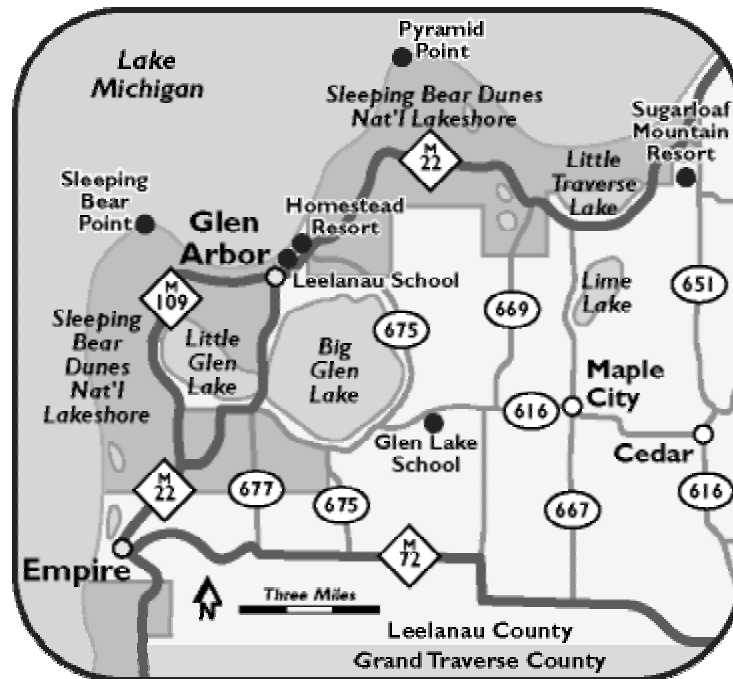


# GLEN ARBOR TOWNSHIP

## ZONING ORDINANCE

### VERSION 4.2

May 22, 2008



**GLEN ARBOR TOWNSHIP**

**ZONING ORDINANCE VERSION 4.2**

**Effective**

An Ordinance to establish land use and building occupancy districts in the Township of Glen Arbor, County of Leelanau, in accordance with the provisions of Act 184 of the Public Acts of 1943, as amended; to govern non-conforming land uses and building occupancy; to establish the office of Zoning Administrator and a Board of Appeals, and to define their respective duties and authority for the administration of This Ordinance, to define certain terms used herein, to provide for enforcement and to impose penalties for violation of This Ordinance.

<b>October 21, 1975</b>	<b>Originally Adopted</b>
<b>June 18, 1996</b>	<b>Version 2.1</b>
<b>December 1, 1998</b>	<b>Version 2.2</b>
<b>June 15, 2000</b>	<b>Version 3.0</b>
<b>December 31, 2000</b>	<b>Version 3.1</b>
<b>June 7, 2001</b>	<b>Version 3.2</b>
<b>March 22, 2002</b>	<b>Version 3.3</b>
<b>August 7, 2002</b>	<b>Version 3.31</b> – administrative correction by P&Z
<b>December 1, 2003</b>	<b>Version 3.4</b> – revised ARTICLE XI, added definitions
<b>January 3, 2005</b>	<b>Version 3.5</b> – revised SECTION IV.6 and SECTION XIV.7
<b>January 3, 2005</b>	<b>Version 3.6</b> – revised SECTION IV.23.19 and SECTION IV.16
<b>January 3, 2005</b>	<b>Version 3.7</b> – revised sections SECTION XII.4 and ARTICLE XV
<b>November 15, 2005</b>	<b>Version 3.8</b> – sections II.2, IV.(1,13,14,15), V.(5,9), and XIV.8
<b>February 21, 2006</b>	<b>Version 4.0</b> – amendments made to section X. removed in-line amendments and definitions, administrative corrections on section number references, added hyperlinks
<b>November 28, 2006</b>	<b>Version 4.1</b> – amendments made to 1. Business District, 2. Commercial Resort District, 3. Rename CZO, 4. Define Setback, 5. Recreational Open Space District, 9. Commercial to Business District.
<b>May 22, 2008</b>	<b>Version 4.2</b> – amendments made to definition of residence and mixed use, Section 5, MI Law compliance changes

**Enacting Clause**

To promote the health, safety and general welfare of the inhabitants of the Township of Glen Arbor, County of Leelanau, Michigan, by preventing overcrowding of lands, avoiding undue congestion of population, facilitating transportation, public utilities, and fire safety; and to promote the orderly development of the residential, commercial, recreational, agricultural, and other legitimate interests of said inhabitants, the Township Board of the Township of Glen Arbor, County of Leelanau, and State of Michigan, ordains:

# Table of Contents

<b>ARTICLE I</b>	<b>SHORT TITLE AND REFERENCE TO AUTHORITY .....</b>	<b>7</b>
SECTION I.1	TITLE.....	7
SECTION I.2	ENABLING AUTHORITY .....	7
<b>ARTICLE II</b>	<b>DEFINITIONS .....</b>	<b>7</b>
SECTION II.1	CLARIFICATION.....	7
SECTION II.2	DEFINITIONS .....	7
SECTION II.3	WORDS REQUIRING SPECIAL INTERPRETATION.....	12
SECTION II.4	REFERENCES TO PLANNING AND ZONING COMMISSION.....	12
SECTION II.5	STATUTORY REFERENCES .....	12
<b>ARTICLE III</b>	<b>LAND USE DISTRICTS .....</b>	<b>13</b>
SECTION III.1	DISTRICTS.....	13
SECTION III.2	MAPS .....	13
SECTION III.3	INTERPRETATION OF DISTRICT BOUNDARIES.....	13
<b>ARTICLE IV</b>	<b>GENERAL PROVISIONS .....</b>	<b>14</b>
SECTION IV.1	SCOPE .....	14
SECTION IV.2	ESSENTIAL SERVICES .....	14
SECTION IV.2.1	PERSONAL WIRELESS COMMUNICATIONS .....	14
SECTION IV.2.2	WIRELESS COMMUNICATIONS TOWERS AND RELATED FACILITIES .....	14
SECTION IV.3	SANITATION PERMIT REQUIREMENT .....	17
SECTION IV.4	LEGAL REQUIREMENT FOR LOTS.....	17
SECTION I.1	SET-BACK RESTRICTION, HIGHWAY .....	17
SECTION IV.6	SETBACK RESTRICTIONS.....	17
SECTION IV.7	SIDE YARD REQUIREMENTS .....	17
SECTION IV.8	PERMIT REQUIREMENTS.....	17
SECTION IV.9	FIRE HAZARD.....	18
SECTION IV.10	DRIVEWAYS.....	18
SECTION IV.11	OFF STREET PARKING MINIMUM REQUIREMENTS .....	18
SECTION IV.12	SIGNS.....	18
SECTION IV.12.1	PURPOSE AND SECTION ORGANIZATION.....	18
SECTION IV.12.2	DEFINITIONS .....	18
SECTION IV.12.3	GENERAL SIGN REQUIREMENTS.....	21
SECTION IV.12.4	TABLE OF SIGN REGULATIONS .....	21
SECTION IV.12.5	FOOTNOTES TO THE TABLE OF SIGN REGULATIONS .....	23
SECTION IV.12.6	EXEMPTIONS.....	23
SECTION IV.12.7	TEMPORARY SIGNS.....	25
SECTION IV.12.8	PROHIBITED SIGNS .....	25
SECTION IV.12.9	NON-CONFORMING SIGNS.....	26
SECTION IV.12.10	SIGN PERMITS AND ADMINISTRATION OF SIGN REGULATIONS.....	26
SECTION IV.13	BOAT HOUSES .....	27
SECTION IV.14	N/A [RESERVED FOR FUTURE USE].....	27
SECTION IV.15	KEYHOLING .....	27
SECTION IV.16	MAXIMUM HEIGHT.....	29

SECTION IV.17	AMENDMENTS.....	30
SECTION IV.18	COMPLETION.....	30
SECTION IV.19	FLOOD INSURANCE .....	30
SECTION IV.20	YARD SALES OR GARAGE SALES .....	30
SECTION IV.21	LIGHTING .....	30
SECTION IV.21.1	APPLICABILITY, PURPOSE AND INTENT.....	30
SECTION IV.21.2	DEFINITIONS.....	30
SECTION IV.21.3	LIGHTING REQUIREMENTS FOR ALL USES: .....	31
SECTION IV.22	LAND USE PERMIT EXEMPTIONS .....	32
SECTION IV.23	PRIVATE ACCESS ROAD .....	32
SECTION IV.23.1	PROJECTS REGULATED.....	32
SECTION IV.23.2	LIMITATIONS .....	32
SECTION IV.23.3	PLAN AND PROFILE .....	32
SECTION IV.23.4	CLEARING AND GRUBBING.....	32
SECTION IV.23.5	GRADING AND STRUCTURE.....	33
SECTION IV.23.6	DRAINAGE .....	33
SECTION IV.23.7	LENGTH, WIDTH, AND VERTICAL CLEARANCE.....	33
SECTION IV.23.8	GRAVEL OR BITUMINOUS BASE COURSES .....	34
SECTION IV.23.9	SHOULDERS.....	34
SECTION IV.23.10	SIGNS .....	34
SECTION IV.23.11	GUARDRAIL.....	34
SECTION IV.23.12	SURFACING.....	34
SECTION IV.23.13	PRIVATE ACCESS ROAD ALIGNMENT.....	35
SECTION IV.23.14	ACCESS TO SUBDIVISION ACROSS OTHER PROPERTY.....	35
SECTION IV.23.15	TESTED MATERIALS .....	35
SECTION IV.23.16	NOTICE OF PRIVATE ACCESS.....	35
SECTION IV.23.17	EXISTING NON-CONFORMING PRIVATE ACCESS ROADS .....	35
SECTION IV.23.18	PERFORMANCE AND ENFORCEMENT .....	35
SECTION IV.23.19	ADMINISTRATION AND VARIANCES.....	36
<b>ARTICLE V</b>	<b>RESIDENTIAL DISTRICTS.....</b>	<b>36</b>
SECTION V.1	SEPARATE DISTRICTS .....	36
SECTION V.2	SET-BACK RESTRICTIONS.....	36
SECTION V.3	LAND OCCUPANCY BY BUILDINGS .....	36
SECTION V.4	SITE CONDOMINIUM SITE PLAN REVIEW.....	36
SECTION V.5	RESIDENTIAL I - USES PERMITTED .....	36
SECTION V.6	RESIDENTIAL II - USES PERMITTED .....	37
SECTION V.7	RESIDENTIAL III - USES PERMITTED .....	37
SECTION V.8	RESIDENTIAL IV - USES PERMITTED .....	37
SECTION V.9	RESIDENTIAL V - MULTIPLE-FAMILY - USES PERMITTED.....	37
SECTION V.10	RESIDENTIAL VI.....	37
<b>ARTICLE VI</b>	<b>RESORT DISTRICT.....</b>	<b>38</b>
SECTION VI.1	USE REGULATIONS .....	38
SECTION VI.2	REQUIRED LAND AREAS.....	38
SECTION VI.3	SET-BACK RESTRICTIONS.....	38
SECTION VI.4	SIDE YARD REQUIREMENTS .....	38
SECTION VI.5	SPACING OF SEPARATE BUILDINGS .....	38

SECTION VI.6 LAND OCCUPANCY BY BUILDINGS .....	38
SECTION VI.7 ACCESSORY BUILDINGS.....	38
SECTION VI.8 OFF-STREET PARKING .....	38
SECTION VI.9 DINING FACILITIES LIMITATIONS .....	38
<b>ARTICLE VII RECREATIONAL DISTRICTS .....</b>	<b>39</b>
SECTION VII.1 ESTABLISHMENT OF RECREATIONAL DISTRICT.....	39
SECTION VII.1.1 USE REGULATIONS .....	39
SECTION VII.1.2 REQUIRED LAND AREA.....	39
SECTION VII.1.3 SET-BACK RESTRICTIONS .....	39
SECTION VII.1.4 SIDE YARD REQUIREMENTS.....	39
SECTION VII.1.5 SPACING OF SEPARATE BUILDINGS.....	39
SECTION VII.1.6 LAND OCCUPANCY BY BUILDINGS.....	39
SECTION VII.1.7 ACCESSORY BUILDINGS.....	39
SECTION VII.1.8 OFF-STREET PARKING.....	39
SECTION VII.1.9 DINING FACILITIES LIMITATIONS.....	39
<b>ARTICLE VIII BUSINESS DISTRICT.....</b>	<b>40</b>
SECTION VIII.1 USE REGULATIONS .....	40
SECTION VIII.2 USES EXCLUDED .....	40
SECTION VIII.3 LAND OCCUPANCY BY BUILDINGS.....	40
SECTION VIII.4 SET-BACK RESTRICTIONS.....	40
SECTION VIII.5 SIDE YARD REQUIREMENTS.....	40
SECTION VIII.6 OFF STREET PARKING MINIMUM REQUIREMENTS .....	41
SECTION VIII.7 YARD STORAGE.....	41
SECTION VIII.8 LICENSE FEE FOR OPEN AIR MARKET .....	41
SECTION VIII.9 SPECIAL PERMIT FOR OPEN AIR MARKET.....	41
<b>ARTICLE IX AGRICULTURAL DISTRICT.....</b>	<b>42</b>
SECTION IX.1 USE REGULATIONS .....	42
SECTION IX.2 CONTIGUOUS ZONE.....	42
SECTION IX.3 REQUIRED LAND AREA .....	42
SECTION IX.4 THE MINIMUM LAND PER DWELLING.....	42
SECTION IX.5 SEASONAL HELP .....	42
SECTION IX.6 ROADSIDE STANDS.....	42
SECTION IX.7 MINING OR REMOVAL OF TOPSOIL.....	42
<b>ARTICLE X GOVERNMENTAL DISTRICT.....</b>	<b>43</b>
SECTION X.1 USES PERMITTED.....	43
<b>ARTICLE XI NON-CONFORMING USES .....</b>	<b>43</b>
SECTION XI.1 NON-CONFORMING USE / ACTIVITY .....	43
SECTION XI.2 NON-CONFORMING LOT .....	43
SECTION XI.3 APPEALS .....	44
<b>ARTICLE XII PROHIBITED USES.....</b>	<b>44</b>
SECTION XII.1 ANY OBNOXIOUS USES .....	44
SECTION XII.2 SPECIFIC PROVISION FOR USE .....	44
SECTION XII.3 OUTDOOR STORAGE .....	44

SECTION XII.4 FENCES, WALLS, SCREENS .....	44	
<b>ARTICLE XIII CONSERVATION ZONING OPTION .....</b>	<b>45</b>	
SECTION XIII.1 PURPOSE AND INTENT.....	45	
SECTION XIII.2 SCOPE .....	45	
SECTION XIII.3 DEVELOPMENT & DENSITY REQUIREMENTS FOR CLUSTERED HOUSING ..	45	
SECTION XIII.4 MINIMUM PARCEL SIZES.....	46	
SECTION XIII.5 DETERMINING THE NUMBER OF DWELLING UNITS .....	46	
SECTION XIII.6 BASE ZONING REGULATIONS AND SITE VARIATION.....	46	
SECTION XIII.7 PERMITTED USES FOR RESIDENTIAL COMPONENT OF CLUSTERED HOUSING		46
SECTION XIII.8 OPEN SPACE REQUIREMENTS.....	47	
SECTION XIII.9 CLUSTERED HOUSING APPLICATION AND APPROVAL PROCEDURES .....	48	
SECTION XIII.10 PUBLIC HEARINGS FOR CLUSTERED HOUSING ZONING OPTION.....	48	
<b>ARTICLE XIV ADMINISTRATION .....</b>	<b>49</b>	
SECTION XIV.1 ZONING ADMINISTRATION.....	49	
SECTION XIV.2 DUTIES .....	49	
SECTION XIV.3 LAND-USE PERMITS .....	49	
SECTION XIV.4 DISTRIBUTION OF LAND-USE PERMITS .....	49	
SECTION XIV.5 DENIAL OF PERMITS .....	49	
SECTION XIV.6 FEES .....	50	
SECTION XIV.7 REQUIREMENTS FOR SITE PLAN.....	50	
SECTION XIV.8 SITE PLAN REVIEW AND APPROVAL STANDARDS.....	50	
SECTION XIV.9 NOTICES FOR PUBLIC HEARINGS .....	51	
<b>ARTICLE XV NUISANCE PER SE: ENFORCEMENT PENALTIES FOR VIOLATION .....</b>	<b>52</b>	
SECTION XV.1 NUISANCE PER SE .....	52	
SECTION XV.2 PENALTIES .....	52	
<b>ARTICLE XVI ZONING BOARD OF APPEALS .....</b>	<b>52</b>	
SECTION XVI.1 CREATION .....	52	
SECTION XVI.2 MEMBERSHIP .....	53	
SECTION XVI.3 PER DIEM .....	53	
SECTION XVI.4 PROCEDURES.....	53	
SECTION XVI.5 PUBLIC MEETINGS .....	53	
SECTION XVI.6 POWERS OF THE ZONING BOARD OF APPEALS.....	53	
SECTION XVI.7 APPEALS; PROCEDURES.....	54	
SECTION XVI.8 STAY OF PROCEEDINGS .....	54	
SECTION XVI.9 HEARINGS.....	54	
SECTION XVI.10 APPEAL TO CIRCUIT COURT .....	54	
SECTION XVI.11 APPEALS FEE .....	54	
<b>ARTICLE XVII SEPARABILITY .....</b>	<b>54</b>	
SECTION XVII.1 VALIDITY.....	54	

## ARTICLE I

## SHORT TITLE AND REFERENCE TO AUTHORITY

### SECTION I.1 TITLE

The title of This Ordinance is "Glen Arbor Township Zoning Ordinance", and it will be referred to herein as "This Ordinance".

### SECTION I.2 ENABLING AUTHORITY

This Ordinance is adopted pursuant to, and in furtherance of the objectives of the Township Zoning Act, Michigan Public Act 184 of 1943 (MCL 125.271 et seq), as amended. As of July 1, 2006, the Township Zoning Act was repealed and superseded by Public Act 110 of 2006, the Michigan Zoning Enabling Act [MCL 125.3101 et seq] ("MZEA"). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be implemented and accomplished pursuant to the MZEA, as amended. Effective July 1, 2006, any reference in this Zoning Ordinance to the Township Zoning Act is to be deemed a reference to the Michigan Zoning Enabling Act.

## ARTICLE II

## DEFINITIONS

### SECTION II.1 CLARIFICATION

Unless the context specifically indicates otherwise, this meaning of terms used in This Ordinance shall be as follows:

### SECTION II.2 DEFINITIONS

**Agriculture:** The art and science of cultivating the ground for the production of crops (including forestry) and livestock.

**Antenna Array:** One or more rods (omni-directional), panels (directional antenna), discs (parabolic antenna) or similar devices used for transmission or reception of radio frequency signals, not including the support structure.

**Architecture Element:** The pattern or configuration of elements in something, that is chiefly decorative or ornamental.

**Barrier Setback:** The distance between units in site condominiums.

**Basement:** The lowest story of a building or the one just below the main floor, usually wholly or partially lower than the surface of the ground.

**Bed & Breakfast Establishments:** An owner occupied and managed dwelling wherein a maximum of three (3) bedrooms are available for guest use for compensation and by pre-arrangement. (See also Home Occupation.) A Continental Breakfast may be served.

**Boat House:** Any structure, either temporary or permanent, having a roof and used for the shelter or enclosure of a boat or boats, and the equipment and supplies for such boat or boats. A Boat House, which is permitted only by virtue of the provisions of 5 4.13 of This Ordinance, may not have living quarters or be used for any purpose other than that stated in this definition, when it is located in any residential zoning district.

**Boating Facilities:** Structures which now exist or may be built, as part of a [marina](#), at the waters edge or over the water but only if they are intended to house a boat or its components for service work, including the service facilities, or to secure and protect boats from weather. Such facilities may include piers and docks.

**Building:** Any structure either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, chattels, or property of any kind. This shall include vehicles, whether mounted on wheels or not and situated on private property and used for purposes of a building.

**Central Septic System:** A health department approved septic system that services two or more residential units.

**Church/Temple:** A Building or place set apart for and devoted to the holding of religious services or exercises or public worship; a church or chapel, or a place similarly used.

**Club:** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for gain and which do not provide

merchandising, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

**Co-location/Site Sharing:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Clustered Housing Zoning Option:** A residential development option that allows for variations in development regulations (development standards) in order to permanently preserve open space, encourage continued agricultural activities and retain the Township's rural character.

**Cottage:** Any building or structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodgings, houses, touring homes or motels.

**Clinic:** An establishment where patients who are not lodged overnight are admitted for examination and treatment by a physician or a group of physicians practicing medicine, dentistry or osteopathy together.

**Commercial Garage:** A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

**Dedicated Open Space:** That part of a Clustered Housing site or parcel which is dedicated to permanent recreation, agricultural, wildlife management and open space uses pursuant to an [irrevocable conveyance](#).

**Development:** Any improvement in the form of buildings or structures on any parcel of land.

**Districts:** Shall mean a section or sections of the Township of Glen Arbor for which the Zoning regulations governing the use of buildings and premises, the height and size of buildings, size of yards, and the intensity of use are uniform.

**Driveway:** A passage along which vehicles or animals may be driven.

**Dwelling:** Any building or part thereof, occupied as the home, residence or sleeping place of one or more persons either permanently or transiently, except automobile trailers or cabins.

**Easement:** A right or privilege that a person or persons may use another's land.

**Erected:** Includes built, constructed, reconstructed, moved upon or any physical operations on the land required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

**Family:** Any number of individuals living together and cooking together on the premises as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, [club](#) or similar structure, together with all necessary employees of the family.

**Farm:** A tract of land devoted to [agriculture](#) for the production, use and/or sale of crops; for raising and/or sale of livestock and their products; for processing and/or sale of forestry products; for grazing and for other things and/or uses not named for which such lands are generally used.

**Farm buildings:** any and all buildings, structures, or land uses required for the operation of a [farm](#), including [dwelling](#) units used exclusively for residential purposes, barns, poultry houses, silos, storage structures for hay, grains, vegetables, dairy products, fruit and other products produced, machinery, tools, and other accessory structures not specifically mentioned but needed for the proper and efficient operation of a farm.

**Flea Market:** A place where merchandise, consisting principally, if not completely, of used merchandise, is sold by two or more persons, each selling their own merchandise, whether owned by them or sold on commission or consignment to them.

**Flood Plain:** Means a land area adjoining a river, stream, watercourse, ocean, bay or lake which is likely to be flooded.

**Footprint:** The extreme outer dimensions of roof line, walls, porches and shape of any structure.

**Golf Course:** An area of land laid out for the game of golf with a series of nine (9) or eighteen (18) holes, including practice areas, tees, fairways, greens and natural or artificial hazards with or without related facilities including a pro shop; a clubhouse with or without managerial offices, locker rooms, fitness areas, meeting rooms, storage space and food and beverage service facilities; a snack bar, a cart building; a maintenance building; and, buildings for accessory uses such as but not limited to shelters and rest areas.

**Hardship:** Unnecessary and illogical deprivation of an individual's property rights as enjoyed by others in the same Zoning District.

**Height:** Vertical distance measured from the finished grade to the highest point of the roof. If the building is located on sloping terrain, the height shall be half the vertical distance measured from the finished grade of the wall furthest downhill to the highest point of the roof, plus half of the vertical distance measured from the finished grade of the wall furthest uphill to the highest point of the roof.

**Highway:** Any public thoroughfare, except alleys, in the Leelanau County, Glen Arbor Township road system, including Federal, State and County roads.

**Home Occupation:** A gainful occupation, including [Bed & Breakfast establishments](#), conducted primarily by members of the [family](#), within its place of residence, provided that space used is incidental or secondary to residential use, and that no article is sold or offered for sale except such as is produced by such occupation.

**Hotel (or Inn):** A building where lodging with or without meals is furnished to transient or resident guests for compensation, containing more than four (4) sleeping rooms and having no cooking facilities in any individual lodging, but wherein a [restaurant](#) may or may not be located.

**Industrial:** A building or structure housing a manufacturing process.

**Institution:** A building occupied by a municipal or non-profit corporation or non-profit establishment for public use.

**Irrevocable Conveyance:** The conveyance of rights to the use and/or protection of open space and agricultural lands to the [dwelling](#) owners or the public by means of conservation [easements](#), restrictive covenants, deed restrictions, or the transfer by a deed to the Township.

**Junk:** Any type of waste materials, refuse or equipment no longer useful to the degree for which it was originally intended, which yet may or may not have some salvage value.

**Lodge:** A structure for use as a meeting place for members of private [clubs](#), lodges and other non-profit fraternal or religious organizations.

**Lot:** The parcel of land on which one (1) principal building and its accessories are placed, together with the open space required by This Ordinance.

**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 County and Community Officials and which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Marina:** A boat basin providing dockage, supplies, sales and services for watercraft.

**Mixed Use:** A balance of commercial and residential uses contributing to a development's success, as well as supporting the local economy. Typically, this is a multi-story building with retail, service, or office space on the ground floor and residences above.

**Monopole:** A support structure constructed of a single, self-supported hollow metal tube securely anchored to a foundation.

**Motel:** Shall mean a building or group of buildings having units containing sleeping accommodations only which are available for temporary occupancy primarily for automobile transients.

**Museum:** A structure or part of a structure used for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value which may offer:

Programs of cultural, educational or recreational nature to interest and improve mind and body.

A shop selling [museum](#) related goods, occupying up to ten percent of floor space but no more than 600 square feet excluding storage.

**Multiple Family Dwelling:** A building or portion thereof containing two (2) or more [dwelling](#) units designed for, or occupied as, the home of two or more families living independently of each other. This definition includes apartment buildings, cooperatives, and condominiums having a minimum of 480 square feet of living area for each unit exclusive of porches, attached garages, patios, etc., with a minimum core dimension of 20 feet.

**New Construction:** Construction of any structure, or an addition to any existing structure.

**Non-Conforming Building Lot:** A building lot platted before the effective date (October 22, 1975) of This Ordinance or amendments thereafter, which does not conform to the ordinance requirements of the zoning district in which it is located.

**Non-Conforming Addition:** A new addition to a conforming or non-conforming building or structure, which addition is non-conforming due to dimensional, location or other applicable characteristics.

**Non-Conforming Structure:** A structure built before the effective date of This Ordinance (October 22, 1975), or amendments thereafter, or authorized by variance, which does not conform to the ordinance requirements of the zoning district in which it is located. A structure may be non-conforming with the respect to set back, height, ratio of floor area to lot size, or other applicable characteristics.

**Non-Conforming Use/Activity:** Any use/activity lawfully carried on prior to the effective date of This Ordinance (October 22, 1975) or amendments thereafter, or authorized by variance, which is not specifically allowed within the zoning district where it is located.

**Non-riparian:** Property that does not border a waterbody or watercourse. Non-riparian property typically cannot acquire riparian rights through acquisition of a riparian lot or an interest in a riparian lot.

**Nursing Home:** Home for the aged, convalescent, chronically ill or incurable persons in which three or more persons not of immediate family are received, kept or provided with food, or shelter and care for compensation, but not including hospitals, [clinics](#) or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

**Open Space Ratio:** The portion of a Lot which is required by This Ordinance to remain as open space. The open space ration shall be expressed as a percentage which shall designate the portion of the Lot which is to remain as open space. Open space excludes areas covered by buildings, by paved or graveled road for parking surfaces, and by public road rights-of-way. Open Space includes natural areas of undisturbed vegetation, areas replanted with vegetation after construction, agricultural uses, garden plats, lawns, and recreation areas including [golf courses](#), play lots, tennis courts, swimming pools, ball fields, bike paths, cart paths, foot paths, ski trails, bridle trails and similar uses.

**Ordinary High Water Mark:** The line between upland and bottomland which 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. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Michigan is 580.5 feet above sea level, International Great Lakes Datum of 1985 and for Big and Little Glen Lake is 596.75 feet above sea level.

**Park:** Park is any publicly owned recreational area or facility.

**Private Garage:** An enclosed building or semi-open carport designed for storing automobiles together with garden tools and equipment, etc.

**Public Utility:** Any person, firm, corporation, municipal department or board duly authorized to furnish, and furnishing, under government regulation, to the public, transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal and other services.

**Riparian:** Refers to property that borders a lake, river or stream.

**Residence:** A dwelling that is designed and built for human occupancy. The dwelling must have a minimum of 480 sq. ft. and a minimum core dimension of 20 feet by 20 feet (400 sq. ft.) The dwelling must have a bedroom, full bath, kitchen/dining area, and a living room. A residence may be occupied full or part time and is often referred to as a home, house, apartment, condominium, modular home, or mobile home.

**Residential Component:** That part of a Clustered Housing site, exclusive of [dedicated open space](#), which is dedicated to residential and customary accessory uses.

**Restaurant:** A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving a portion of the receipts from the sale of food.

**Retail Store:** A store, market or shop in which commodities are sold, or offered for sale, in small or large quantities to the retail trade.

**Ridge Line:** A continuous long and narrow elevation of land which is the highest elevation in the immediate area observed from 1000 feet or less from either side of the ridge.

**Roadside Stands:** Shall mean any accessory structure or building, but expressly prohibits vehicles, located along the [highway](#), (SECTION IX.6), used or intended to be used solely for the purpose of the sale of seasonal farm products, situated upon or adjacent to lands used for farming in conjunction with a single family residence.

**Rooming House:** Primarily a family [dwelling](#) where lodging with or without meals is furnished on a weekly, monthly or any paying basis to three or more persons who are not members of the family occupying and operating the premises, but not necessarily to anyone who may apply.

**School:** As determined via Blacks dictionary.

1) An [institution](#) of learning and education, esp. for children. "Although the word 'school' in its broad sense includes all schools or institutions, whether of high or low degree, the word 'school' frequently has been defined in constitutions and statutes as referring only to the public common schools generally established throughout the United States. When used in a statute or other contract, 'school' usually does not include universities, business colleges, or other institutions of higher education unless the intent to include such institutions is clearly indicated." 68 Am. Jur. 2d *Schools* § 1, at 355 (1993)

2) The Collective Body of students under instruction in an institution of learning.

3) A group of people adhering to the same philosophy or system of beliefs.

**Service Institution:** A store, market or shop in which services are sold, or offered for sale, to the public such as gasoline stations, garages, repair shops, laundries, warehouses, printing houses, undertaking establishments, barber shops and beauty parlors, etc.

**Set-back from edge of pavement:** Shall mean the distance from a structure to the right-of-way of a [highway](#), road, or ingress/egress easement.

**Set-back lines:** Shall mean lines established parallel to a property line along [highway](#) or waters edge for the purpose of defining limits within which no building or structure or any part thereof shall be [erected](#) or permanently maintained.

**Single Family Dwelling:** A building or portion thereof containing one [dwelling](#) unit and designed for, or occupied by, only one family and having not less than 480 square feet of ground floor living area, exclusive of porches, attached garages, patios, etc., with a minimum core dimension of 20 feet.

**Street:** A thoroughfare which affords a principal means of access to abutting property.

**Structure:** Any constructed or erected material or combination of materials built or placed in or upon the ground including: buildings, [dwellings](#), garages, sheds, storage bins, signs, towers, or other like objects; but excluding, fences, [driveways](#), parking areas, sidewalks, boardwalks, patios, decks, steps, retaining walls, docks, flagpoles, mailboxes and other similar objects.

**Tower Height:** The average distance as calculated by the average ground level twelve feet around the proposed site to the highest point of the WCF, including [antenna array](#).

**Trailer Homes:** Any house car, house trailer or camper trailer or similar unit used or so constructed as to permit it to be used as a seasonal or vacation type home for sleeping or housekeeping by one (1) or more persons.

**Unit:** 1) A building site or apartment in a condominium or, 2) a structure in a subdivision.

**Use:** The purpose for which land or a building thereon is designed, arranged or intended to be occupied or used or which is occupied or maintained.

**Used:** The word "used" includes "arranged", "designed", or "intended to be used".

**Variance:** A modification of the literal provisions of This Ordinance granted when strict enforcement thereof would cause undue [hardship](#) owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.

**Water's Edge:** Shall mean the [ordinary high water mark](#) along the shore of Lake Michigan, as reported by the U.S. Army Corps of Engineers, or the edge of the water along all other bodies of water. Man made bodies of water are exempt from the provisions of this ordinance.

**Wildlife Habitat:** - Habitat that consists of natural and indigenous plant materials which support animal feeding, breeding and nesting and may define wildlife corridors and paths.

**Wireless Communication Equipment Shelter:** The structure in which the electronic receiving, transmitting and relay equipment for wireless telecommunications facility is housed.

**Wireless Communication Facility (WCF):** Any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an [antenna array](#), connection cables, an equipment facility and a support structure to achieve the necessary elevation.

**Wireless Communication Tower (WCT):** Any structure designed specifically to support equipment used to transmit and/or receive telecommunication signals including [monopoles](#), guyed and lattice construction steel structures.

**Wireless Communications:** Any personal wireless services as defined in the Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunications services including cellular, personal communication services, specialized mobile radios, enhanced specialized mobile radios, paging and similar services that currently exists or that may be developed in the future

**Yard:** The area of any lot not supporting any building. Yard measurement shall be the minimum horizontal distances.

**A. Front Yard:** A yard extending the full width of the lot between the front lot line ([highway](#) frontage) and the nearest line of the main building.

**B. Rear Yard:** A yard extending a full width of the lot between the rear lot line (or water's edge) and the nearest line of the main building.

**C. Side Yard:** A yard extending from front yard to the rear yard between the side lot line and the nearest line of the main building or accessory building.

**Zoning Administrator:** An employee of the Township charged with the enforcement of this Ordinance. For purposes of this ordinance, the Zoning Administrator may be one or several persons, employed on a full-time, part-time, temporary, or as-needed basis fulfilling one or more of the duties of the position as described in this Ordinance, especially ARTICLE XIII.

### **SECTION II.3 WORDS REQUIRING SPECIAL INTERPRETATION**

Any words requiring special interpretation and not listed above shall be used as defined in the Housing Law of Michigan, Act 167, of the Public Acts of 1917, as amended.

### **SECTION II.4 REFERENCES TO PLANNING AND ZONING COMMISSION**

All references in this Zoning Ordinance to the Glen Arbor Township Planning and Zoning Commission shall be, and are hereby, amended to mean the Glen Arbor Township Planning Commission.

### **SECTION II.5 STATUTORY REFERENCES**

If any statute of the State of Michigan, or any section thereof, which is referenced in this Zoning Ordinance, is amended, such reference shall be deemed to refer to such statute, or section thereof, as amended.

## **ARTICLE III      LAND USE DISTRICTS**

### **SECTION III.1      DISTRICTS**

For the purposes of This Ordinance, the Township of Glen Arbor is divided into Six (6) Land Use [Districts](#), as follows:

- A. Residential I, II, III, IV, V and VI
- B. Resort
- C. Recreational
- D. Business
- E. Agricultural
- F. Governmental

### **SECTION III.2      MAPS**

The Land Use District into which each parcel of land in the Township is placed is shown on the map entitled “Glen Arbor Township Zoning Map” and dated May 22, 2008, which map is made a part of this Ordinance. The original of the Zoning Map shall be maintained by the Township Clerk at the Township Hall, and said map or an exact copy thereof shall be available for inspection during all Township business hours.

### **SECTION III.3      INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the Districts indicated on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the street or [highways](#), the center lines of such streets or highways shall be considered to be such boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
- D. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
- E. Boundaries following the shore line of a stream, lake, or other body of water shall be construed to follow such shore lines; boundaries indicated as approximately following the center line of streams, rivers, canals, or other bodies of water shall be construed to follow such center lines.
- F. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Township Board of Appeals after recommendation from the Township Zoning and Planning Commission.

## ARTICLE IV GENERAL PROVISIONS

### SECTION IV.1 SCOPE

Except as otherwise provided in This Ordinance, no lot or parcel of land, no existing building, structure, or part thereof and no new building, structure or part thereof shall hereafter be located, [erected](#), constructed, re-constructed, altered or used for purposes other than in conformity with the provisions of This Ordinance. Uses of lots or parcels of land or structures not specifically permitted in this Ordinance are prohibited. Uses of lots or parcels of land or structures not specifically permitted in this Ordinance are prohibited.

### SECTION IV.2 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal department or commissions, of overhead or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, power poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by the [public utility](#) or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the Township of Glen Arbor in any use district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the applications of This Ordinance. \*

#### SECTION IV.2.1 PERSONAL WIRELESS COMMUNICATIONS

The Telecommunications Act of 1996, as amended February 8, 1996 sets forth provisions concerning placement, location and construction of towers and related facilities for personal wireless services.

Future locations in Glen Arbor Township are complicated by the fact that over fifty percent of the township is part of the Sleeping Bear Dunes National Lakeshore, and a major portion of the balance lie under water. Therefore, it is the intent of this ordinance to regulate the location, size and characteristics of any wireless communication towers [WCT's](#), [antenna array](#) and related facilities in a manner which will protect property values, avoid visual pollution and safety hazards, regulate for the location, expansion and use of existing WCT's, as well as regulate the design of any addition to WCT's.

To minimize the number of wireless communication towers Glen Arbor Township encourages [co-location](#), and will therefore pursue all reasonable strategies to promote such. If such an existing WCT fails or refuses to accommodate a proposed and otherwise feasible co-location, such WCT shall be deemed to be nonconforming and no future expansion of [antenna arrays](#) will be allowed by the original [WCF](#). Co-location feasibility factors shall include available space on existing towers, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and [new construction](#), and any FCC limitations on tower sharing. If refusal by the original WCF to co-locate requires the construction and/or use of a new wireless communication support structure, the original WCF shall be in direct violation and contradiction of the policy, intent and purpose of the Township. The original WCF shall be prohibited from receiving approval for new wireless communication support structures within the Township for a period of five years from the date of the failure or refusal to permit the co-location.

Co-location shall require the same site plan review application and process as a new tower in all areas applicable. Review of applications for co-location shall be expedited by the Township.

#### SECTION IV.2.2 WIRELESS COMMUNICATIONS TOWERS AND RELATED FACILITIES

Construction of Wireless Communication Towers and [Wireless Communication Equipment Shelter](#)s is allowed in Glen Arbor Township subject to the following provisions:

**A.** Wireless Communication Towers and Wireless Communication Equipment Shelters shall:

1. Not impair scenic views.
2. Not be placed in any road right-of-way or in any [easement](#) for road purposes.
3. Be located in the business district.
4. Have a setback of 1000 feet from any shoreline.
5. Ensure that all connecting wires from towers to accessory buildings and all service wires to the WCF are underground.
6. The tower and all accessory buildings will be fenced with no less than an eight (8) foot safety fence with a locked gate.

7. Be designed to be harmonious with the surrounding areas.
  8. All towers shall be of [monopole](#) construction. Guy wires and/or lattice are prohibited.
  9. Have employees located on the site on a temporary basis only.
  10. Located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
  11. Not be artificially lighted unless required by the FAA.
  12. Be considered abandoned if at any time the use of the WCF is discontinued for 180 days. The [Zoning Administrator](#) will send written notice to the WCF owner and the property owner to dismantle the facility.
  13. Be removed by the property owner or lessee within three (3) months of abandonment and land restored to original form
  14. Be built to accommodate future co-location.
  15. Be built on a minimum lot size of three acres unless the tower and/or antenna are attached to an existing building.
  16. Maintain a setback from all lot lines of a distance at least equal to the height of the tower, measured as an average from the surrounding ground surface, plus an additional twenty-five feet.
  17. Justify the required [tower height](#) based on communication requirements and evaluate alternative designs which require lower towers.
  18. Have a maximum height of 199.5 feet from grade level
  19. Have a base that occupies no more than five hundred (500) square feet.
  20. Have [Wireless Communication Equipment Shelters](#) less than 1000 cubic feet per service provider, the total foot print for all providers not to exceed six hundred square feet.
  21. Be prohibited from displaying any advertising or identification of any kind except as required for safety and emergency purposes, including any ancillary building and towers.
- B.** All new tower plans, structural modification of existing towers or arrays, and any addition to existing [antenna array](#) shall require approval by the Glen Arbor Township Planning and Zoning Commission based on an application process which includes a specific site plan review to assure that the following criteria have been met:
1. The signature of the licensed operators
  2. Name(s) and address (es) of the applicant(s).
  3. Nature of applicant's interest in the proposed site property.
  4. Name (s) and address (es) and professional qualifications of the person (s) responsible for the preparation of the Site Plan.
  5. Project description and purpose containing a descriptive explanation of the project, its nature, location and purpose, including six (6) copies and one (1) reproducible transparency of a schematic development plan of the proposed development showing the general site location of the proposed development and the existing physical and natural features such as water courses, rock outcropping, wetlands, wooded areas, etc.
  6. Location of the existing utilities and drainage ways.
  7. Location and names of public streets, [parks](#), and railroad and utility rights-of-way within or adjacent to the proposed development.
  8. General location and dimensions of proposed streets, [driveways](#), sidewalks, pedestrian ways, trails, off-street parking and loading areas.
  9. General location and approximate dimensions of proposed structures.
  10. Major proposed change of land form such as new lakes, terracing and excavating.
  11. Approximate existing and proposed contours and drainage patterns, showing at least five (5) foot contour intervals.
  12. Sketches showing the scale, character and relationship of buildings, streets and open space.

13. Approximate location and type of proposed drainage, water and sewage facilities if applicable.
14. Legal description of property.
15. The location, size, number and species, screening and design of all buildings and structures including any planned changes to existing site, grade and vegetation
16. An application fee as noted in the Township fee schedule
17. The signature of the owner or duly authorized representative of all ownership interests in the land on which the WCF is proposed
18. Commit to co-location and share use by:
  1. Copies and receipts of certified mail announcements to all other tower users in the area, stating their siting needs and/or sharing capabilities in an effort to encourage tower sharing.
  2. A letter of intent and commitment to lease space on a facility
  3. Respond to any requests from future potential users within one week
  4. Negotiate in good faith to allow for leased or shared use if technically feasible
  5. State a reasonable charge for future shared use leases
  6. Show the ability to lease space as well as comparative costs of co-location and [new construction](#)
19. To ensure the natural protection and aesthetics the plan shall include:
  1. Maintenance plan for the proposed facility, ensuring long-term appearance and standards
  2. A general narrative, physical description of the site, including its dominant characteristics, its vegetative character, its present use.
  3. Shielding of two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on ten (10) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than 10 feet to any structure.
  4. The [antenna array](#) shall be placed in a manner so as to minimize/camouflage the equipment thereby blending into the architectural detail and coloring of the surroundings, as well as matching the exterior treatment of the tower. The color should be designed to minimize off-site visibility with such choices as grays, blues and greens.
  5. The service buildings shall be constructed of compatible materials such as wood, brick, or stucco, and shall be designed to match the exterior of structures within three hundred feet (300') of the property on which it is located.
  6. In no case will metal exteriors be allowed for service buildings.
20. The applicant shall present verification, certification, and/or drawings (as applicable) by a registered Michigan Structural Engineer showing:
  1. The antenna mount and structure are approved and in compliance with all applicable codes.
  2. All antennae and metal towers shall be grounded against a direct strike by lightning as per applicable code
  3. Towers and antennae are designed to withstand a uniform wind loading as per the applicable code
  4. The WCF shall not interfere with radio and television reception
  5. The future capacity for co-location of additional arrays and equipment. Factors to include but not limited to; the structural capacity, radio frequency interference, geographic service, any mechanical or electrical incompatibilities, and any FCC limitation on tower sharing.
  6. Approval by the Cherry Capital Airport Commission and the FAA regarding the structure and lighting requirements
  7. The maximum [tower height](#) required for this site with the technical capabilities of the antenna being mounted
21. Agreement to pay the cost, as determined by the Township Board, to acquire an independent technical and engineering evaluation of the need for any tower and the minimum required height. If the evaluation shows that a shorter tower can provide service, the height requirements shall be modified
22. Agreement to provide cash, surety bond, or letter of credit in an amount equal to the average of three quotations for the removal of the facility when it has been abandoned or no longer needed.

- 23. Satisfactory evidence in writing that the applicant has been denied co-location on all existing WCF's
- 24. A map showing all existing and proposed wireless communication facilities within the Township and any surrounding relevant ones in terms of potential co-location
- 25. A copy of the lease agreement between landowner and WCF if applicable.
- 26. A hold harmless clause that protects the Township from any liability associated with the WCF.

**C. The Planning and Zoning Commission shall be required to:**

- 1. Notify by first class mail all property owners within 300 feet of the proposed tower property not less than seven (7) days prior to the public hearing; such notification shall include the proposal, time, date and location where the plans can be reviewed and the date that public hearing will be held.
- 2. Ensure that all site plan review conditions have been met prior to approving an application.
- 3. Only approve towers and WCFs located in a manner which protects the Township's interests in accordance with the provisions of this ordinance.

**D. All WCFs must conform with this ordinance unless existing prior to the date of the adoption of this ordinance, in which case they may continue in use but may not be expanded in any manner except for the purpose of allowing co-location, and such co-location shall not require an increase in the [tower height](#).**

**SECTION IV.3 SANITATION PERMIT REQUIREMENT**

The placement of any sewage disposal system on any lot shall be such as not to endanger the domestic water supply of any neighboring property owners or otherwise by the cause of any contamination or pollution and therefore where a sewage disposal system is to be a part of the construction project, the [Zoning Administrator](#) may not issue a land use permit until a permit for the construction of the sewage disposal system and water system has been issued by the Health Department having jurisdiction.

**SECTION IV.4 LEGAL REQUIREMENT FOR LOTS**

Every building or buildings hereafter [erected](#) shall be located on a lot or parcel of land the description of, and the deed to which, shall be on record in the office of the Register of Deeds of this County or on lot or parcels of land the description of which shall be contained in a bona fide land contract or lease which is in full force and effect at the time of application of a permit under This Ordinance. In the event this proposed building is to be erected on a parcel of land which is a part of a larger parcel, the area to be devoted to the use and necessary for compliance with the requirements of This Ordinance shall be designated by a legal description which shall be attached to the application for a land use permit.

**SECTION IV.5 SET-BACK RESTRICTION, HIGHWAY**

Any set-back restrictions from the right-of-way line of any legally described [highway](#), that may appear elsewhere in This Ordinance, have been written with the assumption that the right-of-way is not wider than 66 feet, therefore any 40 foot set-back restriction may be reduced as follows:

**Highway Set-Back Right-of-Way Distance**

66	40
100	25
150	15
200	10

**SECTION IV.6 SETBACK RESTRICTIONS**

No newly constructed [dwelling](#) or structure shall be built closer to the adjoining right-of-way than forty (40) feet, nor closer to the [water's edge](#) than forty (40) feet, except in the case of a corner lot, which is bordered by 2 adjacent roads, the forty (40) foot setback shall apply to the road of residential address and a minimum of twenty (20) foot setback shall apply to the non-residential road.

**SECTION IV.7 SIDE YARD REQUIREMENTS**

No building or structure nor any part thereof may be [erected](#) less than ten (10) feet from the sideline or lines of a building lot, except in the Business district.

**SECTION IV.8 PERMIT REQUIREMENTS**

Subject to all other terms and conditions of This Ordinance, a Land Use Permit shall include legal description, length and width of lot, dimensional size and location of all structures to be [erected](#), water supply and sewage system.

## **SECTION IV.9 FIRE HAZARD**

To reduce fire hazards, no building or structure nor any part thereof, may be [erected](#) or maintained closer than ten (10) feet to any neighboring property line, except in the business district.

## **SECTION IV.10 DRIVEWAYS**

In order to assure safe passage all [driveways](#) shall be kept clear of trees, brush and debris and shall have:

A minimum right-of-way of twelve feet (12') in width.

A minimum height clearance of twelve feet (12').

## **SECTION IV.11 OFF STREET PARKING MINIMUM REQUIREMENTS**

The following regulations shall govern parking within all [districts](#):

Designation of off-street parking spaces:

1. Each space shall not be less than 180 square feet nor less than 9 feet wide, exclusive of [driveway](#).
2. Each space shall be accessible and well defined as a designated parking area.
3. Designated areas may be situated wherever it is deemed desirable in relationship to the building and natural landscape.
4. Parking spaces shall be accessible from the street via ingress and egress routes not to exceed 24' wide.

## **SECTION IV.12 SIGNS**

### **SECTION IV.12.1 PURPOSE AND SECTION ORGANIZATION**

Purpose: The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Section that unrestricted signage does not benefit either private enterprise or the community-at-large.

Organization: This section is organized as follows:

1. Definitions of terms used in this section are found under SECTION IV.12.2.
2. General sign requirements relating to all signs are found in SECTION IV.12.3.
3. Section SECTION IV.12.4 is the Table of Sign Regulations, which lists all requirements for signs requiring a permit. The table is organized by zoning district.
4. All of the footnotes relating to the table are found in SECTION IV.12.5.
5. Signs that are exempt from permitting requirements are listed in SECTION IV.12.6. Although these signs do not require a permit, there are limitations on exempt signs including number, location and size.
6. Several types of temporary signs are regulated under SECTION IV.12.7.
7. Signs that are prohibited in the Township are listed under SECTION IV.12.8.
8. The regulations relating to existing signs that are made nonconforming by ordinance amendments are listed under SECTION IV.12.9.
9. The sign permitting and administrative regulations are found under Section SECTION IV.12.10.

### **SECTION IV.12.2 DEFINITIONS**

In addition to the definitions set forth in ARTICLE II, the following words shall have the meanings hereinafter set forth.

**Advertising Sign:** Any sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered. An advertising sign may be a free-standing, wall or other sign type defined below.

**Awning or Canopy Sign:** A non-rigid fabric or Plexiglas (or similar material) structure which is attached to a building by a supporting framework, which includes a business identification message, symbol and/or logo. For purposes of this ordinance, an awning or canopy sign is a wall sign.

**Billboard (Outdoor Advertising Structure):** An off-premises sign that is affixed to or [erected](#) upon a free-standing framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.

**Construction Sign:** An on-premises sign identifying those involved in the construction of a development project, including the designer, builder, or financial [institution](#).

**Development Sign:** An on-premises sign used to identify a residential or commercial development.

**Free-Standing Sign:** A sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building. Such signs may also be commonly known as a ground sign or pole sign.

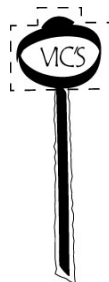
**Identification Sign:** A sign that identifies the activity, [home occupation](#), owner or resident and/or the street address and which sets forth no other advertisement.

**Illuminated Sign:** A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light.

**Inflatable Sign:** Any balloon or similar air or gas-filled membrane calling attention to a business, product or event. Inflatable signs are of any size.



Free Standing - monument style



Free Standing Sign



**Informational Sign:** An outdoor sign of a size and scale intended to be viewed by pedestrians within close proximity to the building to which the sign pertains. Such signs usually have a changeable message area. Informational signs include, but are not limited to, sandwich board signs (a free-standing, self-supporting, movable sign typically composed of two boards hinged only at the top), building-mounted menus, and any flag, banner, wind sock, etc. advertising a business, indicating that a business is open, or attracting attention for the purpose of advertising.

**Institutional Bulletin Board:** A sign containing a surface area upon which is displayed the name of a religious [institution](#), [school](#), library, community center or similar institution and the announcement of its institutional services or activities.

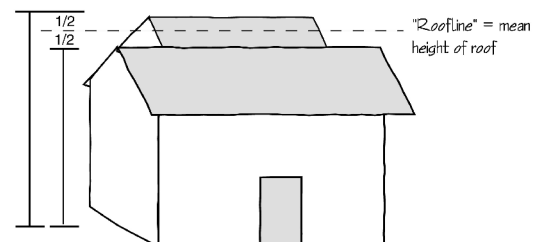
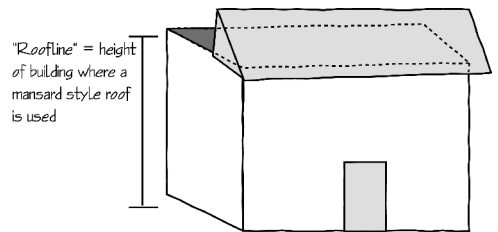
**Marquee Sign:** An advertising wall sign attached to or hung from a roof-like structure projecting over an entrance, from and supported by a building. A marquee usually has three sign faces. A canopy, awning or projecting sign is not a marquee sign.

**Moving or Revolving Sign:** Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means.

**Off-Premises Sign:** An advertising sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is located.

**On-Premises Sign:** An advertising sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on the same premises.

**Pole Sign:** A free-standing sign.



**Political Signs:** A sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, [school](#) or any other election.

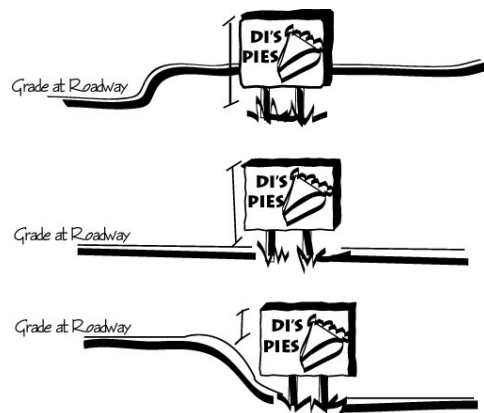
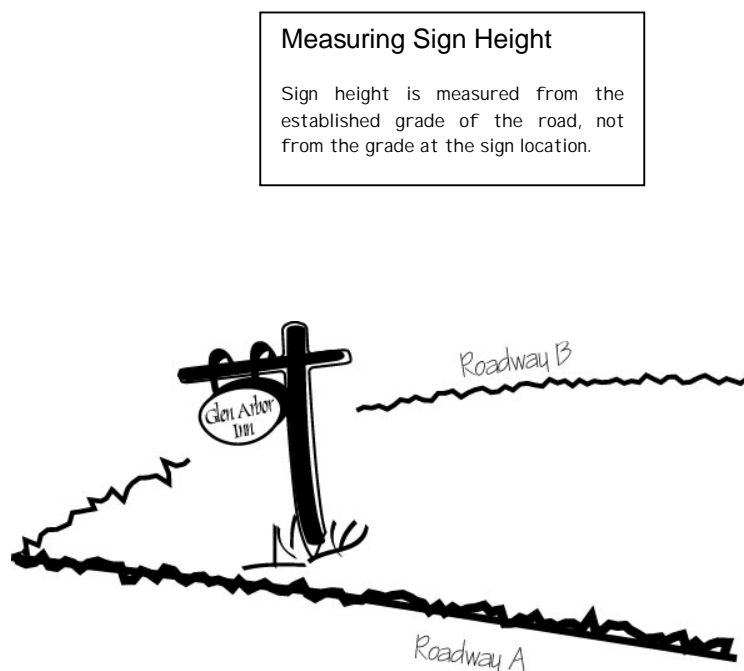
**Projecting Sign:** A sign which projects from and is supported by a wall of a building.

**Portable Sign:** A free-standing sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer or frame capable of being moved from place to place, not including informational signs.

**Real Estate Sign:** A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.

**Roof Line:** For purposes of the sign regulations, the roofline shall mean the mean height of a roof (a “true” roof unless there exists a mansard-style roof) exclusive of any peaks.

**Sign Height:** For ground signs, sign height is defined as the measurement from the established grade at the adjacent street to the highest point on the sign.



**Sign Height Calculation**

When a sign is adjacent to two roadways, the sign height is calculated as the average of the heights as measured from each established road grade:

Height of sign from Roadway A = X  
Height of sign from Roadway B = Y  
Sign Height Calculation  $(X+Y) / 2$

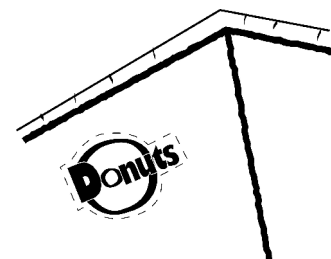
**Sign:** Any device including words, numerals, figures, designs, pictures, or trademarks painted upon or otherwise affixed to a building, wall, board, berm, or any structure, so, as to inform or attract attention for commercial intent.

**Surface Display Area:** The surface display area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. For all two-sided signs, the sign area shall be measured on one side of the sign.

**Temporary Sign:** A display or information sign with or without a structural frame and intended for a period not to exceed thirty (30) days of display.

**Wall Sign (Fascia Sign):** A sign which is attached directly to or painted upon a building wall with the exposed face of the sign in a plane parallel to the building wall. Wall signs include, for purposes of this ordinance, marquees, awnings, and canopy signs.

**Wind Sign:** Devices such as pennants, spinners, and streamers fastened in such a manner as to move upon being subjected to pressure by wind or breezes.



Wall Sign

**Window Sign:** Signs affixed to, in contact with, or within twelve (12) inches of a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window, or any informational signs as defined herein or small informational signs referred to in Section 4.12.05.H.

### **SECTION IV.12.3 GENERAL SIGN REQUIREMENTS**

The following are general requirements pertaining to all signs in any district, including both exempt signs not requiring a permit (see SECTION IV.12.5 ) and nonexempt signs requiring a permit (see standards by district in SECTION IV.12.3 and temporary signs in SECTION IV.12.7).

#### **A. Wall Signs:**

1. Wall signs shall be placed flat against the main building or parallel to the building on a canopy and may only face public streets or parking areas which are part of the development.
2. Wall signs shall not project above the roof line or cornice.
3. A marquee, canopy or awning is a type of wall sign (*see Definitions under SECTION IV.12.2*)

#### **B. Marquee Signs:**

1. No portion of a marquee sign shall be higher than the roofline or cornice.

#### **C. Projecting Signs:** Shall comply with the following:

1. Projecting signs shall not extend beyond the minimum required setback line or into and over street right-of-way.
2. Projecting signs shall be attached directly to a building by means of building mounts or hung from a mast arm. These support members may also include decorative appurtenances, but external bracing such as guy wires and metal framework shall be prohibited.
3. Signs must project at a 90° angle to the building surface to which attached.
4. The minimum clearance of a projecting sign over a sidewalk or ground level shall be nine (9) feet.

#### **D. Illumination:**

1. Signs may be illuminated unless specifically prohibited within this Section but no flashing or moving illumination shall be permitted.
2. The source of illumination shall not be visible beyond the property line of the parcel on which the sign is located.
3. Neon illuminated (electrical discharge) signs shall be permitted.
4. Signs may be illuminated by a direct, indirect or internal source of light.

#### **E. Free-Standing Signs:**

1. No free-standing sign shall block the vision of motorists or pedestrians in such as way as to reduce vehicle or pedestrian safety.
2. Under no circumstances shall a free-standing sign be located within a right-of-way.

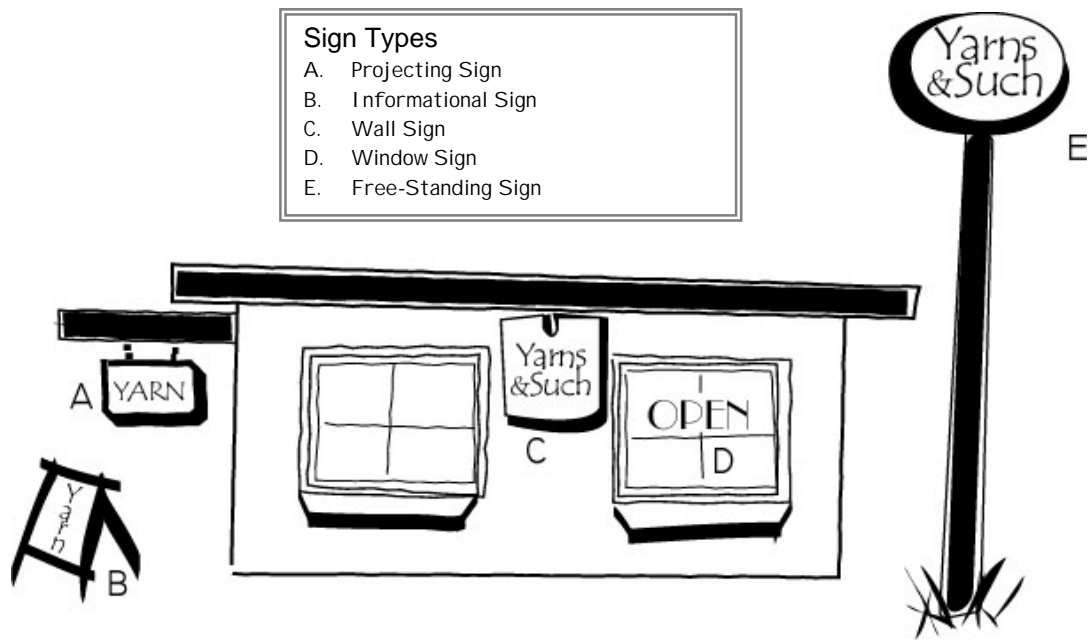
### **SECTION IV.12.4 TABLE OF SIGN REGULATIONS**

The following regulations apply to nonexempt signs requiring a permit. Standards by district are in the table below. The footnotes (1-7) to this table are in SECTION IV.12.5. See also SECTION IV.12.3 for additional general standards for all sign types.

Sign Type	Zoning District						
	Residential I, II, III, IV, V and VI		Resort (1)	Recreational Districts (3)	Business (5) (6)	Agricultural	Governmental
Free-standing sign, see note 2	Residential development / multiple family development sign	1 per premises NTE 4 feet in height* NTE 16 s.f. in total sign area	1 per premises NTE 6 feet in height* NTE 24 s.f. in sign area	1 per premises NTE 6 feet in height* NTE 24 s.f. in sign area	1 per premises NTE 8 feet in height* NTE 24 s.f. in sign area	1 per premises NTE 6 feet in height* NTE 16 s.f. in sign area	1 per premises NTE 4 feet in height* NTE 16 s.f. in sign area
	Institutional bulletin board						
	All others	Not permitted unless otherwise permitted in this Section					
	And		Or	Or	Or	And	And
Wall sign, see note 2	Not permitted		1 per business NTE the greater of 10% of adjacent wall area, or 75 s.f.,	1 per premises NTE the greater of 10% of adjacent wall area, or 75 s.f.,	1 per premises NTE the greater of 10% of adjacent wall area, or 75 s.f.,	Not permitted	Not permitted
	And		And	And	And	And	And
Projecting sign	Not permitted		2 per premises each NTE 4 s.f. in area	2 per premises (4) each NTE 4 s.f. in area	1 per business each NTE 4 s.f. in area	Not permitted	2 per premises
	And		And	And	And	And	And
Temporary Sign	See Section 4.12.06		See Section 4.12.06	See Section 4.12.06	See Section 4.12.06	See Section 4.12.06	See Section 4.12.06
	And		And	And	And	And	And
Window sign	Not permitted		NTE 10% of total window area in which sign is placed	Not permitted	NTE 10% of total window area in which sign is placed	Not permitted	NTE 10% of total window area in which sign is placed

NTE = Not to Exceed

\*=See section V – sign height -- in IV.12.9



#### SECTION IV.12.5 FOOTNOTES TO THE TABLE OF SIGN REGULATIONS

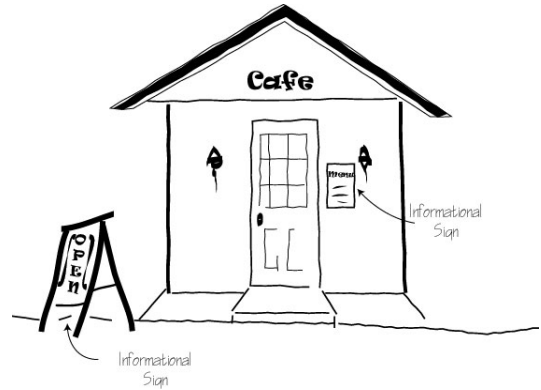
The following footnotes relate to the table above in SECTION IV.12.4

- A. For those uses in the Resort district that are permitted in the Residential Districts, sign restrictions of the Residential Districts shall apply.
- B. A second wall or free-standing sign, or a combination of one (1) wall and one (1) free-standing sign may be permitted in the Resort, Recreational or Business district by exclusive approval of the Planning Commission. The Planning Commission shall permit a second sign only when all of the following conditions are found to exist:
  1. The parcel in question is a corner lot or otherwise has frontage on more than one road;
  2. One sign is not visible from one of the road frontages;
  3. Clear identification of the use from two road frontages is important to lessen confusion and improve safe circulation;
  4. The second sign is 50% or less of the sign area of the area permitted in the district for the sign type proposed.
- C. For those uses in the Recreational Districts that are permitted in the Residential districts or in the Resort district, the sign restrictions of the corresponding district shall apply.
- D. Additional projecting signs may be permitted in the Recreational Open Space district for multiple building facilities (i.e., pro shop, clubhouse, snack bar, etc.) at the discretion of the Planning Commission.
- E. For shopping centers or [industrial](#) or office parks in the Business District, a development sign is permitted in addition to the other permitted signs. Such development sign shall not include a changeable message sign area. The sign shall not exceed four (4) feet in height or twenty-four (24) square feet in sign area.
- F. For gasoline service stations, a two-sided sign indicating only price and grade of gasoline as shown on the pumps, either side not to exceed twelve (12) square feet in sign area, may be permanently attached to the support pole of the free-standing sign or light standard or support. Price signs shall be attached with the bottom of sign no lower than 6 feet from ground level. There shall be no signs located in fuel pump islands or canopies except those constituting an integral part of the fuel pump itself or those required by State law or regulation.

#### SECTION IV.12.6 EXEMPTIONS

The following exempt signs shall be permitted in all districts subject to the requirements stated herein and without the requirement of a sign permit.

- A. Identification Signs:** Including house numbers legible from the street, and nameplates identifying the occupant or address of a parcel of land, not exceeding two (2) square feet in surface display area. For identification signs used with a [home occupation](#), see G. below and definition in SECTION IV.12.2
1. Identification signs also include signs at the entrance to a residential area with [family](#) names listed on the sign.
  2. Such signs are limited to sign area equal to 0.75 square feet per family name listed on the sign.
  3. Lettering on these signs to be no greater than three (3) inches in height.
  4. Overall sign height shall not exceed eight (8) feet.
- B. Memorial Signs or Tablets:** Especially those containing the names of buildings and dates of construction.
- C. Flags:** Shall be permitted without a permit providing such flag bears the official design of a nation, state, municipality, [institution](#), or organization. Banners and other such flags designed to advertise a commercial site are not included as an exempt sign under this section.
- D. Traffic, Municipal and Private Traffic Control Signs:** Such traffic control signs shall be permitted without need of a permit, provided that such signs conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- E. Political Signs:** Shall be permitted subject to the following:
1. Signs related to an election shall not be [erected](#) more than forty-five (45) days prior to the election to which the sign pertains and shall be removed within seven (7) days following the election.
  2. Political signs shall not be placed closer than one hundred (100) feet from any polling place entrance.
  3. No political sign shall exceed six (6) square feet in area.
  4. No political sign shall be tacked or nailed to utility poles.
  5. Political signs shall be located outside of the public right-of-way and shall in no way create a traffic hazard due to reduced vision of motorists or pedestrians.
- F. Real Estate Signs:** One (1) temporary, non-illuminated real estate sign per lot, located on subject property, advertising the sale or lease of property or building shall be permitted, subject to the following:
1. Any real estate sign shall not exceed six (6) square feet in surface display area;
  2. Such signs shall be removed within seven (7) days after the property has been sold, rented, or leased.
- G. Home Occupation Signs:** For any [home occupation](#) otherwise complying with the requirements of this ordinance,
1. One (1) non-illuminated name sign announcing a home occupation or professional service is permitted.
  2. Such sign shall not exceed four (4) square feet in surface display area
- H. Informational & Directional Signs:** Informational signs shall be permitted subject to the following restrictions:
1. Free-standing informational signs are limited to four (4) square feet in area per side and three (3) feet in height.
  2. Wall mounted information signs are limited to four (4) square feet in area.
  3. A maximum of two (2) informational signs is permitted on the premises of any single business. No more than one (1) informational sign of the two (2) permitted signs shall be free-standing.
  4. A free-standing informational sign shall not be placed in the public walkway such as to hinder the safe circulation of pedestrians or to block the clear vision of the driver of any vehicle.
- I. Construction Signs:** A permit is not required for a construction sign. However, such signs shall be limited as follows:
1. Surface display area shall not exceed six (6) square feet.
  2. Sign height shall not exceed eight (8) feet.



3. Placement shall be wholly within the property boundaries to which the sign pertains.
4. The sign shall not be [erected](#) prior to issuance of a building permit for a proposed construction, and shall be removed upon issuance of a Certificate of Occupancy.

#### **SECTION IV.12.7 TEMPORARY SIGNS**

- A. Sign Permit Required:** A sign permit is required to erect any temporary sign, including temporary signs attached to or suspended from a building, except for those signs specifically exempted under SECTION IV.12.6 above. Said permit shall specify the size, and length of duration of the temporary sign. Although a permit is required for signs regulated under this section, the fee may be waived for any nonprofit or community group at the Township Board's discretion.
- B. Portable or Moveable Signs:** Portable or Moveable Signs (which do not, by definition, include informational signs which are regulated under SECTION IV.12.4 - SECTION IV.12.6) may be allowed only with a permit in accordance with the following provisions:
  1. Portable signs are permitted for grand openings, advertising charitable or community-related events and the like. Portable signs are NOT permitted for general business identification or for specific merchandise or service advertising.
  2. Such portable signs must be removed within thirty (30) days of issuance of the temporary sign permit and must be removed within three (3) day following the event.
  3. A permit for a portable or moveable sign shall be granted on any premises only twice in any calendar year. The [Zoning Administrator](#) shall keep a record of placement of permitted portable signs to assure that this requirement is complied with.
  4. All illuminated portable signs shall comply with the requirements of Section 4.12.02D.
  5. All portable signs shall be located no closer than one-half the setback distance for a permanent structure, to the street right-of-way line; and under no circumstances shall be located in any road right-of-way or [easement](#) or interfere with safe pedestrian or vehicular circulation.
  6. Any portable sign shall not exceed twenty-four (24) square feet total surface display area.
  7. Portable signs shall not have streamers, balloons, ribbons or other such materials attached designed to attract attention.
  8. A portable sign may be an off-premise sign only if it advertises an event of an institutional, nonprofit or governmental organization. Such portable signs shall not be located within any road right-of-way. The property owner of the premises upon which an off-premises sign is located must give permission for placement of the sign in writing to be attached to the permit.
- C. Other Temporary Signs:** Any other temporary signs not included in this Section or under SECTION IV.12.4 - SECTION IV.12.6 above, including banners, shall be allowed only with a permit and subject to the following:
  1. Such temporary signs shall be removed within 30 days of the issuance of a permit and within three (3) days following a special event.
  2. Such signs shall be of a design and materials to withstand moisture, wind, etc. and shall be maintained in neat appearance. Signs not in compliance with this requirement may be removed by Township personnel without notice or the property owner ticketed under the provisions of this Ordinance.

#### **SECTION IV.12.8 PROHIBITED SIGNS**

The following signs are prohibited in any district in the Township.

- A. Wind Signs.** See SECTION IV.12.2
- B. Inflatable Signs.**
- C. Moving or Revolving Signs.** Except those actions associated with time-temperature signs.
- D. Any sign not expressly permitted is prohibited.**
- E. Signs Constituting a Traffic Hazard:**
  1. No sign shall be [erected](#) at the intersection of any street in such a manner as to obstruct free and clear vision.
  2. No sign shall be erected at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

3. No sign shall be erected which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

F. Billboards.

G. Off Premise signs.

#### **SECTION IV.12.9 NON-CONFORMING SIGNS**

- A. Intent. It is the intent of this Section to permit the continuance and use of any sign or outdoor advertising structure not in conformance with this Zoning Ordinance, but which was lawfully existing at the time of adoption of this Zoning Ordinance or any amendment thereto. It is the intent that signs and outdoor advertising structures made nonconforming by this Ordinance or any amendment hereto shall not be enlarged upon, expanded or extended. Further, it is the intent of this Zoning Ordinance that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within Glen Arbor Township shall be subject to the conditions and requirements set forth herein.
- B. Structural Changes: The faces, supports, or other parts of any non-conforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Section for the use it is intended except as otherwise provided for.
- C. Repairs, Alterations and Improvements: Nothing shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful non-conforming sign or outdoor advertising structure, provided such repair does not exceed an aggregate cost of thirty (30) percent of the appraised replacement cost as determined by the [Zoning Administrator](#), unless the subject sign or outdoor advertising structure is changed by such repair, reinforcement, alteration, improvement or modernizing to a conforming structure. Nothing in this Section shall prohibit the periodic change of message on any outdoor advertising structure.
- D. Restoration of Damage: Any lawful non-conforming sign or outdoor advertising structure damaged by fire, explosion, or an act of God, or by other accidental causes, may be restored, rebuilt or repaired, provided that the estimated expense of reconstruction does not exceed fifty (50) percent of the appraised replacement cost as determined by the Zoning Administrator.
- E. Discontinuance or Abandonment: Whenever the activity, business or usage of a premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the non-conforming sign attached or related thereto. (A business which closes for the winter is not considered to have discontinued.) At the end of the period of abandonment, the non-conforming sign shall either be removed or altered to conform to the provisions of this Section.
- F. Elimination of Non-Conforming Signs: The Township Board may acquire any non-conforming sign or outdoor advertising structure, with or without acquiring the property on which such sign or structure is located, by condemnation or other means, and may remove such sign or structure.

#### **SECTION IV.12.10 SIGN PERMITS AND ADMINISTRATION OF SIGN REGULATIONS**

A. Permits

1. For all signs requiring sign permits under this Section, an application including all information on the approved form shall be submitted to the Zoning Administrator, along with any fees established by the Township Board.
2. Sign permits shall be reviewed in a timely manner and approved, denied, or approved with conditions as specified in this Section.
3. For signs requiring a permit under this Section, no installation of a sign, or alteration of an existing sign, shall commence until a sign permit has been duly issued by the Zoning Administrator.

B. Inspections:

1. The Zoning Administrator shall, at his discretion or at the applicant's request, inspect proposed sign locations prior to final installation for compliance with ordinance regulations and conditions of sign permit approval.

C. Appeals and Variances:

1. The procedure for [variances](#) and appeals to the Zoning Board of Appeals under the Zoning Ordinance shall apply equally to signs regulated under this Article.

2. Any party aggrieved by any order, determination, or decision made under this Section IV.12.9 as to a nonconforming sign by the Zoning Administrator, the Planning Commission, the Township Board or the Zoning Board of Appeals may obtain review of that decision as provided in Section 607 [MCL 125.3607] of the MZEA.

**D. Enforcement and Violations:**

1. Any violation of the regulations contained in this Section or the conditions of a sign permit shall be considered a violation of the Zoning Ordinance and ticketed accordingly.
2. All signs are subject to enforcement under this Section, whether exempt, non-exempt, temporary, or non-conforming.
3. Authorized Township officials shall enforce this ordinance based on complaints received by the public, or by periodic, regular inspections.

**SECTION IV.13 BOAT HOUSES**

Unless otherwise specifically provided in this Ordinance, [Boat Houses](#) constructed on lakes or water courses in the Township do not have to comply with setback restrictions from such shoreline of lakes or water courses as would be applicable to other types of structures. Boat Houses in residentially zoned districts shall be limited to a maximum one-story building not to exceed 20 feet in height. Boat Houses may not be rented or used for any commercial activities.

**SECTION IV.14 N/A [RESERVED FOR FUTURE USE]**

**SECTION IV.15 KEYHOLING**

- A. Findings:** The Township finds that the use and enjoyment of the Township's water resources, including the inland lakes, rivers and other watercourses, as well as the lands abutting those water resources is of the highest importance to the quality of living and the economic well-being of all residents in and visitors to the Township. The Township also finds that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of those water resources in the Township and the lands abutting them. The Township further finds that, as lands abutting those water resources become further developed and subjected to human and mechanical influence, it is necessary to regulate the usage of those water resources and the lands abutting them in order to preserve and protect the health, safety and welfare of the residents of and visitors to the Township.
- B. Intent:** Based on the aforesaid findings, it is the intent of this section:
1. To provide a mechanism for protecting the lakeshore and shorelines of the township from physical and visual degradation from overuse and inappropriate use.
  2. To protect the rights of [riparian](#) owners, the township, and [non-riparians](#) as a whole.
  3. To prevent the development of nuisance conditions which threaten the land and water resources, which cause the diminution of property values, and which threaten the public health, safety, and welfare of all persons making use of lakes, rivers and other navigable watercourses within the township.
- C. Applicability and Submittal Requirements:** The provisions of this section apply to all [riparian](#) property on Lake Michigan, Big and Little Glen Lakes, Brooks Lake, Fisher Lake, the Crystal River and any other navigable watercourse in the Township and which properties are in districts which permit keyholing. Such districts include the Residential V – Multiple Family, Resort, and Business districts.

When two (2) or more families/legal entities/parties share access on navigable water without residing on said frontage, such common usage and/or ownership of the waterfront shall be governed by this Section. The provisions herein shall apply regardless of whether access to the waterfront is gained by easement, common or joint ownership, single fee ownership, lease, license, site condominium unit, stock or membership in a corporation, or any other means. The common use of all such waterfront by more than one family is permitted only following approval of a site plan by the Planning Commission pursuant to SECTION XIV.8 Site Plan Review and Approval Standards. The site plan shall include all the elements of SECTION XIV.7 and the following additional information:

1. Elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, wetlands, and shorelines;
2. Proposed location of docks and other shoreline structures;
3. Location and dimensions of existing and/or proposed parking areas (including indication of all spaces and method of surfacing);

4. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used;
5. North arrow, scale and date of original submittal and last revision;
6. The location and type of any/all picnic, sports facilities, and/or playground equipment to be installed on the site;
7. The specific uses permitted on the common waterfront, the locations of same, and all conditions that must be met to entitle one to such uses;
8. A statement that the site plan (including all terms and conditions) cannot be modified without approval of the Planning Commission.
9. The bearings, distances, and calculations showing compliance with the standards listed in subsection D. below; Boat launch facilities shall not be permitted.

**D. Standards:** Common use of a waterfront parcel shall be permitted in the Residential V – Multiple Family, Resort, and Business districts but only when conformance with the following standards is demonstrated to the satisfaction of the Planning Commission, or in the event the Planning Commission chooses to refer the decision to the Township Board, by the Township Board:

1. The common waterfront parcel providing access to nonriparian lot owners or to those residing in dwellings on nonriparian lots, shall meet the minimum requirements for a lot in the district in which it is located. A waterfront lot that includes a residence cannot be a common waterfront parcel for the purpose of this ordinance. All lots and dwelling units served by the common waterfront parcel shall be contiguous to one another and contiguous to the common waterfront parcel.
2. The shoreline shall have a minimum frontage on the water of not less than one hundred (100) feet (measured at the [ordinary high water mark](#)) and the lot shall have an area of no less than the minimum lot size required of the district in which the lot is located. For each family in excess to four (4), having waterfront privileges, the minimum frontage required shall be increased by twenty-five (25) feet, and the minimum area required shall be increased by at least thirty-five hundred (3,500) square feet.
3. The site plan shall reflect provisions for one (1) off-street space for parking of vehicles for every dwelling having waterfront usage. Such parking shall be located and screened by existing and/or proposed landscaping from adjoining residential parcels to the satisfaction of the Planning Commission. Depending upon the proximity of the residences having usage on the waterfront, parking requirements may be modified or waived by the Planning Commission.
4. The site plan shall reflect provisions for all watercraft slips, moorings, boat hoists, and any other means of anchorage to be developed on the parcel. No more than four such slips, moorings, boat hoists, and other means of anchorage per one-hundred feet (100') shall be allowed.
5. The site plan shall reflect the location of all docks to be developed on the parcel. Docks shall not exceed one per one-hundred (100') of shore line and shall otherwise comply with all state and federal statutes and regulations pertaining thereto. Docks shall not extend beyond a water depth of four (4) feet or one hundred-fifty feet (150') in length. Docks need not comply with setbacks applicable to other structures.
6. Boat launch facilities shall not be permitted.
7. If the site serves twelve (12) or more residences, sanitary facilities meeting requirements of the District Health Department must be included. Utilizing natural vegetation, all sanitary facilities shall be screened from surrounding land uses. Sanitary facilities shall be subject to all setback requirements.
8. No housing unit, whether temporary, permanent or for occasional use, shall be located on the parcel unless otherwise permitted in the district in which the lot is located. No camping or other overnight accommodations shall be permitted on the access parcel.
9. The storage or display of items for sale or rent such as, but not limited to, boats, boat hoists, personal watercraft, and trailers is prohibited, unless otherwise permitted in the district in which the lot is located.
10. No slippage or mooring rights shall be sold or leased unless otherwise permitted in the district in which the lot is located.
11. At the discretion of the Planning Commission, or the Township Board if it approves the site plan, whenever the shoreline parcel accommodating common waterfront use abuts a residentially used parcel, a vegetative buffer strip of at least ten (10) feet in width, within the required setbacks, shall be provided along the perimeter(s) of the site adjacent to the residential parcel(s). The vegetative buffer strip shall consist of plant materials, which shall be a natural compact planting of evergreens or shrubbery which

maintain their density and screening effect throughout the calendar year, and shall be at least four (4) feet in height at the time of planting and capable of attaining a minimum mature height of at least five (5) feet and shall be maintained in a neat and attractive manner. If buffering consists of earthen berms, the total height of berm or grass or shrubbery shall not be less than five (5) feet at the time of planting.

12. The Planning Commission shall have the authority to approve, disapprove or approve with conditions the site plan based on the following criteria:
  1. The extent of contemplated injury or nuisance (including noise) to owners of riparian, adjacent and nearby parcels.
  2. The effects on the navigable waters and overall shoreline land use which are compounded by the impact of common waterfront uses by approval of subsequent development of similar nature.
  3. The impact upon the public's enjoyment of the waterbody or watercourse.

#### **SECTION IV.16 MAXIMUM HEIGHT**

In order to preserve the pastoral character of the area, no building or structure or any part thereof shall be constructed having a height greater than forty (40) feet. This excludes antenna systems that might require a greater height for adequate signal receptions and single [family dwelling](#) chimneys.

The following building height restrictions apply only to residential side [yard](#) lot lines that touch another side yard lot line in any Residential Zoning District.

To maintain compatibility of scale and character in a residential district, to reduce the visual impact of houses between side yard neighbors, and to reduce fire hazard between residential lots, the height of a building or structure at its minimum side yard setback shall be reduced by its specific side yard set back. No building or structure at its highest point, excluding antennas and chimneys, shall be higher than a line drawn forty-five (45) degrees upward from horizontal plane through a point eighteen (18) feet high at either side yard lot line. On a level lot, side yard to side yard, the maximum building height at the minimum side yard setback of ten (10) feet, (see SECTION IV.7) shall be twenty-eight (28) feet. On a level lot the maximum building height of forty (40) feet shall require a twenty-two (22) foot side yard setback. On sloped lots, side to side, the maximum building height shall be controlled by both the forty-five (45) degree upward sightline as described above and by the maximum building height of forty (40) feet. At the request of the Zoning Administrator, the property owner shall provide lot topographic data to document the building or structure compliance with this requirement. This height restriction applies to all buildings and structures on a residential lot.

## SECTION IV.17 AMENDMENTS

- A. Any individual, corporation, association, department, board or bureau of the State, County or Township affected by This Ordinance may submit a petition in writing to the Secretary of the Planning and Zoning Commission, requesting that consideration be given to amendment of This Ordinance in the particulars set out in the petition. Upon receipt of such petition, the Township Planning and Zoning Commission shall within forty-five (45) days hold a public hearing to consider such petition. The person submitting such petition shall be notified of the time and place of such meeting not later than ten (10) days prior thereto.
- B. The person submitting such petition, if it is a request for re-zoning, shall furnish the Secretary of the Planning and Zoning Commission with the legal description of the property involved and an original and three (3) copies of a good and sufficient plot of the property showing all boundary dimensions and the relationship of all adjoining properties (including those across roads and streets).
- C. A fee, as set by the Township Board, shall be submitted with such petition to help defray costs.

## SECTION IV.18 COMPLETION

Any structure requiring a Land-Use Permit must be completed on the exterior surface with a suitable finishing material, including painting or staining in the case of wood, within one (1) year from date of issuance of the Land-Use Permit, except that in such cases where the Permit is issued for the building only of a "[basement home](#)" such a home shall be considered a partial home and the superstructure shall be built and completed on the exterior as described above within three (3) years from date of issuance of the original Land-Use Permit. If [hardship](#) can be shown only on approval of the Zoning Board of Appeals a Land-Use Permit may be renewed for one (1) additional year by payment of an additional fee, refer to Fee Schedule.

## SECTION IV.19 FLOOD INSURANCE

Any party or parties requesting a Land-Use Permit on Lake Michigan lakeshore property eligible for National Flood Insurance under the National Flood Insurance Act of 1968, as amended in 42 USC 4001-4127, must comply with all the requirements as defined in said Act, if said party or parties desires to obtain said insurance.

## SECTION IV.20 YARD SALES OR GARAGE SALES

Occasional [yard](#) or garage sales of not more than three (3) days duration, conducted by the owner on the owner's premises and held only occasionally and not as a regular business, shall be permitted. A yard or garage sale conducted by the same person or held on the same premises more than three (3) times in any calendar year shall be considered in violation of the above requirement that sales be held only occasionally and not as a regular business, unless prior approval for such a sale is obtained from the Zoning Board of Appeals in cases where denial of the privilege would create undue [hardship](#) on the applicant.

## SECTION IV.21 LIGHTING

### APPLICABILITY, PURPOSE AND INTENT

The regulations of this section are applicable to outdoor lighting fixtures in all zones. The purpose of regulating outdoor lighting fixtures includes:

- A. Eliminating glare and light trespass is intended to reduce nuisances to neighboring uses and the Township population as a whole.
- B. Restricting luminance, lamp types and requiring full shielding of lighting is intended to reduce light pollution, allowing residents nighttime enjoyment of the dark sky.

### SECTION IV.21.2 DEFINITIONS

Terms used in this section are defined below.

**Outdoor Lighting Fixture.** Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination, decoration or advertisement. Such devices shall include, but are not limited to search, spot, and flood lights at or on buildings and structures, recreation areas, parking lot lighting, landscape lighting, billboard and other signs, street lighting, product display area lighting, building overhangs and open canopies.

**Light Trespass.** Any artificial light falling outside of the boundaries of the property upon which it is installed.

**Fully Shielded.** No light rays from the fixture are emitted above the horizon, and at least 90 percent of the light is blocked in the near-sideways range from 0 to 20 degrees below the horizontal plane.

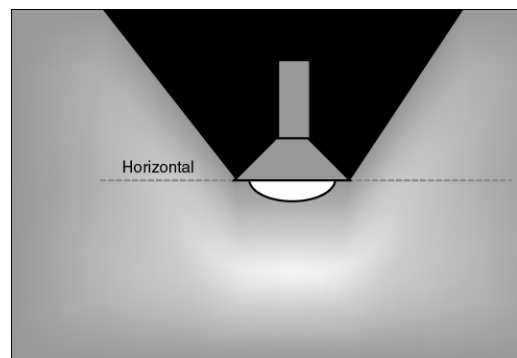
**Glare.** Direct light emitted by a light that causes reduced visibility of objects or momentary blindness.

**Light Pollution.** General sky glow caused by the scattering of artificial light in the atmosphere.

**Up lighting.** Any light source that distributes illumination above a 90-degree horizontal plane.

Items specifically included in the Ordinance but not limited to:

1. Residential yard lights whether building or pole mounted.
2. Commercial and [industrial](#) parking lot lighting and site lighting.
3. Privately owned roadway lighting.
4. Building façade lighting.



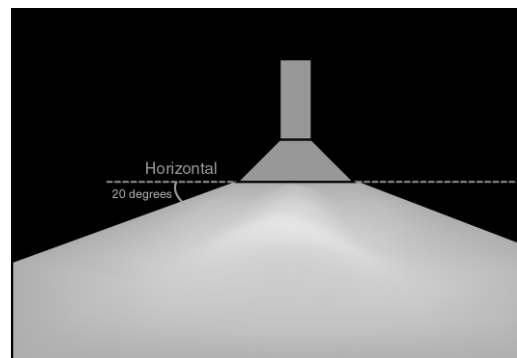
*Example of Up lighting*

#### **SECTION IV.21.3 LIGHTING REQUIREMENTS FOR ALL USES:**

All residential, commercial, institutional, industrial and public uses in the Township shall provide site lighting meeting the following restrictions.

##### **A. General Lighting Requirements.**

1. Light Trespass. Lighting must be restricted to within the property line.
2. Shielding All lighting must be fully shielded as defined in this section. For residential lighting existing prior to adoption of these regulations, non-shielded lighting may be retained only if placed on an infrared sensor or otherwise triggered only by nearby movement .
3. Floodlighting. Floodlighting is discouraged, and if used, must be shielded to prevent:
  1. Disability glare for drivers or pedestrians;
  2. Light trespass beyond the property line;
  3. Uplighting.
4. Auto Service/Filling Stations. Island canopy ceiling fixtures shall be recessed.
5. Outdoor Sign Lighting. Sign lighting shall be top mounted and lighted from above and shielded downward and shall be designed to eliminate all nuisance glare. Signs may also be internally illuminated.
6. Items specifically included in the Ordinance but not limited to:
  1. Residential yard lights whether building or pole mounted.
  2. Commercial and industrial parking lot lighting and site lighting.
  3. Privately owned roadway lighting.
  4. Building façade lighting.
7. Areas and types of outdoor lighting not covered by the Ordinance;
  1. Residential decorative lighting (i.e. porch lights, low level lawn lights, and special seasonal light such as for Christmas decorating.)
  2. Public street lighting and sign lighting as regulated by ARTICLE IV.
  3. Electrical discharge lighting.



*Example of a Fully Shielded Light*

##### **B. Up lighting.**

1. All building lighting for security or aesthetics will be full cut off or a shielded type, not allowing any upward distribution of light.
2. All pole-mounted lighting of parking or display areas shall be shielded and in no case shall the light be permitted to extend above the horizontal plane (90 degrees).

##### **C. Lighting Time Restrictions.**

1. Late Night Lighting of Off-Premises Signs. Electrical illumination of outdoor advertising off-premises signs between the hours of 11:00 p.m. and sunrise is prohibited.

## **SECTION IV.22 LAND USE PERMIT EXEMPTIONS**

Buildings or structures of less than 100 square feet area do not require the issuance of a land use permit, but must abide by and conform with the restrictions set forth in this ordinance.

## **SECTION IV.23 PRIVATE ACCESS ROAD**

### **SECTION IV.23.1 PROJECTS REGULATED**

This Ordinance shall be applicable to all accesses – whether they be [easements](#), ways, private drives, common areas, or otherwise – by which more than four (4) lots or residential units are bounded by common motor vehicle access, or through which common motor vehicle access passes to the nearest public road. Reference to the word “subdivision” refers not only to projects falling within that definition under P.A. No. 288, 1967 but also includes any other group of residential units, including, without limitation, condominiums and other developments that, but for the lot size requirements of subparagraph (d) of P.A. No. 288, 1967, Section 102, would be construed as “subdivisions” within the definition of that Act.

### **SECTION IV.23.2 LIMITATIONS**

In as much as absolute convenience and safety are unobtainable at any cost and as the Township’s primary legal interests in Private Roads are:

- A.** To determine that road frontage requirements for lots meet zoning requirements and for assigning fiscal responsibility for maintenance and other purposes; and
- B.** To make as certain as possible that properties can be serviced at least from the road by fire and other emergency equipment.

The standards, which follow, are minimums only and the Township assumes no responsibility for final Private Road designs or their implementation.

### **SECTION IV.23.3 PLAN AND PROFILE**

- A.** Plan and profile drawings of the proposed private access road shall be prepared by the Applicant’s Engineer or Surveyor in detail complete enough to be used as construction plans. The drawings shall show the proposed gradients of such roads and the location of drainage facilities and structures, along with any other pertinent information. The maximum grade permitted shall be 8%, although, dependent on length, and horizontal curves, grades up to 12% may be approved. A 12% grade shall not exceed 300 feet and a 10% grade shall not exceed 500 feet in length.
- B.** Sight distance and horizontal and vertical alignment shall be based on a minimum design speed of twenty-five (25) miles per hour and shall be in accordance with the American Association of State Highway and Transportation Officials’ (AASHTO) “Policy of Geometric Design and Highways and Streets,” under the designation of “Recreational Roads”. The maximum grade at the stopping side of an intersection shall be two percent (2%) and turn-a-round areas shall have a maximum grade of 4%. The minimum radius for turn-a-round areas shall be thirty (30) feet. Vertical and horizontal curves shall be used at all changes in grade or direction.

### **SECTION IV.23.4 CLEARING AND GRUBBING**

All trees, stumps, brush and roots thereof shall be entirely removed from within the grading limits. All graded areas shall have topsoil replaced, be seeded, fertilized and mulched in accordance with Leelanau Conservation District recommendations.

**SECTION IV.23.5 GRADING AND STRUCTURE**

- A. The presence of other than granular material in sub-grade soil shall require undercutting and full width placement of a minimum of twelve (12) inches of granular sub-base. All peat and muck shall be removed from the sub-grade.
- B. The level of the finished sub-grade shall be at least two and one-half (2 ½) feet above the water table. Drainage ditches shall be constructed on each side of the roadway in cut sections and in fill sections when required. Ditches shall be of sufficient depth to permit placing of future connecting [driveway](#) entrance culvert, unless some form of storm sewer or raised bituminous curbing is approved by the Township. Side slopes shall be no steeper than 1:2 (one-foot vertical to two feet horizontal). Where the depth of fill exceeds ten (10) feet, adequate guardrail protection shall be provided.
- C. Bridges for roadways shall be designed to not less than HS-20 AASHTO loading.
- D. M.D.O.T. type B-2 concrete curb and gutter will be required at an intersection with a county road if the development has a total of 15 or more [dwelling](#) units.

**SECTION IV.23.6 DRAINAGE**

Unless waived by the township, a drainage plan submitted on a topographic map with no larger than two (2) foot contour intervals shall be submitted, indicating the manner in which surface drainage is to be disposed of. In no case shall runoff from a subdivision be diverted due to construction beyond the limits of that subdivision onto adjacent property unless appropriate [easements](#) are provided. A crown of sufficient slope to insure drainage shall be provided across the width of the traveled-way for either gravel- or bituminous-surfaced roads. The plan shall meet the requirements of the Leelanau Conservation District and the Leelanau County Drain Commissioner's Office.

**SECTION IV.23.7 LENGTH, WIDTH, AND VERTICAL CLEARANCE**

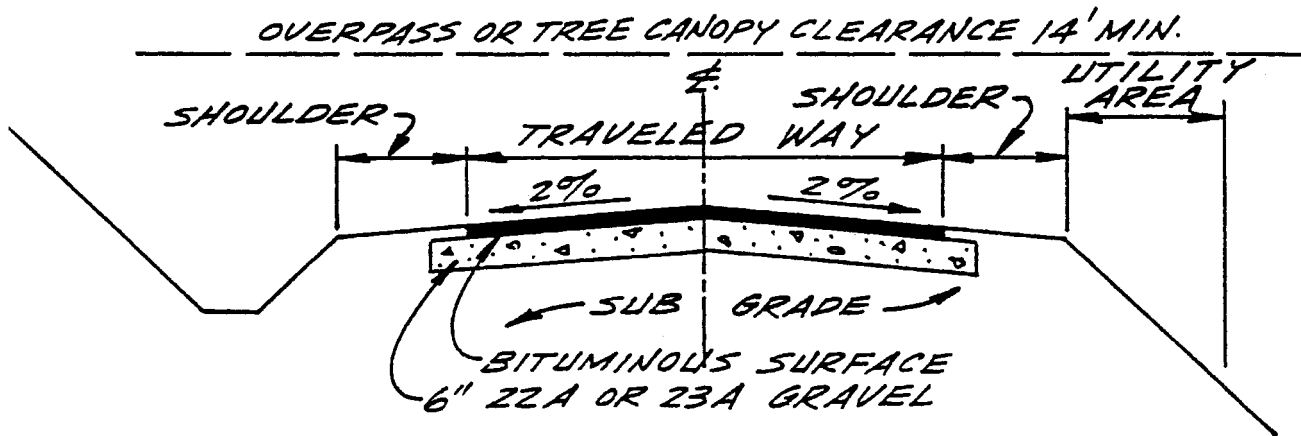
The Right-of Way (ROW), (preserved by recorded [easements](#)), the Traveled Way, shoulders, utility areas and cleared zones are to be minimally dimensioned as shown below, depending on the number of lots served.

#Lots/Residences To be served	Traveled Way Width	Shoulder Width (Both sides)	Recorded ROW Easement	Type of Surface REQ'D
1 through 4	12	N/A	20	N/A
5 through 10	18	1	30	Gravel or better
11 through 16	20	2	35	Sealcoat or better
17 through 49	22	3	40	200# /Syd. Bitum.
Access to public Road, or 50 or More lots	22	3	50	200# /Syd. Bitum.

\*All Measurements in feet

Note: There may be more than one classification of private road within a development.

Figure 1 – Private Access Road Dimensions



Maximum distance of a private access road shall be four thousand (4000) feet as measured from a public road to the end of the furthest turn-a-round. If the distance is greater than 4000 ft. or for subdivision creating a total of fifty (50) or more lots, one or more additional connections to a public road or to an adjacent private road of similar specification are required. Overhead clearances under bridges or tree branches shall be maintained at fourteen (14) feet over a twelve (12) foot width in order to allow free passage of large emergency vehicles.

\*Note: Minimum traveled way and/or minimum cleared zones may be reduced if required in writing by another governmental agency for environmental reasons.

**SECTION IV.23.8 GRAVEL OR BITUMINOUS BASE COURSES**

- A. A six (6) inch aggregate finish course of 23A processed road gravel (Michigan DOT Standard Specifications) shall be placed and compacted for gravel roads. For bituminous-surfaced roads, a six (6) inch aggregate base course of 22A processed road gravel shall be placed and compacted.
- B. To prevent erosion roads with grades greater than 7% shall be surfaced with bituminous.
- C. The sub-base shall be compacted to 95% density prior to placement of base. The aggregate base under bituminous shall be compacted to 98% density.

**SECTION IV.23.9 SHOULDERS**

Shoulder material shall be of a type that when compacted will not rut or displace under traffic, and shoulder design and ditch construction shall adequately drain water away from the roadway, while preventing erosion.

**SECTION IV.23.10 SIGNS**

At a minimum a stop sign must be placed at the intersecting county roads. The Applicant shall furnish and erect private road name signs at all intersections within the subdivision and entrances thereto. Road name signs must be in conformance with the Leelanau County Address Ordinance.

**SECTION IV.23.11 GUARDRAIL**

Guardrail shall be required at fill sections where the embankment is greater than ten (10) feet in height and the fill slope is steeper than 1 on 3. The construction of 1 on 3 slopes is preferred over the use of guardrails and is required where practicable. Where guardrail or posts are used, shoulders shall be constructed two (2) feet wider than the standard engineering recommendations shown in Item #7 above without the guardrail.

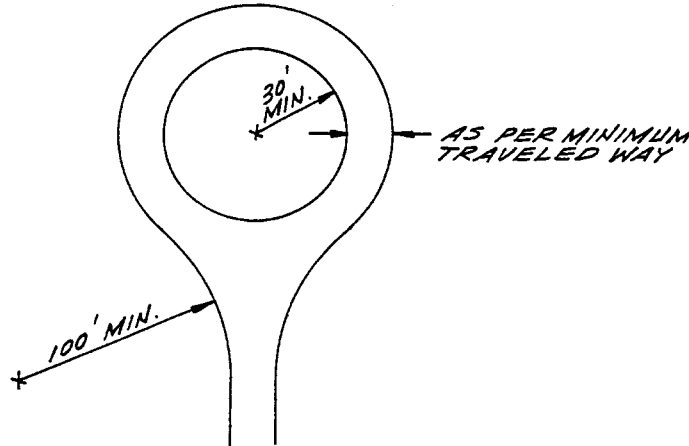
**SECTION IV.23.12 SURFACING**

If a bituminous surface is used on a private access road, it shall be placed on at least six (6) inches of compacted 22A aggregate (MDOT Standard Specifications). The bituminous aggregate pavement course shall be laid by an MDOT – pre-qualified contractor at a rate of at least two hundred pounds per square yard (200#/SYD) of C.A.L.C. (MDOT Standard Specifications) or other approved mix, and may be applied in one course.

**SECTION IV.23.13 PRIVATE ACCESS ROAD ALIGNMENT**

- A. Private Access Roads should intersect with each other or with public roads at ninety (90 ) degrees or closely thereto and in no case less than seventy (70 ) degrees.
- B. Where the proposed continuation of an access road at an intersection is not in good alignment with the opposing road, it must not intersect the crossroad closer than one hundred seventy-five (175) feet from such opposite existing road, as measured from the centerline of said roads.
- C. For the end of any private access road, the design must provide a turn-a-round for large vehicles, such as a fire truck.

**Figure 2 – Typical Turn-around**



(Other types of turn-a-rounds may be used if approved by the Township)

**SECTION IV.23.14 ACCESS TO SUBDIVISION ACROSS OTHER PROPERTY**

The regulations set forth in this Ordinance are applicable to all private access roads between the subdivision and the public road, regardless of whether the fee or equitable owner of all or part of the private access road is the same person developing the subdivision.

**SECTION IV.23.15 TESTED MATERIALS**

All materials incorporated in the work shall meet the specifications called for, or be approved by the Engineer.

**SECTION IV.23.16 NOTICE OF PRIVATE ACCESS**

Prior to the sale of any units within the project, the developer shall record with the Leelanau County Register of Deeds Office the following notices against all lands served by the access:

- A. "Access to the lots or residential units within the following described property will not be maintained by the Leelanau County Road Commission." [Set forth a legal description of the entire subdivision property perimeter.]
- B. The township is not responsible nor shall the township be obligated in any manner to perform regular inspections of this private road or to provide necessary repairs or maintenance.

A copy of the recorded notice shall be given to the administrator before approval of the final plat (if applicable) or, in any event, before the conveyance of any lot (or unit) within the subdivision.

**SECTION IV.23.17 EXISTING NON-CONFORMING PRIVATE ACCESS ROADS**

Roads existing and used as private access roads at the time this Ordinance becomes effective, and which do not meet all the design requirements specified herein, may continue to be used, provided that the safety features necessary for passage of emergency vehicles, such as minimum traveled way width of 12 feet and overhead clearance of 14 feet, are met prior to the issuance of land use permits to those lots or parcels to be served by the private access road. Verification of safety adequacy by the Township Fire Chief, or designee, is required in such cases before land use permits are issued.

**SECTION IV.23.18 PERFORMANCE AND ENFORCEMENT**

Violations of the Private Road Access Ordinance are considered as municipal civil infractions and enforcement actions will be taken accordingly.

**SECTION IV.23.19 ADMINISTRATION AND VARIANCES**

The Township Board shall designate, on an as needed basis, an Administrator to review all private access road construction plans to determine conformity with this Ordinance. Any applications for approval to this Ordinance shall be submitted to the Administrator, along with the applicable fee or deposit. The applicant shall be reimbursed for any portion of the deposit not used, and conversely, will be billed for the amount of engineering review costs that exceed the deposit. Upon the application of a person affected by this Section, the Glen Arbor Township Board may vary the terms and conditions imposed hereby, provided:

- A. The proposed [variance](#) does not result in reduced safety, durability, drainage, erosion control, or the all-weather access aspects of the project; and;
- B. If deemed necessary by the Glen Arbor Township Board, the applicant deposits with the request for variance, sufficient funds estimated to cover the cost to the Township of retaining a civil engineer to review the variance request, submit opinions thereon to the Township Board and draft conditions for approval. The minimum fee shall be as established by the Township Board and the administrator shall determine the amount of deposit, based on the estimated review of cost, if greater than the minimum.

**ARTICLE V      RESIDENTIAL DISTRICTS**

**SECTION V.1      SEPARATE DISTRICTS**

The [Districts](#) of the Township, where Residential uses are permitted, shall be designated as either Residential I, II, III, IV, V or VI and each shall be considered a separate District and shall be subject to the terms of This Ordinance as follows:

**SECTION V.2      SET-BACK RESTRICTIONS**

No building or structure in this District shall be built closer to the adjoining road right-of-way than forty (40) feet, nor closer to the [water's edge](#) than forty (40) feet, no closer to a rear lot line than fifteen (15) feet.

**SECTION V.3      LAND OCCUPANCY BY BUILDINGS**

The total of the [footprints](#) of all buildings and structures on a lot shall not exceed 30 percent of the lot area in all residential districts.

**SECTION V.4      SITE CONDOMINIUM SITE PLAN REVIEW**

All land division utilizing the Site Condominium legal instrument requires site plan review BY THE ZONING AND PLANNING COMMISSION -- see SECTION XIII.9 for requirements.

**SECTION V.5      RESIDENTIAL I - USES PERMITTED**

No building, nor structure, nor any part thereof, shall be erected, altered or used, or land or premises used in part or in whole, for other than the following specific uses:

- A. Permitted Uses - No building, nor structure, nor any part thereof, shall be erected, altered or used, or land or premises used in part or in whole, for other than the following specific uses:
  1. A single [family dwelling](#).
  2. A home occupation, provided that there be no external evidence of such occupation except a non-illuminated sign and that said occupation does not require nor effect any changes in the external character of the building.
  3. Detached Residential Extension
    1. Supplemental dwelling space ie; finished room over one story garage detached from residence (dwelling)
    2. Construction must meet all building requirements as set forth in zoning requirements and must comply with all building codes.
    3. Supplemental space shall not exceed one room and bath. Kitchen area is not allowed.
    4. Use of space may be bedroom, office, workshop or related to private one family dwelling.
- B. Building Lot Area - Each [dwelling](#) or other main building hereafter erected in the Residential I District shall be located on a building lot or parcel of land having an average width of not less than one hundred (100) feet and containing not less than fifteen thousand (15,000) square feet of area unbroken by any public road, street or thoroughfare, provided that this shall not prevent the use of a building lot or parcel of land of lesser size that was of legal record or had been laid out by a registered land surveyor prior to the effective date of this ordinance.

## **SECTION V.6 RESIDENTIAL II - USES PERMITTED**

No building or structure or any part thereof shall be [erected](#), altered or used, or land or premises used in part or in whole for other than one or more of the following specific uses:

- A. Any use permitted in Residential I, SECTION V.5 of This Ordinance.
- B. Building Lot Area - A minimum of not less than thirty thousand (30,000) square feet of area for each [dwelling](#) unit, and having an average width of one hundred (100) feet.

## **SECTION V.7 RESIDENTIAL III - USES PERMITTED**

No building or structure or any part thereof, shall be erected, altered or used, or land or premises used in whole or in part, for other than one or more of the following specific uses:

- A. Any use permitted in Residential I, SECTION V.5 or Residential II, SECTION V.6, of This Ordinance.
- B. Building Lot Area - A minimum of not less than forty-five thousand (45,000) square feet or area for each [dwelling](#) unit, and having an average width of one hundred (100) feet.

## **SECTION V.8 RESIDENTIAL IV - USES PERMITTED**

No building or structure or any part thereof, shall be erected, altered or used, or land or premises used in whole or in part, for other than one or more of the following specific uses:

- A. Any use permitted in Residential I, SECTION V.5 or Residential II, SECTION V.6, or Residential III, SECTION V.7 of This Ordinance.
- B. Building Lot Area - A minimum of not less than sixty thousand (60,000) square feet of area for each [dwelling](#) unit, and having an average width of one hundred (100) feet.

## **SECTION V.9 RESIDENTIAL V - MULTIPLE-FAMILY - USES PERMITTED**

No building or structure or any part thereof shall be erected, altered or used, or land or premises used in whole or in part, for other than one or more of the following specific uses:

- A. Permitted Uses - No building or structure or any part thereof shall be erected, altered or used, or land or premises used in whole or in part, for other than one of the following specific uses:
  - 1. Any use permitted in Residential I, SECTION V.5 or Residential II, SECTION V.6, or Residential III, SECTION V.7 of this Ordinance.
  - 2. [MultipleFamilyDwelling](#).
  - 3. Schools, churches, mosques, or other educational or institutions of religious worship.
  - 4. Recreational facilities (non-commercial).
- B. Building Lot Area - A minimum of not less than fifteen thousand (15,000) square feet of area for each family dwelling unit.
- C. Site plan is required for this district, see SECTION XIV.7 for requirements.
- D. A minimum of two parking spaces per dwelling unit is required (see SECTION IV.11).

## **SECTION V.10 RESIDENTIAL VI**

Uses Permitted- No building or structure or any part thereof, shall be erected, altered or used, or land or premises used in whole or in part for any other than one of the following specific uses:

- A. Any use permitted in Residential I, SECTION V.5 of this Ordinance.
- B. Building lot area - A minimum of not less than one hundred thirty one thousand (131,000) square feet of area for each dwelling unit and having an average width of two hundred (200) feet.

## ARTICLE VI RESORT DISTRICT

### SECTION VI.1 USE REGULATIONS

A building or premises in this [District](#) shall be used only for the following purposes:

- A. Any use permitted in the Residential Districts I, II, III, IV, and V as described under ARTICLE V of This Ordinance.
- B. Inns, [lodges](#), hotels and [rooming houses](#) with or without dining facilities consisting of single or multiple unit dwellings intended for rental, with such necessary and customary accessory buildings as automobile and boat storage garages, utility buildings, recreational facilities, docks, boathouses and bathing houses, all designed and used primarily to serve the regular tenants of same.
- C. Motels consisting of multiple unit dwellings intended for rental with dining facilities only where ten (10) or more units are combined in one (1) [motel](#) facility. Customary accessory buildings and recreational facilities may be combined with such motels.
- D. Rental [cottage](#)s with or without housekeeping facilities in groups of two (2) or more, each cottage being a single [family](#) dwelling.
- E. Hospitals and [nursing homes](#) / foster care homes.
- F. Business and professional offices offering personal services not involving the sale of products or services on products.

### SECTION VI.2 REQUIRED LAND AREAS

- A. No building or structure or groups of buildings or structures in this District shall be built on a lot having less than twenty thousand (20,000) square feet in area unbroken by any public road, street or thoroughfare. No building or structure or group of units permitted in this District shall be built on a lot having less than ten thousand (10,000) square feet of area for each such unit providing, however, that access [driveways](#) and parking areas for cars and/or boats shall be included in this area and not be required in addition to this area.
- B. Spacing of buildings along the set-back line from the [water's edge](#) shall be such that there shall be not more than one building to each fifty (50) feet of frontage.

### SECTION VI.3 SET-BACK RESTRICTIONS

No building or structure in this District shall be built closer to the adjoining right-of-way than forty (40) feet, nor closer to the [water's edge](#) than forty (40) feet, nor closer to a rear lot line than fifteen (15) feet.

### SECTION VI.4 SIDE YARD REQUIREMENTS

No building or structure, nor any part thereof, may be [erected](#) less than ten (10) feet from the sideline or lines of a building lot nor less than fifteen (15) feet when said lot line is adjacent to property zoned Residential.

### SECTION VI.5 SPACING OF SEPARATE BUILDINGS

To prevent overcrowding of buildings and structures and to reduce fire hazard, no separate buildings shall be built closer than twenty (20) feet apart.

### SECTION VI.6 LAND OCCUPANCY BY BUILDINGS

To prevent overcrowding of buildings and structures and to reduce fire hazard the area of lot built upon in any one development in this District shall not exceed 25% of its total.

### SECTION VI.7 ACCESSORY BUILDINGS

Buildings and structures for accessory uses customarily incidental to any of the uses permitted in this District shall be subject to the same provisions of location, spacing and land occupancy as the primary buildings permitted in this District and their area shall be computed as part of the maximum total area of land occupancy permitted.

### SECTION VI.8 OFF-STREET PARKING

- A. Minimum required off-street parking:
  - 1. Inns, [lodges](#), hotels, [motels](#), [rooming houses](#), and rental [cottages](#); (1) space per rental unit
  - 2. Hospitals, [nursing homes](#), foster care homes, business and professional offices; (1) space per (400) square feet.

### SECTION VI.9 DINING FACILITIES LIMITATIONS

Dining Facilities in this District shall be limited to those attached to or in conjunction with inns, [lodges](#), hotels and [motels](#) having accommodations for ten (10) or more individuals or [family](#) rental unit. Independent [restaurants](#) and/or drive-ins are not to be permitted in this District.

## **ARTICLE VII     RECREATIONAL DISTRICTS**

### **SECTION VII.1     ESTABLISHMENT OF RECREATIONAL DISTRICT.**

There is hereby established a Recreational District.

#### **SECTION VII.1.1     USE REGULATIONS**

A building or premises in this District shall be used only for the following purposes:

- A. Any use permitted in the Resort District as described in ARTICLE VI of This Ordinance.
- B. Private [clubs](#) with or without lodging and/or dining facilities, private summer camps and [schools](#), whether non-profit or operated for profit.
- C. Outdoor recreational facilities, such as [golf courses](#), ski slopes and lifts and [marinas](#).
- D. Municipal and Governmental buildings.

#### **SECTION VII.1.2     REQUIRED LAND AREA**

No building or structure or group of buildings or structures in this District shall be built on a lot having less than forty thousand (40,000) square feet unbroken by any public road, street or thoroughfare.

#### **SECTION VII.1.3     SET-BACK RESTRICTIONS**

No building or structure in this District shall be built closer to the adjoining right-of-way than forty (40) feet nor closer to the [water's edge](#) than forty (40) feet (except [marinas](#) which may have [boating facilities](#) built at the water's edge or over the water) nor closer to a rear lot line than fifteen (15) feet.

#### **SECTION VII.1.4     SIDE YARD REQUIREMENTS**

No building or structure, nor any part thereof, may be [erected](#) less than ten (10) feet from the side line or lines of a building lot, nor less than fifteen (15) feet when said lot line is adjacent to property zoned Residential.

#### **SECTION VII.1.5     SPACING OF SEPARATE BUILDINGS**

To prevent overcrowding of buildings and structures and to reduce fire hazard, no separate buildings shall be built closer than twenty (20) feet apart.

#### **SECTION VII.1.6     LAND OCCUPANCY BY BUILDINGS**

To prevent overcrowding of buildings and structures and to reduce fire hazard the area of lot used in any one development in this District shall not exceed 40% in total.

#### **SECTION VII.1.7     ACCESSORY BUILDINGS**

Buildings and structures for accessory uses customarily incidental to any of the uses permitted in this District shall be subject to the same provisions of location, spacing and land occupancy as the primary buildings permitted in this District and their area shall be computed as part of the maximum total area of land occupancy permitted.

#### **SECTION VII.1.8     OFF-STREET PARKING**

Off-street parking shall be provided in a ratio of 1 space per 400 square feet of floor space, or any portion thereof, with a minimum of two spaces.

#### **SECTION VII.1.9     DINING FACILITIES LIMITATIONS**

Dining Facilities in this District shall be limited to those in conjunction with or attached to any of the uses permitted in this District. Independent [restaurant](#)s or drive-ins are not permitted in this District.

## **ARTICLE VIII    BUSINESS DISTRICT**

### **SECTION VIII.1    USE REGULATIONS**

A building or premises in this District shall be used only for the following purposes:

- A. Any uses permitted in the Recreational District as described under ARTICLE VII of This Ordinance, except single family dwellings will be permitted in this District.
- B. [Retail Stores](#).
- C. [Service Institutions](#) such as:
  - 1. Gasoline service stations and garages
  - 2. Repair shops
  - 3. Laundries
  - 4. Warehouses
  - 5. Utilities
  - 6. Printing houses
  - 7. Undertaking establishments
  - 8. Used car lots
- D. [Restaurants](#) and Taverns.
- E. Lumber dealers.
- F. Light manufacturing plants.
- G. Second Hand Stores - Establishments selling used or second hand merchandise and "[flea markets](#)" must conduct their business inside a building but may display merchandise outside and adjacent to such building provided such outside displays in total occupy no more than one hundred (100) square feet of area and are placed inside the building each night. Automobile dealers, farm machinery dealers and [marinas](#) selling new and used boats shall be exempt from this provision.
- H. Multi-family dwellings.
- I. Apartments or living units above or part of a commercial building, i.e. mixed use.

### **SECTION VIII.2    USES EXCLUDED**

Junk yards for the temporary or permanent storage of used cars or other salvaged materials are not to be permitted in this District. Equipment and materials storage yards equivalent to those related to the construction industry shall be entirely enclosed with a solid fence not less than six (6) feet high and not more than eight (8) feet high constructed and maintained in such suitable manner as to meet with the approval of the [Zoning Administrator](#). The fence will be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence. The fence will be of solid construction or of a material so as to obstruct the view of the premises enclosed. The fence shall be maintained and painted, but shall not be used as a sign or signboard in any way.

### **SECTION VIII.3    LAND OCCUPANCY BY BUILDINGS**

No building or structure in this District shall be erected or altered or used so as to occupy more than 80% of the lot area. Multi-family dwellings are restricted to a minimum square footage of 480 square feet of main floor living area per dwelling unit and a minimum core dimension of 20' per unit and a minimum of not less than 5,000 square feet of building lot area for each dwelling unit.

### **SECTION VIII.4    SET-BACK RESTRICTIONS**

All buildings and structures in this District shall provide a set-back from the property line bordering the right-of-way of not less than ten (10) feet.

### **SECTION VIII.5    SIDE YARD REQUIREMENTS**

No building or structure shall be built closer to the side property lines than five (5) feet unless the wall of said building or structure is of such construction as to qualify as a four-hour rated fire wall as defined by the Underwriter's Laboratory, Inc., same to have a four-hour fire rated parapet at least three (3) feet above the roof level to provide fire protection for adjoining property. Adherence to these fire restrictions will allow building to the property line. In the case of a corner lot, the lot is defined as having two front lot lines and two side lot lines.

## **SECTION VIII.6 OFF STREET PARKING MINIMUM REQUIREMENTS**

### **A. Minimum required off-street parking:**

1. Apartment house - 2 per [family](#) unit.
2. Commercial buildings - 1 space per 400 square feet of floor space, or any portion thereof, with a minimum of two spaces.
3. Bed and Breakfast, 1 per bedroom; [motel](#)s and hotels, 1 per unit.
4. [Restaurants](#) - 1 per each three seats, including outdoor seating for food or beverage.
5. Mixed use - space for one use shall not be considered a space for any other use.
6. Restaurants and grocery stores will require an additional, designated off-loading zone consisting of 50 x 12 feet area, which is accessible at all times.
7. Location for off-street parking, other than for residential use, shall be either on the same lot, or within three hundred feet of the building it is intended to serve. Off site lots shall be deed restricted to accommodate such parking use, so long as the requirement exists under this or subsequent zoning or development ordinances for the use being served. Such parking shall adhere to attached layout plans.

## **SECTION VIII.7 YARD STORAGE**

Wherever a business establishment finds it desirable to store part of its goods, supplies, merchandise or returnable containers outside the confines of the building structure, it shall provide an enclosure by solid fence or its equivalent not less than six (6) feet high around such [yard](#) storage area, said fence to be made and maintained in a manner which shall meet with the approval of the [Zoning Administrator](#).

## **SECTION VIII.8 LICENSE FEE FOR OPEN AIR MARKET**

Open Air Market for sale of fruits, vegetables and other farm products, including trees, shall be permitted along [highways](#) on any [farm](#) property and shall not be subject to any license fee; but such Open Air Market when located in this District shall be limited in size to six hundred (600) square feet and be permitted only on application to the Zoning Administrator for a permit for the maintenance and operation of same upon payment of an annual license fee. Such Open Air Market located in this District shall be subject to all the provisions above relating to all buildings and structures in this District.

## **SECTION VIII.9 SPECIAL PERMIT FOR OPEN AIR MARKET**

A permit may be issued for a one-day open-air market of non-[agriculture](#) products, in which space may be rented. The operation of such a market is limited to the Business District and must be held in an orderly manner to protect adjoining property and provide for the safety of the community. No more than two (2) such permits may be issued to a premises within a calendar year. It is not the purpose of this ordinance to encourage such activities, but rather to provide a business with a reasonable use of their property. Concerts and musical entertainment are not included within this provision. Such Open Air Markets are subject to all provisions above relating to all buildings and structures in this district.

## **ARTICLE IX      AGRICULTURAL DISTRICT**

### **SECTION IX.1      USE REGULATIONS**

- A. A building or premises in this [District](#) shall be used only for one or more of the following specific uses:
- B. Including any use permitted in Residential I, II, III and IV Districts as described under ARTICLE V of This Ordinance.
- C. [Farms](#) of all types including those of general farming or for specialized farming.
- D. Private forests with such harvesting equipment as saw mills, maple syrup reducing plants and charcoal plants.
- E. Nurseries and greenhouses.
- F. Riding Stables.
- G. Mining, including extracting of sand, gravel or other natural resources.
- H. Cemeteries.
- I. Ice manufacturing plants.
- J. Contractors and Excavators.

### **SECTION IX.2      CONTIGUOUS ZONE**

Where any other Zone is contiguous to a [farm](#) located in an Agricultural District and forms a part of the farm, all farm uses and activities permitted in the Agricultural District may be carried on such contiguous land, except that any buildings constructed shall conform to the requirements of ARTICLE V (Residential).

### **SECTION IX.3      REQUIRED LAND AREA**

A parcel of land to qualify as a farm under this District shall consist of not less than three (3) acres.

### **SECTION IX.4      THE MINIMUM LAND PER DWELLING**

Each single-family dwelling with its accessory buildings shall be located on a legally described parcel of land of not less than one hundred thirty-one thousand (131,000) square feet of area, if it is not built as a part of the main farm dwelling, with minimum road frontage of two hundred (200) feet.

### **SECTION IX.5      SEASONAL HELP**

All temporary living quarters for the use of seasonal and itinerant farm employees and migratory workers shall be exempt from the provisions of This Ordinance and use may be made of tents, trailer coaches or other buildings and structures upon the land owned or occupied by the employer, provided, however, that such living quarters be located not less than two hundred (200) feet from the frontage on any right-of-way and provided further, that living quarters, if not of temporary material shall be permitted only during the normal growing and harvest season.

### **SECTION IX.6      ROADSIDE STANDS**

[Roadside Stands](#) shall be permitted only for the selling of farm products produced upon the premises and these may be located along the [highway](#) right-of-way even where same is zoned Residential, providing this location in a Residential zone is a part of the farm which produces the farm products.

### **SECTION IX.7      MINING OR REMOVAL OF TOPSOIL**

- A. No topsoil shall be removed for purposes of resale from any area zoned Residential nor any open-pit mining for the purposes of extracting sand, gravel or minerals be permitted within two hundred (200) feet of any public road or highway nor within fifty (50) feet of any side or rear lot lines of any adjoining land zoned for Residential use, unless the removal within said restricted areas shall have been first approved by the Board of Appeals.
- B. If any open-pit mine or gravel pit has any "attractive nuisance" feature, such as steep banks or deep holes that could be a hazard to the safety of children, it shall be promptly rough graded so as to remove such hazard or hazards. When an open-pit mine or gravel pit has ceased to be worked regularly for a period of one (1) year, it shall be rough graded in such a manner as to restore the land to contours harmonious with those of the surrounding terrain.

## **ARTICLE X      GOVERNMENTAL DISTRICT**

### **SECTION X.1      USES PERMITTED**

Any and all institutions, parks, picnic grounds, public lookouts, public campgrounds, forest preserves, wildlife reservations, public recreation areas and other public lands, grounds or areas now under the ownership or control of federal, state, or local Governmental authorities including the Township of Glen Arbor shall so remain and shall not be regulated by this Ordinance, provided; however, that all other such lands, grounds, parks and areas, not owned or controlled by such Governmental authorities, shall be regulated by This Ordinance. To reduce fire hazard and to provide for the public safety, the Zoning Board of Appeals may, at its discretion, establish reasonable [yard](#) rules and other requirements for such lands, grounds, parks and areas.

## **ARTICLE XI      NON-CONFORMING USES**

### **SECTION XI.1      NON-CONFORMING USE / ACTIVITY**

At the discretion of the owner, the lawful use/activity of any parcel of land, building, or structure, lawfully existing at the time of enactment of this Zoning Ordinance or any amendment thereto, and the existence of which has continued since that date, although such use/activity does not conform to the ordinance requirements of the zoning district in which it is located, may be continued subject to the following.

- A. ABANDONMENT.** When any building, structure or land, the use of which has been permitted as a [non-conforming use](#) or nonconforming structure pursuant to the provisions of this Article, is no longer intended by its owner to continue as a nonconforming use or nonconforming structure, the use of the land or the structure shall be discontinued. The owner's intent to no longer continue the nonconforming use of the land or structure shall be established by a preponderance of the evidence which shall consider the following:

1. Whether utilities have been disconnected.
2. Whether any signs have been removed or have fallen into disrepair.
3. Whether any fixtures within and outside the building have been removed.
4. Whether the property has fallen into disrepair or is considered "blighted."
5. Whether U.S. Mail delivery has been terminated or mail is forwarded to another address.
6. Whether the classification of the property for tax purposes has been changed to reflect another use.
7. Whether any license associated with the use has expired.
8. Whether there are any other similar changes to the nonconforming structure or use.

Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed, if any of the following is ongoing:

- i. The ownership and/or possession of the property is pending in Probate Court.
- ii. The property is the subject of a disputed insurance settlement.
- iii. The property is the subject of a criminal investigation.

- B. COMPLETION OF CONSTRUCTION.** Any building or structure arranged, intended or designed for a nonconforming use/activity, the construction of which has been started as of the effective date of this Zoning Ordinance or any amendment thereof, but not completed, may be completed and put to such nonconforming use/activity, provided it is completed and receives a certificate of occupancy from the Leelanau County Building Inspections Department.
- C. EXTENSION OF ACTIVITIES.** Any nonconforming use/activity under the terms of this Zoning Ordinance may be enlarged without changing the type of use/activity upon receipt of a permit from the Zoning Administrator. Such enlarged use/activity must conform to all of the requirements of this Zoning Ordinance as said requirements pertain to such use/activity in that zoning district in which that use/activity is permitted and as said requirements pertain to nonconforming uses/activities and nonconforming structures.

### **SECTION XI.2      NON-CONFORMING LOT**

- A. CONFORMING ADDITION TO NON-CONFORMING BUILDING OR STRUCTURE:**

Any non-conforming building or structure may be enlarged without a [variance](#) if the newly constructed portion completely meets all the provisions in this ordinance for [new construction](#). This means that the addition may NOT increase the non-conformity in **ANY** way.

- B. REBUILDING OR ALTERING A NON-CONFORMING BUILDING OR STRUCTURE:**

The rebuilding or altering of a non-conforming building or structure is possible if the rebuilding or altering does not increase the non-conformity in **ANY** way. For example, a pre-existing non-conforming building that is less

than the maximum height allowed in this Ordinance, may be increased in height only if the height addition meets all lot setback requirements of this Ordinance.

**C. RELOCATING A NON-CONFORMING STRUCTURE:**

The relocation of a non-conforming building or structure on a non-conforming location on the same property is permitted only if the newly located structure reduces any present violation of the ordinance and does not result in a new violation.

**D. INVOLUNTARY DESTRUCTION:**

Any building or structure, existing as non-conforming under the terms of This Ordinance, which is destroyed by fire or the elements, may be reconstructed or restored, as per SECTION XI.2 B, to an identical exterior configuration and location, without a [variance](#), providing the reconstruction or restoration is commenced within eighteen (18) months from the date of such destruction and completed with an occupancy permit from the Leelanau County Inspections Department.

**SECTION XI.3 APPEALS**

Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals, or legislative body of Glen Arbor Township under this Article may obtain a review of that order, determination or decision in the Leelanau County Circuit Court as provided for in Section 607 of the MZEA [MCL 125.3607].

**ARTICLE XII PROHIBITED USES**

**SECTION XII.1 ANY OBNOXIOUS USES**

No building or structure or any part thereof shall be [erected](#), altered or used or land or premises used, in whole or in part, for any of the following uses in any District under This Ordinance: any process or activity resulting in the emission of odor, fumes, dust, smoke, waste, noise or vibration which shall make it obnoxious to the public interest, health, or welfare.

**SECTION XII.2 SPECIFIC PROVISION FOR USE**

No building or structure or any part thereof shall be erected, altered or used, or land or premises used in whole or in part for any use in any District which is not specifically permitted in such District by the terms of This Ordinance.

**SECTION XII.3 OUTDOOR STORAGE**

No land in any of the foregoing [Districts](#) shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, boats, salvage, waste and [junk](#) outside of properly authorized buildings within said Districts, except as follows:

- A. As required for the display of used merchandise normal to the operation of a [marina](#).
- B. As normal to the operation of a used car lot.
- C. As provided for in ARTICLE VIII SECTION VIII.7, Yard Storage of This Ordinance.
- D. As required for the storage of usable [farm](#) machinery necessary to the various uses of land permitted in the Agricultural District.

**SECTION XII.4 FENCES, WALLS, SCREENS**

No fence, wall or structural screen other than plant materials, shall be erected on any Residential property to a height greater than six (6) feet. On a corner lot or parcel, no fence, wall or screen of any kind shall be allowed, except as may be permitted by the Zoning Board of Appeals.

## **ARTICLE XIII     CONSERVATION ZONING OPTION**

### **SECTION XIII.1     PURPOSE AND INTENT**

The purpose of the Clustered Housing Zoning Option is to provide landowners a residential development alternative with an opportunity to achieve [dedicated open space](#) and preservation of the Township's rural character.

It is the intent of the Clustered Housing is to allow home sites which are sensitive to the natural environment and are compatible with the existing rural character in Glen Arbor Township. In order to insure compatibility with the existing rural character, homes should be sited in order to blend with the landscape with minimal exposure to roads and [highways](#). They should fit the natural contour of the land and preserve the elements of rural, cultural and historic character.

The Clustered Housing Zoning Option is intended to implement the Glen Arbor Township Master Plan by:

- A. Planning residential developments to protect the Township's rural character and appearance;
- B. Making rural development compatible with the natural environment and preserving natural features and land forms (topography, steep slopes, [ridge lines](#), drainage ways, shorelines, open meadows, wetlands, lakes ponds, dunes, tree lines and woodlands);
- C. Providing permanent open space for present and future generations of Township residents;
- D. Protecting scenic views of prominent features; and,
- E. Limiting curb cut accesses to the public road network to minimize accident potential.

### **SECTION XIII.2     SCOPE**

The Clustered Housing Zoning Option is permitted in the Agricultural and Residential Districts. The Clustered Housing Zoning Option is permitted in subdivisions and site condominiums. No more than one unit will be allowed within 150 feet of any lake or river for each 100 feet of water frontage.

### **SECTION XIII.3     DEVELOPMENT & DENSITY REQUIREMENTS FOR CLUSTERED HOUSING**

- A. The land owner/applicant shall specify the intended use of the open space lands and the intent to make an [irrevocable conveyance](#) and access of said open space.
- B. Where more than one [driveway](#) is permitted, they shall either access to different public roads or be spaced not less than 1,000 feet apart as measured between driveway centerlines.
- C. Lots for houses shall make the best use of natural topography along with existing and new vegetation to minimize the visibility of structures from existing roads, and have minimal impact on altering existing open fields or woodlands. Residential structures located within 1000 feet of existing public roads shall not front directly onto these public roads.
- D. Holding tanks and [central septic systems](#) may be located in the open space.
- E. The developer is responsible for the installation of [central septic systems](#) and all other utilities. All utilities must be installed underground.
- F. In the Agricultural District the 200 foot road frontage per lot requirement will be eliminated to achieve the desired clustered unit density.

**SECTION XIII.4 MINIMUM PARCEL SIZES**

The developer is responsible for the installation of all utilities. All utilities must be installed underground. In all cases, the minimum parcel size must be calculated as a contiguous parcel of land.

Criteria	Applicable Zoning Districts				
	R I	R II	R III	R IV	Ag & R VI
Minimum parcel size under single ownership in square feet.	90,000	180,000	270,000	360,000	786,000
Minimum unit size with <a href="#">central septic system</a> in feet.	40 X 70	40 X 70	40 X 70	50 X 100	50 X 100
On-site drain fields or <a href="#">central septic systems</a> .	applies to all districts				
Underground utilities Electricity, telephone, cable TV, and gas.	applies to all districts				
Maximum number of <a href="#">driveways</a> per 20 acre or less parcel.	2	2	2	2	3
Minimum <a href="#">dedicated open space</a> land.	20 %	40 %	40 %	40 %	80 %
Maximum <a href="#">dedicated open space</a> for developed recreational use.	30%	20%	20%	20%	20%

**SECTION XIII.5 DETERMINING THE NUMBER OF DWELLING UNITS**

The number of allowable dwelling units shall be calculated based on the total acreage of the site or parcel. Maximum density shall be calculated as follows:

- A. The number of dwelling units allowed for the Clustered Housing Zoning Option shall be calculated by dividing the gross square footage of the parcel by the number of square feet required for one dwelling unit in the underlying district.
- B. When the end density calculation results in a whole number of units plus a fractional portion of a unit, the fractional portion shall be rounded to an additional whole number when its decimal equivalent is equal or greater to .50 or larger. When the fractional portion decimal equivalent is less than .50, it shall be rounded down leaving the whole number unchanged.

**SECTION XIII.6 BASE ZONING REGULATIONS AND SITE VARIATION**

The Clustered Housing Zoning Option is a planned unit development under the Michigan Zoning Enabling Act and, as such, in addition to the requirements of this Ordinance, it is subject to the procedures and requirements of Section 503 [MCL 125.3503] of the MZEA. No decision regarding a Clustered Housing Zoning Option under this Zoning Ordinance may be appealed to the Zoning Board of Appeals. This shall not preclude an individual lot owner from seeking a variance following the approval of a Clustered Housing Zoning Option, provided such variance does not involve alterations to open space or regulatory modifications as provided for in the approved Clustered Housing Zoning Option site plan.

**SECTION XIII.7 PERMITTED USES FOR RESIDENTIAL COMPONENT OF CLUSTERED HOUSING**

The [residential component](#) of the Clustered Housing, as distinguished from [dedicated open space](#), shall permit the following principal and accessory uses. Dedicated open space uses shall be permitted in accordance with SECTION XIII.8. In the R I, R II, R III, R IV, R VI, and Agricultural uses in the residential component shall be as permitted by the underlying zoning district. A minimum [barrier setback](#) of twenty (20) feet shall be provided between residential units in

RI, RII, RIII and RIV. A minimum [barrier setback](#) of fifty (50) feet shall be provided between the Agricultural District and RVI components.

### **SECTION XIII.8 OPEN SPACE REQUIREMENTS**

- A. MINIMUM OPEN SPACE DEDICATION REQUIRED.** The required amount of [dedicated open space](#) shall be as specified in SECTION XIII.4. Said land shall be used for parks, recreation, conservation, wildlife management uses or preserved in an undeveloped state.
- B. AREAS NOT CONSIDERED AS [DEDICATED OPEN SPACE](#).** The following areas shall not be included in the dedicated open space:
1. The area of any public road right-of-way either existing or proposed to be dedicated to the public.
  2. Land that is devoted to residential lots.
  3. Land area that is retained by an individual(s) and is not available for use in common with other owners or the residents except that agricultural lands which are the subject of an [irrevocable conveyance](#) shall be allowed to be counted as dedicated open space.
- C. LOCATION.** [Dedicated open space](#) may be centrally located or located to preserve significant natural features and/or agricultural activities. Open space dedicated to public use shall have access to a public road or have access via an [easement](#).
- D. CONNECTIONS.** [Dedicated open space](#) may either be a single contiguous area or separate area connected by paths or walkways. Connections to adjacent open space, public land or already existing or planned pedestrian/bike paths may be required.
- E. ALLOWABLE STRUCTURES.** Any structure(s) or building(s) accessory to a recreation or conservation use may be [erected](#) within the [dedicated open space](#), subject to the approved Clustered Housing site plan. The accessory structure(s) or building(s) shall not exceed, in the aggregate area, one percent (1%) of the maximum dedicated open space allowed for developed recreational use as stated in SECTION XIII.4.
- F. WATER SYSTEMS & DRAIN FIELDS.** Water Systems and drain fields for waste treatment systems serving the residential units may be located in the open space if provided for in site plan.
- G. IRREVOCABLE CONVEYANCE.** [Dedicated open space](#) may be set aside by the owner/applicant by [irrevocable conveyance](#) as shall be agreed upon between the Township and the applicant. Irrevocable conveyance shall include recorded deed restrictions, protective covenants and conservation [easements](#) per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 399.251). The irrevocable conveyance shall insure that dedicated open space uses shall be permanently protected as agreed upon between the applicant and the Township. Such conveyance shall:
1. Describe and illustrate the proposed uses of the dedicated open space.
  2. Provide the Township with discretion on how to control and manage:
    1. The dumping or storing of any material, equipment or refuse;
    2. Activities that may increase the risk of soil erosion or damage to vegetation.
  3. Provide for maintenance and standards for scheduled maintenance by those parties having an ownership or use interest in the dedicated open space.
  4. Provide for the assumption of maintenance by the Township if the dedicated open space land is inadequately maintained or is determined by the Township to be a public nuisance. The conveyance shall also provide for recovering the maintenance costs from the parties having an ownership or use interest in the dedicated open space, should the Township need to assume maintenance responsibilities.
- H. OWNERSHIP.** [Dedicated open space](#) shall be owned, administered and maintained by one of the following or similar entities at the discretion of the original landowner, except that Glen Arbor Township ownership is also discretionary with the Township.
1. Conveyance to:
    1. A homeowners association.
    2. A condominium association.
    3. A private conservation organization.
    4. Glen Arbor Township.
  2. Transfer of [easements](#) to Glen Arbor Township or to a private conservation organization.

- I. PERMITTED USES OF [DEDICATED OPEN SPACE](#). The use of the dedicated open space shall be as agreed upon between the applicant and the Glen Arbor Township Planning and Zoning Commission and as shown on the approved site plan and described in the [irrevocable conveyance](#). In agreeing to a dedicated open space use, careful consideration shall be given to the need for compatibility between the residential community and the Township in the uses; except that no more than 20% of the dedicated open space shall be used for developed recreational uses such as, but not limited to: golf related activities, baseball and /or soccer fields, tennis courts and/or basketball courts, pools, etc.
- J. CHANGE IN USE OF [DEDICATED OPEN SPACE](#). Dedicated open space shall be used as shown in the approved site plan. Any change in the use of the dedicated open space must be reviewed and approved by the Glen Arbor Township Zoning and Planning Commission and the Glen Arbor Township Board.
- K. ENFORCEMENT OF [DEDICATED OPEN SPACE](#) REQUIREMENTS. Whichever conveyance and ownership structure is employed, the Township Board or [Zoning Administrator](#) shall be responsible for enforcement of the terms of the dedicated open space agreement.

**SECTION XIII.9 CLUSTERED HOUSING APPLICATION AND APPROVAL PROCEDURES**

- A. PRE-APPLICATION CONFERENCE. Prior to submission of a formal application for Clustered Housing, the applicant shall request a pre-application conference with the Zoning Administrator. The purpose of the meeting will be to inform the Zoning Administrator of the applicant's intent and to determine whether the minimum eligibility requirements for Clustered Housing are satisfied. In order to demonstrate intent, the applicant shall provide the following information:
  - 1. A map of the proposed Clustered Housing site showing the property boundaries with dimensions, adjacent roads, topography, non-buildable areas, site size and existing zoning.
  - 2. A sketch plan showing a general layout of how the applicant intends to use the property (lot locations, roads, etc.). This plan must demonstrate at least the minimum eligibility requirements, the intended use of the [dedicated open space](#), and the method of dedication.
  - 3. A written statement indicating that the applicant intends to meet the minimum eligibility and density requirements, and such other information as will illustrate the applicant's intent. If the Zoning Administrator determines that the sketch plan satisfies the minimum eligibility requirements, the applicant may submit a formal Clustered Housing/Site Plan application.
- B. CLUSTERED HOUSING APPLICATION AND APPROVAL. The Clustered Housing shall be processed in accordance with SECTION XIV.7, Site Plan Review. Approval is subject to meeting the requirements as set forth in the Glen Arbor Township Parcel Division Ordinance. Approval shall be by a majority vote of the members of the Glen Arbor Township Planning and Zoning Commission.
- C. PHASING. If the site plan is approved, the landowner may, from time to time, and at the landowner's discretion, split off lots in accordance the Land Division Act, Public Act 288 of 1967, as amended, provided such splits are consistent with the approved site plan.

**SECTION XIII.10 PUBLIC HEARINGS FOR CLUSTERED HOUSING ZONING OPTION**

Before approving, denying or approving with conditions an application for a Clustered Housing Zoning Option, the Planning Commission shall hold a public hearing. Notification of the public hearing shall be given in the manner provided for in Section 103 of the MZEA [MCL 125.3103] or, if applicable, Section 306 [MCL 125.3306] and/or Section 202 [MCL 125.3202] of the MZEA.

## ARTICLE XIV ADMINISTRATION

### SECTION XIV.1 ZONING ADMINISTRATION

A [Zoning Administrator](#) shall be appointed by and on terms as shall be determined by the Glen Arbor Township Board. He/she shall perform such duties as the Township Board may prescribe in this Ordinance and/or in a position description issued by the Township Board.

### SECTION XIV.2 DUTIES

The duties of the Zoning Administrator shall include:

- A. Receive applications for Land-Use Permits and issue or deny the same;
- B. Inspect buildings, structures for Land-Use Permits and issue or deny the same;
- C. Inspect buildings, structures or sites; to determine compliance with the Land-Use Permits issued and compliance with this Ordinance,
- D. The Zoning Administrator is responsible for the enforcement of this Ordinance.
- E. Upon denial of a building permit for any reason, it will be the duty of the Zoning Administrator to inform the Zoning & Planning Commission, in writing, of such denial.
- F. The Zoning Administrator shall keep records of all applications received and action taken.
- G. In the event that a permit or approval has a time expiration or other timed condition, the Zoning Administrator shall enforce the timing provisions of such permit or approval. This duty requires that the records kept by the Zoning Administrator be organized such that time restrictions can be uniformly enforced.
- H. The Zoning Administrator shall report actions taken on applications, give input or recommendation on issues before the Planning and Zoning Commission, and other boards and committees upon request.

### SECTION XIV.3 LAND-USE PERMITS

- A. Any individual, corporation, association, officer, department, board or bureau of the Federal, State, County or Township planning to erect a conforming or non-conforming building or structure; or to alter any existing conforming or [non-conforming structure](#) which requires the use of more land area; or to rebuild a non-conforming building or structure within the same [footprint](#) and location; or to relocate or add to a non-conforming building or structure; or to expand a [non-conforming use/activity](#); or to establish a new use / activity for any premises in any Land-Use District, shall file an application in writing with the Zoning Administrator for a Land-Use Permit.
  - 1. Application for Land-Use permits in the business, recreational and resort districts (with the exception of single [family](#) dwellings) shall be accompanied with a Site Plan of the proposed use. Said Site Plan shall establish in the opinion of the Planning and Zoning Commission that the proposed use will not adversely affect, damage or destroy through alteration or development the natural features and/or archeological or historical significance of said land or said Plan will not be approved by the Zoning Administrator. Requirements for the contents of said Site Plan are contained in SECTION XIV.7 here in after.
  - 2. Prior to granting of Land-Use Permit, the Site Plan must be reviewed by the Planning and Zoning Commission.
  - 3. The Zoning Administrator shall issue a "Land-Use Permit" if such planned building, structure, or use / activity is in compliance with the provisions of This Ordinance.

### SECTION XIV.4 DISTRIBUTION OF LAND-USE PERMITS

Each Land-Use Permit shall be in triplicate and the copies shall be in distributed as follows: one to the applicant which he is to retain until construction is completed; one to the Township Supervisor; and one to be retained by the Zoning Administrator as a part of the permanent records of the Township.

### SECTION XIV.5 DENIAL OF PERMITS

The Zoning Administrator shall promptly inform the applicant of the denial of a "Land-Use Permit" if, in his opinion, such planned building or structure or use / activity does not comply with the provisions of This Ordinance.

## **SECTION XIV.6 FEES**

The Fee schedule has been removed from This Ordinance effective July 1, 1996. Fees are hereafter determined by Town Board action.

## **SECTION XIV.7 REQUIREMENTS FOR SITE PLAN**

Requirements for the contents of the Site Plan as required in SECTION XIV.3 are:

- A. Name(s) and address (es) of the applicant(s).
- B. Nature of applicant's holding in the proposed site property.
- C. Name (s) and address (es) and professional qualifications of the person (s) responsible for the preparation of the Site Plan.
- D. Project description and purpose containing a descriptive explanation of the project, its nature, location and purpose, including six (6) copies and one (1) reproducible transparency of a schematic development plan of the proposed development showing:
  1. General site location of the proposed development.
  2. Major existing physical and natural features such as watercourses, rock outcropping, wetlands, wooded areas, etc.
- E. Location of the existing utilities and drainage ways.
- F. Location and names of public streets, parks, and railroad and utility rights-of-way within or adjacent to the proposed development.
- G. General location and dimensions of proposed streets, [driveways](#), sidewalks, pedestrian ways, trails, off-street parking and loading areas.
- H. General location and approximate dimensions of proposed structures.
- I. Major proposed change of land forms such as new lakes, terracing and excavating.
- J. Approximate existing and proposed contours and drainage patterns, showing at least five (5) foot contour intervals.
- K. Sketch (es) showing the scale, character and relationship of buildings, streets and open space.
- L. Approximate location and type of proposed drainage, water and sewerage facilities.
- M. Legal description of property.
- N. A general narrative, physical description of the site, including its dominant characteristics, its vegetative character, its present use and other relevant information.
- O. The Fire Chief shall be notified to attend the Site Plan Review meeting in order to render expertise, comments, and opinions to the members or the Zoning & Planning Commission regarding the proposed site plan.

## **SECTION XIV.8 SITE PLAN REVIEW AND APPROVAL STANDARDS**

A site plan shall be submitted to the Zoning Administrator for all uses so specified in this Ordinance, as well as for all those uses requiring four or more parking spaces, or having more than 10,000 square feet of building area and shall include the information required in Section XIV.7 as well as any additional information required in this Ordinance. Each site plan shall be reviewed by the Planning Commission and shall be approved only if it conforms with the applicable provisions of this Ordinance and the standards listed below:

- A. Drainage:** Site plans shall fully conform with the published surface water drainage standards of the County Drain Commission.
- B. Traffic:** Site plans shall fully conform with the driveway and traffic safety standards of the Township, or as may be applicable, the Michigan Department of Transportation and/or the County Road Commission.
- C. Public Safety:** Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of the Township Fire Chief and the State Construction Code.
- D. Erosion:** Site plans shall fully conform with the County Soil Erosion and Sedimentation Control Ordinance.
- E. Public Health:** Site plans shall fully conform with the requirements of the Michigan Department of Public Health and the District Health Department with approval authority.
- F. Compliance:** Site plans shall fully conform with all applicable state and federal statutes.
- G. Hazardous Substances Management:** The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances, as defined by applicable state and federal regulations, from contaminating the environment including:
  1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
  2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
  3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
  4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

**SECTION XIV.9 NOTICES FOR PUBLIC HEARINGS**

Whenever this Zoning Ordinance or the Michigan Zoning Enabling Act requires a public hearing to be held, notice of the public hearing shall be given in the manner provided for in Section 103 of the MZEA [MCL 125.3103], as modified (where appropriate) by the following Sections:

- Section 202 [MCL 125.3202];
- Section 306 [MCL 125.3306];
- Section 401 [MCL 125.3410];
- Section 502(2) and (3) [MCL 125.3502(2) and (3)];
- Section 503(5) [MCL 125.3503(5)];
- Section 508(4) [MCL 125.3508(4)];
- Section 604(4) [MCL 125.3604(4)]; and
- Section 604(5) [MCL 125.3604(5)].

**ARTICLE XV     NUISANCE PER SE:**  
**ENFORCEMENT PENALTIES FOR VIOLATION**

**SECTION XV.1     NUISANCE PER SE**

Uses of land, and dwellings, buildings or structures, including tents and mobile homes, used, erected, altered razed or converted in violation of any provision of This Ordinance or regulations or conditions adopted (or imposed) under authority of This Ordinance, are a Nuisance per se.

**SECTION XV.2     PENALTIES**

- A. Abatement. The Court shall, on complaint of the Zoning Administrator, order any nuisance under SECTION XV.1 abated, and the owner or agent in charge of the subject premises shall be liable for maintaining the nuisance per se.
- B. Municipal Civil Infraction.
  - 1. Any person, firm, association, corporation or other entity which shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions imposed by the Board of Appeals or the Planning Commission pursuant to this Ordinance or otherwise pursuant to Michigan law shall, unless such violation has abated, ceased to exist or otherwise been remedied within seven (7) days after being provided with written notice of such violation from the Code Enforcement Officer, be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which Glen Arbor Township has been put in connection with the municipal infraction. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. Provisions of this Ordinance may also be enforced by suit for injunctive relief.

Civil Fines for Municipal Infractions

Unless otherwise provided elsewhere within this Ordinance for specific violations, Civil Fines for municipal civil infractions shall be assessed in accordance with the following schedule:

	<u>Fine</u>
1 <sup>st</sup> violation within 3-year period	\$ 250.00
2 <sup>nd</sup> violation within 3-year period	\$ 500.00
3 <sup>rd</sup> violation within 3-year period	\$1,000.00

- 2. The Township Zoning Administrator, and such other persons designated by Resolution of the Township Board, shall be authorized to issue notices and citations for municipal civil infractions.
- 3. Upon failure of the offender to abate a particular condition as ordered, the Township may enter the property to do so and be reimbursed by the offender for any costs which costs may be recovered by the creation of a lien pursuant to applicable law.
- 4. In addition to ordering the offender to pay the civil fine, costs, and damages and expenses, the Judge or District Court Magistrate may issue other writs or orders as permitted by law.
- C. Other Remedies. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law.

**ARTICLE XVI     ZONING BOARD OF APPEALS**

**SECTION XVI.1     CREATION**

A Zoning Board of Appeals is hereby established.

## **SECTION XVI.2 MEMBERSHIP**

- A.** There shall be five (5) members of the Zoning Board of Appeals as follows:
  - 1. A member of the Township Planning and Zoning Commission. The Planning and Zoning Commission shall make a recommendation to the Township Board concerning this appointment.
  - 2. A member of the Township Board.
  - 3. All Five (5) members must be electors residing in the Township full time. Members should be representative of the population distribution, various interests present in the Township, and members should have prior zoning and planning qualifications.
- B.** Terms for all members shall be for three (3) years, except for members serving because of their membership on the Planning and Zoning Commission or the Township Board, whose terms shall be limited to the time they hold such office.
- C.** A successor should be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D.** An elected officer of the Township shall not serve as chairman of the Zoning Board of Appeals. An employee of or contractor to the Township Board may not serve on the Zoning Board of Appeals.

## **SECTION XVI.3 PER DIEM**

Members of the Zoning Board of Appeals may be paid ten (\$10.00) dollars per diem, plus expenses actually incurred, if appropriation for such payment is made in advance by the Township Board; otherwise, the members will serve without pay.

## **SECTION XVI.4 PROCEDURES**

The Zoning Board of Appeals shall appoint one (1) of its members to be Chairman and one (1) to be Secretary, and it shall establish rules and regulations to govern its procedure when acting upon appeals. A majority vote of its members shall be required to reverse any decision or determination of the Zoning Administrator or to approve any variation in the application of This Ordinance.

## **SECTION XVI.5 PUBLIC MEETINGS**

All meetings of the Zoning Board of Appeals shall be open to the public and shall be held in compliance with the Michigan Open Meetings Act [MCL 15.261 et seq].

## **SECTION XVI.6 POWERS OF THE ZONING BOARD OF APPEALS**

The Zoning Board of Appeals is empowered to act only upon the following matters

- A.** Questions arising in the administration of this Ordinance regarding the interpretation of this Zoning Ordinance, including interpretation of the Glen Arbor Township Zoning Map
- B.** Appeals from an order or decision made by the Zoning Administrator, the Planning Commission or any other official body where it is alleged by the appellant that there is an error in such order or decision.
- C.** All matters which this Ordinance properly refers to the Board of Appeals for determination.
- D.** Requests for a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in the Zoning Ordinance. In granting a variance, the Zoning Board of Appeals may impose conditions as is otherwise allowed under this Ordinance. Before granting a nonuse variance, the Zoning Board of Appeals shall find:
  - 1. The strict application of the provisions of this Ordinance would result in practical difficulties which relate only to the property for which the variance is sought. The practical difficulties shall:
    - a. prevent the carrying out the strict letter of this Ordinance;
    - b. are related to the physical characteristics of the property and not economics;
    - c. consist of extraordinary physical conditions such as shallowness, slope or topography of the property involved, or to the intended use of the property, or uses in the same zoning district.
  - 2. Granting the variance will not be contrary to the public interest or to the intent of this Ordinance.
  - 3. Granting the variance shall not have the effect of permitting the establishment within a district of any use which is not permitted by right within that zoning district.
  - 4. Granting the variance will not cause a substantial adverse effect upon property values in the immediate vicinity of the request.

5. Granting the variance is necessary for the preservation of substantial property rights possessed by other properties in the same zoning district.
6. Granting the variance will observe the spirit of this Ordinance.

## **SECTION XVI.7 APPEALS; PROCEDURES**

- A. Appeals.** An appeal under this Zoning Ordinance to the Zoning Board of Appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken and with the Zoning Board Appeals of a written notice of appeal specifying the grounds for the appeal, accompanied by such fee as is established from time to time by resolution of the Township Board. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

- B. Variances.** All requests for variances over which the Zoning Board of Appeals has jurisdiction shall be filed in writing with the Zoning Administrator accompanied by such fee as is established from time to time by resolution of the Township Board.

Following receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in section 16.3

- C. Reasonable Conditions.** The Zoning Board of Appeals may impose conditions with an affirmative decision, including conditions necessary to insure that public services and facilities affected by the appeal will be capable of accommodating the loads caused by the use, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

- D. Finality of Decision.** The decision of the Zoning Board of Appeals shall be final.

## **SECTION XVI.8 STAY OF PROCEEDINGS**

An appeal stays all proceedings in the action appealed.

## **SECTION XVI.9 HEARINGS**

The Board of Appeals shall fix a reasonable time for hearing of an appeal, and shall give due notice thereof to all parties concerned, and shall decide the issue in a reasonable time, said decision to provide that the spirit of This Ordinance shall be observed, public safety secured, and substantial justice done.

## **SECTION XVI.10 APPEAL TO CIRCUIT COURT**

Any party aggrieved by a decision of the Zoning Board of Appeals may file an appeal with the Leelanau County Circuit Court. As provided in MCL 125.3606(3), an appeal to circuit court under this section shall be filed within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision.

## **SECTION XVI.11 APPEALS FEE**

A fee, as set by the Township Board, Shall be charged to cover the cost of the Appeals Hearing.

# **ARTICLE XVII SEPARABILITY**

## **SECTION XVII.1 VALIDITY**

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