions that would make the open space largely unusable.
 - c) Open space shall meet the requirements of this Ordinance.



- 5.) To allow for the increased number of dwelling units within a PUD with a Preservation Incentive, the Planning Commission may waive minimum dwelling unit size requirements for the underlying zoning district as reasonable.
 - a) Workforce Housing PUD Incentive – In order to incentivize the development of housing which is attainable to members of the community, for PUDs containing residential uses, an increase in the total number of dwelling units may be permitted, according to the following requirements:
 - 6.) PUDs providing at least 25% of their residential units as workforce or affordable housing PUDs shall be allowed an additional ten percent (10%) of the number of dwelling units otherwise permitted by this Section.
 - 7.) PUDs providing at least 50% of their residential units as workforce or affordable housing shall be allowed an additional twenty percent (20%) of the number of dwelling units otherwise permitted by this Section.
 - 8.) PUDs whose residential portions entirely qualify as affordable or workforce dwelling units shall be allowed an additional twenty-five percent (25%) of the number of dwelling units otherwise permitted by this Section.
 - 9.) To allow for the increased number of dwelling units within a PUD with a Workforce Housing Incentive, the Planning Commission may waive minimum dwelling unit size requirements for the underlying zoning district as reasonable.

5. Required Conditions.



- a. All electric, television cable, telephone transmission wires, and other such public or private utilities within the PUD shall be placed underground.
- b. Parking is required in accordance with Chapter 16.
- c. Signs are permitted in accordance with the requirements of Chapter 16.

JJ. Private landing fields.

- 1. The area proposed for the use shall be sufficient to meet the applicable Michigan Aeronautics Commission and Federal Aeronautics Administration's requirements for the class of airport proposed.
- 2. Sufficient distance exists between the end of each landing strip and the airport boundary to satisfy the requirements of the Federal Aeronautics Administration or any other appropriate agency responsible for authorizing such uses.
- 3. Any buildings, hangers, or other structures associated with the use shall be at least one hundred (100) feet from any lot line.
- 4. The site plan submitted for review and approval shall include in addition to the requirements of Section 15.01, a layout for the proposed runways, landing strips or areas, taxi strips, parking areas, hangers and other buildings, and the height of all buildings and structures.

KK. Public or private boat launches.

- 1. Twenty (20) off-street parking spaces shall be required per each fifty (50) feet, or fraction thereof, of water frontage the ramp area occupies. Off-street queuing space for two (2) vehicles with trailers, per each twenty (20) parking spaces shall be required. The parking area shall be configured in a manner to comply with the following table:



Boat Launching Areas					
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One (1) Tier of Spaces and Maneuvering Lane	Total Width of Two (2) Tiers of Spaces and Maneuvering Lane
30-53 deg.	25 feet	10 feet	45 feet	70 feet	115 feet
54-90 deg.	45 feet	10 feet	45 feet	90 feet	feet

2. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles. Such parking areas shall be set back at least twenty-five (25) feet from any residential lot line.
3. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases on the lot.
4. No building, structure, or dock which is part of the boat launch area shall be located closer than fifty (50) feet to any residential lot line.

LL. Public or private campgrounds.

1. The campground must provide a Health Department approved sewage disposal and water system.
2. There must be a minimum of fifty (50) campsites.
3. The setback of a campsite, building, or facility from the property line must be at least one hundred (100) feet.
4. Minimum lot size of twenty (20) acres is required for the first fifty (50) sites, and one (1) acre for each additional ten (10) sites, or fraction thereof.
5. A camp-store and self-serve laundry facilities may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store shall be one-



half (½) the required amount for retail outlets, as outlined in this ordinance.

MM. Public or private schools.

1. Minimum lot size:
 - a. For Elementary schools a minimum of five (5) acres.
 - b. For Secondary schools a minimum of ten (10) acres.
2. 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 in compliance with Section 3.15. The playground must be at least fifty (50) feet from any side or rear property line.
3. The off-street parking shall be arranged so the bus loading and unloading of student's area will not be in the path of vehicular traffic.
4. 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.
5. The main school building shall be one hundred (100) feet from any property line.
6. Practice and playing fields, tracks, and ball diamonds shall be setback at least fifty (50) feet from any property line.

NN. Public parks and recreation areas.

1. The use shall be located on property with direct access to a public road.
2. Any outdoor activity areas including band shells, pavilions, and picnic areas shall be set back a minimum of one hundred fifty (150) feet from all property lines.



3. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
 4. Access driveways shall be located at least one hundred fifty (150) feet from the nearest right-of-way line of any intersecting street, and two hundred (200) feet from the nearest edge of any other driveway.
 5. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special features must be submitted.
 6. All existing and proposed buildings shall be shown.
 7. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.
- OO. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
1. Security fencing six (6) feet in height shall be required around all outside storage.
 2. All outside storage areas shall have sufficient lighting as to illuminate the entire storage area, but to not be visible on adjacent properties.
 3. All outside storage areas shall be constructed and maintained as to provide a smooth, dustless, and a well-drained surface.
 4. Outside storage shall not be permitted in the front yard.
- PP. Retail convenience shopping and personal service establishments within a building less than three thousand (3,000) square feet in area.
1. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to



minimize air pollution in the form of dust.

2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

QQ. Retail sales accessory to a permitted use.

1. The retail sales area shall not constitute more than ten (10) percent of the gross floor area of the building in which the sales take place.
2. No outdoor displays shall be permitted.
3. Off-street parking shall be increased by ten (10) percent of that required for the principal use, however in any case, not fewer than three (3) additional spaces shall be required.

RR. Riding stables.

1. The minimum lot size shall be ten (10) acres.
2. The maximum horse population shall be limited to two (2) horses per acre.
3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred fifty (150) feet from any lot line.
4. 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.
5. Height limitations must be followed for the district.
6. 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.

7. 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.
8. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
9. A map of the riding trail shall be submitted to the Planning Commission, with a maintenance plan for the trail, and hours of operation.
10. The riding trail shall not unreasonably affect adjoining property.
11. Additional standards may be imposed by the Planning Commission to maintain the health safety, and welfare of the Township.

SS. Roadside sales

1. One roadside sales area no larger than ten feet by ten feet.
2. Only firewood, home made, home grown items allowed
3. Side yard setbacks must be met.
4. One sign, not greater than four square foot, will be allowed
5. No banners, flags, or flashing lights will be allowed
6. Roadside sales will be allowed in all zoning districts

TT. Laundromats.

1. Off-street parking shall be provided at a ratio of one (1) parking space for each three (3) washing machines.



2. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

UU. Sexually oriented business.

In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.

A sexually oriented business shall be permitted if:

1. The use is located within a zone district where the use requires Special Land Use approval.
2. The use is not located within a one thousand (1,000) foot radius of another such use except that such restrictions may be waived by the Planning Commission, if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
 - b. That the proposed use will not enlarge or encourage the



development of a blighted or deteriorating area in its immediate surroundings.

- c. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 - d. That all applicable state laws and local ordinances will be observed.
 - e. Prior to the granting of any waiver as herein provided, the Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
 4. No sexually oriented business shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M., and no such use shall be open on Sundays.
 5. No alcohol shall be served at any sexually oriented business.
 6. No sexually oriented business shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
 7. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
 8. The lot or parcel on which the use is located shall not be closer than one



thousand (1,000) feet from any school, church, or park, and five hundred (500) feet from any residential use or zoning district, measured from lot line to lot line.

VV. Storage buildings/yards for contractor's equipment.

1. The storage area shall be within a totally enclosed building; or in the rear yard of the property inside a six (6) foot high solid fence or wall in compliance with Section 3.15.
2. The use shall be adjacent to, and have direct access to a paved public road.
3. The area where the equipment is to be stored, and all interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
4. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.

WW. Transportation terminals.

1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or any other driveway.
2. The area designated for overnight truck and trailer parking shall be set back a minimum of one hundred (100) feet, however, if adjacent to a residential district or use, then the setback shall be increased to three hundred (300) feet.
3. The principal building shall not be located within two hundred (200) feet of any residential use or district.



4. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.

Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.

XX. Vehicle sales areas

Such uses shall meet all applicable provisions, as determined by the Ordinance Administrator, for Vehicle Service Establishments, as outlined in subsection 17.07, BBB, below.

YY. Vehicle service establishments.

1. The principal and accessory buildings and structures shall not be located within one hundred fifty (150) feet of any residential use or district, or if not located adjacent to a residential use or district, such setback shall be at least seventy-five (75) feet.
2. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
3. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition in compliance with Section 3.15. This area shall be paved with asphalt or concrete, and shall be no larger than five thousand (5,000) square feet.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas as outlined in subsection 3.



5. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
6. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.

ZZ. Vehicle wash establishment.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least two hundred (200) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least one hundred (100) feet from any residential use or district line.
3. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property.

AAA. Veterinary hospitals and clinics.

Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for Kennels, as outlined in this Ordinance.



BBB. Wildlife preserves.

The use shall meet the general standards for special land uses, the general provisions for all uses, and the requirements for the district in which the use is located.

CCC. Wireless communication towers and radio and television broadcast towers.

The applicant must demonstrate that construction of a new tower is necessary to best suit their, rather than placing an antenna on an existing tower, spire, or municipal structure. If the Planning Commission is convinced no other method is applicable, the following standards must be met:

1. Such uses may be accessory to an existing use on the site.
2. The tower and any other related appurtenances, shall be fenced with a six (6) foot high fence in compliance with Section 3.15.
3. The tower base must be at least one hundred (100) feet from any lot line.
4. The maximum height of the tower shall be three hundred (300) feet.
5. To encourage co-location, the tower shall be equipped to accommodate three (3) antennae.
6. All State and Federal regulations must be met.

DDD. Energy storage facilities.

1. Definitions.
 - a. Abandonment. Any energy storage facility that remains nonfunctional or inoperative to the extent that it is not used to absorb, store, or discharge energy for a period of 18 months will be



considered abandoned and subject to abandonment and decommissioning provisions.

- b. Dark Sky-Friendly Lighting Technology. A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
 - c. Energy Storage Facility. A system that absorbs, stores, and discharges electricity (e.g., using batteries) generally to be transmitted to off-site customers.
2. Permitting.
- a. Energy storage facilities shall be authorized as special uses in the A-1 Rural Preservation District.
 - b. Energy storage facilities are subject to the requirements for special use permitting and approval under Chapter 17 of this Zoning Ordinance in addition to the regulations in this section.
3. Additional Application Requirements for Utility-Scale Energy Storage Facilities.
- a. All applications for utility-scale energy storage facilities must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for special use permits under Chapter 17:
 - i. A site plan.
 - ii. The complete name, address, and telephone number of the applicant.
 - iii. A description of the energy storage facility, including:



1. The location and a description of the energy storage facility.
 2. A description of the anticipated effects of the energy storage facility on the natural environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
 3. A description of the expected use of the energy storage facility.
 4. Additional information required by the Township as it relates to the site plan.
-
- iv. Expected public benefits of the proposed energy storage facility.
 - v. The expected direct impacts of the proposed energy storage facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
 - vi. Information on the effects of the proposed energy storage facility on public health and safety.
 - vii. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
 - viii. If the proposed site of the energy storage facility is undeveloped land, a description of feasible alternative



developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.

- ix. If the proposed site is on agricultural lands, details with respect to how the site when decommissioned can continue to be used for agricultural productions and/or how the design and layout of the proposed site limits impacts to prime farmland.
- x. If the energy storage facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.
- xi. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. The applicant shall make reasonable efforts to consult with the county water resources commissioner before submitting the application and shall include evidence of those efforts in its application.
- xii. A fire response plan and an emergency response plan. This plan shall include specific details of what equipment and training is needed of local fire departments to respond to any fires at the energy storage facility and whether local fire departments have such equipment or training. Should local fire departments and emergency responders lack requisite training or equipment to respond to an emergency at an energy storage facility, then an applicant must note how it will provide adequate equipment and training to local first responders.



- xiii. A decommissioning plan drafted by a professional engineer that is consistent with the requirements of this Ordinance. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy storage facility, without deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. Moreover, an applicant for an energy storage facility, prior to construction, must enter into a decommissioning agreement with the Township specifying the obligations of decommissioning and notes that: (1) such decommissioning must be assigned to any future owner or operator of the energy storage facility; and (2) the Township will have land rights to perform decommissioning itself with a posted financial assurance should it need to decommission a project.

- xiv. An anticipated construction commencement date and anticipated completion date for project construction.

- xv. An escrow account shall be funded by an applicant when an applicant applies for a special use permit for an energy storage facility. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the zoning review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Township attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to



any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest.

- xvi. A document indicating anticipated sound generated by the energy storage facility and that demonstrates how the proposed project will meet shadow flicker requirements.
- xvii. Other information reasonably required by the Township.

4. Energy Storage Facility Performance Standards and Obligations. Energy storage facilities shall meet the following performance standards and obligations.

- a. Utility-scale energy storage facilities shall be subject to the following setback requirements:

Setback Description	Setback Distance
Buildings commonly occupied and used by humans (e.g., dwellings, churches, places of business).	500 feet.
Public road right-of-way.	100 feet measured from the nearest edge of a public road right-of-way.
Property lines.	300 feet.



- b. The energy storage facility shall comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect at the time of this amendment or any applicable successor standard adopted by the Planning Commission as reasonable and consistent with the purposes of this subdivision.
- c. The owner or operator of any energy storage facility shall maintain a current insurance policy with insured amount to be acceptable for the Township to cover installation and operation of the project and name the Township as an additional insured. The amount of the policy shall be established as a condition of special use permit approval.
- d. Noise from an energy storage facility shall not exceed 45 dB(A) (Leq-10 minute) as measured at the exterior of any dwelling or building regularly occupied by humans. If the Ambient Sound Pressure Level exceeds 45 dB(A), the standard shall be Ambient dB(A) plus 5 dB(A). Should a project be approved and constructed under this Ordinance, applicants or operators shall prepare a post-construction sound study in a form acceptable to the Township demonstrating that the project as constructed meets all applicable sound requirements.
- e. The energy storage facility shall implement dark sky-friendly lighting solutions.
- f. An energy storage facility shall be completely enclosed by perimeter security fencing to restrict unauthorized access.
 - i. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the energy storage facility and adjacent residential or agricultural



areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to the energy storage facility as approved by the special use permit.

- ii. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60% dead or greater) and dead material shall be replaced by the applicant within six months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special use permit previously granted.

- iii. All plant materials shall be installed between March 15 and November 15. If the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety, or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.



- iv. The Township may waive any and all screening requirements should it determine screening may not be necessary such as neighboring lands being vacant.
- g. Abandonment or Decommissioning.
 - i. Any energy storage facility which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
 - ii. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the energy storage facility shall be considered abandoned when it remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of 18 months. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment, the Township is permitted to enter the property and physically remove the installation at the owner's expense.
 - iii. Decommissioning shall consist of:
 - 1. Physical removal of all structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site. Underground components shall be removed to four feet from the site.



2. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 3. Stabilization or re-vegetation of the site as necessary to minimize erosion and to return the site to a substantially similar condition compared to after development of an energy storage facility.
- h. Compliance. All energy storage facilities shall comply with all applicable local, state, and federal laws and regulations including obtaining any required permits.

EEE. Solar energy systems

1. Definitions

- A. Abandonment. Any solar energy system that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of 18 months will be considered abandoned and subject to abandonment and decommissioning proceedings.
- B. Ancillary Solar Equipment. Any accessory or device as part of a solar energy system that does not require direct access to sunlight for operation, such as batteries, electric meters, converters, or water heater tanks.
- C. Community Solar. Solar energy systems with a nameplate capacity of less than 20 megawatts within a purchasing program or geographic area, collectively subscribed to by and benefitting multiple members, in which the benefits flow to multiple customers such as individuals, businesses, nonprofits, and other groups within a purchasing program or geographic area.
- D. Concentrated Solar Glare. A continuous source of bright light caused by the reflection of sunlight against a component of a solar energy



system that has the potential to disorient, distract, or annoy.

- E. Decommission. To remove or retire a solar energy system from active service and restore associated lands to a substantially similar condition to pre-development or other condition approved by the Township.
- F. Ground-Mounted Solar Energy System. A solar energy system not affixed to or situated on the roof or exterior wall of a principal or accessory building.
- G. Height. The vertical measurement from the adjacent grade to the solar energy system's highest point at its maximum tilt.
- H. Nameplate Capacity. The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
- I. Non-Participating Property. A property that, at the time of application, does not have a signed lease or easement agreement with the applicant related to a particular proposed solar energy system.
- J. Participating Property. A property that, at the time of application, has an established lease or easement agreement with the applicant related to a particular proposed solar energy system.
- K. Roof-Mounted Solar Energy System. A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.



- L. Small Scale Solar Energy System. A single residential or small-scale solar system, with a generating capacity of less than one (1) megawatt of generating capacity, installed at or near residential, commercial, or industrial site, supplying electricity to a single land use.
- M. Solar Array. A photovoltaic panel, solar thermal collector and a collection of, or any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector array does not include frames, supports, and mounting hardware.
- N. Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.
- O. Solar Energy System. A photovoltaic system or solar thermal system for the purpose of collection and conversion of solar energy into electricity or heat.
- P. Utility-Scale Solar Energy System. A solar energy system intended to distribute electricity via a utility with a nameplate capacity of over 20 megawatts.

2. Small Scale Solar Energy Systems

- A. Permitting. An application for a Land Use Permit for a small scale solar energy system shall include the following:
 - i. Photographs of the property's existing conditions.
 - ii. Renderings or catalog cuts of the proposed solar energy system.
 - iii. Plot/Sketch plan to indicate where the solar energy system is to be installed on the property (or, if roof-mounted, the system's location on the permanent



building), including property setbacks and the total solar array surface area.

- iv. Elevations showing the height of the solar energy system.
- v. For ground-mounted solar systems, the height of the system above ground.
- vi. For pitched roof-mounted solar energy systems, the elevation must show the highest finished height of the system and the height of the finished roof surface on which it is mounted.
- vii. For flat roof-mounted solar energy systems, the elevations shall show the highest finished height of the system and the highest point of the roof, including any parapets on the building.
- viii. Description of the screening to be provided for ground or roof-mounted solar energy equipment. Screening shall be designed to reasonably minimize and/or eliminate concentrated solar glare on any adjacent roadways or properties.
- ix. An application fee, as established by resolution of the Township Board.

B. Exemptions from Permitting.

- i. The following do not require a Land Use Permit, but shall still comply with all other standards of this Ordinance:
 - 1. The installation of one (1) small scale roof-mounted solar energy system with a total solar array surface area of less than eight (8) square feet.



2. The installation of one (1) small scale ground-mounted solar energy system with a height of less than six (6) feet and a solar collector surface of less than eight (8) square feet.
3. Repair and replacement of existing small scale solar energy equipment, provided that there is no expansion of the size or coverage area of the small scale solar energy system.

C. General Regulations.

- i. Small scale solar energy systems are permitted in all zoning districts.
- ii. All small scale solar energy systems shall require a Land Use Permit, except as stated otherwise in this Ordinance.
- iii. All small scale solar energy systems shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the Land Use Permit application.
- iv. Small scale solar energy systems shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize concentrated solar glare on adjacent properties and roadways. Solar energy systems that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or be designed and mounted to match the shape, proportions, and slope of the roof.



- v. All solar energy system components shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- vi. All small scale solar energy systems, and the installation and use thereof, shall comply with all local and state construction codes, NESC, and other applicable regulatory codes. Installation of a solar energy system shall not commence until all necessary permits have been issued.
- vii. Where feasible, ancillary solar energy system facility equipment shall be located inside of a building or shall be screened from public view. All ancillary solar equipment shall be screened to the maximum extent possible without comprising the effectiveness of the solar collectors. Any solar storage batteries shall be placed in a secure container or enclosure meeting the requirements of the state construction code and shall be disposed of in accordance with applicable laws and regulations when no longer in use.

D. Small Scale Roof-Mounted Regulations

- i. Small scale roof-mounted solar energy systems shall not project more than five (5) feet above the highest point of the roof or exceed the maximum building height limitation for the zoning district in which it is located.
- ii. Small scale roof-mounted solar energy systems shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Ordinance Administrator prior to installation.

E. Small Scale Ground-Mounted Regulations



- i. Small scale ground-mounted solar energy systems shall not exceed sixteen (16) feet in height.
- ii. Small scale ground-mounted solar energy systems shall be setback at least ten (10) feet from the property line, or the applicable zoning district setback, whichever is greater.
- iii. In residential districts, small scale ground-mounted solar energy systems shall be located only on side or rear yard to minimize visual impacts. Front yard placement may be permitted with administrative approval should an applicant demonstrate to the Ordinance Administrator that the improvement is designed to ensure the installation does not create an adverse visual impact.
- iv. Small scale ground mounted solar energy systems shall be safely attached to the ground, however, no concrete or permanent foundations shall be fitted.

3. Community Solar Energy Systems

A. Permitting.

- i. Community Solar Energy Systems shall be permitted as a special use in the A-1 Rural Preservation district, subject to the following standards:
- ii. Community solar energy systems are subject to the requirements for special use permitting and approval under Chapter 17 of this Zoning Ordinance in addition to the regulations in this section; however, community solar energy systems are exempt from all lot coverage requirements in this Zoning Ordinance.



- iii. Community solar energy systems must comply with local, state, and federal rules, laws, and regulations, and adhere to the state construction code.
- iv. Applications for a community solar system shall include the required fees for a special use permit and site plan review.
- v. Prior to final site plan approval, an agreement by a utility company to purchase power from the solar system owner shall be provided. Off-grid systems are exempt from this requirement.

B. Submission Requirements.

- i. In addition to the submission requirements for special uses under Chapter 17 of this Ordinance, applicants for community solar energy systems shall submit to the Planning Commission all of the following:
 - 1. A written description of the maintenance program to be used for the community solar energy system. The description shall include maintenance schedules and types of maintenance to be performed.
 - 2. An emergency response plan which includes all of the following:
 - a) Signage marking the means for shutting down the solar energy system.
 - b) Contact information for public inquiries which may be used throughout the life of the community solar energy system.
 - c) Planned signage posted and maintained at the entrance of the community solar energy system



including the name and contact information of the operator.

3. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed installation.
4. An application escrow account, which shall be funded by the applicant when an applicant applies for a special use permit for a community solar energy system. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Township attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest.



C. Operation Requirements

- i. Ground-mounted solar energy systems shall be subject to the following setback requirements below.

Setback Description	Setback Distance
Road right-of-way	50 feet measured from the nearest edge of the road right-of-way.
Residence	100 feet measured from the nearest point on the outer wall.
Commercial Building	75 feet measured from the nearest point on the outer wall.
Agricultural Property	100 feet measured from the nearest point of the lot line.
Non-participating Property	150 feet measured from non-participating property line.

- ii. The minimum lot area for a community solar energy system shall be twenty (20) acres.
- iii. Lighting is strictly prohibited, with the exception of instances where it is essential for safety and operational purposes. In such cases, lighting must be directed downward and shielded to prevent any glare or impact on adjacent properties.
- iv. Signage is strictly prohibited, except when necessary for safety, operation, or reasonable identification of the solar energy system's manufacturer or operator, or when required by law. Under no circumstances shall signs be utilized for advertising purposes.
- v. All utility connections from the community solar energy system shall be placed underground. The Planning Commission may waive this requirement if it determines that site conditions or applicable requirements of a utility provider render compliance impracticable.



- vi. Screening shall be required, as determined by the Planning Commission, to address specific site needs.
 - vii. All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
 - viii. The owner/operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to local emergency response personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).
 - ix. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation.
 - x. Any community solar energy system which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
1. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the community solar energy system shall be considered abandoned when it remains nonfunctional or inoperative to the extent that it is not used to



generate electric energy for a continuous period of 18 months. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment, the Township may, but is not required to, enter the property and physically remove the installation at the owner's expense.

2. Decommissioning shall consist of:

- a) Physical removal of all community solar energy systems, structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site including underground components within four feet below the surface.
 - b) Restoration of the property back to a state substantially similar before development.
 - c) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - d) Stabilization or re-vegetation of the site as necessary to minimize erosion and to provide for site restoration.
- xi. Where feasible, ancillary solar equipment shall be located inside the building or be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of a solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the



state construction code or other applicable construction or electrical code regulations and when no longer in use shall be disposed of in accordance with applicable laws and regulations.

- xii. The applicant for a community solar energy system shall provide a form of surety, either through escrow account, bond, letter of credit, or other form reasonably acceptable to the Township and in an amount and form determined by the Planning Commission to cover the cost of decommissioning, in the event Markey Township must remove the installation, in an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Such financial surety shall be deposited or filed with the Township Clerk after a special use permit has been approved but before construction commences on the community solar energy system. Such financial surety shall be kept in full force and effect during the entire time that the community solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable. Any failure to keep the required financial surety in full force and effect at all times while a community solar system exists or is in place shall constitute a violation of the special use permit, the site plan, and this Ordinance, and may be grounds to revoke the special use permit, in addition to any other remedies available to the Township.



4. Utility-Scale Solar Energy Systems

A. Permitting.

- i. Utility-scale solar energy systems shall be permitted as a special use in the A-1 Rural Preservation district subject to the following standards. Utility-scale solar energy systems are exempt from all lot coverage requirements in this Zoning Ordinance.
- ii. Utility-scale solar energy systems are subject to the requirements for special use permitting and approval under Chapter 17 of this Zoning Ordinance in addition to the regulations in this section.

B. Submission Requirements.

- i. All applications for a utility-scale solar energy system must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for special use permits under Chapter 17:
 - 1.) A site plan.
 - 2.) An application escrow account, which shall be funded by the applicant when an applicant applies for a special use permit for a utility-scale solar energy system. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Township attorney, planner, and/or engineer, as well as costs for any other outside consultants or



reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest.

- 3.) The complete name, address, and telephone number of the applicant.
- 4.) The planned date for the start of construction and the expected duration of construction.
- 5.) A description of the utility-scale solar energy system, including:
 - a. The location and a description of the utility-scale solar energy system.
 - b. A description of the anticipated effects of the utility-scale solar energy system on the natural environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.



- c. Additional information required by the Township as it relates to the site plan.
- 6.) A description of the expected use of the utility-scale solar energy system.
- 7.) Expected public benefits of the proposed utility-scale solar energy system.
- 8.) The expected direct impacts of the proposed utility-scale solar energy system on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
- 9.) Information on the effects of the proposed utility-scale solar energy system on public health and safety.
- 10.) Evidence of consultation, before submission of the application, with the Michigan Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
- 11.) If being placed on agricultural lands, an analysis as to how the project minimizes impacts on prime farmland and a plan on how, upon decommissioning, the lands hosting the project can return to agricultural production.
- 12.) If the proposed site of the utility-scale solar energy system is undeveloped land or on prime farmland, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields and lands not as



better suited for agricultural production, and an explanation of why they were not chosen.

- 13.) If the utility-scale solar energy system is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.
- 14.) A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the owner and/or operator of the project. The applicant shall make reasonable efforts to consult with the county water resources commissioner before submitting the application and shall include evidence of those efforts in its application.
- 15.) A fire response plan and an emergency response plan. This plan must specifically reference the equipment and training necessary for local emergency responders to respond to emergencies, including fires, that could occur on project lands. The applicant should identify any training and/or equipment it will provide local first responders should they lack sufficient resources to respond to an emergency at the project.
- 16.) A decommissioning plan that is consistent with the requirements of this section. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the utility-scale solar energy



system, without deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant.

17.) 180 days after construction of a utility-scale solar energy system, as-built files in electronic and paper copies demonstrating that a project was built in compliance with any application materials and Township zoning approvals. The as-built submittals must include all applicable electronic and hard copies of the following information: Adobe PDF documents, coordinate data for all site features, and GIS and CAD files for all the information listed above.

18.) Other information reasonably required by the Township.

C. Operation Requirements.

i. Utility-scale solar energy systems shall be subject to the following setback requirements, which shall be measured from required fencing:

Setback Description	Setback Requirement
Buildings regularly occupied by humans on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating Properties	150 feet measured from the nearest shared property line



- ii. Fencing for the utility-scale solar energy system shall comply with the latest version of the National Electric Code or any applicable successor standard approved by the Planning Commission as reasonable and consistent with the purposes of this subsection.
- iii. Solar panel components shall not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
- iv. The utility-scale solar energy system shall not generate a maximum sound in excess of 45 average hourly decibels on any non-participating property line. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute. Applicants shall demonstrate compliance with this standard after construction by providing a post-construction sound study to demonstrate compliance with the Zoning Ordinance noise emission standards.
- v. The utility-scale solar energy system shall implement dark sky-friendly lighting solutions.
- vi. All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways. Applicants shall demonstrate compliance with this standard by, after project construction, providing a post-construction glare analysis taking into account actual screening to mitigate glare and as-constructed conditions to determine whether any additional screening or other activities (e.g., project operational controls) are necessary to further mitigate glare.



- vii. A utility-scale solar energy system shall be completely enclosed by perimeter security fencing to restrict unauthorized access.
 - a) Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all utility-scale solar energy systems, including without limitation between such utility-scale solar energy system and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any utility-scale solar energy system as approved by the special use permit.
 - b) The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60% dead or greater) and dead material shall be replaced by the applicant within six months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of



this Ordinance and sufficient grounds for revocation of any special use permit previously granted.

- c) All plant materials shall be installed between March 15 and November 15. If the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety, or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- d) The landscaping requirements above can be waived upon request by an applicant in instances where screening may be unnecessary such as in between two participating properties, in between two vacant farm fields, or in other similar situations.

viii. Complaint Resolution.

- a) From construction until project decommissioning, an applicant or owner or operator of a utility-scale solar energy system must maintain a complaint resolution process that includes a publicly available permanent phone number and contact information for residents to make complaints regarding the project related to violations of the Zoning Ordinance or any zoning approvals. Such process must include a form available to the public to submit complaints which shall also be made available online and be provided to the Township for distribution to residents. A utility-scale solar energy system owner or operator shall acknowledge receipt of such complaints within five (5) business days and shall resolve complaints within 30 days unless impractical in which case the owner or



operator must notify the Township and complainant of an estimated timeframe to resolve a complaint. The complaint resolution process may not require a complainant or the Township to post a monetary deposit or otherwise pay for the owner or operator to resolve or investigate a complaint. The utility-scale solar energy system owner or operator must notify the Township of any received complaints and resolutions to complaints on a monthly or bi-monthly basis.

ix. Transportation Plan and Road Impacts.

- a) Prior to any construction, an owner or operator of a utility-scale solar energy system shall provide the Township the description of routes to be used for construction of the project, any improvements to roadways necessary for the project, a copy of any performance guarantee, and any executed agreements related to the aforementioned matters submitted to the County Road Commission or Michigan Department of Transportation for project road use and repair. All material damage to a public road located within the Township resulting from a utility-scale solar energy system's construction, maintenance, or operation, must be repaired at a project owner or operator's expense.

x. Continuing Enforcement Escrow.

- a) Prior to construction and until a utility-scale solar energy system is decommissioned, a project owner or operator shall deposit and maintain a continuing escrow deposit (either in cash, letter of credit, or by surety bond) to cover all reasonable costs and expenses incurred by the Township to enforce the Zoning Ordinance and the terms of the project's



zoning approvals including site plan and conditions, for the life of the project. Such continuing enforcement escrow deposit may be used towards necessary enforcement actions and reports or studies necessary for enforcement and may fund reasonable fees for the Township Attorney, Township Engineer, Township Planner, or any other consultant necessary for enforcement actions and the project owner or operator must deposit more funds with the Township as part of the continuing enforcement escrow should the Township expend all deposited funds or need to spend more funds for a particular enforcement action. The initial enforcement escrow deposit shall be in the amount no less than \$7,500.

- xi. Abandonment, Decommissioning, and Financial Surety.
 - a) Any utility-scale solar energy system which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
 - b) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale solar energy system shall be considered abandoned when it remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of 18 months. If the owner/operator fails to remove the



installation in accordance with the requirements of this section within 150 days of abandonment, the Township is permitted to enter the property and physically remove the installation at the owner's expense.

- c) Decommissioning shall consist of:
 - 1.) Physical removal of all utility-scale solar energy systems, structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site. All underground infrastructure shall be removed up to a depth of four feet below the surface.
 - 2.) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - 3.) Stabilization or re-vegetation of the site as necessary to minimize erosion.
- d) To ensure decommissioning occurs, prior to construction of a project, a utility-scale solar energy system owner and operator must prepare a decommissioning agreement and corresponding bond in a format and amount acceptable to the Township's legal counsel. Such documents may be submitted to the Township and to the Planning Commission but shall be approved by the Township Board. The amount of the bond outlined in the decommissioning agreement shall not credit salvage value of any project improvements due to, among other things, the Township lacking expertise to salvage a large-scale utility project. The decommissioning agreement entered into with the Township shall include a mechanism to increase the amount of



decommissioning bond at a periodic interval (e.g., every five years) using a method deemed acceptable by the Township (e.g., inflationary index or new study estimating decommissioning costs) to account for changing decommissioning costs.

FFF. Wind energy conversion systems (WECS)

1. Definitions.

- a. Abandonment. Any WECS that remains nonfunctional or inoperative to the extent that it is not used to absorb, store, or discharge energy for a period of 18 months will be considered abandoned and subject to abandonment and decommissioning provisions.
- b. Agricultural WECS. Any WECS that is accessory to a permitted farm or agricultural operation and is designed and built to serve the needs of that farm or agricultural operation.
- c. Nameplate Capacity. The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of a WECS even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
- d. Non-Participating Property. Any property in the Township not within the boundaries of a WECS. The boundaries of a WECS are deemed as: (1) all lands where a developer has obtained executed legal interests with landowners to use lands to site improvements for a WECS; and (2) all lands that a developer has obtained executed legal interests with landowners consenting to WECS improvements in the Township but do not site improvements on their lands (also referred to as a “no-facilities lease”).



- e. Private WECS. A WECS with a nameplate capacity of less than one megawatt, intended to provide power to one associated principal non-agricultural land use on the same parcel.
 - f. Tip Height. The distance measured from ground level of a wind turbine measured at its base to the furthest vertical extension of the wind turbine blade.
 - g. Utility-Scale WECS. A WECS that is designed and built to provide electricity to multiple off-site parcels, generally by way of a utility-company or some other entity authorized to distribute electricity.
 - h. Wind Energy Conversion System (WECS). An improvement which converts wind energy into electricity through the use of a wind turbine generator(s) and includes the turbines, blades, and tower as well as related electrical and ancillary equipment of the land use.
2. Permitting, Generally.
- a. Private and Utility-Scale WECS shall be authorized as special uses in the A-1 Rural Preservation district.
 - b. Utility-Scale and Private WECS are subject to the requirements for special use permitting and approval under Chapter 17 of this Zoning Ordinance in addition to the regulations in this section.
 - c. Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this section. Agricultural WECS projects shall conform to the regulations of the zoning district they are located in, including minimum setback standards, but not including height requirements, of which shall be a maximum of 100 feet.



3. General Standards for Private and Utility-Scale WECS.

- a. The safety of the design of all private and utility-scale WECS shall be certified by a professional engineer registered in the State of Michigan. Such certification shall be included in application materials for a special use permit. Further, after construction, a professional engineer registered in Michigan must certify that the construction and installation of the WECS meets or exceeds manufacturer construction and installation standards.
- b. All private and utility-scale WECS shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. A professional engineer registered in the State of Michigan must certify in application materials that the WECS being applied for by an applicant is equipped with such controls and will be operated in a manner utilizing such controls.
- c. All private and utility-scale WECS electrical compartments, storage facilities, wire conduit, and interconnections with utility companies must conform to national and local electrical codes. Further, all private and utility-scale WECS shall comply with all applicable local, state, and federal laws and regulations including obtaining any required permits.
- d. Private and Utility-Scale WECS shall adhere to the following setbacks.
 - i. 1.5x tip height from the property line of a non-participating property.
 - ii. 1.5x tip height from the edge of any public roadway.
 - iii. 1.5x tip height from any building where humans regularly congregate or utilize regardless of whether a building is located on a non-participating property.



- e. A private WECS shall not exceed 100 feet, with height being calculated as tip height. A utility-scale WECS shall not be subject to height requirements in this Ordinance but must adhere to all Federal Aviation Administration regulations with respect to height.
- f. Private and Utility-Scale WECS must be unclimbable by design or protected by anti-climbing devices such as: (1) fencing; (2) anti-climbing devices 12 feet from the base of any pole; or (3) anchor points for guy wires being fenced.
- g. It shall be the responsibility of the person in charge of the private or utility-scale WECS to submit acceptable documentation as part of the special use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception.
- h. All private and utility-scale WECS must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines or demonstrate the design of a turbine or other improvement mitigates risk of fire.
- i. All solid wastes, whether generated from supplies, equipment parts, packaging, operation, or maintenance of a private or utility-scale WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of a private or utility-scale WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.



- j. Noise from private or utility-scale WECS shall not exceed 50 dB(A) (Leq-10 minute) as measured at the exterior of any dwelling or building regularly occupied by humans. If the Ambient Sound Pressure Level exceeds 50 dB(A), the standard shall be Ambient dB(A) plus 5 dB(A).
- k. The owner or operator of the private or utility-scale WECS project shall maintain a current insurance policy with insured amount to be acceptable for the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of special use permit approval. For a private WECS projects accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.

4. Additional Application Requirements for Utility-Scale WECS.

- a. All applications for a utility-scale WECS must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for special use permits under Chapter 17:
 - i. A site plan.
 - ii. The complete name, address, and telephone number of the applicant.
 - iii. A description of the WECS, including:
 - 1. The location and a description of the WECS.
 - 2. A description of the anticipated effects of the WECS on the natural environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.



3. Expected use of the WECS.
 - iv. Expected public benefits of the proposed WECS.
 - v. The expected direct impacts of the proposed WECS on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
 - vi. Information on the effects of the proposed WECS on public health and safety.
 - vii. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
 - viii. If the proposed site of the WECS is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
 - ix. Should a utility-scale WECS be located on agricultural lands, an applicant shall provide a narrative on how the project will continue to provide for agricultural activities on project lands during the operations of the WECS project and after decommissioning.
 - x. If the WECS is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.



- xi. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the owner or operator of the project. The applicant shall make reasonable efforts to consult with the county water resources commissioner before submitting the application and shall include evidence of those efforts in its application.
- xii. A fire response plan and an emergency response plan.
- xiii. An avian study conducted by a qualified professional to determine any potential impacts the utility-scale WECS project may present to migratory birds.
- xiv. A decommissioning plan drafted by a professional engineer that is consistent with the requirements of this Ordinance. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the WECS, without deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. Moreover, an applicant for a utility-scale WECS, prior to construction, must enter into a decommissioning agreement with the Township specifying the obligations of decommissioning and notes that: (1) such decommissioning must be assigned to any future owner or operator of the utility-scale WECS; and (2) the Township will have land rights to perform decommissioning itself with a posted financial assurance should it need to decommission a project.



xv. An anticipated construction commencement date and anticipated completion date for project construction.

xvi. An escrow account shall be funded by an applicant when an applicant applies for a special use permit for a utility-scale WECS. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the zoning review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Township attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest.

xvii. A document indicating anticipated shadow flicker generated by each wind turbine that is part of a proposed utility-scale WECS and that demonstrates how the proposed project will meet shadow flicker requirements.



- xviii. A document indicating anticipated sound generated by each wind turbine that is part of a proposed utility-scale WECS and that demonstrates how the proposed project will meet shadow flicker requirements.

- xix. Applicants must submit a written plan that outlines a complaint resolution process to allow members of the public to file written complaints regarding alleged Zoning Ordinance or Township approval violations that allows an applicant or operator of a project to either remedy such complaints or to otherwise respond to the complaints. A complaint resolution plan must detail how an applicant or operator will: (1) establish a form for complaints; (2) make contact information publicly available for complaints; and (3) report complaints and actions taken by the applicant and/or operator to the Township Board and Planning Commission at least on a bi-annual basis. The complaint resolution process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process may not preclude the Township from independently acting on a complaint before a response from an applicant, owner, or operator of a utility-scale WECS.

- xx. Applicants shall submit to the Township and either the County Road Commission or Michigan Department of Transportation (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries; and proof of a performance guarantee acceptable to the appropriate agency in an amount necessary to ensure repair of any damage to the public roads and associated infrastructure caused by



construction of a utility-scale WECS or any of its elements.

- xxi. Upon reasonable request, the Township can require an applicant to submit additional application materials including reports that are reasonably related to demonstrating compliance with a standard of the Zoning Ordinance.

5. Utility-Scale WECS Performance Standards. Utility-scale WECS must adhere to the following performance standards and comply with the following requirements.

- a. Utility-Scale WECS components shall be painted any neutral color that is acceptable to Markey Township or otherwise required by law.
- b. A utility-scale WECS shall be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling. Should a project be approved and constructed under this Ordinance, applicants or operators shall prepare a post-construction shadow flicker analysis in a form acceptable to the Township demonstrating that a utility-scale WECS as constructed meets all shadow flicker requirements. An applicant may not utilize or assume shadow flicker mitigation (e.g., new screening, plantings, blinds, etc.) in any model submitted to the Township for such a use to meet shadow flicker requirements.
- c. Should a project be approved and constructed under this Ordinance, applicants or operators shall prepare a post-construction sound study in a form acceptable to the Township demonstrating that a utility-scale WECS as constructed meets all applicable sound requirements. Furthermore, the Township may require any applicant or



operator of a utility-scale WECS to submit supplemental sound studies every five (5) years after construction of a utility-scale WECS to ensure that the project is continuing to comply with sound requirements in this Ordinance.

- d. The blade tip of any utility-scale WECS shall, at its lowest point, have ground clearance of not less than 75 feet.
- e. The utility-scale WECS shall comply with the following safety standards:
 - i. All collective system wiring shall comply with all applicable safety and stray voltage standards.
 - ii. WECS shall not be climbable to the exterior.
 - iii. All access doors to WECS and electrical equipment shall be lockable.
 - iv. Appropriate warning signs (e.g., “High Voltage”) shall be placed on WECS, electrical equipment, and WECS entrances.
 - v. Appropriate signage for emergency contact information shall be located at each WECS.
- f. All underground drainage and surface drainage, both county and private, shall be restored to the original state or to one mutually agreed upon.
- g. A utility-scale WECS shall be equipped with a functioning light-mitigating technology to limit blinking lights on project improvements during night-time, commonly referred to as an aircraft detection lighting system. To allow proper conspicuity of a WECS at night during construction, a WECS may be lighted with temporary lighting until the permanent lighting configuration, including light-mitigating technology of an



aircraft detection lighting system, is implemented. The Township may grant an exemption from the requirements of this subparagraph if installation of appropriate light mitigating technology is not feasible. A request for an exemption must be in writing and state all of the following:

- i. The purpose of the exemption.
 - ii. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
 - iii. The technical or economic reason a light-mitigating technology is not feasible.
 - iv. Any other relevant information requested by the Township.
- h. An applicant or owner of a utility-scale WECS must provide a continuing escrow deposit to be held by the Township which shall be funded in cash or by other financial instrument deemed acceptable by the Township prior to the commencement of construction of any utility-scale WECS and shall be maintained by the utility-scale WECS owner until the utility-scale WECS has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and any terms of a special use permit including conditions, which costs can include, but are not limited to, reasonable fees for legal, planning, and engineering expenses incurred by the Township, as well as costs for any reports or studies which the Township determines are reasonably related to enforcement of the Ordinance and any special use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the



Township may require the utility-scale WECS owner to place additional monies into escrow with the Township. If the escrow deposit amount falls below a minimum amount determined by the Township, the owner of the utility-scale WECS has 30 days to replenish the account back up to the minimum amount. All continuing escrow deposit funds unused by the Township shall be returned without interest once a utility-scale WECS is decommissioned.

i. Abandonment or Decommissioning.

i. Any utility-scale WECS which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.

ii. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale WECS shall be considered abandoned when it remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of 18 months. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment, the Township is permitted to enter the property and physically remove the installation at the owner's expense.



- iii. Decommissioning shall consist of:
 - 1. Physical removal of all WECS, structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site. Underground components shall be removed to four feet from the site.
 - 2. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - 3. Stabilization or re-vegetation of the site as necessary to minimize erosion and to return the site to a substantially similar condition compared to after development of a utility-scale WECS.



Chapter 18

Zoning Board of Appeals

Section 18.01 Membership

- A. Continuation of Present Zoning Board of Appeals - The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act.
- B. Composition and Terms - The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board for a three (3) year term. One (1) member shall be from the Planning Commission. The Chairman of the Zoning Board of Appeals shall not be an elected official.
- C. Alternate Members - Up to two (2) alternate members may be appointed by the Township Board for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.
- D. Vacancies - Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board.
- E. Officers - The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary.



Section 18.02 Meetings

- A. Meetings - All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary to the Board or their representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Two (3) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

- B. Hearings - The Zoning Board of Appeals shall make no decision regarding a variance except after a hearing is conducted by the Zoning Board of Appeals. Due notice shall be given to all parties to the appeal stating the time and place of such hearing.

Section 18.03 Jurisdiction

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Chapter and the laws of the State of Michigan. The Zoning Board of Appeals shall have the authority to hear appeals from a decision made in respect to a rezoning, and in respect to a special land use request. The powers of the Zoning Board of Appeals include:

- A. Hearing of Appeals - To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Ordinance Administrator or any other administrative official in carrying out or enforcing the provisions of this Ordinance.



- B. Granting of Variances - A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Chapter.
- C. Zoning Ordinance Interpretation - The Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provision is uncertain.

Section 18.04 Decisions

- A. Procedure - An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Township. Such appeal shall be taken within twenty- one (21) days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.
- B. Filing - The party from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the Zoning Board of Appeals:
 - 1. Project Information, including:
 - a. The applicant's name;
 - b. The preparer's name;
 - c. North arrow;
 - d. Complete and current legal description and size of property in acres; and
 - e. Small scale location sketch of sufficient size and scale.



2. Existing Features

- a. Property lines and dimensions;
- b. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private road from the site;
- c. Lot lines and all structures on the property, the Zoning Board of Appeals may require buildings and structures within one hundred (100) feet of the site's property lines, also be shown;
- d. Location of any access points on both sides of the street within one hundred (100) feet of the site along streets where access to the site is proposed; and

3. Proposed Construction

- a. Building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
- b. Location and dimensions of parking spaces;
- c. Details of site circulation and access design, including:
 - i. Indication of street right-of-way and pavement widths and pavement type;
 - ii. Names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths; and
 - iii. Written verification of access easements or agreements, if applicable.



- d. The Zoning Board of Appeals may require a survey for projects involving dimensional variances.
- C. Stay of Proceedings - An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.
- D. Decisions
 1. The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to affect a variation in the ordinance.
 2. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing.
 3. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- E. Record of Actions - For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
 1. Description of the applicant's request.
 2. The Zoning Board of Appeal's motion and vote.



3. A summary or transcription of all relevant material and evidence presented at hearing; and,
 4. Any conditions attached to an affirmative decision.
- F. Appeals to Circuit Court - The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Township or Township Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.
- G. Resubmission - No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one of the following conditions exist:
1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 2. That new conditions or circumstances exist which change the nature of the original request.

Section 18.05 Conditions of Approval

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Township Zoning Act and related to the standards by which the decision is reached.



Section 18.06 Variance Procedures

- A. Authority for Variances - The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

- B. Granting of Non-Use Variances - A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing, and that all of the following conditions are met:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;

 - 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;

 - 3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.



4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

C. Granting of Use Variances shall not be permitted.

Section 18.07 Fees

The Township Board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Township Treasurer at the time the application for the appeal or variance is filed.



Chapter 19 Administration

Section 19.01 Ordinance Administrator

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Ordinance Administrator, or such other official or officials as may be designated by the Township Board. The Ordinance Administrator shall have the power to:

- A. Issue Land Use Permits;
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
- C. Issue and serve civil infraction notice and, subsequently, a civil citation, on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense; and
- D. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

Section 19.02 Permits

- A. Land Use Permits
 - 1. No building, structure, or sign shall be erected, altered, or moved unless a Land Use Permit shall have been first issued for such work.
 - 2. No Land Use Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance.



3. A record of all Land Use Permits issued shall be kept on file in the office of the Ordinance Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Permit.
4. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Land Use Permit is first obtained for the new or different use.
5. A Land Use Permit shall be valid for one year from issuance in which the applicant shall construct the requested improvement. The Ordinance Administrator, upon request from an applicant, may issue extensions of Land Use Permits in the form of: (1) one additional year period; and (2) a further subsequent six month period, if an applicant demonstrates good cause that additional time is required to ensure completion of an improvement.

B. Building Permits and Certificates of Occupancy

1. No Building Permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a Land Use Permit, or Zoning approval for such work has been issued by the Ordinance Administrator.
2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.
3. Certificates of Occupancy, as required by the Michigan State BOCA code will be issued by the Houghton Lake Building Agency.

C. Fees for the inspection and issuance of Land Use Permits, Building Permits, or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Township or appropriate government agency in advance of issuance. The amount of such fees shall be established by resolution of the Township Board or appropriate government agency and shall cover the cost of inspection and supervision resulting from the enforcement of



this Ordinance.

D. Temporary Permits. The Ordinance Administrator shall have the authority to issue temporary permits for the uses outlined in this Subsection.

1. Permits.

- a. Each permit shall specify the location and use for such temporary dwelling or structure, and shall be valid for up to twelve (12) calendar months, unless otherwise provided for herein.
- b. Upon applying for a temporary dwelling or structure permit, the applicant shall pay a fee as determined by the Township Board, to the Township Treasurer. A fee shall also be collected by the Township, for any extensions requested by the applicant.
- c. Permits may be renewed by the Ordinance Administrator for one (1) additional successive period of one year.
- d. Each application for a temporary dwelling or structure shall include the information required as outlined in Section 16.01, for Site Plan Review, except for those requirements that may be waived by the Ordinance Administrator.

2. Types of dwellings or structures allowed by this section.

- a. Temporary construction office building, storage building, or storage yard for construction materials and equipment during construction of a permanent building may be permitted, under the following conditions:
 - i. The requirements of Section 19.02, D, 1, have been met.
 - ii. Extensions shall only be granted if such building or yard is still incidental and necessary to construction at the site where it is located.



- b. Temporary sales office or model home that is both incidental and necessary for the sale or rental of real property in a new subdivision, condominium project, or other housing project may be permitted, under the following conditions:
 - i. The requirements of Section 19.02, D, 1, have been met.
 - ii. Extensions may only be granted if the Ordinance Administrator determines that such office or model home is still incidental and necessary for the sale or rental of real property in said residential project.

- c. Temporary dwellings in any Residential District may be permitted for a period of not more than eight (8) calendar months; however, permits may be renewed by the Ordinance Administrator for one (1) additional successive period of two (2) calendar months, or less, at the same location and for the same purpose only after the Ordinance Administrator finds the following conditions outlined below to be true:
 - i. The temporary dwelling is a manufactured home meeting the United States Department of Housing and Urban Development regulations entitled, “Mobile Home Construction and Safety Standards” effective June 15, 1976, as amended.
 - ii. In accordance with the Mobile Home Commission Act, the temporary dwelling is for the use and occupancy of the property owner, and his or her family while they are constructing a permanent residence at the same location.
 - iii. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary dwelling permit.
 - iv. The temporary dwelling meets the water and sewer



requirements of the Public Health Department, all other applicable Township and County ordinances, and all applicable requirements set forth in the Mobile Home Commission Act.

- v. The temporary dwelling is installed and set up in accordance with the Mobile Home Commission Act and all applicable installation and setup specifications standards promulgated under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 as may be amended, including 24 CFR 3282 *et. seq.* and, in accordance with the above-referenced acts, is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
- vi. The applicant has signed an agreement of understanding of the requirements for removal of temporary dwellings as outlined below.
 - (a) The temporary dwelling shall be removed upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, whichever occurs first.
 - (b) The temporary dwelling may be removed by the Township upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, and any costs incurred by the Township in carrying out this provision shall be charged to the property owner. If the property owner does not pay the charges within six (6) months of the first billing notice, said charges shall become a lien on the property, and recorded as provided for by law.



- d. Temporary structures for hunting and recreation camps are permitted within the A-1 and R-3 Zoning Districts, provided that:
 - i. The structure shall be:
 - (a) A wheeled vehicle, licensed and registered; and
 - (b) Such vehicle shall be in compliance with the Michigan Motor Vehicle Code; have properly inflated tires; and have working turn signals and brake lights.
 - ii. The structure shall be designed for sleeping and camping, and shall contain, at a minimum, portable sanitary facilities.
 - iii. The structure shall not be occupied for a period more than forty-five (45) consecutive days in any one (1) year. Occupation for longer periods constitutes a temporary dwelling and the standards in Subsection 19.02, D, 2, c, shall be met.
 - iv. The structure shall not be located in the required front or side yard.
 - v. Where possible, access to the parcel where the structure is located shall be limited to one (1) driveway.
- e. Temporary Accessory Dwelling for Family Member. In the A-1, R-3, and R-2 Zoning Districts, a temporary accessory dwelling may be permitted on a lot with a principal structure, for one (1) calendar, year and up to two (2) additional and successive one (1) year permits may be issued to the same property for the same purpose, if the following conditions are met:
 - i. The temporary dwelling is/has:



- (a) A wheeled vehicle, licensed and registered;
 - (b) In compliance with the Michigan Motor Vehicle Code;
 - (c) Have properly inflated tires; and
 - (d) Have working turn signals and brake lights.
 - ii. The occupant of the temporary dwelling is a family or household member of the property owner on which the temporary dwelling is to be located.
 - iii. The minimum yard and area standards, excepting the lot area requirement shall be met for the temporary dwelling.
 - iv. The temporary dwelling shall meet the water and sewer requirements of the Public Health Department, and all other applicable Township ordinances.
 - v. A performance guarantee may be required for the removal of the temporary dwelling at the end of its useful purpose.
3. In considering authorization for any temporary dwelling or structure, the Ordinance Administrator shall consider the following standards:
- a. That there will be no unsanitary conditions or other detrimental effects upon the property, occupants, or adjacent properties;
 - b. That, in the case of occupancy during construction, the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 - c. That the structure does not impact the nature of the



surrounding neighborhood;

- d. That access to the use, area, or structure is located at the least offensive point on the property; and
 - e. That a hardship exists which necessitates the use of a temporary structure during construction of a permanent structure.
 - f. The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district, nor on the property where the temporary use is permitted.
 - g. The granting of the temporary use or building shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - h. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Ordinance Administrator.
 - i. The use or building shall be in harmony with the general character of the district.
 - j. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this Ordinance.
 - k. Prior to granting a temporary permit the Ordinance Administrator may seek the review and recommendation of the Planning Commission.
4. A performance guarantee may be required as outlined in Section 18.04 to ensure the proper removal of the temporary dwelling or structure, following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.



5. The Ordinance Administrator may attach reasonable conditions to temporary dwellings or structures to ensure the standards of this Section are met.
6. The Zoning Board of Appeals may hear any appeals of decisions of the Ordinance Administrator with respect to permits granted under this section.

Section 19.03 Enforcement and Violations

- A. This ordinance shall be enforced by such persons who shall be so designated by the Township Board.
- B. Violation of this ordinance shall be a civil infraction and shall be enforceable under the Markey Township Municipal Violations Bureau Ordinance #34
- C. Continuing violation each day during or on which a violation of this ordinance occurs or continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.
- D. Markey Township may seek enforcement of this ordinance and such other relief as may be obtained by injunctive proceedings in the Circuit Court for the County of Roscommon. This is in addition to and not in derogation of prosecutions for violations of this ordinance as outlined in “B” above.
- E. Complicity: Every person who commits or procures, councils, aids or abets the Commission of any act declared in this ordinance to be an offense, whether individually or in connection with another person, or as principal, agent or accessory, shall be guilty of or responsible for such offense. Each person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance shall likewise be guilty of or responsible for such offense.
- F. Should any section, clause, word or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this ordinance or any part thereof other than the part



so declared to be invalid.

Section 19.04 Performance Guarantees

- A. As a condition of approval of a site plan review, special use, or planned unit development, the Planning Commission may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

- B. Performance guarantees shall be processed in the following manner:
 - 1. Prior to the issuance of a Land Use Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the person designated by the Township Board. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.

 - 2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

 - 3. Upon receipt of the required performance guarantee, the Ordinance Administrator shall issue a Land Use Permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.



4. The Township Treasurer will refund to the obligor portions of the performance guarantee, only after written notice from the Building Inspector, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all of the required improvements have been completed, the obligor shall send written notice to the Building Inspector of completion of said improvements. Thereupon, the Building Inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
6. A record of authorized performance guarantees shall be maintained by the Ordinance Administrator.

Section 19.05 Amendments

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Board, the Planning Commission or by petition of one (1) or more owners of property in Markey Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- A. Each petition shall be submitted to the Ordinance Administrator, accompanied by a fee as established by the Township Board, and then referred to the Clerk and sent to the Planning Commission to set a hearing date and publish notices.
- B. The Planning Commission shall conduct a public hearing, the notice of which shall be published in a newspaper of general local circulation, and



sent not less than 15 days before the Public Hearing date.

- C. The Planning Commission shall make a recommendation which shall be transmitted, along with the request and its findings, to the Township Board and to the Roscommon County Planning Commission for review, as provided by the Michigan Zoning Enabling Act. The County shall, within thirty (30) days of receiving the request make a recommendation to the Township. If a recommendation is not received within such time period, a recommendation of approval shall be presumed.
- D. The Township Board may hold additional hearings if it considers it necessary. Notice of such shall be published in a newspaper or general local circulation, and sent not less than 15 days before the Public Hearing.”
- E. No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 19.06 Fees

For all permissions and permits required under this Zoning Ordinance, the Township Board may require the payment of fees designed to offset Township expenses in administering the Zoning Ordinance by resolution, which may be modified by resolution from time to time. In addition, the Ordinance Administrator may request for any particular application an additional fee to be paid in escrow (at a minimum of \$500) designed to pay all expenses associated with a particular request including, but not limited to, publication costs, mailing costs, costs of consultants (planners, attorneys, engineers), and costs of holding special meetings. All funds required to be held in escrow shall be held by the Township Treasurer and shall be replenished if exhausted upon request to an applicant from the Ordinance Administrator. Moreover, remaining fees in escrow shall be returned without interest once review of an application ceases. An applicant may appeal any fee determination (including fees to be held in escrow) to the Township Board at a regular Board meeting. Failure to pay fees under this Ordinance shall result in a zoning request not being processed unless the Township Board finds



good cause in the public interest to waive application fees.

Section 19.07 Severability

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

Section 19.08 Enactment and Effective Date

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Markey Township. The effective date of this Zoning Ordinance is June 26, 2025. Amendments to this ordinance have taken effect and been made on:

