Suttons Bay Township

Zoning Ordinance

Compiled Draft for

Planning Commission Review 12-7-2021

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Article 1

Title, Purpose, and Enabling Authority

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Section 1.1 Title

This Ordinance shall be known as the Suttons Bay Township Zoning Ordinance and will be referred to herein as the Ordinance.

Section 1.2 Purpose

The purpose of the Ordinance is to protect the public health, safety, and general welfare of the inhabitants of Suttons Bay Township, through the establishment of zoning districts within which the proper use of land and natural resources may be encouraged and regulated to achieve planned orderly growth and development for the Township, preventing overcrowding of lands, avoiding undue congestions of population, and facilitating transportation, public utilities, fire safety, and for other purposes of the Michigan Zoning Enabling Act.

Section 1.3 Enabling Authority

This Ordinance is enacted pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.).

Section 1.4 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.

Section 1.5 Relationship to Land Use Master Plan

The Zoning Ordinance and the Zoning Map are based upon the Suttons Bay Community Joint Master Plan of August 2011, and the supporting documents.

Article 2
Definitions

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Section 2.1 Rules Applying to the Text

For the purposes of this Ordinance, certain rules of construction apply to the text as follows:

A. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.

B. The word "person" includes a corporation or firm as well as an individual.

C. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

D. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."

E. Any word or term not interpreted or defined by this Article shall be used with a meaning in common or standard usage. Any current standard collegiate dictionary is considered to be common or standard usage.

Section 2.2 Definitions

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

ACCESSORY BUILDING: See BUILDING, ACCESSORY.

ACCESSORY DWELLING UNIT: A self-contained dwelling unit in an owner-occupied single family home/lot that is either attached to the principal dwelling or in a separate structure on the same property.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY USE: See USE, ACCESSORY.

ADULT BOOKSTORE: See ADULT AND SEXUALLY ORIENTED BUSINESS.

ADULT CABARET: See ADULT AND SEXUALLY ORIENTED BUSINESS.

ADULT DRIVE-IN: See ADULT AND SEXUALLY ORIENTED BUSINESS.

ADULT FILM STORE: See ADULT AND SEXUALLY ORIENTED BUSINESS.

ADULT FOSTER CARE (AFC): The care of adults who do not require nursing care, but who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care This does not include persons released from or assigned to adult correctional institutions.

ADULT FOSTER CARE FAMILY HOME: A private home or facility licensed by the State, where no more than six (6) adults are receiving foster care for 5 or more days per week.

ADULT FOSTER CARE SMALL GROUP HOME: A facility licensed by the State, where from seven(7) to twelve (12) adults are receiving foster care.

ADULT MOTION PICTURE THEATER: See ADULT AND SEXUALLY ORIENTED BUSINESS.

ADULT AND SEXUALLY ORIENTED BUSINESS: includes adult bookstore, adult cabaret, adult drive-in, adult film store, and adult motion picture theater as defined below:

> ADULT BOOKSTORE: An establishment having as a substantial portion of its stock in trade books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined by this ordinance.
>
> ADULT CABARET: A bar, lounge, club or other establishment which, whether or not it sells alcoholic or non-alcoholic beverages, and/or food, features as part of the regular entertainment, topless or bottomless dancers, strippers, or similar entertainers, whether male or female, whose acts are characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this ordinance.
>
> ADULT DRIVE-IN: An open-air establishment in which a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this ordinance.
>
> ADULT FILM STORE: An establishment in which a substantial portion of its stock in films, video tapes, video disks, or similar items are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this ordinance.
>
> ADULT MOTION PICTURE THEATER: An enclosed building in which a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical

areas" as defined by this ordinance.

AGRICULTURAL SUPPORT: A manufacturing or service industry which serves the local farming community, not just the farm on which it operates.

AGRICULTURE: See FARM.

AGRITOURISM: Land use that is agriculturally-based with products or activities that brings customers to the site AND which is TWO of the following:

1. a farm operation
2. producing a farm product
3. as commercial activity

BED AND BREAKFAST: A single unit dwelling in which temporary guest accommodations, and possibly meals, are provided on a commercial basis.

BERM: An earthen mound rising to an elevation above the ground designed to provide visual interest, screen undesirable views and/or decrease noise.

BOATHOUSE: A structure erected at the shore of a lake or watercourse, and partially over the water, used for the sole purpose of noncommercial mooring and storing of watercraft and related equipment.

BUFFER: A strip of land with plantings and/or structures which may be required to protect one type of land use from another, or to minimize or eliminate conflicts between them. Compare GREENBELT and SCREEN.

BUFFER YARD: An open space, landscaped area, fence, wall, berm, retention/detention pond or any combination thereof used to physically separate potentially incompatible uses on adjoining lots.

BUILD: See ERECT.

BUILDABLE AREA: The portion of a lot, parcel or site, exclusive of required setbacks, landscaping or open space, within which buildings may be built.

BUILDING: Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, mobile homes and vehicles whether or not mounted on wheels.

BUILDING, ACCESSORY: A subordinate building, which may or may not be attached to a principal building, occupied by or devoted exclusively to a use which is accessory and clearly incidental to the principal permitted use.

BUILDING, DETACHED: A building having no structural connection with another building.

BUILDING, NONCONFORMING: See NONCONFORMING BUILDING OR STRUCTURE.

BUILDING HEIGHT: The vertical distance from the average elevation of the proposed finished grade along the wall of a building or structure to the highest point of the roof. Chimneys, spires, cupolas and similar minor projections not intended for human occupancy shall not be included in the total building height.

BUILDING, PRINCIPAL: A building or group of buildings in which is conducted the main or principal use or activity permitted on the lot where the building is located.

BUSINESS OFFICE: A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry or government.

BUSINESS SERVICE: Establishment that renders professional services rather than provides goods.

CAMPGROUND: A parcel of land upon which two or more campground sites are located, established, or maintained for occupancy by recreational vehicles, tents, or other individual camping units by the general public as temporary living quarters for recreational purposes. (Annotation: Definition changed by Amendment 01-001 effective on March 1, 2001)

CAMPGROUND SITE: A plot of ground within a campground intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis. (Annotation: Definition added by Amendment 01-001 effective on March 1, 2001)

CHILD CARE:

FAMILY CHILD CARE HOME: A private home registered with the State Department of Social Services, where one (1) to six (6) children are received for care and supervision for periods of less than twenty-four (24) hours per day.

GROUP CHILD CARE HOME: A private home, licensed by the Department of Social Services, where from seven (7) to twelve (12) children are received for care and supervision for periods of less than twenty-four (24) hours per day.

CHILD CARE CENTER: A facility other than a private home, licensed by the State of Michigan Department of Social Services, where one or more children are received for care and supervision for periods of less than twenty-four(24) hours per day. This includes PRESCHOOLS and DAY NURSERIES.

CHURCH: A building or site, wherein people regularly assemble for religious expression or which has been established by a religious body organized to sustain that public religious expression. Included are all accessory buildings and uses customarily associated with a church. "Church", although it customarily might be considered a Christian entity, for purposes of this ordinance should be considered to be synonymous with such words as "temple", "mosque" or "meeting" and the religious philosophies which they represent.

CLEAR SIGHT DISTANCE: An area found at an intersection or curve in a road system that allows for unobstructed vision for the operator of the vehicle.

CLUSTER HOUSING: See Article 16.

CO-LOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

COMMERCIAL ACTIVITY: In the context of a FARM OPERATION means performing commercial production of any amount, without any minimum threshold of commercial activity.

COMMERCIAL FARM: a farm which had produced agricultural or horticultural products worth $2,500 or more annually for at least three of the past five years.

COMMERCIAL STORAGE: A space, or a place, for the safekeeping of personal property for profit.

COMMISSION: A Planning Commission formed under the Township Planning Act or, if no Planning Commission has been appointed by the Suttons Bay Township Board of Trustees, the Suttons Bay Township Zoning Board.

CONDOMINIUM: A form of ownership where the "homeowner" shares ownership in property, whose maintenance is a group responsibility, and where the individual enjoys the use of the space within the dwelling, under the Condominium Act, Michigan Public Act 59 of 1978, as amended.

CONDOMINIUM, SITE: A site condominium is a condominium where there is shared responsibility for common areas, but where the individual not only enjoys the use of his dwelling, but is responsible for maintaining it and the yard assigned to him, under Michigan Public Act 59 of 1978 as amended. See LOT.

CONDOMINIUM LOT(S), SITE: In the case of a site condominium, the lot shall be the condominium unit, which consists of the building envelope plus the limited common area surrounding the unit. (Annotation: Definition added by Amendment 17-004, effective October 27, 2017)

CONDOMINIUM UNIT - That portion of the condominium project designed and intended for separate ownership interest and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use. (Annotation: Definition added by Amendment 17-004, effective October 27, 2017)

CONIFEROUS: Plants/trees which retain foliage throughout the year.

CONSTRUCTION SERVICE: Establishment used for the housing and/or storage of materials, operation of machinery, and/or the fabrication of building-related products, and may also include the contractor's business office.

CUT-OFF SHIELDING: A technique or method of construction which causes light emitted from an outdoor light fixture to be projected only below an imaginary horizontal plane passing through

the fixture below the light source.

DAY CARE: See CHILD CARE.

DECIDUOUS: Plants/trees which lose their leaves in the fall.

DECK, AT GRADE**:** a deck that shall not exceed one foot above existing or proposed grade at any level.

DENSITY: The number of dwelling units existing or to be developed per acre of land.

DISTRICT, ZONING: An area for which there are uniform zoning requirements governing the use of buildings and premises, the size and height of buildings, the size of yards, and the density of development.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary to preserve the water supply or to prevent or alleviate flooding.

DRIVEWAY: a vehicular access from a lot to a public or private road.

DUPLEX: A building or part thereof containing two dwelling units.

DWELLING: Any building serving people as a home, residence, or sleeping place and having kitchen and bath facilities.

DWELLING, MULTI- FAMILY: A building containing three or more dwelling units.

DWELLING, SINGLE FAMILY: A detached building containing one dwelling unit.

DWELLING, SINGLE FAMILY ATTACHED: A dwelling unit which is part of a building containing two or more dwelling units with common walls on property lines so that only one dwelling unit is located on each lot.

DWELLING UNIT: A dwelling unit for one family.

DWELLING UNIT, ACCESSORY: See ACCESSORY DWELLING UINT.

ENCLOSED, LOCKED FACILITY: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

EVERGREEN: see CONIFEROUS

FAMILY: One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. A domestic employee residing in the dwelling unit shall be considered part of the family. This definition shall not include any society, club, fraternity, sorority, association, lodge,

organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FARM: Land use which may be the principle use or the accessory use on a parcel and includes ALL of the following:

1. a farm operation
2. producing a farm product
3. as a commercial activity
4. which complies with GAAMPS

FARM MARKET: A permanent, enclosed accessory farm building or portion thereof used for the purpose of selling seasonal farm products.

FARM OPERATION: The same as defined in the Michigan Right to Farm Act, M.C.L. 286.472(b).

FARM PRODUCT: The same as defined in the Michigan Right to Farm Act, M.C.L. 286.472(c).

FARM STAND: A temporary structure, or a Type 1 Outbuilding, used for selling seasonal farm products directly to the customer.

FENCE: A structure or barrier enclosing a field, yard, or other space, or separating it from an adjoining area; especially a structure of rails, pickets, or wooden or metal openwork. Compare SCREEN.

FENCE, AGRICULTURAL: A structure or barrier enclosing a field, yard, or other space, or separating it from an adjoining area; especially a structure of rails, pickets, or wooden or metal openwork.

FENCE, BOUNDARY: A structure or barrier, located in the setback, enclosing a field, yard, or other space, or separating it from an adjoining area; especially a structure of rails, pickets, or wooden or metal openwork.

FENCE, SCREENING: A manmade barrier, usually made of wood, metal, or masonry, intended to block the view of mechanical equipment, outdoor storage, or other such items.

FLOOD PLAIN: Land adjoining or connected to a water body or watercourse which is subject to being inundated, as reported by the U.S. Army Corps of Engineers or other applicable Federal and State Agencies. Compare WETLANDS.

FLOOR AREA: The sum of the horizontal areas of the several floors of a building, measured from the interior face of the exterior walls.

FRONTAGE ROAD: A secondary road parallel and immediately adjacent to a primary road or other road for which the Leelanau County Road commission specifies a design speed of 45 or more miles per hour.

FRUIT RECEIVING STATION: A business which receives raw fruit from area farms, for shipment to market.

GARAGE, RESIDENTIAL: An accessory building, freestanding or attached to a dwelling, designed and used primarily for the parking and storage of motor vehicles, boats, and equipment belonging to those in residence.

GLARE: Light directly visible to a viewer's eye, either directly from a light source, reflected or refracted.

GOLF COURSE: An area of land laid out for the game of golf with a series of nine (9) or eighteen (18) holes including tees, greens, fairways, and often one or more natural or artificial hazards, practice driving ranges, and a clubhouse. This definition does not include mini-golf or similar amusement park types of games.

GROUND COVER: Low-growing, woody shrubs, deciduous or evergreen plants, perennial plants and/or vines, or turf.

GROUP DAY CARE HOME: See CHILD CARE.

GROUP HOME: A private home, licensed by the State of Michigan Department of Social Services, where from seven (7) to twelve (12) persons receive care and supervision.

HARDSHIP: Unnecessary and illogical deprivation of an individual's property rights which are enjoyed by others in the same zoning district.

HAZARDOUS SUBSTANCE: A hazardous substance is a chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment.

HEIGHT: See BUILDING HEIGHT.

HIGH INTENSITY FOOD PROCESSING: A process by which raw agriculture ingredients are transformed, by physical or chemical means, into a marketable product through means and operations that may produce noise and traffic volumes in excess of what is usually found in the district. High-intensity food processing includes processes such as fruit receiving, _____, and the like.

HOME BUSINESS: An occupation carried on within a dwelling unit, which is subordinate and incidental to the residential use, but which is more intense than a home occupation as defined in this Ordinance, and which has the potential of having an adverse impact on the residential character of the neighborhood.

HOME OCCUPATION: An accessory use of a dwelling unit involving the manufacture, provision, or sale of goods and/or services, which is clearly subordinate and incidental to its use as a residence.

IMPERVIOUS SURFACE: For purposes of this Ordinance this definition includes surfaces which

prevent or impede normal water infiltration and/or cause runoff to other areas but is not limited to: (1) all buildings, and structures (area measured at roof gable end and eave lines), (2) stairs, walkways, driveways and parking or other areas comprised of cementitious substances, or any bituminous substance, including asphalt, and (3) any subbase of plastic or any shield which prevents or impedes water penetration.
Not considered an impervious surface are brick pavers, paver stone, graveled surfaces, decks, stairways and walkways with gaps in their surface structure (e.g., wooden decks with open cracks between the deck boards) that allow water to readily pass through the structure.

INVASIVE: A non-indigenous (e.g. plants or animals) that adversely affect the habitats they invade economically, environmentally or ecologically.

LANDSCAPING: The planting and continuous maintenance of some combination of trees, shrubs, grass, flowers, ground cover, and other decorative features to land, and may include natural features such as rock, stone, brick, earthen berms, and structural features such as benches, fountains, pools, and art work.

LARGE ACREAGE RECREATION: A non-motorized recreational land use than requires multiple acres of contiguous lands.

LATTICE TOWER: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure often tapering from the foundation to the top.

LODGING: A commercial establishment with one (1) or more buildings whose primary use is to provide temporary overnight accommodations within individual guest rooms or suites to the general public for compensation.

LOT: A parcel of land unbroken by a street or road, on which a principal building or structure and/or use, and/or accessory structures or uses may be located. In the case of a site condominium, the lot shall be the condominium unit, which consists of the building envelope plus the limited common area surrounding the unit.

LOT AREA: The total horizontal area within the lot lines of a lot, excluding any easement for a street or right-of-way.

LOT, CORNER: A lot abutting on two streets or roads at their juncture, when the interior angle is less than one hundred and thirty-five (135) degrees.

LOT COVERAGE: That percentage of the parcel covered by all buildings and structures located on the parcel.

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

LOT LINES: The perimeter boundary lines of a lot.

LOT LINE, FRONT: That line separating said lot from any public or private street or road right-of-

way/easement.

(Annotation: Definition amended by Township Ordinance No. 3 of 2011, effective June 24, 2011)

LOT LINE, REAR: That lot line or shoreline opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than the front lot line or the rear lot line.

LOT LINE, ZERO: See ZERO LOT LINE.

LOT OF RECORD: A lot which is part of a subdivision or preliminary plat approved by the Township Board prior to the date of this Ordinance. Also a lot described by metes and bounds, the deed or other conveyance to which has been recorded with the Register of Deeds in Leelanau County prior to the effective date of this Ordinance.

LOT, WIDTH: The straight line horizontal distance between the side lot lines, measured at the two points where the front setback line intersects the side lot lines.

LOW IMPACT DESIGN (LID): A system or practice of handling stormwater runoff by using or mimicking natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat.

LOW IMPACT AGRICULTURAL PROCESSING: A process by which raw agriculture ingredients are transformed, by physical or chemical means, into a marketable product. Low-intensity food processing includes processes such as washing and preparing produce for market, brine pits, and the like.

MANUFACTURING: Establishment engaged in the indoor manufacturing, assembly, fabrication, packaging, or other industrial processing of finished parts, or products from previously prepared materials.

MARIJUANA OR MARIHUANA: That term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

MEDICAL USE: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

MONOPOLE: A support structure constructed of a single wooden pole or a self-supporting hollow metal or composite tube securely anchored to a foundation.

MOTORBOAT: Watercraft with motors 5 horsepower and over or the equivalent; other boats or personal watercraft capable of being propelled at speeds greater than 35 miles per hour.

MULTI-FAMILY or MULTI-FAMILY DWELLING: A building containing three or more dwelling units.

NONCONFORMING BUILDING or STRUCTURE: A building or structure or portion thereof lawfully

existing at the time of adoption of this Ordinance or of any amendments, that does not conform to the dimensional requirements of the Ordinance in the zoning district in which it is located.

NONCONFORMING USE: A use of a building or structure or of land, lawfully existing at the time of adoption of this Ordinance or of any amendments, that does not conform to the regulations of the Ordinance in the zoning district in which it is located.

OPEN SPACE: Land that is permanently preserved from development through legal conveyance.

OUTBUILDING:

TYPE 1 OUTBUILDING: A structure not connected to a primary structure on the parcel that is under one-hundred-twenty (120) square feet, such as a garden shed.

TYPE 2 OUTBUILDING: A structure not connected to a primary structure on the parcel that is greater than one-hundred-twenty (120) square feet and less than one-thousand (1,000) square feet, such as a detached garage.

TYPE 3 OUTBUILDING: A structure not connected to a primary structure on the parcel that is greater than one-thousand (1,000) square feet and less than five-thousand (5,000) square feet, such as a pole building.

TYPE 4 OUTBUILDING: A structure not connected to a primary structure on the parcel that is greater than five-thousand (5,000) square feet and less than ten-thousand (10,000) square feet, such as a large agricultural building.

PARCEL: An area of land.

PARK: A non-commercial area of land set aside for public use.

PARKING LOT: A lot whose principal use is the parking of motor vehicles, where parking space is rented to the general public or reserved for individuals by the hour, or for some more extended period of time.

PARKING SPACE: A surfaced area of not less than nine (9) by twenty (20) feet, exclusive of drives or aisles, for the parking of motor vehicles, and so located as to be readily accessible to a public road, street or alley.

PRIMARY CAREGIVER: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

PRIMARY CAREGIVER FACILITY: The principal dwelling in which the activities of a primary caregiver are conducted.

PRIMARY ROAD: US numbered highways, Michigan State highways and numbered "Primary County routes" delineated on the "Leelanau County Transportation Map and Address Guide", as

amended from time to time, are primary roads.

PRIMARY STRUCTURE: The following shall be considered primary structures: the residential dwelling, garage, and attached decks. Storage buildings, boat houses, gazebos, stairways, and unattached decks shall not be considered primary structures.

PUBLIC RECREATIONAL TRAILS: Non-motorized transportation and recreation corridors for such uses as walking, jogging, bicycling, cross-country skiing, or snowshoeing, intended for use by the public.

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

QUALIFYING PATIENT: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

RECREATION VEHICLE: A motorized vehicle, or a vehicle mounted on or drawn by another motorized vehicle, primarily designed and used as temporary living quarters for recreational camping or travel.

RECREATIONAL AREAS: Specific areas designated for recreational use that include playgrounds, baseball fields, tennis courts, volleyball courts, badminton courts, shuffleboard games, basketball courts, swimming areas and pools, horseshoe games, archery range, and nature trails.

RESIDENTIAL: A structure designed or adapted for people to live in.

RESORT AND RECREATIONAL ACTIVITIES: A land use which is recreational uses that involve relatively low impact to its surrounding, such as but not limited to: walking, picnicking and non-motorized water activities.

RESTAURANT: A business located in a building where meals are prepared, sold and served for consumption on the premises. This excludes consumption in parked cars, and also "fast food restaurants."

RETAIL: A store, market, or shop in which commodities are sold, or offered for sale, directly to the consuming public.

SAWMILL: A mill or machine for sawing logs into lumber, operated at one location for more than six months.

SCHOOL: A public or private educational institution offering a conventional academic, alternate or vocational curriculum from kindergarten through twelfth grade (K-12). For purposes of this

ordinance "school" includes all adjacent properties owned or used by the institution for education, research and recreational purposes.

SCREEN: A high fence, or hedge of natural materials such as trees, shrubs and other plant materials, providing a visual and/or sound barrier between the area screened and adjacent property. Compare FENCE and BUFFER and GREENBELT.

SEASONAL WORKER: An employee who performs labor or services on a seasonal basis.

SEASONAL WORKER HOUSING: Housing for seasonal workers.

SECONDARY COUNTY ROAD: Any paved (bituminous, concrete, or seal coat) road within the township under the jurisdiction of the Leelanau County Road Commission, which is not a primary county road, not constructed within a residential development and not specifically intended to serve residential development.

SETBACK: The required minimum unoccupied distance between the lot line or the shoreline, and the principal or accessory buildings or structures.

SETBACK, FRONT: The required minimum unoccupied distance, extending the full lot width, between the principal or accessory buildings or structures and the front lot line.

SETBACK, REAR: The required minimum unoccupied distance, extending the full lot width, between the principal or accessory buildings or structures and the lot line or shoreline opposite the front lot line

SETBACK, SIDE: The required minimum unoccupied distance, extending from the front setback to the rear setback, between the principal or accessory buildings or structures and the side lot line.

SETBACK AREA OR YARD: The area between the lot lines and the lines representing required minimum setbacks from those lot lines.

SETBACK AREA OR YARD, FRONT: An area extending the full width of the lot between the front lot line and a line representing the required minimum setback from the front lot line.

SETBACK AREA OR YARD, REAR: An area extending the full width of the lot between the rear lot line and a line representing the required minimum setback from the rear lot line.

SETBACK AREA OR YARD, SIDE: An area extending from the front setback area to the rear setback area, between the side lot line and a line representing the required minimum side setback.

SHORELINE: The property line along the shore of any part of Lake Michigan at the Ordinary High Water Mark as defined in the Great Lakes Submerged Lands Act, Act 247, P.A. 1955, as amended (579.8 feet International Great Lakes Datum) or the property line along the shore of Lake Leelanau at the water level established by the Inlands Lakes and Streams Act, Act 346, of the

Michigan Public Acts of 1972 as amended, by court order or the actual water's edge, whichever is furthest landward.

SHORELINE PROPERTY: All parcels located in the Residential Zoning District that are located between a water body and a public road, with a water body as one lot line. Parcels located on the upland side of a road running along a water body shall not be considered Shoreline Property.

SHORT TERM RENTAL: The commercial use of renting a dwelling unit for a period of time less than thirty (30) consecutive calendar days. Short Term Rental does not include a bed and breakfast permitted and operated in accordance with the Suttons Bay Township Zoning Ordinance.

SHRUB: A woody, deciduous or coniferous plant that is smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

SITE CONDOMINIUM: See CONDOMINIUM, SITE.

SITE CONDOMINIUM LOT(S): See CONDOMINIUM LOT(S), SITE

SITE PLAN: A drawing showing all the salient features of a proposed project or development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

SITE PLAN APPLICATION: The documents and detailed drawings required for site plan review under Article III, Section 3.11, Site Plan Review.

SMALL WIND ENERGY SYSTEM TOWER HEIGHT: The height above grade measured to the top including the tower and blades when fully extended.

SPECIAL EVENT: An event such as, but not necessarily limited to, an exhibition, banquet, reunion, benefit, ceremony or service, typically occurring in a building, structure, or outdoor area for which admission/registration may be required, or may be rented, leased, or donated to private parties on a limited basis. The term “special event” does not include events for the personal use by the property owner or lessee.

SPECIAL LAND USE: See USE, SPECIAL.

STORAGE: See COMMERCIAL STORAGE.

STREETS: Secondary roads which function as internal circulation for residential, industrial, commercial areas, or general local access routes.

STRUCTURE: Any construction or pieces of material artificially built up or composed of parts joined together in some definite manner. These include, but are not limited to, dwellings, garages, attached garages, sheds, accessory buildings (barns, out buildings, pole barns, gazebo’s) decks that are not at grade, antennae, satellite dishes, stairways, carports, and communication

towers. Structures do not include: At grade decks, sidewalks, driveways, parking lots, drain fields, flagpoles, mailboxes, underground tanks, fences, retaining walls, landscaping, at grade patios, shoreline stairways, tents or canopies.

STRUCTURE, ACCESSORY: A subordinate structure, which may or may not be attached to a principal building or structure, occupied by or devoted exclusively to a use which is accessory and clearly incidental to the principal permitted use.

STRUCTURE, NONCONFORMING: See NONCONFORMING BUILDING OR STRUCTURE.

TELECOMMUNICATION: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

TOPOGRAPHIC MAP: A map showing the physical configuration and features of a tract of land, with contour lines at sufficient intervals to permit determination of grades and drainage patterns.

TOTAL GROSS ACREAGE: The total acreage of the parcel, including any public roads contained therein.

TREE, CANOPY: Any deciduous tree the height of which exceeds 35' at maturity.

TREE, UNDERSTORY: Any deciduous tree the height of which is less than 35' at maturity.

TYPE 1 OUTBUILDING: See OUTBUILDING.

TYPE 2 OUTBUILDING: See OUTBUILDING.

TYPE 3 OUTBUILDING: See OUTBUILDING.

TYPE 4 OUTBUILDING: See OUTBUILDING.

USE, CHANGE OF: Substitution of one thing for another specifically regarding the use of land or use of a building.

USE, ACCESSORY: A use incidental and subordinate to the principal use of the land or structure.

USE, NONCONFORMING: See NONCONFORMING USE.

USE, PRINCIPAL: The principal or dominant use of the land or structure.

USE, SPECIAL: A use having greater than usual impact on the environment, the community and/or the neighboring property holders, which must be reviewed and approved by the Commission, after the plans for development have been presented at a public hearing/hearings and reviewed by all affected government agencies.

VARIANCE: A modification of the dimensional provisions of this Ordinance granted by the Zoning Board of Appeals when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the specific property.

WATERCRAFT: Canoes, jet skis, boats, sailboards, rafts, seaplanes, and all other waterborne vessels.

WATER'S EDGE: See SHORELINE.

WETLANDS: Land where water is found, either on the surface or underground near the surface, all year or for only a limited period of time. Poorly drained soils and water-loving vegetation help to identify wetlands. Final determination of wetlands is made by the State of Michigan Envorinment, Great Lakes, and Energy department, which administers the Gormaere-Anderson Wetland Protection Act, Act 203 of 1979. Compare FLOOD PLAIN.

WIND ENERGY CONVERSION SYSTEM (WECS): A tower, pylon, or other structure, including all accessory facilities, upon which is mounted a wind vane, blade, or series of wind vanes or blades, or other devices connected to a rotor for the purpose of converting wind into mechanical or electrical energy.

WIND ENERGY SYSTEM, COMMERCIAL: Wind turbine generators whose energy generation is not intended for primary consumption within the property on which the generator is located.

WIND ENERGY SYSTEM, SMALL: A WECS designed and used to generate electricity or produce mechanical energy for use on the property where located to primarily reduce on-site consumption of utility power.

WINERY: An establishment licensed by the State of Michigan as a winery.

WIRELESS TELECOMMUNICATIONS ANTENNA: The physical device through which electromagnetic wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

WIRELESS TELECOMMUNICATIONS FACILITY: A facility consisting of the equipment and structures involved in transmitting or receiving telecommunications or radio signals.

WIRELESS TELECOMMUNICATIONS TOWER: A structure, intending to support equipment used to transmit and/or receive telecommunications signals, which includes monopoles, guyed, and lattice construction metal structures.

YARD: See SETBACK AREA.

Article 3
General Provisions

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Section 3.1 Districts

For the purposes of this Ordinance, the Township of Suttons Bay is divided into land use districts, as follows:

A. Agricultural
B. Shoreline Residential
C. Rural Residential
D. Neighborhood Residential
E. Commercial District – C-1: M-22 Commercial
F. Commercial District – C-2: Richter Road Commercial
G. Commercial District – Historic Waterfront Resort Development

Section 3.2 Map

The land use district into which each parcel of land in the Township is located is shown on the map entitled "Suttons Bay Township Zoning Map". The Zoning Map, together with all notations, references and other information shown thereon, is hereby made a part of this Ordinance. The Zoning Map shall be kept with the records of the Township Clerk, and the Map or an exact copy thereof shall be available for examination at the office of the Township Clerk at all reasonable times. At such times as amendments are made to the zoning district boundaries, and other aspects of the map, such changes shall be entered on the Zoning Map with appropriate references to the date of the amendment.

Section 3.3 Lots of Record

Minimum lot area requirements shall not prevent the use of a lot or parcel of land of lesser size than was legal prior to the effective date of this Ordinance. See Article 18 Nonconformities

Section 3.4 District Boundaries

Where, due to the scale, lack of details, or illegibility of the Official Zoning Map(s), there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Board, in arriving at a decision on such matters, shall apply the following standards:

A. Boundaries indicated as approximately following the streets or highway, the center lines of said streets or highways shall be construed 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 following railroad lines shall be construed to be the centerline of the railroad right-of-way.

E. Boundaries indicated as approximately parallel to the center lines of the legal right-of-way 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.

F. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.

G. 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 Zoning Board of Appeals after recommendation from the Planning Commission.

Section 3.5 Exact Location

The Zoning Board of Appeals shall determine, when required, the exact location of land use boundaries that otherwise may be in question. See Article 24 Zoning Board of Appeals.

Section 3.6 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.

Section 3.7 Schedule of Uses

A. District Uses Chart

	Shoreline Residential	Rural Residential	Neighbor-hood Residential	Agri-cultural	C-1 / M-22	C- 2 Richter Road	Waterfront Resort	Zoning Ordinance Section
Residential Uses								
Residential	X	X	X	X	SPR	X	MDP	zoning district
Accessory Dwelling Unit	X	X	X	X		X		zoning district
Accessory Building	X	X	X	X	SPR	X		zoning district
Short Term Rental	Twp Ord.	Twp Ord.	Twp Ord.	Twp Ord.	Twp Ord.	Twp Ord.		Twp. Ord.
Family Child Care Home (1-6)	X	X	X	X	X	X	X	14.3.4
Group Child Care Home (7-12)	SUP	SUP	SUP	SUP		SUP		
Adult Foster Care	X	X	X	X	X	X	X	
Bed and Breakfast	X	X	X	X	X	X		14.3.2
Home Occupation	X	X	X	X	X	X	X	14.2.4
Home Business	SUP	SUP	SUP	SUP		SUP		14.3.6
Multi-Family		SUP	SUP	SUP	SUP		MDP	14.12, 14.3
Agricultural								
Agriculture/Farm		X		X				Article 4, 7
Ag Support		X		X				14.3.1
Low Intensity Food Processing				X				14.3.7
High Intensity Food Processing				SUP				14.3.5
Agritourism		SUP		SUP			MDP	14.7
Special Events				SUP			MDP	14.18
Seasonal Worker Housing				SUP			MDP	14.16
Farm Stand		X		X				14.2.2
Commercial Uses								
Lodging					SPR		MDP	Article 10, 12

Retail					SPR		MDP	Article 10, 12
Restaurant					SPR		MDP	Article 10, 12
Professional Offices					SPR			Article 10, 12
Commercial Storage					SUP	SUP		14.9
Construction Services						SPR		Article 11
Manufacturing, Production, Repair						SPR		Article 11
Adult SOB					SUP			14.6
Earth Removal/ Sand/Gravel Processing								14.1
Miscellaneous Uses								
Docks and Moorings	X						X	14.2.1
Shared Shoreline Access	SUP							14.17
Boathouse/Shoreline Storage	X						X	14.3.3
Fences	X	X	X	X	X	X	X	14.2.3
Medical Marijuana	X	X	X	X	X	X	X	14.2.5
Churches, Schools, Day Care Centers		SUP	SUP	SUP	SUP	SUP		14.8
Campground				SUP			MDP	14.11
Golf Course				SUP				14.11
Parks and Trails	SUP	SUP	SUP	SUP	SUP		MDP	14.11
Public Works Facilities						SUP		14.14
Sawmills				SUP		SUP		14.15
X = ZA permit								
SPR = site plan review by PC								
MDP = master dev plan/PC review								
SUP = special use permit/PC review								

B. Building Types Chart

	Shoreline Residential	Rural Residential	Neighborhood Residential	Agricultural	C-1 / M-22	C-2 Richter Road	Waterfront Resort
BLDG TYPES						?	
Single family	X	X	X	X		?	X
Duplex dwelling	X	X	X	X	X	?	
Multi-family		X	X	X*	X		
Type 1 Outbuilding	X	X	X	X	X		X
Type 2 Outbuilding	X	X	X	X	X	X	X
Type 3 Outbuilding		X		X		X	X
Type 4 Outbuilding				X*		X	
Agritourism		X		X			
Commercial					X	X	
Single Family Lodging							X
Multi-unit Lodging							X
Lodge							X
Restaurant/Banquet Hall							X
Employee/ Rental							X

C. Outbuildings Chart

District	Type 1 Outbuilding	Type 2 Outbuilding	Type 3 Outbuilding	Type 4 Outbuilding
Shoreline Residential	1	1	None	None
Rural Residential	1	1/5 acres	1/5 acres	None
Neighborhood Residential	1	1	None	None
Agricultural District	No limit	1/5 acres	1/5 acres	1/20 acres
C-1 Commercial	See district language for building types allowed	See district language for building types allowed	See district language for building types allowed	See district language for building types allowed
C-2 Commercial	1	1/5 acres	1/5 acres	1/5 acres
Waterfront Resort	Only one outbuilding (Type1, 2 or 3) per parcel	Only one outbuilding (Type1, 2 or 3) per parcel	Only one outbuilding (Type1, 2 or 3) per parcel	None

D. Minimum and Maximum Building Sizes

	Single-Family Residential	Multi-Family Residential	Accessory Dwelling Unit	Commercial
Minimum Square Footage	600	500	N/A	N/A
Maximum Square Footage	N/A	N/A	600	10,000

Section 3.8 Lot Accessibility

No Dwelling Unit shall be built on a lot unless the lot abuts upon a public street or upon a permanent, unobstructed access easement-of-record to a public street. Such easement-of-record shall have a minimum width of thirty (30) feet, excepting where an access easement-of-record of less width that legally existed prior to the adoption of this Ordinance. The regulations shall apply to such easements-of-record in the same manner as to streets.

Section 3.9 Building Lot Area

This shall not prevent the use of a building lot or parcel of land of lesser size that was of legal record prior to the effective date of this Ordinance and that conformed to the zoning ordinance then in force. No portion of any parcel of land may be used in the calculation of required building lot area for more than one main building.

Section 3.10 Landscaping, Screening and Buffer Yards

Section 3.10.1 Intent

The purposes of the landscaping and buffer yard regulations are to:

- Protect and preserve the visual character of the township while promoting attractive development of the area through the use of landscaping.
- Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots through buffering, which may include a combination of setbacks and visual buffers or barriers.
- Prescribe standards for the development and maintenance of planting, fences and walls.
- Provide provisions that apply to all development where specific landscaping is required under the Suttons Bay Township Zoning Ordinance.

The standards or requirements are intentionally flexible to encourage adaptability to specific circumstances and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

Section 3.10.2 Applicability

A. Buffer yards are intended to eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots. Buffering may

include a combination of setbacks and visual buffers or barriers. Section 3.12 Figure 2: When and Type of Landscaping Required prescribes when landscaping or buffer yards are required, and Section 3.12 Figure 3: Minimum Plant Sizes Required outline the requirements for the types of landscaping or buffer yards required for specific situations.

B. The landscaping and buffer yard standards of this section apply to any site plan reviewed by the planning commission. See Section 19.4 Chart of Land Use Project Types and the Applicable Site Plan Required.

1. There are four (4) types of landscaping and/or buffer yard that may be required: See Section 3.12 Figure 1: Type of Landscaping Required.
2. Between incompatible uses. See Section 3.12 Figure 2: When and Type of Landscaping Required depicts when landscaping and/or a buffer yard is required between uses.
3. Buffer yards are required between certain zoning districts with the type of yard depending on the adjoining zoning district. Section 3.12 Figure 2: When and Type of Landscaping Required prescribes the required buffer yards between adjoining districts.
4. Buffer yards are also the areas that include retention and detention ponds.
5. The width of the area in which the landscaping or buffer yard is to occur is determined by the required setbacks of the zoning district, unless otherwise noted in Section 3.12 Figure 2: When and Type of Landscaping Required.
6. When new residential uses are developed, the developing residential uses must provide for a buffer yard of a minimum of one hundred (100) feet in depth along the property line(s) adjacent to agricultural uses, as per noted in Section 3.12 Figure 2: When and Type of Landscaping Required.

Required buffer yards of Section 3.12 Figure 2: When and Type of Landscaping Required must be developed along the perimeter of the parcel and extend inward from the property line.

Section 3.10 **Figure 1: Type of Landscaping Required**

Types of Landscaping

Parking Lot	A
Right-of-Way	B
Buffer Yard	C

Section 3.10 **Figure 2: When and Type of Landscaping Required**

Zoning District of Proposed Use	**Adjacent Zoning District**			
	All Agricultural Uses	All Residential Uses	All Commercial Uses	Special Land Use Permit

Agricultural				
All Residential Districts	C = 100'			
All Commercial Districts	A, B, C	A, B, C	A, B, C	
Special Land Use Permit	A, B, C	A, B, C	A, B, C	A, B, C

Section 3.10.3 Landscape Plan Required

A. When landscaping is required, a landscape plan must be submitted in conjunction with other application materials, as provided in Article 19 Site Plan Review and Article 20 Special Land Use Permit.

B. A landscape plan must include the following project information:
   1. Applicant name, date, and north arrow.
   2. A minimum scale of one inch equals fifty feet (1”=50’), the total square footage of the property, square footage of the building areas, parking and other vehicular use areas.
   3. Adjacent land uses.
   4. Existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.
   5. The species and size of all existing trees greater than two (2) inches caliper, showing those that are proposed for removal and those proposed for retention.
   6. Description of the proposed method of protecting existing trees during construction which, at a minimum, shall include the drip line of all trees.
   7. All proposed plant materials clearly labeled and drawn to size at maturity.
   8. Plant list, indicating common names, scientific names and varieties, quantities, planting sizes and plant spacing for all plant materials proposed.
   9. Specific construction details to resolve specific site conditions, such as screening, tree wells to preserve existing trees, or culverts to maintain natural drainage patterns.
   10. Irrigation system, if any.

Section 3.10.4 Flexible Design Standards

A. It is intended that the requirement of this Section be flexible and permit latitude in site design by the use of plant material if it can be shown that deviating from the requirements will provide a design substantially better than that achievable using the minimum standards of this Section. It is also recognized that some parcels may have existing natural features, plantings, and topography that serve the objectives of this Section. When it can be demonstrated that the objectives of this Section are met, the Planning Commission may consider waiving some, or all, of the requirements.

B. If an applicant desires a modification of any of the requirements of this Section, the applicant shall submit the following information to the Planning Commission:
   1. The applicant shall identify the requirement(s) of this Section for which modification is sought and the degree or extent of the modification sought.

2. The applicant shall provide information to the Planning Commission demonstrating how the requested modification(s) will comply with the standards specified in subsection 3.13.5 below.

C. The Planning Commission shall consider each requested modification individually and shall eliminate or modify any requirement of this Section as requested by the Applicant only if it finds that full compliance with the requirement of this Section is not necessary because the visual and/or sound impact of the development would be minimal on adjacent properties or abutting public or private roads or that full compliance with the requirement of this Section is impractical or unreasonably burdensome due to one or more of the following conditions on the site:
   1. When topography, shape, size, or other natural features make full compliance impractical or impossible.
   2. The natural existing vegetation on the site, if undisturbed during the development process, can meet or exceed the vegetation which is required, in total or in part.
   3. A building wall exists immediately abutting the lot line.
   4. Full compliance with the requirement of this Section will cause a hazardous condition on the site or on a public or private road abutting the site.
   5. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this Section.

Section 3.10.5 Standards and Criteria

A. Required number of plantings shall be grouped and spaced so as to create a natural screen. The plant material may be arranged to provide view corridors.

B. Section 3.12 Figure 4: Minimum Plantings Required shows the minimum number and types of plantings required.

C. The applicant for the property applying for a site plan review or change in use is responsible to meet the requirements of this Section.

D. The area in which the landscaping or screening is to occur may include the required setbacks.

E. All plant materials must be suitable for the site's soils and climatic conditions and the plant's slope exposure. Plant materials for plant unit mix options are defined Section 3.12 Figure 3: Minimum Plant Sizes Required, and shall comply with the most recent provisions set forth by the American Standard for Nursery Stock ANSI Z60.1.

F. The use of native plant materials is encouraged. In no cases shall invasive plant species be allowed or planted that are listed on the Class 1, Class 2, or Class 3 list contained in the "Recommended Planting Guidelines for Municipalities" published by Northwest Michigan Invasive Species Network, which can be found at www.habitatmatters.org (then choose Resources and Planting Guide).

G. Multiple species of trees and shrubs must be used to minimize the effects of disease and/or blight.

H. Plant materials shall be healthy, free of insects and diseases and physical damage per the standards of PA 189 of 1931.

I. Ground cover must be installed appropriate to the surface conditions of the area. Grass may be the default landscaping material, although in parking lots and on steep slopes, other ground covers able to withstand the physical conditions are appropriate.

J. The landscaped planting areas should be entirely pervious except for fence or wall structures and walks that provide pedestrian access. No more than twenty-five (25) percent of the required area may consist of impervious materials such as gravel, stones, or paving.

K. The landscaping may only be required along the portions of the property line that have immediate adjacent uses incompatible with the surround parcels. This will be determined at site plan review.

L. Plant material shall be installed so that at maturity, it does not obscure traffic signs or lighting, interfere with underground or overhead utilities, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or adjacent properties.

M. When natural landscaping is considered to be impractical or inappropriate, an opaque fence or wall of six (6) feet in height may be substituted in whole or part provided it meets the approval of the Planning Commission. Where an opaque fence or wall is used it may not be closer than four (4) feet to the property line, and it must be permanently maintained. See Section 3.13 Fences.

N. Mechanical equipment is to be screened to the height of the particular piece of equipment by landscaping, or by a solid wall or fence, from the view of the street or surrounding properties as per the requirements of Section 3.13.2 Screening Fences. This applies to mechanical equipment located outside and at grade, including air conditioning and heating devices and water and gas meters, but not including plumbing and exhaust vents or chimneys.

O. Berms and swales shall be constructed with slopes not to exceed a one to three (1:3) gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with turf grass, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet high and shall be a minimum of three (3) feet in width at the highest point of the berm.

P. Natural drainage patterns are to be maintained to provide free flow without interruption.

Q. Retention/detention ponds shall be incorporated into the natural topography of the site with regard to pond configuration. Where this is not practical, the pond shall be shaped to emulate a naturally formed "free form" depression and shall be part of the natural landscape and open space system of the site.

Section 3.10 **Figure 3: Minimum Plant Sizes Required**

Landscaping Element	Minimum Size at Planting
Canopy Trees (i.e. Oak, Maple)	2 – 2 ½ " d.b.h.
Evergreen Trees (i.e. Spruce, Pine, Fir)	6' height
Ornamental Trees -single trunk (i.e. Crabapple)	1 ½ " d.b.h
Ornamental Trees -multi-trunk (i.e. Birch)	7' height
Large Shrubs (i.e. Viburnum)	24 - 30" height
Small Shrubs (i.e. Juniper)	18 - 24 " spread

d.b.h refers to the tree diameter measured at 4.5 feet above the ground.

Section 3.10 **Figure 4: Minimum Plantings Required**

		Plantings Required			
	Minimum Width/size of Area	Canopy/ Evergreen Trees	Ornamental Trees	Large Shrubs	Small Shrubs
Perimeter of Parking Lot (A)	8' width	1 unit 25 lineal feet		1 unit 10 lineal feet	
Interior of Parking Lot (A)	9' width	1 unit per 16 parking spaces		3 units per 16 parking spaces	
Right-of-Way (B)	width = required setback	1 unit 30 lineal feet		1 unit 10 lineal feet	
Detention/Retention Pond and Buffer Yards (C)	8' width	1 unit 30 lineal feet		1 unit 10 lineal feet	

One tree unit = one canopy tree OR two ornamental trees
One shrub unit = one large shrub OR two small shrubs

Section 3.10.6 **Maintenance of Landscaping**

A. All plantings shown on the approved plan must be permanently maintained in good growing condition and replaced with new plant materials when necessary to ensure continued compliance with applicable landscaping requirements.

B. All unhealthy and dead plant material shall be replaced during the next appropriate planting period.

C. The property owner is responsible for regular weeding, irrigation, removal of litter, mowing of grass, fertilizing, pruning and other maintenance of all plantings as needed.

Section 3.10.7 Delayed Landscape Installations

There may be cases where landscaping cannot be completed prior to building occupancy due to weather or other conditions. In these instances, the township may require surety to be provided in the amount of one-hundred-twenty (120) percent of the estimated cost of the landscaping to be provided. The form of the surety must be approved by the Township Board as per Ordinance No. 6 of 2017, Suttons Bay Township Permit Fees and Guarantees Ordinance.

Section 3.11 Driveways

For the safety, protection, and welfare of the residents of the Township of Suttons Bay, driveways shall be constructed so as to permit: free and easy access by fire-fighting apparatus and other equipment needed for emergency purposes; and adequate parking for all vehicles so they will be off the road right-of-way.

A. Driveways, being a requirement of the ordinance, are not subject to setback requirements. When connected to a public road, location must have Leelanau County Road Commission approval.

B. Shared driveways. Two abutting lots may share a driveway access subject to the following:
   1. The lots must front on, and the driveways must access, a public street.
   2. The agreement to share driveway access goes with the land; the parties agree to bind all future owners to this agreement. The agreement shall be recorded with the Register of Deeds.
   3. Agreement to share a driveway access may preclude the development of additional driveways within five hundred (500) feet of the shared driveway access for the lots sharing driveway access.

C. Standards:
   1. Driveways must have a minimum width of twelve (12) feet.
   2. Shared driveways must have a minimum width of eighteen (18) feet.
   3. Shared driveways shall not be used to meet parking requirements for any land use district.

Section 3.12 Off Street Parking and Loading

Section 3.12.1 Intent

The intent of this section is to provide adequate space for parking, standing, loading and unloading of motor vehicles on private property; to avoid undo interference with public use of roads or exits therefrom; and to lessen any conflict with neighboring uses of land.

Section 3.12.2 Parking to be on Property

Required parking shall be provided off the public road right-of-way and on the lot to which it pertains, or on a contiguous lot unbroken by easement, right-of-way, or thoroughfare. The Suttons Bay Township Board, upon receiving evidence that parking is taking place on road shoulders because of a lack of adequate parking, may (upon recommendation of the Commission and following a public hearing) require additional parking as the Township Board determines appropriate.

Section 3.12.3 Landscaping and Buffering

All parking and loading and unloading areas (except for single family residential units) shall be subject to the provisions of Section 3.10 Landscaping, Screening and Buffer Yards.

Section 3.12.4 Number of Spaces Required

A. Handicap parking required by Federal, State and Local standards must be met. These parking spaces may be included in the total number of parking spaces required.

B. Residential Use:
Two (2) parking spaces per dwelling unit. These parking spaces may consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.

C. Non-Residential Use:
The following parking formulas listed below (D-Q) are to be used as guidelines for non-residential site plans. A maximum number of parking spaces may be imposed by the Commission at site plan review. The Commission may, at their discretion, depart from these guidelines and allow fewer parking spaces if the following conditions are met:
    1. Applicant must present a parking analysis indicating that less parking is necessary for the proposed use(s). A parking study or data from recognized traffic engineering references may be required.
    2. A reserve parking area is provided on the Site Plan to be used if the initial parking area is not adequate or the use is such that a reserve area is needed. The Planning Commission has the discretion to determine that a reserve parking area is not necessary.

D. Shared parking, or an arrangement in which two or more nonresidential uses with different peak parking demands (hours of operation) uses the same off-street parking spaces to meet their off-street parking requirements, may be allowed.
    1. The Planning Commission may approve an adjustment to the parking requirements allowing shared parking arrangements for nonresidential uses with different hours of operation.
    2. Applicant must provide that there is no substantial conflict in the principle operating hours of the uses for which the shared parking is proposed.
    3. Shared parking must be within fifty (50) feet walking distance, measured from

the entrance of the use to the nearest parking space in the shared lot.

4. An agreement providing for the shared use of the parking and executed by the parties involved may be required by the Planning Commission, in a form approved by the Zoning Administrator upon consultation with the township attorney.

E. Professional Office Buildings (non-medical): One (1) parking space for each two-hundred-fifty (250) square feet of gross floor area.

F. Retail Stores and Personal Service Shops: One (1) parking space for each two-hundred-fifty (250) square feet of gross floor area.

G. Manufacturing and/or Processing: One (1) parking space per employee, plus additional parking spaces required for operating the business.

H. Automobile Repair and Automobile Service Stations: Three (3) parking spaces per service bay, plus one (1) parking space per three-hundred (300) square feet of gross floor area.

I. Golf Courses: Four (4) parking spaces for each golf hole, plus one (1) parking space for every two (2) employees.

J. Motels: One and one half (1 1/2) parking spaces for each rental room.

K. Churches: One (1) parking space for each three (3) seats within the main auditorium. Where pews or benches are provided, one (1) parking space for every six (6) lineal feet of pew or bench.

L. Restaurants: One (1) parking space for each three (3) occupants, using the maximum number permitted by the Fire Marshall.

M. Group Day Care Homes: Two (2) parking spaces for every three (3) children under care and not in the resident family.

N. Medical Offices, Dental Offices, and Health Clinics: Three (3) parking spaces per examining room, plus one (1) parking space per practitioner and per employee, plus one (1) parking space per two-hundred (200) square feet of gross area.

O. Wineries/Cideries and uses in the Agricultural District open to the public: One (1) parking space per employee, plus one (1) parking space for each one-hundred (100) square feet of floor area used for retail sales or other public use including office reception areas. A minimum of five (5) automobile parking spaces are required. One (1) parking space for oversize vehicles is required for each three-hundred (300) square feet of floor area used for retail sales or other public use with a minimum of one (1) space required. Parking for oversize vehicles shall be designed to allow drive through parking (no backing required.)

P. Adult and Sexually Oriented Businesses: One (1) parking space per two-hundred-fifty (250) square feet of gross floor area plus one (1) parking space per employee.

Section 3.12.5 Mixed Uses

Where uses within individual buildings is mixed, the number of parking spaces for each specific use shall be provided, and the parking space for one use shall not be considered as providing parking spaces for any other use, except for churches.

Mixed-use developments shall comply with Section 11.2.4 Number of Parking Spaces Required.

Section 3.12.6 Uses Not Mentioned

In the case of uses not specifically mentioned in Section 11.2.4 Number of Parking Spaces Required, but which are allowed under this Ordinance, off-street parking requirements shall be those applied to the mentioned use which is most similar in terms of parking demand.

Section 3.12.7 Fractional Spaces

Where the calculation of parking spaces required results in a fraction, any fraction less than one half (1/2) shall be disregarded, and any fraction of one half (1/2) or more shall require one (1) parking space.

Section 3.12.8 Parking Only

The use of any required parking space for the storage of any motor vehicle for sale, or for any purpose other than the parking of motor vehicles, is prohibited.

Section 3.12.9 Parking in Rear or Side Yards Required

Unless otherwise approved by the Planning Commission during site plan review, all parking shall be in the rear or on sides of buildings.

Section 3.12.10 Minimum Design Standards for Parking Areas

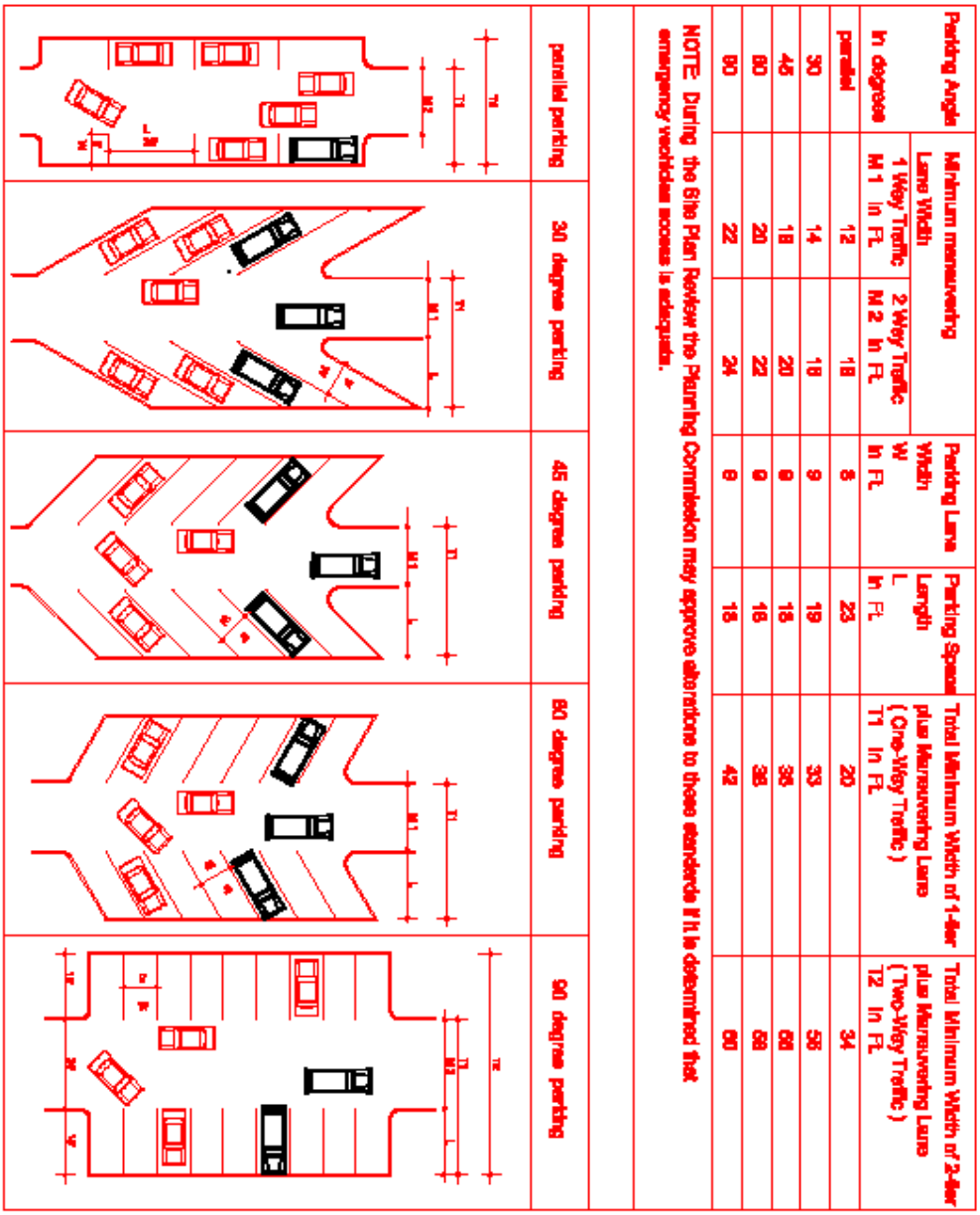
A. Emergency Vehicle Access
There shall be clear access for emergency vehicles at all times.

B. Surfacing
Unless otherwise approved by the Planning Commission during site plan review, primary parking areas for non-residential uses shall be surfaced with a hard, stable, non-erodable surface such as bituminous asphalt mixture or concrete.

Site Plans are encouraged to use water permeable parking surfaces, especially for non-primary or reserve parking areas.

B. Parking Lot Landscaping
Parking areas that contain in excess of five (5) parking spaces shall comply with Section 3.12.6 Parking Lot Landscaping.

C. Dimensional Standards
The following minimum design standards shall be observed in designing off-street parking facilities:



MINIMUM PARKING LAYOUT STANDARDS

Parking Angle In degrees	Minimum maneuvering Lane Width 1 Way Traffic M 1 In Ft.	Minimum maneuvering Lane Width 2 Way Traffic M 2 In Ft.	Parking Lane Width W In Ft.	Parking Space Length L In Ft.	Total Minimum Width of 1-tier plus Maneuvering Lane (One-Way Traffic) T1 In Ft.	Total Minimum Width of 2-tier plus Maneuvering Lane (Two-Way Traffic) T2 In Ft.
parallel	12	18	8	23	20	34
30	14	18	9	19	33	56
45	18	20	9	18	38	60
60	20	22	9	18	38	60
90	22	24	9	18	42	60

NOTE: During the Site Plan Review the Planning Commission may approve alternatives to these standards if it is determined that emergency vehicles access is adequate.

Section 3.12.11 Loading and Unloading

All non-residential Site Plans shall provide adequate loading/unloading areas and shall indicate

the proposed loading and unloading areas on the Site Plan.

Section 3.12.12 Change In Use

Any change in use of an existing structure shall meet Ordinance standards for the new use. All changes of occupancy or use of existing commercial or industrial sites shall be reviewed by the Zoning Administrator, and may require Site Plan review to determine that parking requirements comply with this Ordinance.

Section 3.12.13 Snow Storage

An area for snow storage shall be shown on site plan. If snow removal to an area off site is planned, a statement detailing the snow removal plan shall be required on the site plan.

Section 3.13 Private Road Standards

Section 3.13.1 Intent

To provide standards and guidelines for private accesses to lots or units as provided for under this Article.

Section 3.13.2 Projects Regulated

A. Applicability
This article shall be applicable to all accesses – whether they are easements, ways, private drives, common areas, or otherwise – by which more than two (2) lots or units are shared by common access. Please note that Leelanau County will not assign or recognize a private road name unless there are five (5) parcels on the road.

B. Limitations
In as much as absolute convenience and safety are unobtainable at any cost the Township's primary legal interest in Private Roads shall be:
    1. To determine that road frontage requirements for lots meet zoning requirements and for assigning fiscal responsibility for maintenance and other purposes; and
    2. To make as certain as possible that properties can be serviced by fire and other emergency equipment.

Section 3.13.3 Standards

A. Submittal Requirements - The following will be required for Private Road applications which are to be made on a form provided by the Township:
    1. Private Road Plans: This will include plan and profile drawings of the proposed private access road 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.
    Profile plans are not required where no grade exceeds five (5) percent and the number of lots served is four (4) or fewer.
    2. Survey and legal description of private road.

3. Maintenance Agreement: Road maintenance agreement and deed restrictions satisfactory to the Suttons Bay Township attorney, signed by applicant/owner and recorded with the Registrar of Deeds, shall be provided for and include:
    a. Method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
    b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
    c. A notice that if repairs and maintenance are not made within six (6) months of the date of official notice from the Township, Suttons Bay Township may bring the road up to the design standards of this ordinance and assess owners of parcels on the private road for the cost of all improvements, plus and administrative fee in the amount of twenty-five (25) percent of total costs.
    d. A notice that no public funds of Suttons Bay Township are to be used to initially build, thereafter repair, or maintain the private road unless done so through the process of creating a special assessment district.
    e. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
    f. A provision that the owners of any and all of the property(ies) using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, owners, employees, vendors, tradespersons, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

B. Sight Distance and Horizontal and Vertical Alignment
Sight distance and horizontal and vertical alignment shall be based on a minimum design speed of fifteen (15) 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."

PROPOSED GRADE	LIMITATIONS
Up to and including 6%	NO limit
> 6% to 8%	A. Must be paved B. No limit on length or curve
> 8% to 10%	A. 1000 foot maximum length B. Minimum horizontal curve radius of 100'
> 10% to 12%	A. Maximum 500' length of vertical tangent B. Minimum horizontal curve radius of 275'
No grade above 12% will be accepted.	

- The maximum grade at the stopping side of an intersection shall be two (2) percent.
- Turn-a-round areas shall have a maximum grade of three (3) percent.
- The minimum radius for turn-a-round areas shall be fifty (50) feet.
- Vertical and horizontal curves shall be used at all changes in grade or direction.

- Overhead clearance shall be a minimum of fourteen (14) feet.

C. Design Standards
Unless otherwise designated in this Article, Private Road workmanship and materials shall be designed to Leelanau County Road Commission Standards for Subdivision Streets. These design standards include clearing, grubbing, grading, materials, structures, pavement, guardrail, restoration, etc. The Engineer may propose equal or preferred materials on the Road Plans.

D. Drainage
1. 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 controlled.
2. In no case shall runoff from a development be diverted due to construction beyond the limits of that development onto adjacent property unless appropriate easements are provided.
3. 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.
4. The plan shall meet the requirements of the Leelanau Conservation District and the Leelanau County Drain Commissioner's Office.

E. 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.

Type or Class of road	Number of lot/residences to be served	Travel way width	Shoulder width (each side)	Recorded ROW width	Type of surface required	Type of turn-around required
I	Up to 8	18'	1'	40' **	Gravel or better *	"T" Type
II	9 through 24	20'	2'	40'	Gravel or better *	Cul-de-sac
III	More than 25	22'	3'	66'	Bituminous	Cul-de-sac
IV	Standards for Commercial and Industrial private roads will be determined during Site Plan Review and will be based upon anticipated traffic, types of vehicles, and emergency access.					

There may be more than one classification of private roads within a development, however, an individual road must maintain the same classification throughout its length.

* Roads greater than a six percent (6%) grade must be paved.

** The required right-of-way for a Class I road may be reduced to thirty (30) feet by the Zoning Administrator if drainage and utilities are accommodated within the easement or separate easements.

See Section 3.16.3.E, Figure 1, at the end of Section 3.16 for illustration of private road dimensions.

F. 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.

G. 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. Please note that Leelanau County will not assign or recognize a private road name a road name unless the road serves more than five (5) residences.

H. Private Road Access Alignment
1. 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.
2. 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.
3. For the end of any private access road, the design must provide a turn-a-round for large vehicles, such as a fire truck. Other types of turn-a-rounds may be used if approved by the Township.

Section 3.13.4 Requirement of Private Road Agreement and Notice

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 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.

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

D. Notice of Easement - All purchasers of property where a private road provides access to

the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following: "This parcel of land has private road access across a permanent ____ (insert size of easement) foot easement which is a matter of record and a part of the deed. This notice is to make the purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)

Section 3.13.5 Existing Nonconforming Private Road Access

Roads existing and used as private access roads at the time this Article 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 twelve (12) feet and overhead clearance of fourteen (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.

Roads existing and used as private access roads at the time this Article becomes effective, and which do not meet all the design requirements specified herein, must meet the requirements of this Article if they are to be used to access additional lots created from the effective date of this Article.

Section 3.13.6 Administration and Variances

The Zoning Administrator shall review all private access road construction plans to determine conformity with this Ordinance. Any applications for approval to the Ordinance shall be submitted to the Administrator along with the applicable fee. Variances shall only be considered and approved by the ZBA 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 Suttons Bay 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 in the estimated review of cost, if greater than the minimum.

Section 3.13.7 Construction and Certification

A. Private Roads shall be constructed in accordance with the approved plans. Revisions must be approved by the Township.

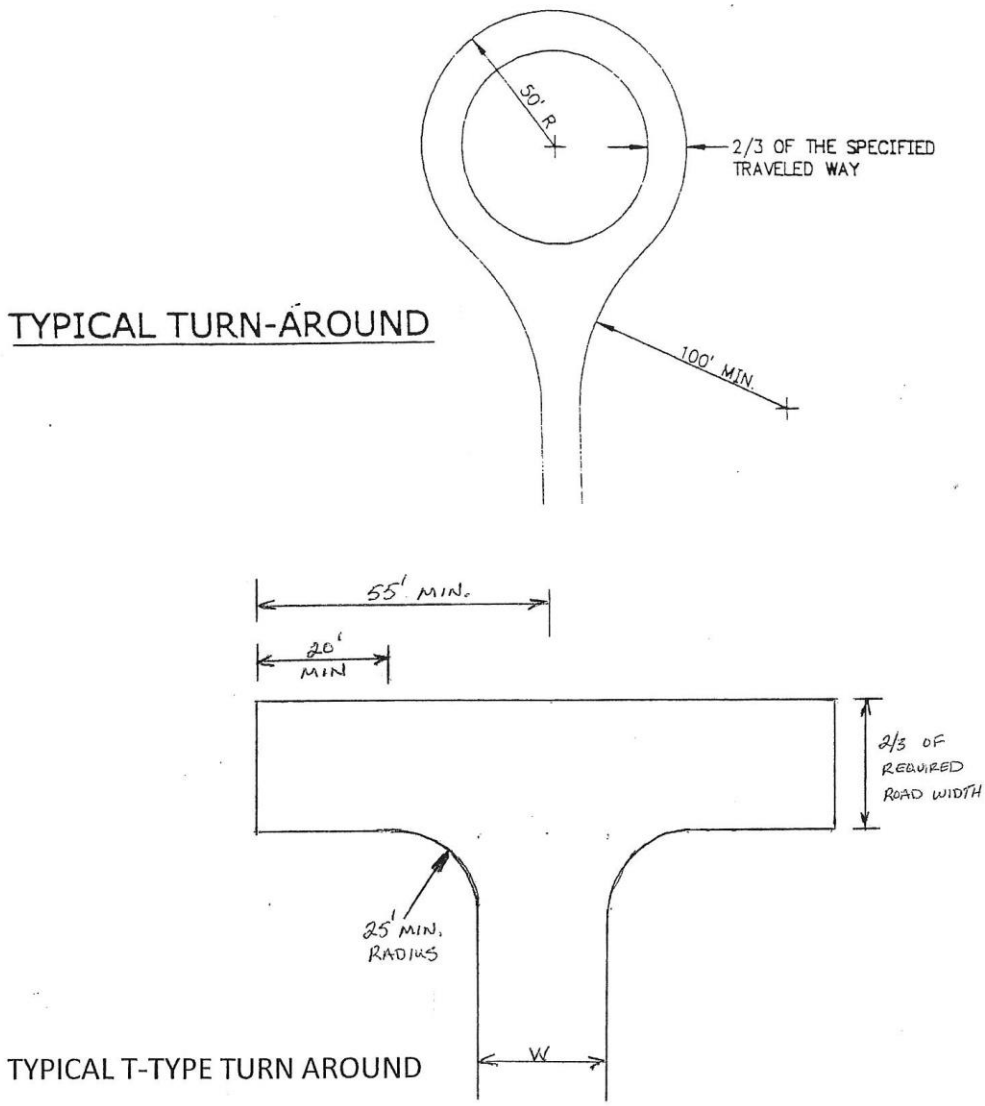
B. Upon completion, the construction of the Private Road must be certified in writing by an Engineer. Roads not required to have Engineering drawings under Section 3.16.3.A Standards may be certified by the Owner or their Agent.

C. Certification must be received prior to issuance of any Land Use permits for lots on the Private Road, unless a financial guarantee is on file to ensure completion of the road.

D. Zoning Administrator shall review the road upon receipt of the Certification to verify compliance.

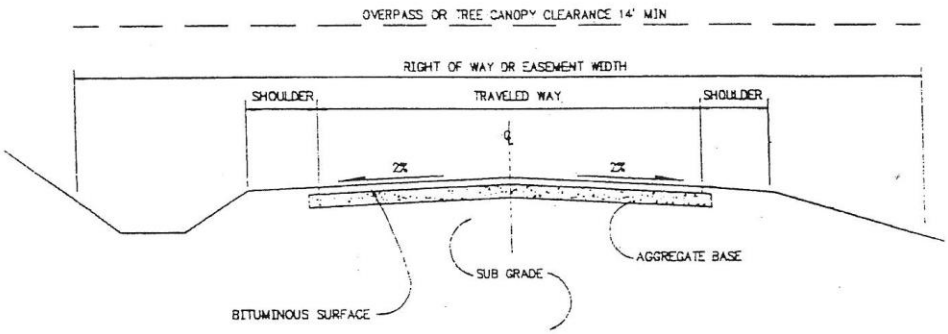
Section 3.16.3.E

Figure 1



Section 3.16.3.E

Figure 1



ROAD CROSS SECTION
NO SCALE

Section 3.14 Signs

Section 3.14.1 Purpose

The purpose is to encourage the effective use of signs as a means of communicating and informing while minimizing the impact on the landscape. Regulation of signs will lessen the impact on the aesthetic environment, while allowing for the promotion of economic development.

Section 3.14.2 Definitions

BANNER**:** A sign made of non-rigid material; however, not including pennants or flags.

FIXED SIGN: A sign structurally affixed to the ground or to some other portion of a structure, but not a wall sign.

FLAG: A sign made of non-rigid material having a distinctive size, color and design used as a symbol or emblem.

INCIDENTAL SIGN: A sign that is less than two (2) square feet in area.

PENNANT: A small, often triangular, banner used in multiples as a device to call attention to a land use or activity.

PORTABLE SIGN: A sign placed on the ground which is portable and not anchored or secured.

SHARED SIGN: A sign attributed to a group of contiguous commercial or industrial entities located within the complex or group.

SIGN: Any device, structure, fixture, banner, placard or other object used for the display of any message that is afforded public visibility from outdoors.

TEMPORARY SIGN: A sign, banner or advertising display, with or without a structural frame, intended for a limited period of display, including displays for holidays or public events.

WALL SIGN: A sign painted on, or attached directly to and parallel to an exterior wall.

WINDOW SIGN: A sign 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.

UNALTERED GRADE: Grade or topography existing prior to any excavation, clearing, grading, or filling.

Section 3.14.3 Prohibited Signs

1. Any sign not specifically permitted by this Article.
2. A sign that contains any moving or animated parts or has the appearance of having any moving or animated parts when such sign is visible from any public right of way or from

any private driveway or vehicular easement. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light.

3. Pennant flags, streamers, searchlights, over-the-street banners, or other similar material or devices.
4. A temporary or movable sign and air blown device not specifically permitted herein.
5. Any regulated sign placed or painted upon trees or rocks or natural features.
6. A sign placed on any light pole, utility pole, or other support.
7. A sign erected in any place where, by reason of its position, shape, color, or other characteristic, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
8. A sign erected, located, or maintained that prevents free ingress or egress from any door, window, or fire escape or that is attached to a standpipe or fire escape.
9. A sign erected at the intersection of any street in such a manner as to obstruct free and clear vision of motorists.
10. A sign on a motor vehicle if the motor vehicle is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.

Section 3.14.4 Signs Not Requiring a Permit

The following signs are authorized in any district without a sign permit and are not included towards the maximum number of signs allowed on a parcel, but shall conform to the applicable requirements of this chapter and the applicable building codes.

1. Incidental signs.
2. Temporary Signs except for street banners approved by the Township and/or Michigan Department of Transportation are permitted as allowed in Section 3.14.5 Signage Allowed Per District and in accordance with the following:
    a. Be located on the same property as the event or on private property with written permission.
    b. Shall comply with all other provisions of this article.
    c. Shall not exceed the size regulations for the zoning district or six (6) square feet, whichever is greater. One (1) banner may be larger if located on the face of the structure where the event will occur.
    d. Be on display only for a period which includes:
        1. 30 days ahead of an event.
        2. The duration of the event.
        3. Up to, but not exceeding, seven (7) days after the event.

3. Signs erected by, or on behalf of a governmental body for purposes of protecting the public health, safety, and welfare.
4. Official signs erected by public utilities.
5. Flags or insignia.
6. Any sign not visible to motorists or pedestrians on any road, water body, public lands, or adjacent parcel(s).

7. Signs painted on or integral to vending machines, fuel dispensing pumps or fuel storage tanks, as long as they are not readable from off the site.
8. Legal postings required by law.
9. Window signs not permanently affixed to the interior of a building.
10. Public signs or signs sanctioned by a public body on public land are not subject to this chapter.

Section 3.14.5 Signage Allowed per District

A. Agricultural District

Agricultural District	Permit Required	Illumination	Maximum Size of Each Sign	Maximum Height Above Unaltered Grade	Maximum Allowable Sign Area of All Signs On Parcel (added together)
Temporary Sign	No	No	16 square feet	8 feet	30 square feet
Fixed Sign, Wall Sign or combination of the two	Yes	Yes, See Sect. 3.15	24 square feet	8 feet	32 square feet
Portable Sign	No	No	16 square feet	8 feet	30 square feet

B. Residential Districts

Residential Districts	Permit Required	Illumination	Maximum Size of Each Sign	Maximum Height Above Unaltered Grade	Maximum Allowable Sign Area of All Signs On Parcel (added together)
Temporary Sign	No	No	6 square feet	6 feet	30 square feet
Sign	No	No	6 square feet	6 feet	30 square feet
Wall Sign	No	No	6 square feet	6 feet	30 square feet

C. Commercial Districts

Commercial Districts	Permitted Required	Illumination	Maximum Size of Each Sign	Maximum Height Above Unaltered Grade	Maximum Allowable Sign Area of All Signs On Parcel (added together)
Temporary Sign	No	No	16 square feet	8 feet	30 square feet
Fixed Sign	Yes	Yes, See Sect. 3.14	24 square feet	8 feet	32 square feet
Wall Sign	Yes	Yes, See Sect. 3.14	16 square feet	8 feet	30 square feet
Shared Sign	Yes	Yes, See Sect. 3.14	16 square feet	8 feet	30 square feet
Portable Sign	No	No	8 feet	4 feet	30 square feet

(a) In the case of a shopping center or other integrated group of stores or commercial buildings, one (1) sign or wall sign may be erected per street frontage. In addition, one (1) shared sign is allowed.

Section 3.14.6 Portable Sign Regulations

Such signs are not to be counted in the maximum allowable sign area on the parcel. Portable signs must comply with the following standards:

1. One portable sign may be displayed per business.
2. Maximum size of eight (8) square feet with a maximum height of four (4) feet.
3. Can only be displayed during hours of operation.
4. Cannot be permanently affixed to the property.
5. May not be illuminated.
6. Shall not obstruct vehicular or pedestrian traffic.

Section 3.14.7 Wall Sign Regulations

Such signs are to be counted in the maximum allowable sign area on the parcel unless they are not visible to motorists or pedestrians on any public road, water body, public lands, or adjacent parcel(s). Wall signs must comply with the following standards:

1. One wall sign may be displayed per building.
2. Maximum size of twenty-four (24) square feet.
3. The height of the sign may not be above the eave line of the wall it is affixed to.

Section 3.14.8 Regulations That Apply toAll Signs

Area of sign shall be based upon the following:

1. Structural elements necessary for the support of the signs shall not be included in the square footage computation so long as they are separate from the sign face by a reveal or a change in materials.
2. Square footage calculation shall include such elements as decorative borders, frames, top caps, and drop signs.
3. For a sign painted or applied to a building, wall or window shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters, symbols, borders, and designs.
4. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area except where two faces are placed back to back and are at no point more than two (2) feet from each other.

A. No signs shall be allowed in the road right-of-way without written permission from the local, county, or state road agency.

B. No sign shall be erected or maintained in such a manner as to obstruct vision or interfere with traffic visibility on a curve, at an ingress or egress, or within thirty (30) feet of the intersection of two (2) roads.

C. For the safety of the general public, no spinners, pennants, or inflatable signs may be used in conjunction with any sign or business.

D. Illumination:
   1. For the safety of the general public, no unshielded lights, or lights directed upward or horizontally at sign faces, flashing lights, scrolling or moving electronic lights, or other distracting devices may be used in conjunction with any sign or business.
   2. Each sign, which is artificially illuminated, shall have the light source shielded from the direct vision of individuals using adjacent roadways, properties, or sidewalks.
   3. Signs shall not emit light directly into the sky. The light source shall not be positioned so that the center of the light source exceeds more than 45 degrees from ground level.
   4. Illumination by bare bulbs or flames is prohibited.
   5. Underground wiring shall be required for all illuminated signs that are not attached to a building.
   6. Any applicable electrical permits for the sign shall be obtained and filed with the Zoning Administrator.

E. If allowed in the district, signs may be illuminated by a shielded light shining downward onto the sign in accordance with Section 3.14 Outdoor Lighting Standards. The source of the light shall be baffled so it is not visible to vehicles or pedestrians on any road, alley, water body, public lands, adjacent parcels, or in the air above the illumination.

F. All signs shall be installed only with the prior approval of the property owner.

G. All signs and sign structures shall be maintained in good, safe, structural condition and repair. All signs and display surfaces shall be neat in appearance and neatly painted or posted, and not ripped, tattered or faded. Premises immediately surrounding signs shall be kept clean and free of rubbish, weeds and debris.

H. Once the purpose of the sign has ended, the sign shall be removed within thirty (30) calendar days. Anything formerly used to solely support or provide a structure for a sign and not in use for any other purpose shall be removed.

Section 3.14.9 Nonconforming Signs

A. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this chapter may be continued, repaired and maintained as is necessary to keep in a sound condition.

B. The nonconformity of a sign and/or its structure may not be increased. Illumination may not be added to a nonconforming sign.

C. A nonconforming sign and/or its structure may not be moved except to bring the sign into greater conformity with this chapter.

D. If a nonconforming sign is destroyed to the extent it is impractical to be restored using a majority of its existing major components, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land.

E. The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.

Section 3.15 Outdoor Lighting Standards

Section 3.15.1 Intent

Outdoor lighting standards are intended to prevent unwanted illumination of adjacent properties, maintain safe nighttime vehicular and pedestrian traffic, and to protect the character of the night sky from light pollution originating from light fixtures.

Section 3.15.2 Regulations

A. Outdoor lighting shall be designed and constructed in such a manner as to:
   1. Insure that direct or directly reflected light is not directed off the property.
   2. Insure that light sources and lenses are shielded, hooded or louvered to provide a glare free area beyond the property line or edge of any public or private road right-of-way.

B. All lighting fixtures shall be provided with cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source

regardless of type or wattage, except for those lights listed in Section 3.18.3 Exceptions.

C. In no case shall light sources or reflected light be visible beyond lot lines, be reflected on to adjacent properties, public or private roads, or be reflected into the night sky.

D. There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color. Beacon lights, search lights, or lasers are not permitted.

E. Height limit for lighting fixtures, shall not exceed twenty-two (22) feet unless approved by the Planning Commission.

F. Lighting that might be confused with traffic control devices shall not be used at any location.

G. Outdoor recreational and amusement area lighting shall be equipped with baffling or other devices to assure that the requirements of Section 3.18 Outdoor Lighting Standards are met.

H. Illuminated signs and parking lot lighting shall not be illuminated between one (1) hour after the close of business and one (1) hour before the opening of business the following day except by special permission granted as a condition of site plan approval. All fixtures or circuits illuminating signs and parking lot lighting shall be equipped with an automatic timing device.

Section 3.15.3 Exceptions

The following types of outdoor lighting are exempt from the above regulations except that there are no exemptions from Section 3.18.2.F. above.

A. Residential decorative lights such as low-wattage porch lights, low level lawn lights, or holiday lights.

B. Traffic control, warning lights, or signal lights required because of traffic regulations.

C. Neon lights.

D. Commercial and institutional holiday decorative lights, provided they do not include search lights, strobe lights, or flood lights.

E. Fossil fuel lights such as kerosene lanterns and gas lights.

F. Use of lights during agricultural activities. Floodlights or spotlights used in these instances are not exempt from the requirements of Section 3.18.2.F above.

Section 3.15.4 Nonconforming Lighting

Any nonconforming use of lighting existing prior to (the effective date of this amendment) may

be repaired or maintained. Fixtures needing replacement shall be replaced with fixtures conforming to the requirements of Section 3.18 Outdoor Lighting Standards. After five (5) years from the date of this amendment all outdoor lighting shall be brought into conformance with the requirements of this ordinance.

Article 4
Agricultural District

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4.2	Permitted Uses	4-1
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Section 4.1 Purpose

This district is a rural area comprised mainly of larger farmland and forestland parcels along with scattered rural residential lots. Some parcels are important on a national basis, where prime and unique farmlands and prime forestlands predominate, and all of the parcels are important to the local economy. The purpose of this district is to accommodate change while preserving the rural character of the district and the important natural resources.

This district is of vital importance. As cited in the *Suttons Bay Community Joint Master Plan*, "Agriculture is a cornerstone of the community's economy and adds substantially to the landscape's scenic beauty." In addition to zoning, agriculture is also further protected by the adoption of a Purchase of Development Rights Ordinance and through the promotion of other programs.

Section 4.2 Permitted Uses

All land uses other than agriculture require a permit. The following uses are allowed if they meet the requirements outlined in this Article and after a permit is obtained from the zoning administrator.

A. Agriculture
B. Residential
C. Accessory Dwelling Unit
D. Accessory building types as allowed per Section 4.04-Allowable Building Types
E. Short term rental per Township Ordinance No. 4 of 2017 (as amended)
F. Child care home for a maximum of six (6) children
G. State licensed adult foster care home or adult foster care small group home

Section 4.3 Specific Land Uses

Some land use permits may be granted only when specific conditions have been met. Additionally, some land uses also require a special land use permit as outlined in Article 20 Special Land Use Permits. The additional land uses found in this section may be allowed in this district as determined in Article 14 Use Requirements and in Section 4.08 – Special Land Uses in the Agricultural District.

A. Home occupation/home business
B. Bed and breakfast
C. Group child care home
D. Agriculture support
E. Agritourism
F. Special events
G. Low impact agricultural processing
H. High intensity food processing
I. Seasonal worker housing
J. Sand/gravel extraction
K. Sawmill
L. Farm market
M. Parks and trails
N. Campground
O. Golf course
P. Large acre recreation
Q. Multi-family housing

Section 4.4 Allowable Building Types

A. **Type 1 Outbuilding:**
   1. This is an accessory structure.
   2. Side and rear setbacks for Type 1 Outbuildings are a minimum of two (2) feet.

B. **Type 2 Outbuilding**:
   1. This building may be used for agriculture, agriculture-based, agritourism, an accessory dwelling unit, for storage of personal items and vehicles, or a combination of allowable uses.
   2. One (1) building of this type is allowed per five (5) acres of parcel size.
   3. This is an accessory structure.

C. **Type 3 Outbuilding(s):**
   1. This building may be used for storage, agriculture, agriculture-based or agritourism uses.
   2. One (1) building of this type is allowed per five (5) acres of parcel size.
   3. This is a primary or an accessory structure.

D. **Type 4 Outbuilding(s):**
   1. This building type may be used for agriculture, agriculture-based or agritourism uses.
   2. One building of this type is allowed per twenty (20) acres of parcel size.
   3. This is a primary or accessory structure.

E. **Single-Family Dwelling:**
   1. Only one (1) building of this type is allowed per parcel.
   2. This is a primary structure.

F. **Accessory Dwelling Unit:**
   1. There may be one (1) accessory dwelling unit per parcel.
   2. It shall be a maximum of six-hundred (600) square feet.
   3. It may be located either within the primary structure or in a Type 2 Outbuilding.
   4. The owner of the parcel must reside in one of the units.
   5. Accessory dwelling units are an accessory structure to a single-family dwelling.

G. **Duplex Dwelling:**
   1. A building type which contains two (2) dwelling units.
   2. This is a primary structure.

H. **Multi-family Dwelling:**
   1. A building type which contains three (3) or more dwelling units.
   2. This is a primary structure.

Section 4.5 Dimensional Standards

A. For multi-family developments see Section 14.15 for applicable dimensional standards.

B. **Lot Area:** There is no minimum lot area for this district; however, there may be a minimum lot area for specific uses.

C. **Road Frontage Width:** Two-hundred (200) feet minimum for all newly created lots or other road frontage widths as noted in Section __.03 Special Land Uses.

D. **Front Setback:** Forty (40) feet minimum from the road right-of-way. The front setback on private roads is thirty (30) feet minimum from the road right-of-way.

E. **Side Setback:**
   1. Single-family dwelling, accessory dwelling unit, singular duplex dwelling, or Type 2 Outbuilding: Thirty (30) feet minimum.
   2. Type 3 or Type 4 Outbuilding: Fifty (50) feet minimum.

F. **Rear Setback:**

1. Single-family dwelling, accessory dwelling unit, singular duplex dwelling, or Type 2 Outbuilding: Thirty (30) feet minimum.
2. Type 3 Outbuilding, or Type 4 Outbuilding: Fifty (50) feet minimum.

G. **Primary Building Height:** Thirty-five (35) feet maximum.

H. **Accessory Building Height:** Thirty-five (35) feet maximum.

I. **Lot Coverage:** Twenty-five (25) percent maximum.

Section 4.6 District Standards

A. All residential developments of more than three parcels hereafter created shall contain sufficient area for the establishment of a buffer between the residential and agricultural uses. This buffer shall be a minimum of one-hundred (100) feet in depth.

B. New residential curb cuts on public roads shall be limited to one every two-hundred (200) feet of road frontage. All other newly created residential lots shall access public road via private roads constructed per the provisions of this ordinance.

Section 4.7 Land Division Options

A. There is no minimum lot size for parcels in this district.

B. Parcels must have a minimum road frontage of two-hundred (200) feet.

C. Parcels must be able to accommodate the appropriately sized well, septic, parking and structure space requirements.

Section 4.8 Special Land Uses

A. The primary goal for zoning in this district is to encourage and maintain agriculture as part of a balanced and diversified economy. These special land use activities should have minimal impact on other properties and its residents and on the ongoing active agriculture practices in the district.

B. In addition to the standards of this Section, the provisions of Article 14 Use Requirements, Article 19 Site Plan Review and Article 20 Special Land Use Permits must be met. All applicable federal, state and local requirements for the use must be met.

Section 4.9 Special Land Uses - Applicability

A. **Agriculture-based operations**
Ag-based uses such as Agriculture Support Industries, food processing, fruit receiving stations, wineries and other agritourism uses may be allowed as a Special Land Use. All

of these uses shall be farm related and shall not detract from the agricultural emphasis of the farm.

B. **Other Special Land Uses Allowed**
There may be other Special Land Uses allowed in this district. These uses, although they may require larger tracts of land, shall not detract from the main purposes of this district and may include such uses as special events, housing for seasonal workers, sand and gravel extraction, sawmills, campgrounds and golf courses.

Section 4.10 Special Land Uses – General Conditions

Unless otherwise noted in Article 14 Use Requirements the following standards apply to all Special Land Uses in the Agricultural District:

A. **Parcel Requirements.**
1. The parcel must be a contiguous parcel of not less than ten (10) acres.

B. **Setbacks**
1. All principal and accessory buildings, structures, and parking areas shall be not less than forty (40) feet from any right-of-way, and not less than fifty (50) from any adjoining property line.
2. Any building open to the public shall be not less than forty (40) feet from any right-of-way, and not less than one-hundred (100) from any adjoining property line.
3. Any seasonal worker housing unit shall be located no less than two-hundred (200) feet from any existing dwelling excepting only the dwelling of the owner of the land.

C. **Other Requirements**
1. The building(s) and lot area devoted to the Ag-related use shall remain part of the principal farm unit and shall not be sold as a separate entity unless the subdivision creates a legal lot as allowed per land division of a minimum of ten (10) acres.
2. The Accessory Buildings used for an Ag-related uses shall have no exterior evidence, other than a permitted sign, to indicate that it is being used for any purpose other than farm/agricultural purposes.
3. The Accessory Buildings used for Ag-related uses shall not be altered or modified to a point so that it cannot be returned to a normal farm use with a minimum of effort.
4. No non-Ag-related uses shall be conducted upon or from the premises which would constitute nuisance or annoyance to adjoining property owners by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.
5. The Ag-related uses shall be in compliance with the applicable regulations of the Michigan Department of Agriculture and the Michigan Department of Natural Resources.

6. Ag-related uses shall be effectively screened from view from any residential structure existing at the time of application for a special land use permit except that of the owner of the premises and from any road existing at the time of application.

Article 5
Open

Article 6
Shoreline Residential District

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6.3	Specific Land Uses	6-1
6.4	Allowable Building Types	6-2
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6.6	Additional Provisions	6-3

Section 6.1 Purpose

This district of smaller parcels is primarily for residential use along the Grand Traverse Bay and Lake Leelanau shorelines.

Section 6.2 Permitted Uses

All land uses require a permit. The following uses are allowed if they meet the requirements outlined in this Article and after a permit is obtained from the zoning administrator.

A. Residential
B. Accessory Dwelling Unit
C. Accessory building types as allowed per Section 6.04-Allowable Building Types
D. Child care home for a maximum of six (6) children
E. State licensed adult foster care home or adult foster care small group home

Section 6.3 Specific Land Uses

Some land use permits may be granted only when specific conditions have been met. Additionally, some land uses also require a special land use permit as outlined in Article 20 Special Land Use Permits. The additional land uses found in this section may be allowed in this district as determined in Article 14 Use Requirements.

A. Home occupation/home business
B. Bed and breakfast
C. Short-term rental per Township Ordinance No. 4 of 2017 as amended
D. Parks and trails
E. Group child care
F. Church, school and child care center

Section 6.4 Allowable Building Types

A. **Single-Family Dwelling:**
   1. Only one (1) building of this type is allowed per parcel.
   2. This is a primary structure.

B. **Accessory Dwelling Unit:**
   1. There may be one (1) accessory dwelling unit per parcel where allowed.
   2. It shall be a maximum of six-hundred (600) square feet.
   3. It may be located either within the primary structure or in a Type 2 Outbuilding.
   4. The owner of the parcel must reside in one (1) of the units.
   5. Accessory dwelling units are an accessory structure to a single-family dwelling.

C. **Duplex Dwelling:**
   1. A building type which contains two (2) dwelling units.
   2. This is a primary structure.
   3. With this building type an accessory dwelling unit is not allowed on the parcel.

D. **Type 1 Outbuilding:**
   1. This is an accessory structure.
   2. One (1) building of this type is allowed per parcel.
   3. Side and rear setbacks for Type 1 Outbuildings are a minimum of two (2) feet.

E. **Type 2 Outbuilding**:
   1. This building may be used as an accessory dwelling unit, for storage of personal items and vehicles, or a combination of allowable uses.
   2. One (1) building of this type is allowed per five (5) acres of parcel size.
   3. This is an accessory structure.

Section 6.5 Dimensional Standards

A. **Lot Area:**
   1. Single-family dwelling: Minimum for lots created after [[date this amendment is adopted]]: twenty-thousand (20,000) square feet.
   2. Duplex dwelling: Minimum twenty-thousand (20,000) square feet.

B. **Road Frontage Width:** one-hundred (100) feet minimum for all lots created after September 14, 1994.

C. **Road-side Setback:**
   1. Forty (40) feet minimum from the road right-of-way.
   2. See Section __.06 for additional provisions.

D. **Side Setback:**
   1. Single-family dwelling, accessory dwelling unit, duplex dwelling, or Type 2 Outbuilding: Ten (10) feet minimum.

2. Park: Thirty (30) feet minimum.
3. Shorelines: See Section __.06 for additional provisions.

E. **Shoreline Setback:**
1. Fifty (50) feet minimum from the Ordinary High Water Mark (IGLD).
2. See Section __.06 for additional provisions.

F. **Rear Setback:** for inland portions of parcels that are divided by a road is thirty (30) feet minimum.

G. **Primary Building Height:** Thirty-five (35) feet maximum.

H. **Accessory Building Height:** Twenty-five (25) feet maximum or the height of the Primary Structure, whichever is less.

I. **Lot Coverage:** Twenty-five (25) percent maximum. Any portion of a public road traversing a lot will not be included as part of the lot coverage for calculation purposes.

Section 6.6 Additional Provisions

In addition to the requirements of this Article the provisions of Article 3 General Provisions shall also apply.

A. Shoreline Setbacks:
1. Setbacks for structures on lots of record on or before September 14, 1994 may be reduced to the average setback from the shoreline of primary structures on the two (2) closest developed lots on both sides of the subject parcel property lines.
   a. The applicant shall be required to provide an accurate measured drawing of these lots to determine the required setbacks.
   b. The minimum shoreline setback shall be no less than thirty (30) feet.
   c. If the average shoreline setback option is used, then the minimum side yard setback requirement shall be increased to an average of fifteen (15) feet. For example, if one side yard setback is ten (10) feet, the other side must be twenty (20) feet. No side yard setback shall be less than ten (10) feet.
2. Lots of record created after [[date this amendment is adopted]] shall conform to the fifty (50) foot shoreline setback.
3. A survey of adjoining properties will not be required for any parcel or lot of record that meets the fifty (50) foot shoreline setback.

C. Road-side Setbacks for Shoreline Property:
1. Road-side setbacks for structures on lots of record on or before [[date this amendment is adopted]] may be reduced to the average setback from the property line adjacent to the right-of-way and the primary structures on the two (2) closest developed lots on both sides of the subject parcel property lines.

a. The applicant shall be required to provide an accurate measured drawing of these lots to determine the required setbacks.
b. The minimum road-side yard setback shall be no less than twenty (20) feet.
c. If the average front yard setback option is used, then the minimum side yard setback requirement shall be increased to an average of fifteen (15) feet. For example, if one side yard setback is ten (10) feet, the other side must be twenty (20) feet. No side yard setback shall be less than ten (10) feet.

2. Lots of record created after [[date this amendment is adopted]] shall conform to the forty (40) foot road-side yard setback and the ten (10) foot side yard setback minimum.
3. A measured drawing of adjoining properties will not be required for any parcel or lot of record that meets the forty (40) foot road-side setback.

Article 7
Rural Residential District

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7.1	Purpose	7-1
7.2	Permitted Uses	7-1
7.3	Specific Land Uses	7-1
7.4	Allowable Building Types	7-2
7.5	Dimensional Standards	7-3

Section 7.1 Purpose

This district of smaller parcels is primarily for residential use in areas of the township not suitable for agricultural use.

Section 7.2 Permitted Uses

All land uses require a permit. The following uses are allowed if they meet the requirements outlined in this Article and after a permit is obtained from the zoning administrator.

A. Residential
B. Accessory Dwelling Unit
C. Accessory building types as allowed per Section 7.4-Allowable Building Types
D. Child care home for a maximum of six (6) children
E. State licensed adult foster care home or adult foster care small group home
F. Agriculture

Section 7.3 Specific Land Uses

Some land use permits may be granted only when specific conditions have been met. Additionally, some land uses also require a special land use permit as outlined in Article 20 Special Land Use Permits. The additional land uses found in this section may be allowed in this district as determined in Article 14 Use Requirements.

A. Parks and trails
B. Home occupation/home business
C. Bed and breakfast
D. Short term rental per Township Ordinance No. ___ of 2017
E. Group child care home
F. Church, school and child care center
G. Duplex Housing and/or Multi-family dwellings
H. Agricultural support
I. Agritourism
J. Development Alternative for Vacant Subdivision/Condominium Projects. For those situations where an existing subdivision or condominium project in this District is primarily underdeveloped (a maximum of ten (10) percent of the lots or condominium

units have been sold). The property owner(s), after obtaining approval from the Planning Commission, may develop the remainder of the parcel per the provisions of the Rural Residential or Agricultural District.

Section 7.4 Allowable Building Types

A. **Single-Family Dwelling:**
   1. Only one (1) building of this type is allowed per parcel.
   2. This is a primary structure.

B. **Accessory Dwelling Unit:**
   1. There may be one (1) accessory dwelling unit per parcel where allowed.
   2. It shall be a maximum of six-hundred (600) square feet.
   3. It may be located either within the primary structure or in a Type 2 Outbuilding.
   4. The owner of the parcel must reside in one of the units.
   5. Accessory dwelling units are an accessory structure to a single-family dwelling.

C. **Duplex Dwelling:**
   1. A building type which contains two (2) dwelling units.
   2. This is a primary structure.
   3. With this building type an accessory dwelling unit is not allowed on the parcel.

D. **Multi-family Dwelling:**
   1. A building type which contains three (3) or more dwelling units.
   2. This is a primary structure.

E. **Type 1 Outbuilding:**
   1. This is an accessory structure.
   2. One (1) building of this type is allowed per parcel.
   3. Side and rear setbacks for Type 1 Outbuildings are a minimum of two (2) feet.

F. **Type 2 Outbuilding**:
   1. This building may be used as an accessory dwelling unit, for storage of personal items and vehicles, or a combination of allowable uses.
   2. One (1) building of this type is allowed per five (5) acres of parcel size.
   3. This is an accessory structure.

G. **Type 3 Outbuilding(s):**
   1. This building may be used for storage, agriculture, agriculture-based or agritourism uses.
   2. One (1) building of this type is allowed per five (5) acres of parcel size.
   3. This is an accessory structure.

Section 7.5 Dimensional Standards

A. For multi-family developments see Section 14.15 for applicable dimensional standards.

B. **Lot Area:**
   1. Single-family dwelling: minimum one (1) acre.
   2. Single duplex dwelling: minimum one (1) acre.
   3. Multiple duplexes, multi-family dwelling: minimum two (2) acres.

C. **Road Frontage Width:** One-hundred-fifty (150) feet minimum for all newly created lots or other road frontage widths as noted in Section __.03 Special Land Uses.

D. **Front Setback:** Forty (40) feet minimum from the road right-of-way or other front setback as noted in Section __.03 Special Land Uses. The front setback on private roads is thirty (30) feet minimum from the road right-of-way.

E. **Side Setback:**
   1. Single-family dwelling, accessory dwelling unit, singular duplex dwelling, or Type 2 Outbuilding: Fifteen (15) feet minimum.
   2. Multiple duplexes on a parcel, multi-family dwellings, Type 3 Outbuilding: Thirty (30) feet minimum.

F. **Rear Setback:** Thirty (30) feet minimum.

G. **Primary Building Height:** Thirty-five (35) feet maximum.

H. **Accessory Building Height:** Twenty-five (25) feet maximum or the height of the primary structure, whichever is less.

I. **Lot Coverage:** Twenty-five (25) percent maximum.

Article 8
Neighborhood Residential District

Sec	Name	Pg
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8.2	Permitted Uses	8-1
8.3	Specific Land Uses	8-1
8.4	Allowable Building Types	8-2
8.5	Dimensional Standards	8-2
8.6	New Developments	8-4

Section 8.1 Purpose

It is the intent of this district that parcels be developed as a coordinated neighborhood with a variety of housing types located in close proximity to each other and to the Village of Suttons Bay.

Section 8.2 Permitted Uses

All land uses require a permit. The following uses are allowed if they meet the requirements outlined in this Article and after a permit is obtained from the zoning administrator.

A. Residential
B. Accessory Dwelling Unit
C. Accessory building types as allowed per Section 8.04-Allowable Building Types
D. Child care home for a maximum of six (6) children
E. State licensed adult foster care home or adult foster care small group home

Section 8.3 Specific Land Uses

Some land use permits may be granted only when specific conditions have been met. Additionally, some land uses also require a special land use permit as outlined in Article 20 Special Land Use Permits. The additional land uses found in this section may be allowed in this district as determined in Article 14 Use Requirements.

A. Parks and trails
B. Home occupation/home business
C. Bed and breakfast
D. Short term rental per Township Ordinance No. 4 of 2017 (as amended)
E. Group child care home
F. Church, school and child care center
G. Duplex Housing and/or Multi-family dwellings

Section 8.4 Allowable Building Types

A. **Single-Family Dwelling:**
   1. Only one (1) building of this type is allowed per parcel.
   2. This is a primary structure.

B. **Accessory Dwelling Unit:**
   1. There may be one (1) accessory dwelling unit per parcel.
   2. It shall be a maximum of six-hundred (600) square feet.
   3. It may be located either within the primary structure or in a Type 2 Outbuilding.
   4. The owner of the parcel must reside in one (1) of the units.
   5. Accessory dwelling units are an accessory structure to a single-family dwelling.

C. **Duplex Dwelling:**
   1. A building type which contains two (2) dwelling units.
   2. This is a primary structure.

D. **Multi-family Dwelling:**
   1. A building type which contains three (3) or more dwelling units.
   2. This is a primary structure.

E. **Type 1 Outbuilding:**
   1. This is an accessory structure.
   2. One (1) building of this type is allowed per parcel.
   3. Side and rear setbacks for Type 1 Outbuildings are a minimum of two (2) feet.

F. **Type 2 Outbuilding**:
   1. This building may be used as an accessory dwelling unit, for storage of personal items and vehicles, or a combination of allowable uses.
   2. One (1) building of this type is allowed per parcel.
   3. This is an accessory structure.

Section 8.5 Dimensional Standards

A. For multi-family developments see Section 14.16 for applicable dimensional standards.

B. **Lot Area:**
   1. **Lot Width:** Sixty (60) feet minimum to one-hundred-twenty (120) feet maximum.
   2. **Lot Depth:** One-hundred (100) feet minimum to one-hundred-twenty (120) feet maximum.

C. **Front Setback:**
   1. Thirty (30) feet minimum from the road right-of-way for county roads.

2. Twenty (20) feet maximum from new public or private roads within a housing development.
3. **Garage setback**: Twenty (20) feet minimum from the front eave line of the primary structure.

D. **Rear Setback:** Fifteen (15) feet minimum.

E. **Side Setback:** Minimum of twenty (20) feet total with a minimum of seven (7) feet on one side.

F. **Primary Dwelling Building Height:** Thirty (30) feet maximum.

G. **Accessory Building Height:** Twenty-five (25) feet maximum or the height of the primary building, whichever is less.

H. **Maximum Lot Coverage:** Forty (40) percent maximum.

I. **Maximum Impervious Surface Coverage:** Fifty (50) percent maximum.

J. **Primary Dwelling Building Height:** Thirty-five (35) feet maximum.

K. **Accessory Building Height:** Twenty-five (25) feet maximum or the height of the primary building, whichever is less.

L. **Building Siting Limitations:** In those situations where adjacent lots are under one ownership, all buildings shall not straddle the lot lines, and each shall be sited on a single lot based upon the dimensional requirements above.

Section 8.6 New Developments

Except for roads, new developments on the Master Parcel(s) in this district shall be limited to areas:

A. Served by a community or municipal sewer system;

B. On slopes twelve (12) percent or less as determined by the Leelanau County Soil Survey, and;

C. Where the seasonal high water table is greater than three feet below grade.

D. The remainder of the land may be made up of farmland, forestland, and/or recreation areas.

Article 9
Open

Article 10
Commercial District – C-1: M-22

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10.4	Allowable Building Types	10-2
10.5	Dimensional Standards	10-2
10.6	District Standards	10-3

Section 10.1 Purpose

This district encompasses areas along M-22. It is the intent of this district to mitigate the negative impacts of lineal "strip" developments along the highway, and to promote a natural gateway corridor to the Village. It is intended to accommodate those retail, business activities, and uses that serve the community.

Section 10.2 Permitted Uses

All land uses require a permit and all new uses and changes of use require a site plan review by the Planning Commission per Article 19-Site Plan Review. When a use changes to another use in the same category, only an administrative review by the Zoning Administrator is required. The following uses are allowed in this district.

A. Retail
B. Business office and/or business service
C. Restaurant
D. Lodging
E. Active recreation
F. Residential
    1. Attached residential units incorporated with above uses
    2. Accessory Dwelling Unit
    3. Child care home for a maximum of six (6) children
    4. State licensed adult foster care home or adult foster care small group home

Section 10.3 Specific Land Uses

Some land use permits may be granted only when specific conditions have been met. Additionally, some land uses also require a special land use permit as outlined in Article 20-Special Land Use Permits. The additional land uses found in this section may be allowed in this district as determined in Article 14-Use Requirements.

A. Home occupation or home business
B. Bed and breakfast
C. Multi-family development

D. Commercial storage
E. Church, school and child care center
F. Adult and sexually oriented business
G. Parks and trails
H. Agritourism

Section 10.4 Allowable Building Types

A. One and two-story structures to accommodate the permitted uses.

B. Structures with an exterior dimension of no more than ten-thousand (10,000) square feet.

Section 10.5 Dimensional Standards

A. **Lot Area:**
   1. There is no minimum lot area for this district; however, there may be a minimum lot area for specific uses.
   2. All parcels created must have sufficient area for water and septic/sewer services and sufficient area available for access, parking, loading and unloading, screening and stormwater retention.

B. **Road Frontage Width:** Twenty-five (25) feet minimum width for parcels directly fronting on public roads.

C. **Road Setback:** One of the following shall apply:
   1. Setback on M-22 may be determined by the average setback from the M-22 road centerline of the two (2) adjacent buildings Plus or minus (+/-) five (5) feet, as long as the building is not in the right-of-way.
   2. Setbacks from county or private roads shall be a minimum of twenty (20) feet from the road right-of-way and a maximum of thirty (30) feet.
   3. At the time of site plan review the Planning Commission may approve greater or lesser setbacks for developments that help the township achieve the stated purposes of this district.

D. **Side Setback:**
   1. The minimum side setback shall be ten (10) feet, or
   2. Side setbacks shall be thirty (30) feet minimum if the parcel is located adjacent to a residential or agricultural district.

E. **Rear Setback:**
   1. The minimum rear setback shall be ten (10) feet, or
   2. Side setbacks shall be thirty (30) feet minimum if the parcel is located adjacent to a residential or agricultural district.

F. **Buildable Area:** as defined in this ordinance.

G. **Lot Coverage:** Fifty (50) percent maximum.

H. **Impervious Surface Coverage:**
   1. Sixty (60) percent maximum of any parcel may be covered by impervious surfaces.
   2. On or offsite stormwater retention measures with capacity to handle a twenty-five (25) year rainfall event shall be included as a condition for new development or redevelopment.
   3. Site plans that incorporate Low Impact Design to handle stormwater runoff may be allowed up to a seventy (70) percent impervious surface coverage.

I. **Primary Building Height:**
   1. Twelve (12) feet minimum.
   2. Thirty-five (35) feet maximum.
   3. Height standard may be exceeded by parapet walls less than four (4) feet in height or screening walls as needed to conceal mechanical equipment from the street or adjacent properties.
   4. Height standard may be exceeded by ten (10) feet for chimneys, cupolas, spires or other uninhabitable projections.

J. **Accessory Building Height:** Twenty-five (25) feet maximum or the height of the primary structure, whichever is less.

K. **Building Form:**
   1. One and two-story structures are allowed.
   2. Roof pitch shall not be less than twelve to five (12:5).
   3. Buildings are to be oriented to the streets and sidewalks.

L. **Building Façade:**
   1. There shall be a public entrance on both the street-facing side of the buildings and on the parking-facing side.
   2. Buildings more than forty (40) feet in width shall be divided into smaller increments through articulation of the façade such as stepping back or extending forward a portion of the façade of not less than eighteen (18) inches in depth.
   3. For commercial buildings, transparency requirements shall apply to the area of the façade between two (2) feet and ten (10) feet above grade regardless of where the windows are located. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent.
   4. For commercial buildings, facades facing public or private streets shall be a minimum of twenty (20) percent of window and door openings.

Section 10.6 District Standards

A. **Circulation, Parking and Loading:**

1. **Parking**:
   a. All vehicle and equipment parking shall be located off the street.
   b. All access drives, service drives, driveways, parking areas, and sidewalks shall be surfaced with a hard, stable, non-erodible surface.
   c. Parking areas shall meet the requirements of Section _____.
   d. Shared parking is allowed as per the standards in Section _____.
   e. New parking shall be located at the side and/or rear of buildings.
   f. Parking lots shall be buffered by buildings or by perimeter landscaping as per Section ____.
2. **Loading**:
   a. Loading areas shall be located in the side or rear of the commercial establishment.
   b. Loading/unloading docks and areas (including solid waste containers) shall be situated so that trucks loading and unloading do not block drives and do not require the need to park in parking lot areas for more than fifteen (15) minutes at a time.
3. **Access Drives**
   a. Require shared access drives off of M-22.
   b. All driveways off of M-22 are to be permitted by MDOT.
   c. Minimum spacing between driveways on interior streets/drives shall be one-hundred-fifty (150) feet.
4. **Pedestrian Access:**
   a. Vehicular and pedestrian connectivity to adjacent parcels is required.
   b. The Commission may require sidewalks for pedestrian and non-motorized vehicles along the road and access drives.
   c. Pedestrian sidewalk/pathways, at a minimum of five (5) feet wide, shall link to the parking areas, building entrances, and adjacent parcels.

B. **Drive-throughs:**
   1. Shall be allowed only in rear or back side of the building.
   2. Shall be screened from M-22, adjacent properties, or private drives.

C. **Auto Services/Sales**
   1. Fuel pumps shall be located in rear or back side of the building
   2. Access to/from service bays shall be from the rear or back side of the building.
   3. All inventories for car/equipment sales shall be located behind buildings.

D. **Display and Storage Areas (includes solid waste storage)**
   1. Such areas may not interfere with pedestrian or vehicle traffic circulation.
   2. Shall be screened from all sides, at least as high as the tallest container, with landscaping and/or an opaque fence or wall and a gate(s).
   3. Shall be constructed of materials compatible with and similar quality to the primary building materials.
   4. Any outdoor storage that faces adjacent residential uses or a public road shall be screened with walls or fences made up of materials similar quality to the primary building materials.

5. Such areas shall be incorporated into the design of the building so that the visual and noise impacts of these functions are fully contained and not visible/audible from adjacent properties and public/private roads.

E. **Landscaping:**
   1. All landscaping shall meet the requirements of Section ____.
   2. All landscape design and signage placement shall retain the necessary clear sight distance at the intersection of the road and driveway.

F. All **utilities** shall be located underground.

G. All **exterior lighting** shall meet the requirements of Section _____.

H. All **signage** must meet the requirements of Section ___.

I. **District Standards Modifications:** Under some circumstances certain dimensional requirements modifications may be approved at the time of site plan review by the Planning Commission. Application for modifications may be applied for new construction or pre-existing structures. The following criteria will be considered:
   1. A setback minimum of five (5) feet from the side and rear property lines shall be required.
   2. The location and design of the structures and uses maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, or parking of adjacent properties.
   3. The requested modifications help to achieve the desired purposes of this district.

Article 11

Commercial District – C-2: Richter Rd.

Sec	Name	Pg
11.1	Purpose	11-1
11.2	Permitted Uses	11-1
11.3	Specific Land Uses	11-1
11.4	Allowable Building Types	11-2
11.5	Dimensional Standards	11-3
11.6	General Standards	11-3

Section 11.1 Purpose

This district encompasses an area along Richter Road where a mixture of residential, commercial, and industrial uses exists. The purpose of this district is to provide an area for businesses that require a larger parcel size and are light industrial in nature.

Section 11.2 Permitted Uses

All land uses require a permit. The following uses are allowed if they meet the requirements outlined in this Article and after a permit is obtained from the zoning administrator.

A. Residential
B. Accessory Dwelling Unit
C. Accessory building types as allowed per Section 11.04-Allowable Building Types
D. Child care home for a maximum of six (6) children
E. State licensed adult foster care home or adult foster care small group home

Section 11.3 Specific Land Uses

Some land use permits may require a site plan review and shall be granted only when specific conditions have been met. Additionally, some land uses also require a special land use permit as outlined in Article 20 Special Land Use Permits. The additional land uses found in this section may be allowed in this district as determined in Article 14 Use Requirements.

A. Home occupation/home business
B. Bed and breakfast
C. Group child care home
D. Manufacturing
E. Construction services
F. Public works facilities
G. Commercial storage
H. Church, school and child care center
I. Sawmill
J. Low of high intensity food processing

Section 11.4 Allowable Building Types

A. **Single-Family Dwelling:**
   1. Only one (1) building of this type is allowed per parcel.
   2. This is a primary structure.

B. **Accessory Dwelling Unit:**
   1. There may be one (1) accessory dwelling unit per parcel.
   2. It shall be a maximum of six-hundred (600) square feet.
   3. It may be located either within the primary structure or in a Type 2 Outbuilding.
   4. The owner of the parcel must reside in one of the units.
   5. Accessory dwelling units are an accessory structure to a single-family dwelling.

C. **Duplex Dwelling:**
   1. A building type which contains two (2) dwelling units.
   2. This is a primary structure.

D. **Multi-family Dwelling:**
   1. A building type which contains three (3) or more dwelling units.
   2. This is a primary structure.

E. **Type 1 Outbuilding:**
   1. This is an accessory structure.
   2. One (1) building of this type is allowed per parcel.
   3. Side and rear setbacks for Type 1 Outbuildings are a minimum of two (2) feet.

F. **Type 2 Outbuilding**:
   1. This building may be used as an accessory dwelling unit, for storage of personal items and vehicles, or a combination of allowable uses.
   2. One (1) building of this type is allowed per five (5) acres of parcel size.
   3. This is an accessory structure.

G. **Type 3 Outbuilding(s):**
   1. This building may be used for storage, manufacturing, processing, repair or construction uses.
   2. One (1) building of this type is allowed per five (5) acres of parcel size.
   3. This is an primary or accessory structure.

H. **Type 4 Outbuilding**
   1. This building may be used for storage, manufacturing, processing, repair or construction uses.
   2. One (1) building of this type is allowed per five (5) acres of parcel size.
   3. This is a primary structure.

Section 11.5 Dimensional Standards

A. **Lot Area:**
   1. There is no minimum lot area for this district; however, there may be a minimum lot area for specific uses.
   2. All parcels created must have sufficient area for water and septic/sewer services and sufficient area available for access, parking, loading and unloading, screening and stormwater retention.

B. **Road Frontage Width:** Sixty-five (65) feet minimum for all newly created lots or other road frontage widths as noted in Section 11.__ Special Land Uses.

C. **Front Setback:** Twenty (20) feet minimum from the road right-of-way or other front setback as noted in Section 11.___ Special Land Uses.

D. **Side Setback:**
   1. The minimum side setback shall be twenty (20) feet, or
   2. Side setback shall be sixty (60) feet minimum if the parcel is located adjacent to a residential or agricultural district.

E. **Rear Setback:**
   1. The minimum rear setback shall be twenty (20) feet, or
   2. Rear setback shall be sixty (60) feet minimum if the parcel is located adjacent to a residential or agricultural district.

F. **Primary Building Height:** Thirty-five (35) feet maximum.

G. **Accessory Building Height:** Twenty-five (25) feet maximum or the height of the primary structure, whichever is less.

H. **Lot Coverage:** Thirty-five (35) percent maximum.

I. **Impervious Surface Coverage:**
   1. Sixty (60) percent maximum of any parcel may be covered by impervious surfaces.
   2. On or offsite stormwater retention measures with capacity to handle a twenty-five (25) year rainfall event is required.
   3. Site plans that incorporate Low Impact Design to handle stormwater runoff may be allowed up to a seventy (70) percent impervious surface coverage.

Section 11.6 General Standards

A. **Landscaping**:
   1. All landscaping except for single family uses shall meet the requirements of Section ____.

2. All landscape design and signage placement shall retain the necessary clear sight distance at the intersection of the road and driveway.
3. For parcels adjacent to the Leelanau Trail/TART Trails system, a landscape buffer is required between buildings and/or parking lots and the trail and shall be landscaped using the standards of Section 3.12.4 Right-of-Way Landscaping/ Greenbelts.

B. **Circulation, Parking and Loading**:
1. All vehicle and equipment parking shall be located off the street.
2. All access drives, service drives, driveways, parking areas, and sidewalks shall be surfaced with a hard, stable, non-erodible surface such as gravel, bituminous asphalt mixture or concrete.
3. Parking areas shall meet the requirements of Section _____.
4. Shared parking is allowed as per the standards in Section _____
5. New parking shall be located at the side and rear of buildings.
6. Loading areas shall be located in the side or rear of the commercial establishment.
7. Parking lots shall be buffered by buildings or by perimeter landscaping as per Section ____.

C. **Waste Collection:**
1. Solid waste container(s) shall be located in the side or rear of the commercial establishment, and
2. Shall be screened from all sides, at least as high as the tallest container, with landscaping and/or an opaque fence or wall and a gate(s).

D. All **utilities** shall be located underground.

E. All **exterior lighting** shall meet the requirements of Section _____.

F. All **signage** must meet the requirements of Section ___.

Article 12

Historic Waterfront Resort Development

Sec	Name	Pg
12.1	Purpose	12-1
12.2	Permitted Uses	12-1
12.3	Master Development Plan	12-1
12.4	Allowable Building Types	12-2
12.5	Dimensional Standards	12-2
12.6	General Development Standards	12-3

Section 12.1 Purpose

This district encompasses the existing unique and historic Fountain Point Resort and riparian properties on Lake Leelanau for commercial development uses. The purpose of this district is to provide use and design flexibility that fits into the rural character, and protects its scenic, historic, and environmental resources.

Section 12.2 Permitted Uses

The following uses are allowed within the district:

A. Lodging
B. Meeting rooms and conference facilities
C. Resort and passive recreational activities such as trails and rowing
D. Restaurant
E. Agritourism
F. Retail associated with the resort use such as, but not limited to, resort merchandise, sunscreen, and fishing bait. On site retail shall not include packaged alcohol/liquor sales other than those produced under a winery license held by the property owner.
G. Service businesses associated with the resort use such as but not limited to a health spa.
H. Outdoor activities and special events
I. Camping as allowed per Section 14. ____
J. Limited Residential: owner/employee housing and may exist in combination of limited year-round affordable housing rental units (See Section __.04. F).
K. Such other uses may be approved by the Planning Commission when issuing a Special Land Use Permit for a Master Development Plan.

Section 12.3 Master Development Plan

For any application for a subdivision of land, any development, or change or expansion of use the applicant shall prepare a Master Development Plan for the entire site. The Master Development Plan shall require a Special Land Use Permit from the Planning Commission and shall be consistent with the Suttons Bay Township Master Plan. The standards and requirements

of Article 19 Site Plan Review and Article 20 Special Land Use Permits shall apply. A Master Development Plan shall include:

A. any proposed uses from Section 12.2;
B. a detailed site plan showing an open space system (including preserved open space);
C. access, parking, and road layouts within the Master Development Plan;
D. proposed recreational facilities;
E. proposed outdoor activities;
F. any proposed special events;
G. days, times, frequency, and hours of operation for each use; and
H. a phasing plan if the project is to be built in phases.

Section 12.4 Allowable Building Types

A. **Single Family Lodging:** This building type shall have a maximum footprint of six-hundred (600) square feet. These are primary structures, and are to be used as short term (less than thirty (30) consecutive days) lodging only.

B. **Multi-unit Lodging:** This building type shall have a maximum footprint of one-thousand-eight-hundred (1,800) square feet. These are primary structures, and are to be used as short term (less than thirty (30) consecutive days) lodging only.

C. **Lodge:** Only one building of this type is allowed per Master Development Parcel. A maximum of twelve (12) bedroom rental units are allowed for up to five-hundred (500) feet of shoreline frontage. Parcels greater than five-hundred (500) feet of shoreline frontage may contain a maximum of twenty (20) bedroom units. This building may contain a restaurant. Kitchen facilities *(except for microwave ovens, small refrigerators, and coffee makers)* shall not be allowed in rental units. This is a primary structure.

D. **Restaurant/Banquet Hall:** Only one (1) building of this type is allowed per Master Development Plan. This is an accessory structure.

E. **Single Family Dwelling:** Only one (1) building of this type is allowed per Master Development Plan. Occupancy shall be limited to either the owner or the manager of the property. This is an accessory structure.

F. **Employee/Affordable Rental Units:** Only two (2) of these types of buildings are allowed per Master Development Plan. A combination of small apartments or dormitory-style housing for on-site employees and a maximum of twelve (12) units of year-round affordable housing units (regardless of employment) may be allowed.

G. **Type 1, 2, or 3 Outbuilding:** This building type is allowed as permitted by the Planning Commission upon review of the Master Development Plan. These are accessory structures.

Section 12.5 Dimensional Standards

A. **Minimum Lot Size:** minimum of forty (40) acres per development

B. **Minimum Waterfront Lot Width:** minimum one thousand **(**1,000) feet.

C. **Road Frontage Width:** minimum four-hundred (400) feet.

D. **Waterfront Setback:** minimum fifty (50) feet upland from the water's edge.

E. **Road Setback:** minimum forty (40) feet from the road right-of-way.

F. **Side Yard Setback:** minimum of fifty (50) feet.

G. **Primary Building Height:**
   a. Single-family lodging: twenty-five (25) feet maximum
   b. All other primary buildings: thirty-five (35) feet maximum

H. **Accessory Building Height:** Twenty-five (25) feet or the height of the tallest Primary Structure on the parcel, whichever is less.

I. **Lot Coverage:** twenty-five (25) percent maximum of the parcel's gross acreage or thirty-five (35) percent if a waterfront buffer is installed as per Section __.05.D below.

Section 12.6 General Development Standards

A. A single transient boat dock area to accommodate one or more boats for non-overnight, non-guests of the resort shall be allowed as approved for in the Master Development Plan. Permanent dock area for resort and resort guest use shall be allowed as approved in the Master Development Plan. Permanent dock area shall not be used for commercial, long-term, or non-resident storage.

B. All uses are subject to Section ____ Landscaping and Buffering.

C. In those situations where the amount of lot coverage shall exceed twenty-five (25) percent (but in no case shall exceed thirty-five (35) percent), as a condition for new development, a waterfront buffer extending the width of the shoreline and a minimum of twenty-five (25) feet in depth shall be installed and maintained. This buffer shall be made up of a mixture of trees and low growing shrubs as provided for in Section _____ Landscaping and Buffering. Trees should be scattered throughout the buffer and sited in a manner that allows for filtered views of the water from the structures. No lawn shall be maintained within this buffer.

D. Parking areas shall meet the requirements of Section _____. No on-street parking along public roads is allowed in this district.

E. Solid waste container(s) shall be screened from all sides with an opaque fence or wall with a gate(s) at least as high as the tallest container. The fence, wall, and/or gate shall be constructed of material which is compatible with the architectural materials used in the site.

F. All new utilities shall be located underground. All new utility pad fixtures and meters (electric, gas, water, sewer, cable television, and other similar devices) shall be shown on the site plan, and integrated with the landscape elements of the site plan.

G. All exterior lighting shall meet the requirements of Section _____.

H. All signage must meet the requirements of Section ___.

Article 13
Open

Article 14
Use Requirements

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Section 14.1 Intent

It is the intent and purpose of this Article to provide a set of standards for the review and, where appropriate, the granting of appropriate permits, while at all times minimizing the impact of activities on the adjacent and neighboring properties, protecting the natural resources and environment, and maintaining provisions for the protection of the health, safety, and general welfare of the township's residents. This article contains the conditions and standards required for conditional permitted uses and special land uses. Each zoning district has a listing of uses

that are allowed in that district. Some uses are allowed without a permit as long as the conditions are met while others require a special land use permit.

Section 14.2 Conditional Permitted Uses – No Permit Required

The following uses are allowed if the associated conditions are met and the use may run with the land as long as the conditions continue to be met. If after a review by the zoning administrator it is determined that the conditions are not being met it shall be considered a violation of this ordinance.

Section 14.2.1 Docks and Moorings

A. On inland lakes, docks shall not exceed one (1) per one-hundred (100) feet of lot width, lot width to be measured parallel to the trend of the water's edge, and shall not extend beyond a water depth of five (5) feet. Notwithstanding the water depth a minimum of twenty-five (25) feet of length is allowed for any dock.

B. On inland lakes: no more than two (2) motorboats and six (6) watercraft other than motorboats shall be allowed, per one-hundred (100) feet of lot width, on hoists, beached, moored, docked, or anchored; no more than one (1) motorboat and one (1) watercraft other than a motorboat shall be allowed for each additional twenty-five (25) feet of lot width, on hoists, beached, moored, docked, or anchored.

Section 14.2.2 Farm Stands

A. Farm stands are allowed in districts where agriculture is a permitted use.

B. The stand must be on property owned or leased by the farm producing the product.

C. Type 1 Outbuildings used as farm stands are exempt from the front setback standards. They may be located up to the road right-of-way edge, provided they do not present a traffic hazard.

D. Side yard setbacks do apply to farm stands.

Section 14.2.3 Fences

A. Boundary Fences:
   1. Boundary fences are allowed in all districts.
   2. Unless otherwise specifically provided for in this ordinance, boundary fences shall be limited to four (4) feet in height for all front setback areas and shoreline setback areas.
   3. Otherwise boundary fences shall be limited to six (6) feet in height.
   4. No boundary fence shall be erected in such a manner as to interfere with traffic visibility.

B. Screening Fences: The Planning Commission may require a screening fence during site plan review. The maximum height of a screening fence shall be the minimum required to block the sight of the equipment or items to be screened.

1. Wooden screens may be erected with wood posts not less than four (4) inch by four (4) inch nominal and solid board cover not less than three-quarter (3/4) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet apart on center. The finished side of the screen shall face abutting properties.
2. Metal, open mesh or slatted fencing may be used, provided that the ratio of one part open to six parts solid fencing (1:6) is not exceeded.
3. Masonry wall may be used if designed and constructed to facilitate maintenance and not to modify natural drainage in such a way as to endanger adjacent property. Masonry walls must be on cement footing, set a minimum of twenty-four (24) inches below grade.

C. Agricultural Fences: Agricultural fencing is allowed where agriculture is a permitted use and is to keep animals in or out of an area or for other agricultural purposes.

Section 14.2.4 Home Occupation

Home occupations are traditional in Suttons Bay Township. It is the intent of this section to accommodate home occupations, which are subordinate and incidental by their very nature to the use of a single family dwelling unit for residential purposes, and which are compatible with the character of a residential neighborhood.

Home occupations shall be permitted, subject to the following conditions:

A. Home occupations are allowed in all dwellings unless otherwise prohibited.

B. The home occupation shall be operated by a resident of the parcel.

C. All home occupations shall be so conducted as not to be noticeable from the exterior of the house.

D. Signs are allowed only as outlined in Section 3.17 Signs.

E. Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

F. No employees other than residents of the dwelling unit shall be employed in the home occupation.

G. No noise, odors, or illumination created by the home occupation shall be noticeable outside the dwelling.

Section 14.2.5 Medical Use of Marijuana

A. Intent and Purpose. The enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, *et seq*, and its administrative rules, R 333.101, *et seq*, has precipitated the Suttons Bay Township Zoning Ordinance to implement land use regulations to address the medical use of marijuana in accordance with the MMMA.

B. Regulations for Qualifying Patients. The medical use or cultivation of marijuana by a qualifying patient in that qualifying patient's dwelling or an accessory building is hereby recognized as an accessory use to the principal residential use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:
    1. The qualifying patient must be issued and must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
    2. The qualifying patient shall comply at all times with the MMMA and the General Rules of the Michigan Department of Community Health, as amended.
    3. All marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked structure that permits access only by the qualifying patient.
    4. If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

C. Regulations for Primary Caregivers. A primary caregiver shall be permitted the medical use of marihuana as a primary caregiver as defined and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq ("the Act") and the requirements of this section, and shall ONLY be allowed as a home occupation in the principal dwelling unit. No land use permit shall be required, but this type of home occupation shall be subject to the State regulations and the additional requirement of this Ordinance.
Except as superseded by the State regulations and associated rules or by the additional requirements of this section, primary caregivers shall also be subject to Section 14.1 Home Occupations regulations. The following additional requirements for a Primary Caregiver as a home occupation shall apply:
    1. The primary caregiver operations shall be operated by a primary caregiver who has been issued and maintains a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
    2. All marijuana plants or products must be contained within the primary caregiver's dwelling unit in an enclosed, locked structure that permits access only by the primary caregiver.
    3. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
    4. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

5. No more than one (1) primary caregiver per dwelling unit shall be permitted. The dwelling unit shall be the principal dwelling of the primary caregiver. The medical use of marihuana shall comply at all times with the MMMA and General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
6. Medical marihuana shall be delivered to the qualifying patient where the qualifying patient resides. Pick up of medical marihuana from the primary caregiver's home occupation is prohibited. Transactions relating to compensation of costs associated with assisting a qualifying patient are prohibited from occurring at the primary caregiver's home occupation.

D. Relationship to Federal Law. Nothing within this section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Section 14.3 Conditional Permitted Uses – Administrative Permit

The following uses are allowed with a permit after an administrative review by the zoning administrator. After a land use permit is issued the use may run with the land as long as the conditions continue to be met. If after a review by the zoning administrator it is determined that the conditions are not being met it shall be considered a violation of this ordinance.

Section 14.3.1 Agricultural Support

Agricultural support may be allowed in the Rural Residential and Agricultural Districts and shall be farm related and is not intended to detract from the agricultural emphasis of the farm or to become a concentration of manufacturing or industrial activity which would appropriately be located in a light manufacturing district because of size or intensity of use. Agricultural support shall be allowed provided the following conditions are met:

A. The agricultural support shall be operated on a farm of ten (10) acres or more in size.

B. The accessory buildings used for agricultural support shall have no exterior evidence, other than a permitted sign, to indicate that it is being used for any purpose other than farm/agricultural purposes.

C. The accessory building shall not be altered or modified to a point so that it cannot be returned to a normal farm use with a minimum of effort.

D. The building(s) and lot area devoted to agricultural support shall remain part of the principal farm unit and shall not be sold as a separate entity.

E. The area devoted to agricultural support shall not exceed two-thousand-four-hundred (2,400) square feet.

F. No agricultural support shall be conducted upon or from the premises which would constitute nuisance or annoyance to adjoining property owners by reason of noise,

smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.

G. All agricultural support shall be subject to annual inspection by the zoning administrator and may be terminated by the administrator whenever same fails to comply with this ordinance.

Section 14.3.2 Bed and Breakfast

It is the Township's intention that bed and breakfasts will help its residents maintain single family homes which blend in with the township's rural residential character and offer the traveler an alternative to conventional accommodations. Bed and breakfasts are allowed in any district where residential is a permitted use, although number of rentable rooms is a factor of parcel size. The zoning administrator shall issue a land use permit for the operation of a bed and breakfast when all of the following conditions are met:

A. Number of rooms for rent:
   1. In the residential districts sleeping accommodations may be offered to transient tenants in up to three (3) rooms for rent on any parcel
   2. In the Agricultural District sleeping accommodations may be offered to transient tenants in up to eight (8) rooms for rent on any parcel.
   3. In the Agricultural District parcels greater than five (5) acres in size may rent up to ten (10) rooms.
   4. In no case shall there be more than an average of four (4) tenants per room per night.

B. Setbacks:
   1. For parcels smaller than five (5) acres, the setbacks shall be that of the district in which the bed and breakfast is located.
   2. For parcels greater than five (5) acres, the bed and breakfast shall be located at least forty (40) from the front and one-hundred (100) feet from the side and rear lot lines.
   3. Preexisting structures built prior to the date of this Ordinance (1993) that are located within these setbacks may be approved for use as a Bed and Breakfast or an Inn subject to site plan review by the Planning Commission.

C. The owner shall be in residence.

D. No public food service establishment shall be allowed. The bed and breakfast may provide a cooked breakfast to registered guests.

E. Approval of the well and septic system must be obtained from the local or state health department.

F. On-site use of snowmobiles, all-terrain vehicles or similar vehicles, boats and other marine equipment, by transient tenants shall be prohibited.

G. Any uses not listed above are hereby expressly prohibited.

Section 14.3.3 Boathouses and Shoreline Storage

Boathouses and shoreline storages structures are allowed on riparian parcels. Each parcel is allowed either one (1) boathouse or one (1) shoreline storage structure.

A. Boat houses: Unless otherwise specifically provided in this ordinance, a shoreline property owner may have one (1) boat house constructed on a lakes or water courses within the shoreline setback area provided the following conditions are met:
    1. New boat houses are allowed.
    2. Existing boathouses may be maintained and/or re-built in accordance with Article 21 Nonconformities.
    3. Boathouse may not exceed fifteen (15) feet in height as measured from the water.
    4. Boathouses may not exceed four-hundred (400) square feet in footprint.
    5. The structure shall not be used as a dwelling or sleeping quarters.
    6. There shall be no plumbing in the boathouse.
    7. The structure must meet applicable front and side yard setbacks.

B. Shoreline Storage: Unless otherwise specifically provided in this ordinance a shoreline property owner may have one (1) Type 1 Outbuilding within the shoreline setback area provided the following conditions are met:
    1. The structure may be no larger than one-hundred-twenty (120) square feet in footprint area.
    2. The structure height may not exceed ten (10) feet.
    3. The structure shall not be used as a dwelling or sleeping quarters.
    4. There shall be no plumbing in the structure.
    5. The structure must meet applicable front and side yard setbacks.

Section 14.3.4 Child Care Home

A special land use permit shall be issued for a group child care home in a residential dwelling when the following conditions are met (per MCL 125.3206 (4)):

A. Is located not closer than one-thousand-five-hundred (1,500) feet to any of the following:
    1. Another licensed group child care home.
    2. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
    3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
    4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

B. Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.

C. Maintains the property consistent with the visible characteristics of the neighborhood.

D. Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10:00 PM and 6:00 AM.

E. Meets regulations, if any, governing signs used by a group child care home to identify itself.

F. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

Section 14.3.5 High Intensity Food Processing

Although Food Processing Plants are a type of manufacturing whose intensity is generally incompatible with Suttons Bay Township's rural and residential character, they are permitted in the Agricultural District because of their importance to farming. High intensity Food Processing Plants and Fruit Receiving Stations are an intensive use, but an integral part of fruit farming. They shall meet the following requirements:

A. High intensity food processing is seasonal in nature and the operation runs concurrently with the local harvest of crops. It is not a year-round operation.

B. The operation is in compliance with the regulations of the Michigan Department of Agriculture and of the Michigan Department of Natural Resources including the Generally Accepted Fruit, Vegetables, Dairy, Meat, and Grain Processing Practices for Noise and Order.

C. Sites at which hazardous substances and polluting materials are stored or used shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams or wetlands.

D. Careful consideration will be given to the potential increase in traffic volumes to the area.

E. The food processing and food storage areas/structures shall occupy no more than twenty-five-thousand (25,000) square feet.

F. Ag-related retail sales are accessory uses, clearly secondary to the food processing, and shall occupy no more than twenty-five (25) percent of the floor area devoted to the food processing and storage or no more than two-thousand (2,000) square feet of floor area, whichever is less.

Section14.3.6 Home Business

Home Businesses shall be permitted in any district, unless otherwise prohibited, if the zoning administrator determines that the following conditions have been met. The zoning administrator may establish additional reasonable conditions on a home business to ensure that

they meet these standards:

A. The home business shall be operated by a resident of the parcel.

B. The use is compatible with the overall residential character of the district and of the immediate neighborhood.

C. The business is incidental and subordinate to the residential use.

D. The business is carried on entirely within the dwelling or its accessory buildings. Outdoor storage may be allowed at the discretion of the planning commission upon site plan review when screened from surrounding properties and the road.

E. The residential appearance of the premises is preserved.

F. No retail or other sales shall be permitted unless they are clearly incidental and directly related to the conduct of the home business.

G. The business is conducted by members of the family in residence, and no more than one (1) employee.

H. Only off-street parking facilities normal to residential use and located on the premises may be used. A parking plan shall be approved as part of the site plan.

I. Only one (1) vehicle used in connection with the home business shall be stopped or stored on the lot at a location approved by the planning commission.

J. No home business shall prove offensive by reason of noise, odor, dust, fumes, smoke, glare, or comparable nuisances. Sites at which hazardous substances and polluting materials are stored or used shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams, or wetlands.

K. The home business shall meet all other requirements of other applicable township ordinances as well as any requirements of the county, state, or federal law.

L. Any such home business may be subject to annual inspection by the zoning administrator, and may be terminated as a Home Business by order of the planning commission after proper notice and a public hearing whenever the home business fails to comply with the special land use permit or this ordinance.

M. Home business applications shall include the following, in addition to the applicable items required in Article 19.7 Abbreviated Site Plan Submittal Requirements and Review:
    1. Written description of the home business.

2. Where the business, proposed parking, and vehicles would be located.
3. Number of employees.
4. Hours of operation.
5. Parking plan.
6. Details of any retail sales.
7. Estimated traffic and deliveries generated by the business.
8. List of any hazardous materials to be used in the business.
9. Vehicles used in the business.
10. If outdoor storage is requested, location of any outdoor storage, items to be stored, and including any existing or proposed screening and buffering.

Section 14.3.7 Low Impact Agricultural Processing

A. Low impact agricultural processing is allowed in the Agricultural District.

B. The low impact agricultural processing and food storage areas/structures shall occupy no more than eight-thousand (8,000) square feet.

C. Retail sales are clearly accessory, and shall occupy no more than twenty-five (25) percent of the floor area devoted to food production.

D. The low impact agricultural processing facility shall operate under the Michigan Right to Farm Act and the Generally Accepted Fruit, Vegetables, Dairy, Meat, and Grain Processing Practices for Noise and Order. Sites at which hazardous substances and polluting materials are stored or used shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams or wetlands.

E. The operation shall have not more than a marginal increase in daily traffic, or otherwise be considered to be a high impact food processing operation, See Section _____.

Section 14.3.8 Small Wind Energy Systems

The intent of this section is to recognize the concern for the conservation of energy resources and the desire of residents of Suttons Bay Township to contribute to such conservation with the installation of privately owned devices for the generation of electricity or mechanical energy for their own use. It is the purpose of this Section to promote the safe, effective and efficient use of small wind energy systems.

A. Small Wind Energy Systems are permitted by right in all districts, provided the Zoning Administrator finds that all of the requirements of this section are met.

B. This Section of the Ordinance allows for private wind turbine generators and is not intended to allow for the leasing of private lands for energy production intended for use on other properties. The language in this Section is solely to allow for and to regulate the production of energy for consumption on the property in which the system is located.

C. Small wind energy systems require a Land Use Permit and are subject to certain requirements as set forth below:
   1. Small Wind Energy System Tower Height: Regardless of the structure height limitations of the zoning district in which a Small Wind Energy System is located, the height of a Small Wind Energy System tower can extend to no more than eighty (80) feet.
   2. Clearance of Blade: The lowest point of the arc created by rotating wind vanes or blades on a Small Wind Energy System shall be no less than twenty (20) feet above ground and no blade sweep shall extend over parking areas, driveways, sidewalks, decks or required setback areas.
   3. Set-back: Towers shall be setback from any property line no less than the height of the tower.
   4. Appearance: Towers and/or small wind energy systems shall not be painted such as to stand out from the surrounding foliage and buildings. There shall be no advertising or signage other than the manufacturer's logo and cautionary signage, both of which are allowed at the base. Towers shall not be lighted.
   5. Safety: Towers must be equipped with an appropriate anti-climbing device or be enclosed by security fencing not less than six (6) feet in height.
   6. Noise: When operating, small wind energy systems shall not generate more than sixty (60) decibels of sound, as measured at any lot line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
   7. Code Compliance: Small wind energy systems shall comply with all applicable federal, state, and local construction and electrical codes and local building permit requirements.
   8. Utility Connection: All utility lines leading to or from the wind energy generating device shall be underground.
   9. Non Use: Towers must be maintained in a safe condition or be removed at the property owner's expense.
   10. Requirements for Land Use Permit: A Land Use Permit application shall include a plot plan including existing structures, lot lines, roads, overhead utility lines, and the small wind energy system itself. A cross section drawing of the structure, base and footings must also accompany the application.

Section 14.4 Special Land Uses

The Michigan Zoning Enabling Act permits a local zoning ordinance to include provisions for special land uses and recognizes that approvals for special land uses is a discretionary decision by the governing body. A special land use is land use that has the potential for greater impacts on the surrounding area including, but not limited to, noise, traffic, dust, odor, glare, pollution, and stormwater runoff.

Because of the complexity and unique characteristics of many special land uses, this article shall provide for a detailed review giving particular consideration to the impact of the proposed special

land use on adjacent and neighboring properties and to the potential impact on the environment and on the community as a whole. Even though a particular land use is listed in this section it does not mean that a special land use permit shall be granted. Not every parcel is suited for every potential special land use. Topography, road access, proximity to environmentally sensitive areas, and impact on adjacent properties must be considered when evaluating an application for a special land use.

A special land use permit may only be approved if, following the holding of a public hearing, hearing public comment, and reviewing the Findings of Fact, it is determined by the Planning Commission that the proposed special use meets all of the governing standards contained in this ordinance. Likewise, if the Planning Commission determines that an application meets the governing standards, the special land use permit must be granted. In addition, the Planning Commission has the discretion to impose conditions when granting a special land use permit in order to meet the governing standards.

Section 14.5 General Provisions for All Special Land Uses

The following standards shall apply to all special land uses:

A. Parking areas shall meet the requirements of Section _____ Off Street Parking and Loading.

B. Parking lots shall be buffered by buildings or by perimeter landscaping as per Section 3.10 Landscaping, Screening and Buffer Yards.

C. There shall be no parking on county or state roads. Required parking shall be located on a hard surface such as gravel, asphalt, concrete or other stable surface capable of supporting vehicles. Approved overflow parking areas may be on grass.

D. Parking must be off-road, forty (40) feet from all lot lines and screened from neighboring properties as required in Section 3.10 Landscaping, Screening and Buffer Yards.

E. Emergency access to and within the site shall be maintained at all times.

F. Entrance from the public road must be approved by the County Road Commission or Michigan Department of Transportation with concurrence from the Suttons Bay Township Planning Commission as part of the site plan review process.

G. The landscaping provisions of Section 3.10 Landscaping, Screening and Buffer Yards shall apply.

H. All exterior lighting shall meet the requirements of Section _____.

I. All signage must meet the requirements of Section ___.

Section 14.6 Adult and Sexually Oriented Businesses

Adult and sexually-oriented businesses by their very nature are recognized as having serious, objectionable operational characteristics which are detrimental to the greater community particularly when several such businesses are concentrated geographically. Special regulation of these uses is necessary in order to insure that these uses are not detrimental to the community and will not contribute to the blighting or degrading of the surrounding area.

It is the intent of this section to prevent a concentration of this type of business within any one area, to prevent the deterioration or blighting of nearby residential or agricultural districts, and to protect the integrity of churches, schools, parks and playgrounds, and other areas where juveniles congregate in Suttons Bay Township.

For purposes of this section, adult and sexually oriented businesses include but are not limited to: adult bookstores, adult cabarets, adult motion picture theaters, adult drive-ins, and adult film stores.

A. Any adult and sexually-oriented business shall be treated as a special land use subject to the requirements of Article 20 Special Land Use Permits. All adult and sexually-oriented businesses are subject to the requirements of Article 19 Site Plan Review and are to be considered Major Projects for purposes of site plan review.

B. Location: Adult and sexually-oriented businesses shall be allowed only within the C-1 Commercial District of Suttons Bay Township. No person shall cause or permit the operation of any adult or sexually-oriented business within the following minimum distances from the existing specified uses:
    1. Another adult and sexually-oriented business: two-thousand (2,000) feet.
    2. Church, park, playground, or school: one-thousand-five-hundred (1,500) feet.
    3. Agricultural District: two-hundred (200) feet.
    4. Residential District: five-hundred (500) feet.

    The required minimum distances shall be measured by extending a straight line from the property line of the adult and sexually-oriented business to the nearest property line occupied by any other use or to the property line of any church, park, playground, school, or adjacent Agricultural, Residential or Recreational district.

C. Signs: All adult and sexually-oriented businesses are subject to the requirements of Section 3.17 Signs. It shall be unlawful to erect, construct, or maintain any sign for adult or sexually-oriented business other than one primary sign and one secondary sign as follows:
    1. The primary sign shall have no more than two (2) display surfaces. Each surface shall:
        a. not contain any flashing lights, moving parts or be constructed to simulate movement.
        b. be a flat plane, rectangular in shape.

c. not exceed fifteen (15) square feet in area.

2. Secondary signs shall have only one (1) display surface. The display surface shall:
   a. not contain any flashing lights, moving parts or be constructed to simulate movement.
   b. be a flat plane, rectangular in shape.
   c. not exceed fifteen (15) square feet in area.
   d. not exceed eight (8) feet in height or six (6) feet in width.
   e. be affixed or attached to a door or wall of the establishment.

D. Building Exterior: Buildings and structures shall not be painted or surfaced with colors or textures or any design that would simulate a sign or advertising message. Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within seventy-two (72) hours of notification of the owner or person in charge of the premises.

E. Lighting: All adult and sexually-oriented businesses shall be subject to the requirements of Section 3.18 Outdoor Lighting Standards. In addition the following shall apply:
   1. Outdoor, low-intensity lighting shall be installed that illuminates the entire parking and vehicular use area.
   2. Lighting fixtures shall be placed no higher than twenty-five (25) feet or lower than eight (8) feet on fixed light standards.
   3. Lighting shall be adjusted to illuminate the interiors of parked vehicles.
   4. Lighting shall be adjusted and/or shielded to direct all the illumination over the parking and vehicular use area, and to prevent unwanted illumination of surrounding properties.

F. Other Regulations, Permits or Licenses: The provisions of this Section do not waive or modify any other provision of this Ordinance.

G. Variances: No variances shall be granted from the provisions of this section. The provisions of this section shall not be subject to appeal to the Suttons Bay Township Zoning Board of Appeals.

Section 14.7 Agritourism

Agritourism uses such as farm markets, wineries or cideries may be allowed as a special land use in the Agricultural and Rural Residential Districts. Breweries and distilleries are not considered to be agriculture in Suttons Bay Township. Agritourism uses may be a primary or accessory use on the parcel. All of these uses shall be farm related and shall not detract from the agricultural emphasis of the farm.

A. Agritourism Parcel Requirements:
   1. The parcel must be a contiguous parcel of not less than ten (10) acres with no less than three-hundred-twenty-five (325) feet of road frontage.
   2. The total land area covered by buildings and structures used for production, storage and sales does not exceed two (2) percent of the parcel area.

B. Agritourism Setbacks:
   1. All buildings and structures open to the public shall be not less than forty (40) feet from any right-of-way, and shall be set back at least one hundred (100) feet from any lot line.
   2. Preexisting structures prior to the date of the adoption of this ordinance (1993) may be utilized. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the district, subject to site plan review by the planning commission.
   3. The Planning Commission may require greater setbacks if necessary to buffer adjacent properties as determined during the special land use permit process.

C. Agritourism Hours/Times of Operation:
   Hours and times of operation shall be between 7:00 AM and 8:00 PM.

D. Agritourism Building Dimensions:
   Maximum building area devoted to retail and service operations including any exterior serving area shall not exceed two-thousand-five-hundred (2,500) square feet. This space may be separate or attached to a processing facility.

E. Agritourism General Conditions:
   1. The operation must be properly licensed by any applicable local, state, or federal regulatory agency.
   2. The parcel shall contain a minimum of two (2) acres of planted farm crops that support the production of products produced by the licensee or be a commercial farm.
   3. Equipment and materials related to the facility must be stored within a structure when not in use.

F. Agritourism Specific Conditions:
   1. Winery or cidery sales shall be limited to beverages produced under the license of the facility, food products produced on the premises, logo merchandise, and beverage related paraphernalia such as but not limited to corkscrews, bottle openers, glassware, or tableware.

   2. Farm Market sales shall be limited to seasonal farm products such as fruit, vegetables, or baked goods; plant nursery stock; or farm related products such as milk, cheese, honey, preserves or butter.

   3. Sale of other items shall not exceed ten (10) percent of all goods sold.

   4. Sales shall be derived from products grown or produced within the five (5) county region of Antrim, Benzie, Kalkaska, Grand Traverse, and Leelanau counties and at least twenty-five (25) percent from products grown on the premises, or on land owned or leased by the agritourism operator.

Section 14.8 Campgrounds

Campgrounds may be allowed in the Agricultural District due to the acreage required for its use, however, these activities should not encroach visually or physically on adjacent land uses and have minimal impact on other properties and its residents, and on the ongoing active agriculture practices in the district. Such campgrounds are intended to accommodate only tents, recreational vehicles, and other individual camping units designed primarily for temporary living or sleeping. These campgrounds shall be licensed by the State of Michigan.

A. Campground Parcel Requirements: Campgrounds: a continuous parcel of land not less than twenty (20) acres in size.

B. Campground Specific Conditions
   1. Density: The total number of campground sites within the Campground shall not exceed five (5) campground sites per acre, with a maximum of two-hundred (200) sites.
   2. Open Space: Not less than thirty (30) percent of the total land area shall be designated as open space. The open space shall not include campground sites, roads, parking lots, or buildings. Open space may include setbacks, buffer yards, and recreation areas.
   3. Campground Sites: Campground sites shall not be less than one-thousand-two-hundred (1,200) square feet in area, and have a width of not less than thirty (30) feet. Sites shall be designed so that recreational vehicles can be parked no closer than twenty (20) feet apart.
   4. Group Camping: Group camping may be allowed if the overall density allows. Group camping includes campers that are not within one typical family unit, such as boy scouts or church group. For density calculation purposes, one campground site may be utilized by not more than four (4) group campers. One parking space shall be required for each four (4) group campers.
   5. Storage of Recreational Vehicles: Storage of recreational vehicles on campground property shall be prohibited unless the storage is located in an approved screened location.

B. Campground Setbacks
   1. All principal and accessory buildings, structures, and parking areas shall be not less than forty (40) feet from any right-of-way, and not less than one-hundred (100) from any adjoining property line.
   2. All campground sites shall be located no closer than one-hundred (100) feet from a side, rear, front property line or any road right-of -way.
   3. No campground site may be located closer than a three-hundred (300) foot radius from an existing home, unless the homeowner provides written consent in a recordable instrument and such consent shall be appurtenant to the property, run with the land, and bind all future owners of the property.
   4. No campground site shall be closer than fifty (50) feet from an accessory building.
   5. No campground site shall be within a floodplain or closer than one-hundred

(100) feet from a lake or stream or fifty (50) feet from any wetland.

C. Campground Times of Operation: Use of the campground is intended for temporary occupancy only. Occupancy of any campground site by an individual camping unit for more than two-hundred-forty (240) days in a calendar year is prohibited. All campground sites must be vacated when the campground is closed to the public. Records of campground site occupancy shall be made available to the zoning administrator upon request.

D. Campground General Conditions
   1. The site area shall have its main ingress and egress from a state, primary, or secondary county road having a bituminous aggregate surfacing.
   2. All accessory buildings shall be restricted in their use to users of the campground.
   3. The campground use and its structures are not intended to be used as a meeting/rental hall by the general public, nor are any food services intended to serve the general public.
   4. No recreational use shall be within a flood plain or closer than one-hundred (100) feet from a lake or stream or fifty (50) feet from any wetland unless allowed with a MDEQ permit/license.
   5. Pedestrian paths shall be a minimum of five (5) feet wide and on a surface such as gravel, mulch, asphalt, concrete or other stable surface.
   6. Interior roads shall meet the standards of Section 3.16 Private Road Standards.
   7. Landscaping:
      a. Site landscaping requirements must be met as required in Section 3.10 Landscaping, Screening and Buffer Yards.
      b. Landscape screening shall be required when a residence is located within one-hundred (100) feet of the use per Section _____.
      c. A fence or other delineation of the property at its border may be required by Planning Commission at site plan review.
   8. Prohibited Activities: No part of the campground use may be used for the following purposes:
      a. Firearms shooting ranges.
      b. Motocross, off-road vehicle, or motorized go-cart use or tracks.
      c. Public performances, concerts, or amplified camp-wide gatherings for entertainment.
      d. Permanent structures at campsites, including, but not limited to, decks, porches, or storage sheds.
      e. Maintenance or servicing of recreational vehicles.

E. Campground Approvals: Prior to preliminary site plan approval, the applicant shall have obtained preliminary approval in writing, from the following agencies:
   1. State of Michigan Agency(cies) that licenses campgrounds.
   2. Local Health Department.
   3. Leelanau County Drain Commissioner.
   4. Leelanau County Road Commission and/or the Michigan Department of Transportation.

5. Applicant shall have final approvals, licenses, and/or permits prior to issuance of the special use permit.

Section 14.9 Churches, Schools, Day Care Centers

A. Churches, Schools, Day Care Centers Conditions:
   1. Churches, schools and day care centers may be allowed in the Rural Residential, Neighborhood Residential, Agricultural, C-1 and C-2 Districts.
   2. The parcel area is at least five (5) acres.
   3. The area within the parcel under active use shall be located a minimum of one-hundred (100) feet from any agricultural cropland with an active spraying schedule.
   4. The minimum lot width shall be two-hundred-fifty (250) feet.
   5. The minimum front, side and rear setbacks of the principal church structure shall be one-hundred (100) feet.
   6. The site shall be served by a single road access unless required otherwise by the Fire Department for fire access and shall be approved by the Leelanau County Road Commission.
   7. All parking areas shall be the side and rear the principal structure and not closer to any adjacent property line than forty (40) feet.

B. Churches, Schools, Day Care Centers – Additional Conditions for Programs with Children:
   1. All drop-off areas shall directly access the applicable entrance to the building.
   2. The minimum number of parking spaces shall be one (1) space for each employee plus one (1) space for each five (5) children enrolled or one (1) space for each ten (10) children enrolled if adequate drop-off facilities are provided.
   3. All parking areas shall be separated from areas actively used by children under care by a permanent fence or wall at least forty-two (42) inches high to prevent children from running into the traffic stream.

C. Churches, Schools, Day Care Centers Permitted Accessory Uses:
   1. Accessory structures clearly incidental to the operation of the permitted special uses may be allowed.
   2. Activities typically associated with the functioning of the permitted special uses may be allowed.

Section 14.10 Commercial Storage

Commercial storage, both indoor and outdoor shall be subject to the following conditions:

A. Nothing shall be stored in the setbacks.

B. In addition to the provisions of Section 3.10 Landscaping, Screening and Buffer Yards, the Planning Commission may require additional natural vegetation and/or plantings to screen from view the storage area and any protective fencing from any public road and from neighboring properties.

C. Other permitted commercial uses may be allowed in conjunction with the commercial storage operation if approved by the Planning Commission.

Section 14.11 Construction Services

A. No manufacturing or construction services shall be conducted upon or from the premises which would constitute nuisance or annoyance to adjoining property owners by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.

B. Sites at which hazardous substances and polluting materials are stored or used shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams or wetlands.

C. Consideration has been given to the potential increase in traffic volumes to the area.

D. Retail sales are clearly accessory, and shall occupy no more than twenty-five (25) percent of the floor area devoted to the use.

E. Nothing shall be stored in the setbacks.

F. In addition to the provisions of Section 3.10 Landscaping, Screening and Buffer Yards, the Planning Commission may require additional natural vegetation and/or plantings to screen from view any outdoor storage area and may require protective fencing from any public road and from neighboring properties.

Section 14.12 Earth Removal, Quarrying, Sand and Gravel Processing

A. Maximum depth of excavation shall not be below existing groundwater table.

B. Where necessary the Planning Commission may require the applicant to construct or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the deterioration of existing roads which are not "all weather" roads. All access roads shall be considered part of the mining operation.

C. Setbacks.
   1. All mining operations shall be a minimum of ninety (90) feet from any public right-of-way, not including ingress and egress roads.
   2. All mining operations shall be a minimum of five-hundred-fifty (550) feet from any lake, stream or wetland.
   3. All mining operations and all ingress and egress roads shall be a minimum of ninety (90) feet from any other property line.
   4. All mining operations shall be a minimum of five-hundred (500) feet from any church or public park.

5. All mining operations shall be a minimum of one-thousand (1,000) feet from any school, hospital or nursing home.
6. All equipment for sorting, crushing, loading, weighing, and operations structures shall not be built closer than two-hundred (200) feet from any public street, road right-of-way, or adjoining property.
7. All mining operations and all ingress and egress roads shall be a minimum of three-hundred (300) feet from an existing house on an adjacent property.
8. All ingress and egress roads shall be by the most direct route to a public right-of-way.
9. All ingress and egress roads will require a legal driveway permit.

D. The permanent processing plant shall not be located closer than three-hundred (300) feet from any property line and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impacts.

E. Sight barriers shall be provided along all boundaries of the site where quarrying, gravel processing and mining is proposed which lack natural screening conditions through existing vegetative growth. The following minimum standards shall apply: A continuous screen at least six (6) feet in height is required to provide maximum screening of the site.
   1. This landscape buffer yard may consist of earthen berms, and/or living materials.
   2. Berms shall be constructed with slopes not to exceed a one-to-three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other forms of natural ground cover.

F. Nuisance Abatement.
   1. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
      a. Hours of operation shall be limited from 6:00 AM to 8:00 PM Monday through Friday. Saturday hours are 8:00 AM to 8:00 PM.
      b. There will be no hours of operation on Sundays or legal holidays.
      c. The use of explosives shall be done in accordance with the regulations for storage and handling of explosives as published by the State Police, Fire Marshall Division, and State of Michigan.
   2. Air pollution in the form of dust and dirt shall be kept to a minimum by the use of equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution. Interior roads used in the operation shall have their surfaces treated to minimize any such nuisance.
   3. A noise barrier shall be provided along all boundaries of the site where quarrying, gravel processing and mining is proposed which lack sufficient existing vegetation to meet the minimum standards, as follows:
      a. There shall be six (6) rows of mixed evergreen trees of species

recommended by the District Forester, staggered six (6) feet apart and no less than three (3) years of age planted parallel to the boundaries of the property.

b. The spacing between rows shall not exceed six (6) feet.
c. The spacing between trees within a row shall not exceed six (6) feet.
d. The Planning Commission may allow preserved existing trees within the setback areas to qualify toward satisfying (a.) above.
e. A "Performance Guarantee" concerning the trees will be required.
f. The screening shall be maintained in a healthy condition, free from refuse and debris. All unhealthy or dead material shall be replaced within one year of damage or death, or at the next appropriate planting period, whichever comes first.

G. Reclamation of mined or excavated areas.

1. Earth removal, quarrying, gravel processing and mining, shall be considered temporary uses. Mined or excavated sites shall be reclaimed properly and in a timely fashion.
2. A "Performance Guarantee" shall be posted by the land owner with the Suttons Bay Township Board to cover the estimated costs of reclamation. This "Performance Guarantee" shall be received by the Township Clerk within thirty (30) days of the approved site plan. "Performance Guarantee" as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit, acceptable to the Township, in the amount of the estimated cost of reclamation. It shall be subject to review and adjustment by the commission at the end of twelve (12) months, and thereafter at two (2) year intervals.
3. Reclamation shall be completed as agreed upon by the Commission and applicant in an approved development site plan.
4. Inactivity at a site for a continuous twelve (12) month period shall constitute termination of mining activity and require that site reclamation commence and be completed.
5. Upon the failure of any operator to perform reclamation of the mining site in a proper and timely manner as agreed to in the approved site plan the "Performance Guarantee" will be forfeited. The Suttons Bay Township Board shall use the funds to cover the cost of restoring the site and administrative cost incurred in so doing. Any cost in addition of those covered by the "Performance Guarantee" shall be billed to the operator and a lien placed against the subject property. If unpaid, the cost shall be collected in the same manner as delinquent taxes or as allowed by law.
6. Standards controlling reclamation
    a. Excavated areas shall not collect stagnant water.
    b. Surface of such area which is not intended to be permanently submerged shall be graded or back-filled with non-toxic, non-flammable and non-combustible solids as necessary to produce a surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
    c. The banks of all excavation shall be sloped to the waterline in a water producing excavation and to the pit floor in a dry operation at a slope

which shall not be steeper than one foot vertical to three feet horizontal.

d. Vegetation shall be restored within one year by the appropriate planting of indigenous grasses, trees, or shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

e. Maintenance

(1) Slopes and surfaces shall be maintained as agreed in the development site plan.

(2) Erosion areas shall be filled and the surface restored.

(3) All unhealthy or dead material shall be replaced within one year of damage or death, or at the next appropriate planting period, whichever comes first.

f. Reclamation plans shall follow the standards detailed for the most appropriate uses(s) allowed by this ordinance.

g. Future uses shall conform with uses indicated in the Township Master Plan or as approved in the Development Site Plan.

H. Additional requirements for earth removal, quarrying, gravel processing or mining.

1. On the development site plan:

a. North point, scale and date;

b. Extent of the area to be excavated;

c. Location, width and grade of all easements or rights-of-way on or abutting the property;

d. Location of all existing and proposed structures on the property;

e. Site drainage features and flow directions indicated;

f. Bench marks;

g. Location of any bodies of water and wetlands on the proposed site or within one-thousand-five-hundred (1,500) feet;

h. Areas to be used for ponding;

i. Depth to groundwater;

j. Processing, loading and storage areas;

k. Proposed fencing, gates, parking and signs;

l. Existing and proposed ingress-egress roads, on-site roads and proposed surface treatment and means to limit dust; and

m. Setback lines for all activities of the site.

2. An operational statement, which shall include at a minimum:

a. The approximate date of commencement of the excavation and the duration of the operation;

b. Amount and type of material or resources to be removed;

c. Method of extracting and processing, including the disposition of overburden;

d. Equipment proposed to be used in the operation of the excavation;

e. Location and type of processing plants, temporary and permanent;

f. Proposed hours and days of operation;

g. Operating practices proposed to be used to minimize noise, dust, air contaminants and vibrations;

h. Amount and source of water to be utilized in processing; and

i. Methods to prevent:
   (1) Pollution of surface water or groundwater;
   (2) Adverse effects on the quantity and quality of surface water and groundwater runoff from the property; and
   (3) Adverse effects on wetlands both on and near the property.

3. A rehabilitation or reclamation plan that shall include as a minimum:
   a. A reclamation statement and plan, including identification of post-mining land use, methods of accomplishment, phasing and timing;
   b. A plan indicating any proposed structures to be built on the site, the final grade, i.e., post-mining topography of the excavation, any water bodies included in the reclamation, and methods planned to prevent stagnation and pollution, landscaping and areas of cut and fill;
   c. The methods of disposing of any equipment or structures used in the operation of excavation upon completion of the excavation.

Section 14.13 Golf Courses

Golf courses may be allowed in the Agricultural District due to the acreage required for its use, however, these activities should have minimal impact on other properties and its residents, and on the ongoing active agriculture practices in the district.

A. Golf Course Parcel Requirements: The site area shall be sixty (60) acres or more for a nine (9) hole course, and one-hundred-twenty (120) acres or more for an eighteen (18) hole course.

B. Golf Course Setbacks: All principal and accessory buildings, structures, and parking areas shall be not less than forty (40) feet from any right-of-way, and not less than one-hundred (100) feet from any adjoining property line.

C. Golf Course Hours/Times of Operation: The golf course may be open to the public from 6:00 AM until 8:00 PM.

D. Golf Course General Conditions
   1. The site area shall have its main ingress and egress from a state, primary, or secondary county road having a bituminous aggregate surfacing.
   2. All accessory buildings shall be restricted in their use for maintenance of or for users of the golf course.
   3. The golf course use and its structures are not intended to be used as a meeting/rental hall by the general public, nor are any food services intended to serve the general public.
   4. No recreational use shall be within a flood plain or closer than one-hundred (100) feet from a lake or stream or fifty (50) feet from any wetland unless allowed with a MDEQ permit/license.
   5. Pedestrian and cart paths shall be a minimum of five (5) feet wide and on a surface such as gravel, mulch, asphalt, concrete or other stable surface.
   6. Interior roads shall meet the standards of Section 3.16 Private Road Standards.
   7. Landscaping:

a. Site landscaping requirements must be met as required in Section 3.10 Landscaping, Screening and Buffer Yards.
b. Landscape screening shall be required when a residence is located within one-hundred (100) feet of the use per Section _____.
c. A fence or other delineation of the property at its border may be required by Planning Commission at site plan review.

8. Prohibited Activities: No part of the golf course use may be used for public performances, concerts, or amplified gatherings for entertainment.

E. Golf Course Approvals: Prior to preliminary site plan approval, the applicant shall have obtained preliminary approval in writing, from the following agencies:
1. Local Health Department.
2. Leelanau County Drain Commissioner.
3. Leelanau County Road Commission and/or the Michigan Department of Transportation.
4. Applicant shall have final approvals, licenses, and/or permits prior to issuance of the special use permit.

Section 14.14 Manufacturing

A. No manufacturing or construction services shall be conducted upon or from the premises which would constitute nuisance or annoyance to adjoining property owners by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.

B. Sites at which hazardous substances and polluting materials are stored or used shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams or wetlands.

C. Consideration has been given to the potential increase in traffic volumes to the area.

D. Retail sales are clearly accessory, and shall occupy no more than twenty-five (25) percent of the floor area devoted to the use.

E. Nothing shall be stored in the setbacks.

F. In addition to the provisions of Section 3.10 Landscaping, Screening and Buffer Yards, the Planning Commission may require additional natural vegetation and/or plantings to screen from view any outdoor storage area and may require protective fencing from any public road and from neighboring properties.

Section 14.15 Multi-family in Rural Residential, Agricultural, and C-1 Commercial Districts

A. Development shall not be sited on Prime Farmland as shown on the Prime Farmland map in the *Suttons Bay Community Joint Master Plan* (August 2011, p. 47) with some consideration given for current agriculture practices on the parcel.

B. Lot width required is a minimum of two-hundred (200) feet on public or approved private road.

C. Minimum lot size is two (2) acres.

D. Density:
   1. The development shall be comprised of any mixture of duplexes, multi-family buildings, and single family dwellings, and in no case shall the number of single family dwellings be a majority of the dwelling units in the development.
   5. Maximum density of single-story buildings is four (4) dwelling units per acre based upon the acres of buildable area.
   6. Maximum density of two-story buildings is eight (8) dwelling units per acre based upon the acres of buildable area.
   7. Maximum density on one parcel is sixteen (16) dwelling units.

E. Setbacks:
   1. The Planning Commission may require greater setbacks to minimize impact on surrounding properties as per the requirements of Section 3.10 Landscaping, Screening and Buffer Yards.
   2. Front setback shall be a minimum of sixty (60) feet.
   3. Side and rear setbacks shall be a minimum of thirty (30) feet.

F. Minimum square footage per dwelling unit is five-hundred (500) square feet.

F. Maximum lot coverage shall not exceed twenty-five (25) percent.

G. Applicant must have Health Department evaluation or permit to insure adequate well and septic capabilities prior to applying for a Special Land Use Permit.

Section 14.16 Multi-family in Neighborhood Residential District

A. Development shall not be sited on Prime Farmland as shown on the Prime Farmland map in the *Suttons Bay Community Joint Master Plan* (August 2011, p. 47) with some consideration given for current agriculture practices on the parcel.

B. Lot width required is a minimum of one-hundred-fifty (150) feet on public or approved private road.

C. Minimum lot size is one (1) acre. See Section 8.05 Dimensional Standards for specific lot sizes.

D. Density:
   1. The development shall be comprised of any mixture of duplexes, multi-family buildings, and single family dwellings, and in no case shall the number of single family dwellings be a majority of the dwelling units in the development.
   2. Maximum density of single-story buildings is four (4) dwelling units per acre based upon the acres of buildable area.
   3. Maximum density of two-story buildings is eight (8) dwelling units per acre based upon the acres of buildable area.

E. Setbacks:
   1. Front setback shall be a minimum of forty (40) feet.
   1. Side setbacks shall be a minimum of fifteen (15) feet.
   2. Rear setback shall be a minimum of thirty (30) feet.

F. Minimum square footage per dwelling unit is five-hundred (500) square feet.

G. Maximum lot coverage shall not exceed twenty-five (25) percent.

H. Applicant must have Health Department evaluation or permit to insure adequate well and septic capabilities prior to applying for a Special Land Use Permit.

Section 14.17 Parks

Parks may be allowed in any district, however, they should have minimal impact on other properties and its residents, and on the ongoing active agriculture practices in the district.

A. Parcel Requirement: No minimum parcel size required.

B. Setbacks: With the exception of accessory buildings of less than one-hundred-twenty (120) square feet, all principal and accessory buildings, structures, and parking areas shall be not less than forty (40) feet from any right-of-way, and not less than one-hundred (100) feet from any adjoining property line.

C. Park Hours/Times of Operation: Per Suttons Bay Township Parks Ordinance.

D. Park General Conditions
   1. The site area shall have its main ingress and egress from a state, primary, or secondary county road having a bituminous aggregate surfacing.
   2. All buildings shall be restricted in their use to maintenance for or users of the park.
   3. No recreational use shall be within a flood plain or closer than one-hundred (100) feet from a lake or stream or fifty (50) feet from any wetland unless allowed with a MDEQ permit/license.
   4. Pedestrian paths shall be a minimum of five (5) feet wide and on a stable surface such as gravel, mulch, asphalt, concrete or other stable surface.
   5. Interior roads shall meet the standards of Section 3.16 Private Road Standards.

6. Entrance from the public road must be approved by the County Road Commission or Michigan Department of Transportation with concurrence from the Suttons Bay Township Planning Commission as part of the site plan review process.
7. Landscaping
    a. Site landscaping requirements must be met as required in Section 3.10 Landscaping, Screening and Buffer Yards.
    b. Landscape screening may be required when a residence is located within one-hundred (100) feet of the use per Section _____.
    c. A fence or other delineation of the property at its border may be required by Planning Commission at site plan review.
8. Prohibited Activities: No part of the large acreage recreation use may be used for the following purposes:
    a. Firearms shooting ranges.
    b. Motocross, off-road vehicle, or motorized go-cart use or tracks.

Section 14.18 Public Works Facilities

A. Public works facilities may be allowed in the C-2 Commercial District.

B. Prior to granting final approval of the submitted site plan, the applicant shall:
    1. Demonstrate compliance with the applicable sections of Public Act 64 of 1979, as amended, if any.
    2. Demonstrate compliance with the applicable sections of Public Act 98 of 1913, as amended, if any.
    3. Demonstrate compliance with the applicable sections of Public Act 233 of 1955, as amended, if any.
    4. Demonstrate compliance with the applicable sections of Public Act 641 of 1978, as amended, if any.
    5. Receive recommended approval of the site plan from the Leelanau County Solid Waste Management Board and the Designated Solid Waste Planning Agency.

C. Public Works Facilities Regulations
The following regulations shall apply:
    1. Parcel Area:
        a. For recycling drop-off facilities without processing capabilities, no building or structure shall be established on any parcel less than five-thousand (5,000) square feet.
        b. For all uses except sewage disposal facilities, solid waste processing plants, and solid waste transfer facilities, no building or structure shall be established on any parcel less than two (2) acres.
        c. For sewage disposal facilities, solid waste processing plants, and solid waste transfer facilities, no building or structure shall be established on any parcel less than ten (10) acres.
        d. The measured parcel area, as used here, shall not include:
            i. Sand dune areas, as defined by the DNR.

ii. Beaches.
iii. Wetland areas, as defined by the DNR.
iv. High risk erosion areas.
v. Flood plains.

2. Parcel Width:
   a. All uses except sewage disposal facilities, solid waste processing plants, and solid waste transfer facilities:
      i. The minimum parcel width shall be one-hundred-fifty (150) feet.
      ii. The parcel shall front on a public road.
   b. Sewage disposal facilities, solid waste processing plants, and solid waste transfer facilities:
      i. The minimum parcel width shall be five-hundred (500) feet.
      ii. The parcel shall front on a public road.
3. Minimum Setback Requirements:
   a. Front yard setback: Not less than fifty (50) feet from the front property line.
   b. Side yard setback: Not less than twenty-five (25) feet from the side property lines.
   c. Rear yard setback: Not less than twenty-five (25) feet from the rear property line.
   d. Water's edge setback:
      i. All uses except sewage disposal facilities, solid waste processing plants, and solid waste transfer facilities - Not less than five-hundred (500) feet from the water's edge.
      ii. Sewage disposal facilities, solid waste processing plants, and solid waste transfer facilities - Not less than one-thousand feet (1,000) feet from the water's edge.
4. Other Requirements: Uses bordering the side lot line of any noncommercial or non-industrial zoning district shall provide and maintain a transition feature of one or more of the following, as may be approved by the planning commission to fit each situation.
   a. a grassed lawn area twenty-five (25) feet in width, or
   b. a four (4) foot, or higher, berm with sides graded to three (3) feet horizontal and one (1) foot vertical or flatter and planted as a mowed lawn or as a garden, or
   c. a decorative four (4) foot, or higher, screening wall or planted greenbelt which affords an effective all season screen, or
   d. a proportionately adjusted combination of the above.

Section 14.19 Sawmills

A. Sawmills may be allowed in the Agricultural and C-2 Commercial Districts.

B. The Sawmill shall not be located within two-hundred-fifty (250) feet of any lot line, nor road right-of-way.

C. The Sawmill shall not be located within two-hundred-fifty (250) feet of the shoreline of any lake, creek, stream, or wetland.

D. There shall be a landscaped buffer yard between this use and other uses as per Section 3.10 Landscaping, Screening and Buffer Yards.

Section 14.20 Seasonal Outdoor Maze

A. **Parcel Requirements**
   1. The parcel must be a contiguous parcel of not less than twenty-five (25) acres with no less than three-hundred-twenty-five (325) feet of road frontage.
   2. A parking area to accommodate customers shall be provided off the public road right-of-way.

B. **Setbacks**
   1. A minimum fifty (50) foot setback is required between any part of a maze and any property line.
   2. A minimum fifty (50) foot setback is required between the parking area and any rear or side property line.
   3. All buildings and structures open to the public shall be not less than forty (40) feet from any right-of-way, and shall be set back at least one hundred (100) feet from any lot line.
   4. The Planning Commission may require greater setbacks if necessary to buffer adjacent properties as determined during the special land use permit process.

C. **Hours/Times of Operation**
   1. The hours of operation shall be between 7:00 AM and 8:00 PM.

D. **General Conditions**
   1. This use is allowed in the Agricultural District as a primary use or as an accessory use to other permitted Agricultural District uses.
   2. All structures associated with the Seasonal Outdoor Maze require a Special Land Use Permit and shall have prior approval. No expansion of uses or activities associated with the Seasonal Outdoor Maze shall be allowed unless permitted with an approved Special Land Use Permit.

Section 14.21 Seasonal Worker Housing

A. Seasonal worker housing may be allowed in Agricultural and Rural Residential Districts.

B. Such housing must acquire and retain a state and/or federal license for seasonal workers.

C. Housing shall not be sited on Prime Farmland Soils as shown on the Prime Farmland map in the *Suttons Bay Community Joint Master Plan* (August 2011, p. 47).

D. There shall be a forty (40) foot minimum front setback.

E. There shall be a two-hundred (200) foot minimum setback from existing residential dwellings.

F. The units may be made up of a mixture of single family dwellings or multi-family units.

Section 14.22 Shared Shoreline Access

A. When more than two (2) families, as defined in this Ordinance, share or have access to frontage on navigable water, 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 fee ownership, single fee ownership, lease, license, site condominium unit, stock or membership in a corporation or any other means.

B. Each site plan shall be reviewed by the Suttons Bay Township Planning Commission and shall include:
   1. The requirements for abbreviated site plan as found in Section 19.7 Abbreviated Site Plan Submittal Requirements and Review.
   2. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, wetland, and shoreline;
   3. Proposed location and size of docks and other shoreline structures;
   4. Location and dimensions of existing and/or proposed parking areas (including indication of all spaces and method of surfacing). See Section 3.15.4 Parking Spaces Required;
   5. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used;
   6. North arrow, scale and date of original submittal and last revision;
   7. The location and type of any/all playground equipment to be installed on the site;
   8. 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;
   9. A statement that the site plan (including all terms and conditions) cannot be modified without approval of the Suttons Bay Township Planning Commission;
   10. The bearings, distances, and calculations showing compliance with the standards listed below; and
   11. Other conditions imposed by the Planning Commission pursuant to the standards listed below.

C. Shared Shoreline Access Conditions
   1. The basic shared waterfront parcel shall meet the minimum requirements for a lot for the district within which it is located.
   2. A waterfront lot which includes a residence cannot be a basic shared waterfront

lot for purposes of this ordinance.

3. All parcels in the multi-family access association or organization shall meet the minimum requirements for a lot for the district within which it is located.
4. All lots in the multi-family access "association" shall be contiguous. The aggregate of lots shall be contiguous to the basic shared waterfront lot.
5. For each family unit beyond two an additional twenty-five (25) feet of lot width shall be required. Width is measured parallel to the trend of the water's edge.
6. One off-street parking space is required for each sharing family residing outside a radius of five-hundred (500) feet from the basic shared waterfront lot.
7. On inland lakes, docks shall not exceed one (1) per one-hundred (100) feet of lot width and shall not extend beyond a water depth of five (5) feet. Notwithstanding the water depth a minimum of twenty-five (25) feet of length is allowed for any dock.
8. Boat launch facilities are not permitted.
9. The basic shared waterfront lot shall not be used for the storage of boats or trailers.
10. Sanitary facilities shall be provided if the site serves residents living beyond a radius of five-hundred (500) feet. The number of fixtures shall be calculated at the rate of one fixture for each five (5) families with a minimum of one (1) fixture.
11. Setbacks:
    a. Docks need not comply with the setback requirements from water's edge.
    b. The minimum side setback for the shared waterfront lot is fifty (50) feet except that the setback for parking shall be governed by the usual standards for the district within which it is located.

D. Shared Shoreline Access Approvals
Final approval of the site plan shall be subject to the site plan being recorded with the Leelanau County Register of Deeds Office. The applicant shall submit evidence of registration to obtain final approval of the site plan.

Section 14.23 Special Events

Special events may be allowed in the Agricultural District with the intent to promote and maintain local farming and agriculture, and the activities being necessary to the sustainability of farms. When permitted, special land use activities should have minimal impact on other properties and its residents, and on the ongoing active agriculture practices in the district, with a general stipulation to the special use permit being that the use enhances the area and does not degrade the value of surrounding properties.

Agritourism uses may be a primary or accessory use on the parcel, although special events shall always be considered an accessory use. All of these uses shall be farm-related and shall not detract from the agricultural emphasis of the farm. Special events do not preclude personal uses (i.e. graduation parties) by property owners or lessees.

A. Special Events Parcel Requirements:

1. For special events the parcel must be a licensed winery or cidery with a pre-approved special land use permit or a commercial farm of at least twenty-five (25) acres with a minimum lot width of at least three-hundred-twenty-five (325) feet.
2. A minimum of 5 acres of the parcel must be used for agricultural production.
3. Special events must take place in a structure primarily of agricultural use or in a permitted winery or cidery. All buildings must maintain both an agricultural heritage and a rural character.
4. The use of ancillary tents, in addition to permanent structures, may be used as determined during site plan review.

B. Special Events Setbacks:

1. All buildings and structures, including tents, open to the public shall be not less than forty (40) feet from any right-of-way, and shall be set back at least one hundred (100) feet from any lot line.
2. Preexisting structures prior to the date of the adoption of this ordinance (1993) may be utilized. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the district, subject to site plan review by the planning commission.
3. The planning commission may require greater setbacks if necessary to buffer adjacent properties from general disturbances (such as noise, light, etc.) as determined during the Special Land use permit process.

C. Special Events Conditions:

1. The number of special events of more than sixty (60) people shall be determined by the planning commission at site plan review and shall not exceed four (4) per month during the months of May through October, and not more than three (3) during each of the other months.
2. The maximum number of attendees will be determined during Planning Commission review. No single event shall have more than 300 attendees.
3. All activities must be completed by 12:00 AM. Any music or entertainment provided for the event must be for background purposes only, not a featured segment of the activity, and completed by 9:00 PM on Sundays through Thursday and 10:00 PM on Friday and Saturday.
4. Sound amplifiers are permitted inside of buildings (excluding tents) only as determined in site plan review. At no time will the sound decibel level exceed 60 decibels, measured 50 feet from any property lines.
5. Only acoustic music will be permitted outdoors and in ancillary tents.
6. The operator must have a written statement from the County Health Department indicating the maximum number of persons that can be accommodated with existing toilet facilities. Additional portable toilets must be provided for any guests exceeding the aforementioned number.
7. The applicant shall maintain a log of the activities including dates, group identity, times and number of guests. This list must be signed and certified by the permit holder as to its accuracy and submitted to Suttons Bay Township annually, no later than March 1 for the previous calendar year.

8. There must be an on-site manager during the duration of the entire event (set up, clean up, etc.).
9. An Event Management Plan (EMP) approved by the planning commission at a public hearing. The following information must be provided in the EMP.
    a. General description of the Special Event Venue.
    b. Types of events anticipated and total number and frequency of events
    c. Proposed maximum number of guests.
    d. Detailed specifics of where events will take place.
    e. How power will be provided (generators?).
    f. How potable water will be provided.
    g. How garbage and recycling will be removed.
    h. Contact information for on-site event manager during the event duration.
    i. Contact information for the owner of property and event business.
    j. Established maximum occupancy for each building.
    k. How sound will be monitored and managed? (Type of sound, duration, mitigation efforts, etc)
    l. How outdoor lighting will be managed?
10. A site plan must be approved by the planning commission at a public hearing. The following information must be provided in addition to information required for Minor Project Site Plan Review as per Section 19.6.
    a. Existing and proposed structures, including tents, with maximum capacity of each building where guests have access as established by the fire marshal.
    b. The maximum number of people attending a single event.
    c. Location of temporary toilet facilities, which may be required.

Section 14.24 Trails

Trails may be allowed in any district, however, they should have minimal impact on other properties and its residents, and on the ongoing active agriculture practices in the district.

A. Parcel Requirement: No minimum parcel size required.

B. Setbacks
    1. The edge of the trail shall be twenty (20) feet from any property or easement line.
    2. Trail setbacks shall not apply where the trail crosses a public or private road right-of-way or property line.

C. Large Area Recreation Hours/Times of Operation: Per Suttons Bay Township Parks Ordinance.

D. Trail General Conditions
    1. The site area shall have its main ingress and egress from a state, primary or

secondary county road having a bituminous aggregate surfacing.

2. All accessory buildings shall be restricted in their use to maintenance of or for users of the trail.
3. No recreational use shall be within a flood plain or closer than one-hundred (100) feet from a lake or stream or fifty (50) feet from any wetland unless allowed with a MDEQ permit/license.
4. Pedestrian paths shall be a minimum of five (5) feet wide and on a surface such as gravel, mulch, asphalt, concrete or other stable surface.
5. Landscaping:
    a. Landscape screening may be required when a residence is located within one hundred (100) feet of the use per Section _____.
    b. A fence or other delineation of the property at its border may be required by Planning Commission at site plan review.
6. Prohibited Activities: No part of the trail may be used for motocross, off-road vehicle, or motorized go-cart use or tracks.

E. Trail Approvals: Prior to preliminary site plan approval, the applicant shall have obtained preliminary approval in writing, from the following agencies:
    1. State of Michigan Agency(cies) that licenses campgrounds.
    2. Local Health Department.
    3. Leelanau County Drain Commissioner.
    4. Leelanau County Road Commission and/or the Michigan Department of Transportation.
    5. Applicant shall have final approvals, licenses, and/or permits prior to issuance of the special use permit.

Article 15
Quasi Public and Private Utilities

Sec	Name	Pg
15.1	Essential Services	15-1
15.2	Wireless Telecommunications Services	15-2
15.3	Small Wind Energy Systems	15-11

Section 15.1 Essential Services

Section 15.1.1 Intent

It is the intent of this Section to allow minor essential services in any zoning district as a permitted use. Major essential services, depending on their size and nature, have a greater potential for an adverse impact on surrounding property, and are thus allowed on a more limited basis, subject to site plan and special land use approvals. It is also the intent of this section to clarify how governmental functions relate to this Zoning Ordinance.

Section 15.1.2 Essential Services

Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan, or in any ordinance of the Township. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this Zoning Ordinance, wherever such conformity shall be practicable, and not in conflict with the specific requirements of such franchise, state legislation, or Township Ordinance.

Wireless Telecommunications Services and Wind Energy Conversion Systems shall not be considered Essential Services and are addressed elsewhere in this Ordinance.

A. The following are considered major essential services and are permitted in certain zoning districts subject to specific review and approval procedures as described below:
    1. Distribution substations, transmission substations, transformer substations, pump stations, and petroleum pipelines designed to serve a geographic area beyond Suttons Bay Township are permitted in all districts, subject to site plan and special land use approval.
    2. Municipal sewage treatment plants, public water plants, power plants, fuel storage facilities, public works buildings, storage yards and similar uses are only permitted in the Commercial or Industrial zoning districts, subject to site plan and special land use approval.
    3. Any essential service that is not a minor essential service pursuant to Section 15.1.2.B or which is not listed in Section 15.1.2.A.1or 2 shall be considered a major essential service, permitted in any zoning district, subject to site plan and special land use approval.

B. The following are considered minor essential services and are permitted in all zoning districts:
   1. Overhead and underground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, telephone, and cable television distribution lines and associated structures, transformers, and utility boxes that are designed to serve primarily Suttons Bay Township and any adjacent township, village, or city subject to any franchise agreement with the Township. With new developments, utility easements will be approved as part of a subdivision plat, condominium, or site plan.
   2. Any other similar facilities not listed above, as determined by the Planning Commission.

Section 15.1.3 Township Governmental Functions

Suttons Bay Township owned properties and uses, where maintained and operated in furtherance of a governmental function, shall be exempted from the provisions of this Ordinance. Township projects are subject to the requirements of the Michigan Planning Enabling Act Section 125.3861 (as amended) which requires review by the Planning Commission for location, character, and extent of all projects in areas covered by the master plan.

Section 15.1.4 Other Governmental Functions

Uses pertaining to functions of governmental agencies other than Suttons Bay Township shall be subject to the provisions of this Ordinance unless exempted by Federal, State, or Local laws or court decisions.

Section 15.2 Wireless Telecommunications Services

Section 15.2.1 Intent

The general purpose and intent of these regulations is to regulate the establishment of Wireless Towers and Wireless Equipment in accordance with MCL 125.3514 of the Michigan Zoning Enabling Act ("ZEA") and the Federal Telecommunications Act of 1996 ("FTA") and in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Township. It is further the purpose and intent of these regulations to:

A. Provide for the appropriate location and development criteria for Wireless Towers and Wireless Equipment within the Township.

B. Minimize the adverse effects of such facilities through careful design and siting; maximize the use of existing and future communication Wireless Towers and encourage the multiple uses of such facilities and protect the character of residential areas throughout the Township by limiting Wireless Towers to non-residential zoning districts.

C. Promote the public health, safety, and welfare of the Township.

Section 15.2.2 Definitions

As used in this Section 15.2, the following terms shall have the meanings set forth below:

A. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

B. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

C. “Collocate" means to place or install wireless communications equipment on an existing Wireless Tower or in an existing Equipment Compound. "Collocation" has a corresponding meaning.

D. “Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located

E. “FAA" means the Federal Aviation Administration.

F. “FCC" means the Federal Communications Commission.

G. "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

H. "Preexisting Wireless Towers, Antennas and Equipment Compound" means any tower, antenna equipment compound for which a land use and building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

I. “Wireless Communication” means wireless, broadband, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast, and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband, and other such services. Wireless Communication does not include non-commercial amateur ham radio activity.

J. "Wireless Equipment" means the set of equipment and network components used in the provision of commercial wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding Wireless Towers. Wireless Equipment does not include non-commercial amateur ham radio activity.

K. “Wireless Equipment Shelter” means a small building at the base of a Wireless Tower, located within the Equipment Envelope where Wireless Equipment is stored.

L. "Wireless Tower" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building. The term "Wireless Tower" includes "Alternative Tower Structure" including man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. An AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Wireless Tower does not include a tower used for non-commercial amateur ham radio activity.

Section 15.2.3 Zoning District Restrictions

Wireless Towers and Wireless Equipment, whether classified as a permitted use, or as a special land use, under the following provisions of this Zoning Ordinance, shall be allowed in all zoning districts in the Township, except for the Residential District.

Section 15.2.4 Wireless Equipment as a Permitted Use

A. To encourage co-location and to minimize the number of Wireless Towers within the Township, Wireless Equipment shall be considered a permitted use of property and is not subject to special land use approval or any other approval under this Zoning Ordinance if all of the following requirements are met:

1. The Wireless Equipment will be collocated on a Pre- existing Wireless Tower or in an Existing Equipment compound.
2. The proposed collocation will not do any of the following:
   a. Increase the overall height of the Wireless Tower by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
   b. Increase the width of the Wireless Tower by more than the minimum necessary to permit collocation.
   c. Increase the area of the Existing Equipment compound to greater than two-thousand-five-hundred (2,500) square feet.
3. The proposed collocation complies with the terms and conditions of any previous final approval of the Wireless Tower or Equipment Compound under this Zoning Ordinance.

B. Additional towers within an existing Wireless Tower AM array shall be permitted as a matter of right.

Section 15.2.5 Wireless Equipment as a Permitted Use with Special Land Use Approval

Wireless Equipment that meets the requirements of Section 15.2.4 A. 1. but does not meet the requirements of Section 15.2.4. A. 2. shall be a permitted use as long as it receives special land use approval under the following provisions:

A. An application for special land use approval of wireless communications equipment described in this Section 15.2.5 shall include all of the following:

1. A site plan as required under Section 15.2.13 including a map of the property and existing and proposed buildings and other facilities.
2. Any additional relevant information that is specifically required by other Subsections.

B. After an application for a special land use approval is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (C) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

C. If, before the expiration of the fourteen (14) day period under subsection (D), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection (D) is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or one-thousand (1,000) dollars, whichever is less.

D. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

Section 15.2.6 Replacement of Existing Communication Towers

An existing wireless tower which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional antenna, or otherwise, provided that:

A. The replacement tower shall not exceed the prior approved height.

B. The replacement tower shall be located within the same zoning lot as the existing wireless tower and shall be located so as to maximize compliance with existing minimum setback requirements.

C. The applicant shall cause the existing tower to be removed within ninety (90) days of completion of the replacement tower and the relocation or installation of the antenna. In any event, the existing wireless tower shall be removed within one-hundred-eighty (180) days of the Township's final construction inspection of the replacement wireless tower.

D. If the location of the replacement tower is such that the existing tower must be moved

before the replacement tower is constructed, temporary portable antenna support facilities may be used, but must be removed within ninety (90) days of the completion of the replacement tower and the relocation or installation of the antenna. In any event, the temporary portable antenna facilities must be removed within one-hundred-eighty (180) days of the Township's final construction inspection of the replacement wireless tower.

E. The installation of a replacement tower in any zoning district shall be approved by the Zoning Administrator through the issuance of a land use permit. The Zoning Administrator shall approve such requests that meet the requirements of this section. Review by the Zoning Administrator shall be without notice.

F. This section shall not exempt the applicant from such other governmental review and permitting procedures (i.e., Federal Communication Commission (FCC), Federal Aviation Administration (FAA), etc.).

Section 15.2.7 New Wireless Towers and Wireless Equipment Applications

Wireless Towers to be newly-approved, and Wireless Equipment that do not qualify for co-location or for use in an existing Equipment Envelope under Section 15.2.4, and Section 15.2.5 shall require an application for approval under a special land use permit under the procedures in Section 15.2.5 except that the period for approval or denial is ninety (90) days.

Section 15.2.8 General Special Land Use Standards for Wireless Towers

A new wireless tower shall not be approved unless it can be demonstrated by the applicant that there is a need for the new wireless tower which cannot be met by placing an antenna on an existing wireless tower, or on another structure, or through the replacement of an existing wireless tower. Information concerning the following factors shall be considered in determining that such need exists:

A. Insufficient structural capacity of existing wireless towers or other suitable structures and infeasibility of reinforcing or replacing an existing wireless tower.

B. Unavailability of suitable locations to accommodate system design or engineering on an existing wireless tower or other structures.

C. Radio frequency interference or other signal interference problems at existing wireless towers or others structures.

D. The refusal of owners or parties who control wireless towers or other structures to permit an antenna to be attached to such wireless towers or structures.

E. Other factors which demonstrate the reasonable need for the new wireless tower.

Section 15.2.9 Specific Wireless Tower Special Land Use Standards

The following standards apply to all Wireless Towers requiring a special use permit.

A. A Wireless Tower may be located on a zoning lot containing other principal uses. The wireless tower may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legally established nonconforming lot. The area within which the wireless tower is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.

B. The Wireless Tower shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum setback requirements shall be measured from the boundary of the zoning lot to the closest portion of the wireless tower, or the accessory equipment or storage area, whichever is closer.

C. The minimum distance between a Wireless Tower and any property line shall be equal to the height of the proposed tower, unless engineering specifications provided dictate otherwise, as determined through a certification by a licensed and registered professional engineer.

D. Wireless Towers shall be constructed and maintained in compliance with all applicable construction codes, which include the Electronics Industries Association/ Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.

E. Wireless Towers shall not be used for advertising purposes.

F. Fencing shall be required to ensure security and safety of a Wireless Tower with accessory equipment structure or storage area. Fences shall consist of durable wood, vinyl, metal or other similar materials and shall not contain barbed wire, razor wire, electric current, or charge of electricity. Fences shall not exceed a height of eight (8) feet.

G. The Wireless Tower shall have a landscaped buffer so that the base of the wireless tower and accessory equipment structure or storage area shall be screened from any right-of-way or residential use. Such landscaped buffer shall be placed on the site in a matter which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required herein. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the equipment storage area. Quality and composition of landscape elements shall be of generally acceptable evergreen varieties and species of trees and shrubs hardy to Leelanau County. The buffering requirements outlined herein may be waived by the Zoning Administrator or Planning Commission where existing vegetation to be maintained on the site generally accomplishes the same effect.

H. Wireless Towers shall not have a shiny or reflective finish.

I. Wireless Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

J. Not less than one off-street parking space shall be provided on-site for use by service and public safety vehicles.

K. Adequate ingress and egress to the Wireless Tower shall be provided by means of an all-weather durable driveway not less than twelve (12) feet in width.

L. No Wireless Tower shall be placed within a public right-of-way or within a road easement.

M. All Wireless Towers over one-hundred (100) feet in height shall be designed for co-location. If co-location is not part of the application, then the applicant must demonstrate in the application as to why co-location is not possible.

N. All Wireless Towers that utilize guy wires shall have those guy wires clearly marked by a colored sleeve.

O. A Wireless Tower proposed to be located on a National or State registered historic landmark or in a local historic district established in conformance with the Local Historic Districts Act, Public Act 169 or 1970, as amended, may be denied if the antenna would detract from the historic character of the historic landmark or district.

Section 15.2.10 Specific Wireless equipment Shelter Special Land Use Standards

A. Wireless Equipment Shelters in the Agricultural, Rural Residential and Commercial zoning districts shall comply with the following requirements:
   1. Shelter Size. The shelter structure shall not contain more than sixteen (16) square feet of gross floor area or be more than six (6) feet in height.
   2. Equipment storage buildings or cabinets shall comply with all applicable building codes.
   3. The Shelter may be located:
      a. In a front or side yard provided the Shelter is no greater than four (4) feet in height or sixteen (16) square feet of gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42-48) inches and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.
      b. In a rear yard, provided the Shelter is no greater than six (6) feet in height or sixteen (16) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.

B. Wireless Equipment Shelters in the Industrial zoning district shall comply with the following requirements:
   1. The equipment cabinet or structure shall be no greater than twelve (12) feet in height or one hundred (100) square feet in gross floor area and shall be located in accordance with the minimum setback requirements of the Industrial zoning district in which located.
   2. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.

Section 15.2.11 Special Land Use Conditions of Approval and Decisions

A. Conditions may be added that are:
   1. Designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
   2. Related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
   3. Necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

B. The Decision to grant or to deny a special land use shall be in writing and shall be based upon substantial evidence in the record.

Section 15.2.12 Escrow Fee Required

Each applicant for administrative approval shall apply to the Zoning and Planning Office providing the information required by this Section 15.2 of this Zoning Ordinance and a non-refundable fee and escrow deposit as established by resolution of Suttons Bay Township Board in order to reimburse Suttons Bay Township for the costs of reviewing the application, along with the required signed and notarized "ACKNOWLEDGMENT OF RECEIPT & AGREEMENT OF COMPLIANCE" form.

Section 15.2.13 Site Plan Review as Part of Special Land Use Approval

A. The following requirements shall be part of the site plan review requirements for Wireless Towers and antenna in addition to those found in Article 20 Special Land Use Permits and Article 19 Site Plan Review, respectively:
   1. Applications for site plan review under this sub-section shall be subject to the procedures and requirements of Article 20 Special Land Use Permits and Article 19 Site Plan Review, except as modified in this sub-section.

2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
3. A scaled site plan, elevation drawings, and narratives clearly indicating:
    a. the location, type and height of the proposed tower; on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities);
    b. adjacent roadways, proposed means of access;
    c. setbacks from property lines;
    d. elevation of the proposed tower and any other structures;
    e. topography;
    f. parking; and
    g. other information deemed by the Zoning and Planning Office or Planning Commission to be necessary to assess compliance with the intent of this zoning ordinance.
4. Legal description of the parent tract and leased parcel (if applicable).
5. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties, including those within the commercial and agricultural districts.
6. A landscape plan showing specific landscape materials.
7. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
8. A descriptive narrative of compliance with the special land use standards:
    a. Inventory of Existing Site;
    b. Aesthetics;
    c. Lighting;
    d. State or Federal Requirements;
    e. Building Codes/Safety Standards;
    f. Franchises;
    g. Signs;
    h. Buildings & Support Equipment
    i. Setbacks;
    j. Separation;
    k. Security Fencing;
    l. Landscaping; and
    m. all applicable federal, state or local laws.
9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the coverage area which have an impact on this application.

B. No part of this Section 15.2 shall exempt the applicant from such other governmental review and permitting procedures (i.e., Federal Communication Commission (FCC), Federal Aviation Administration (FAA), etc.).

Section 15.2.14 Co-Location Commitment

The applicant must include a statement in the application of its good faith intent to allow the co-location of Antennae and of other wireless equipment of other entities, provided that the cost

of modifying the wireless tower to accommodate the co-location is borne by the co-locating entity.

Section 15.2.15 Removal of Abandoned Communication Towers

Any wireless tower which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no antenna or other commercial antenna has been operational and located on the wireless tower for one-hundred-eighty (180) days or more. Where the removal or demolition of an abandoned wireless tower has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof. The Township may place a lien on the property to cover costs for the removal of the wireless tower. A lien on the property shall be superior to all other liens except taxes.

Section 15.2.16 Nonconforming Tower Uses

A. Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

C. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 15.2.15, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one-hundred-eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 15.2.15.

Section 15.2.17 Variances and Appeals

Variances from this section may be requested from the Zoning Board of Appeals. Requests for additional height to any permitted or previously approved wireless tower may be granted by the Planning Commission to provide for the co-location of additional antenna so long as such additional height does not exceed thirty (30) feet. Appeals of a Planning Commission decision shall be taken to the Zoning Board of Appeals.

Section 15.3 Small Wind Energy Systems

Section 15.3.1 Intent

The intent of this section is to recognize the concern for the conservation of energy resources and the desire of residents of Suttons Bay Township to contribute to such conservation with the installation of privately owned devices for the generation of electricity or mechanical energy for

their own use. It is the purpose of this Section to promote the safe, effective and efficient use of small wind energy systems.

Section 15.3.2 Permitted Use

Small Wind Energy Systems are permitted by right in all districts, provided the Zoning Administrator finds that all of the requirements of this section are met.

This Section of the Ordinance allows for private wind turbine generators and is not intended to allow for the leasing of private lands for energy production intended for use on other properties. The language in this Section is solely to allow for and to regulate the production of energy for consumption on the property in which the system is located.

Small wind energy systems require a Land Use Permit and are subject to certain requirements as set forth below:

A. Small Wind Energy System Tower Height: Regardless of the structure height limitations of the zoning district in which a Small Wind Energy System is located, the height of a Small Wind Energy System tower can extend to no more than eighty (80) feet.

B. Clearance of Blade: The lowest point of the arc created by rotating wind vanes or blades on a Small Wind Energy System shall be no less than twenty (20) feet above ground and no blade sweep shall extend over parking areas, driveways, sidewalks, decks or required setback areas.

C. Set-back: Towers shall be setback from any property line no less than the height of the tower.

D. Appearance: Towers and/or small wind energy systems shall not be painted such as to stand out from the surrounding foliage and buildings. There shall be no advertising or signage other than the manufacturer's logo and cautionary signage, both of which are allowed at the base. Towers shall not be lighted.

E. Safety: Towers must be equipped with an appropriate anti-climbing device or be enclosed by security fencing not less than six (6) feet in height.

F. Noise: When operating, small wind energy systems shall not generate more than sixty (60) decibels of sound, as measured at any lot line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

G. Code Compliance: Small wind energy systems shall comply with all applicable federal, state, and local construction and electrical codes and local building permit requirements.

H. Utility Connection: All utility lines leading to or from the wind energy generating device shall be underground.

I. Non Use: Towers must be maintained in a safe condition or be removed at the property owner's expense.

J. Requirements for Land Use Permit: A Land Use Permit application shall include a plot plan including existing structures, lot lines, roads, overhead utility lines, and the small wind energy system itself. A cross section drawing of the structure, base and footings must also accompany the application.

Article 16
Open Space Development

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Section 16.1 Intent

It is the intent of this Article to establish and implement the goals of the Suttons Bay Township Master Plan, adopted in August 2011, which directs the Township to preserve open space, farmland, natural beauty and critical environmental areas. With this directive in mind, the Township offers this flexible development alternative to protect open space, farmland, scenic views, rural character, reduce infrastructure and the impact on natural resources. Article 16 should be used especially when these principles may otherwise be compromised.

Section 16.2 General Standards

A. The provisions of this Article shall apply to all Districts in Suttons Bay Township.

B. Open Space Land Developments (sometimes referred to as “cluster housing” or “clustered development”) are considered developments that permanently maintain and preserve a minimum of twenty (20) percent of the total gross acreage as open space.

C. Duplexes shall be considered with Planning Commission approval.

D. Multi-family housing shall require a Special Use Permit.

Section 16.3 Number of Units and Open Space Calculation Options

The following options for calculating the number of lots or units within a proposed open space residential land development are based on the total gross acreage of the property, the percentage of open space provided, and the underlying minimum density. In no case shall a development result in fewer lots or units than would otherwise be permitted in the Agricultural District without reference to this Article (conventional development).

A. Fifty (50) Percent Open Space Designation
In an application that proposes a fifty (50) percent open space designation the density

shall be calculated by dividing the total gross acreage of the proposed project area by two (applying the underlying density of a minimum lot size of two (2) acres). For example, a one-hundred (100) acre development would result in an allowable density of not more than fifty (50) lots or units.

B. Thirty-five (35) Percent Open Space Designation
In an application that proposes a thirty-five (35) percent open space designation, density shall be calculated by dividing the total gross acreage of the proposed project area by two (applying the underlying density of a minimum lot size of two (2) acres) and multiplying the result by ninety (90) percent. For example, a one-hundred (100) acre development would result in an allowable density of not more than forty-five (45) lots or units (100/2 x .90 = 45).

C. Twenty (20) Percent Open Space Designation
In an application that proposes a twenty (20) percent open space designation, density shall be calculated by dividing the total gross acreage of the proposed project area by two (applying the underlying density of a minimum lot size of two (2) acres) and multiplying the result by eighty (80) percent. For example, a one-hundred (100) acre development would result in an allowable density of not more than forty (40) lots or units (100/2 x .80 = 40).

D. The calculated allowable number of lots or units shall be rounded down.

Section 16.4 Open Space Preservation

Dedicated open space areas shall be located and designed to protect the most sensitive and significant resources such as wetlands, steep slopes, scenic views, woodlands, and ridgelines.

A. Conveyance
   1. Dedication of open space shall be set aside by the developer through an irrevocable conveyance in form and substance acceptable to the Township Attorney and approved by the Township Board in one of the following legal actions:
      a. Dedicated open space may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the township, or a recognized non-profit land conservancy.
      b. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
      c. Conservation easement established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 399.251).
      d. Any other acceptable legal means of land conveyance.
   2. The conveyance shall guarantee that the dedication of open space shall forever remain as open space. The conveyance shall record both permitted and prohibited uses of open land.

3. A Special Use Permit will only be issued upon conveyance and recording of the Open Space with the Leelanau County Register of Deeds.

B. Permitted Uses in Open Spaces
   1. Unless otherwise authorized by the Planning Commission, only the following uses shall be permitted in the open space:
      a. Farming, as provided in Section 4.2.B Farming.
      b. Wildlife Management Areas, as provided in Section 4.2.D Wildlife Management Areas.
      c. Roadside Stands, as provided in Section 4.3.G Roadside Stands.
      d. Keeping Horses, as provided in Section 4.3.I Keeping Horses.
      e. Farm Market, as provided in Section 4.3.M Farm Market.
      f. Facilities for passive recreation, such as swimming pools, as provided in Section 4.5.C Swimming Pools.
      g. Accessory Uses or Structures, as provided in Section 4.5.F Accessory Uses or Structures.
   2. Allowable Structures: Any structure or building accessory to a passive recreation, conservation, or agricultural use may be erected within the dedicated open space, subject to the approved site plan. These accessory structures or buildings shall meet or exceed requirements of the Agricultural Zoning District.
   3. Easements for utilities and septic systems.
   4. Future divisions of the Open Space for residential use will be prohibited.

Section 16.5 General Development Provisions and Standards

To encourage flexibility and creativity consistent with the open space development concept, the Planning Commission may depart from the Township's zoning standards and regulations and consider and approve the following design considerations:

A. Open Space Land Development may utilize any legal form of land conveyance allowed by this Ordinance including subdivisions, site condominiums and land divisions. The project shall also meet the requirements of each method of conveyance.

B. Lot size, lot width, lot coverage, parking, general provisions, and other requirements, provided that such modifications result in the objectives intended to be accomplished, with respect to each of the standards set forth in Section 3.6 Schedule of Area, Height, and Placement Regulations from which a modification is sought, subject to the minimum standard provisions of Section 16.5.B. through 16.5.F. below.

C. Minimum setbacks shall be ten (10) feet from any lot line, forty (40) feet from any public road right-of-way, fifty (50) feet from any shoreline, and twenty-five (25) feet from any wetland.

D. Lots within the development that border the development boundaries shall maintain setbacks set forth in the underlying zoning district.

E. No more than twenty-five (25) percent of the total area of any lot shall be covered by impervious surface.

F. All lots shall have a minimum of thirty (30) feet of frontage along an approved public or private road.

G. Roads – Public roads shall meet standards as set forth by the Leelanau County Road Commission. Private roads shall meet standards established in Section 3.16 Private Road Standards.

H. Septic Systems – Given the topography and soils in the area, septic systems must meet Benzie/Leelanau District Health Department septic system standards. Innovative technology shall be used where appropriate.

Section 16.6 Design Objectives for Siting Lots

In evaluating the layout of proposed lots and the resulting open space land, the developer should consider natural features and their limitations as the prime consideration in determining lot layout. The open space residential land development site plan should:

A. Protect and preserve all wetlands, floodplains and steep slopes (twenty-five (25) percent or greater) from clearing, grading, filling, or construction.

B. As much as practical, preserve and maintain existing fields, orchards, and pastures, and create sufficient buffer areas to minimize conflicts between residential and agricultural uses. The greatest consideration should be given to not developing on prime, important and unique soils.

C. Minimize impacts on woodlands, especially those located on prime timberland soils or important farmland soils.

D. Maintain or create an undisturbed upland buffer of native vegetation of at least one hundred (100) feet (in depth) from adjacent surface waters, including lakes and streams.

E. Consider the elevation of any rooftop in relation to the elevation of any ridge line as seen from any public way. The visual horizon line shall have the appearance of being unbroken. This is not intended to prevent the selective trimming of trees for filter views. Existing trees should be retained or new plantings be made and maintained to lessen the visual impact of new construction sited near hilltops or ridges as seen from any public way.

F. Protect wildlife habitat areas, including wildlife corridors.

G. Protect rural roadside character and improve public safety by avoiding development fronting directly onto existing public roads.

H. Design around and preserve sites of historic archaeological or cultural value, as needed to safeguard the character of the feature.

I. Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from adjacent public road and waterways.

J. Provide that open space land shall be as contiguous as possible.

Section 16.7 Application and Review Procedure

All submittals for an Open Space Residential Land Development shall conform to Article 19 Site Plan Review with the following procedural exceptions:

A. A pre-application conference between the applicant, township staff, and either a committee of Planning Commissioners or the full Planning Commission is encouraged. At this conference the parties shall discuss the applicant's objectives and how they may be achieved under this ordinance. A conceptual plan is helpful at this stage, and a site visit may be scheduled at this time.

B. After a pre-application conference, the applicant shall submit ten (10) copies of a Preliminary Site Plan drawn to scale that conforms to Section 19.3 Application for Site Plan Review. The following are requirements of the Preliminary Site Plan and are in addition to the requirements set forth in Section 19.3.
    1. Location of existing structures with historical significance.
    2. Wetlands (indicate how wetlands are determined).
    3. Vegetative cover on property according to general cover type such as orchards, permanent grassland, meadow, pasture, old field, woodlands, wetlands.
    4. Soil type locations and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for on-site disposal systems, as per the Leelanau County Health Department.
    5. Indicate ridge lines and slopes over eighteen (18) percent.
    6. Viewshed analysis. Scenic views onto the tract or parcel from surrounding roads and public areas and well as views of scenic features from within the tract.
    7. Other information deemed necessary by the Planning Commission to insure conformance with this Ordinance and other applicable regulations.
    8. A description of the proposed conveyance of development rights for open space areas.

C. Planning Commission shall hold a Public Hearing in accordance with Section 19.5.D Preliminary Site Plan Review. At this time all preliminary agency reviews and approvals must be complete. If a permit has not been obtained by a reviewing agency, a letter confirming the status of the permit review must be provided by the reviewing agency.

Section 16.8 Final Approval

A. Final site plan for the Open Space Residential Development shall be reviewed by the Planning Commission as set forth in Section 19.5E Final Site Plan Review. The final open space residential development submittal must be prepared as one of the following:
   1. Subdivision Plat as defined by the Land Division Act, PA 87 of 1997, as amended:

      a. The final site plan must be submitted in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the state of Michigan Land Division Act and the conditions established in the preliminary open space residential development submittal.
      b. Construction of the initial phase of the open space residential development shall be completed within two years following final approval. This limit may be extended for a reasonable period to be determined by the Planning Commission, upon written application by the developer for cause shown. If this time limit is not met and an extension is not granted, the open space residential development approval is automatically rescinded.
      c. The zoning administrator shall monitor progress of the open space residential land development.
   2. Condominium Plan as defined by the Condominium Act
      a. The final open space residential development submittal shall be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary approval submittal.
      b. The zoning administrator shall monitor progress of the open space residential land development.
   3. If a proposed Open Space Residential Land Development qualifies for approval under the Suttons Bay Township Land Division Ordinance, the applicant must obtain a land division in addition to meeting the requirements of this Article.

B. Prior to Planning Commission approval, it shall be determined that:
   1. Satisfactory provisions for the financing of any improvements and maintenance of those improvements shown on the site plan for open spaces and/or common areas have been assured.
   2. The cost of installing all streets and utilities has been assured by a means satisfactory to the Commission.

Article 17
Condominium Subdivisions

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Section 17.1 Intent

It is the intent of this Article to establish and implement the goals of the Suttons Bay Township Master Plan, which directs the Township to retain the rural atmosphere of Suttons Bay Township, and to protect the wetlands, farmlands, woodlands, and other open space by encouraging clustering for residential and commercial uses. The greater flexibility afforded by allowing site condominium developments should make development of difficult sites easier and more aesthetically pleasing.

Section 17.2 General Provisions

For the purpose of this section, a Site Condominium Subdivision shall include any residential or commercial development proposed under the provisions of the Condominium Act [Public Act 59 of 1978, as amended (“PA 59”)] consisting of two (2) or more single family detached/attached residential structures and/or commercial units on a single parcel, including single family residential structures developed as "clustered housing developments", as reviewed and approved through the Article 16 Open Space Residential Land Development, when ownership is "condominium" rather than "fee simple". The Township’s zoning review of condominium projects is based upon section 141 of 1978 PA 59 (MCL 559.241).

Section 17.3 Project Considerations and Requirements

A. Site Condominium Lots - The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side site condominium lot lines allocated to each condominium unit intended for separate ownership. For the purpose of this Article, and to assure compliance with the provisions herein, condominium units as defined in PA 59, shall be referred to as site condominium lots.

B. Area and Bulk Requirements - Each site condominium dwelling unit shall be located within a site condominium lot.

1. Each site condominium lot, with regard to lot size, building heights, setbacks, and lot coverage shall conform with the requirements of the zoning district in which it is located, as indicated in Section 3.6 Schedule of Area, Height, and Placement Regulations of this Ordinance.
2. The site condominium lot size and the required setbacks shall be measured from the designated front, rear and side site condominium lot lines.
3. A twenty (20) foot wide landscaped easement shall be maintained on all site condominium lots which border M-22 and other County Primary Roads, to restrict access to the primary road, to minimize noise, and to protect outdoor living areas.
4. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all site condominium lots shall front on secondary roads. Site condominium lots along M-22 and other County Primary Roads shall either back up to such roads or shall front onto a service drive.

C. Streets - All site condominium lots shall front upon a public road, or private road which complies with the road standards of this Ordinance. All public streets within a condominium subdivision shall be constructed as required by, or in accordance with policies established by, the Leelanau County Road Commission. All private roads within a site condominium shall meet the requirements of Section 3.16 Private Roads Standards.

D. Water Supply and Sewage Disposal Systems - Water Supply and Sewage Disposal Systems shall comply with the requirements of the Benzie/Leelanau District Health Department and/or State of Michigan.

E. Landscaping - The condominium subdivision development shall comply with applicable requirements of Section 3.12 Landscaping, Screening, Buffers and Greenbelts.

F. Lighting – All outdoor lighting shall meet the standards of Section 3.18 Outdoor Lighting Standards.

G. Storm Water - Stormwater runoff shall be contained and handled on the site. Adequate and full measures shall be taken to accommodate the storm water runoff of the condominium subdivision on site.

H. No site condominium lot, common area or element shall be further divided or changed in use without the express review and approval of the Planning Commission under site plan review, and otherwise in compliance with the standards of this Ordinance.

Section 17.4 Plan Preparation and Contents

Site Plan submittal requirements for Site Condominium Subdivisions shall conform to Section 66 of 1978 PA 59 (MCL 559.166) and shall be as described in Article 20 Special Land Use Permits, Article 19 Site Plan Review, and this Article, with the following additional/concurrent requirements;

A. The preliminary plan shall be designed and drawn by a licensed Civil Engineer, a licensed Land Surveyor, a licensed Architect or a licensed Landscape Architect.

B. Identification and Description:
   1. Proposed name of the project.
   2. Full legal description to adequately describe the parcel or parcels of land in question.
   3. Names and addresses of the applicant, owners, and the planner, architect, design engineer, surveyor, or landscape architect who designed the project layout. The applicant shall also indicate his interest in the land.

C. Existing Conditions:
   1. Boundary lines of proposed project, section or corporation lines within or adjacent to the tract and overall property dimensions.
   2. Property lines of adjacent tracts of subdivided and un-subdivided land shown in relation to the tract being proposed for site condominium subdivision including those areas across abutting roads.
   3. Location, widths, and names of existing or prior easements of record, public and/or private.
   4. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for site condominium subdivision.
   5. Topography drawn at contours with an interval of not more than two (2) feet. Topography to be based on USGS datum.
   6. The location of significant natural features such as natural water courses, bodies of water, and stands of trees.

D. Proposed Conditions: Site Condominium Subdivisions shall meet the project plan considerations and requirements of Section 17.3 Project Considerations and Requirements and the following additional/concurrent requirements:
   1. Layout of streets indicating proposed street names, whether public or private, right of way widths, and connections and adjoining streets, and also the widths of and locations of alleys, easements, public walkways, bike paths and other transportation related elements.
   2. Layouts, numbers and dimensions of lots, including building setback lines showing dimensions and finished grade elevations of buildings first floor elevation.
   3. Proposed topography, including contour lines at the same interval as shown for existing topography.
   4. Indication of the parcels of land and/or easements intended to be dedicated or set aside for public use and a description of the common elements of the project and the use and occupancy restrictions as will be contained in the master deed.
   5. An indication of the ownership and existing and proposed use of any parcels identified as "excepted" on the-preliminary plan (indicating whether or not it is future “convertible area” or part of an “expandable condominium” under PA

59.). If the applicant has an interest,- or owns any parcel so identified as "excepted," the preliminary plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plan.

6. Statement describing the sewage system and method to be approved by the Benzie/Leelanau District Health Department and/or State of Michigan. If private individual septic systems are to be utilized, such systems shall be contained within the lot area and shall be limited to the exclusive use of the owner of the condominium unit.
7. Statement describing water supply system, with applicable agency(s) approval.
8. Schematic indication, run off calculation and description of storm drainage proposed that prevents any additional storm water runoff to other properties and is acceptable to the County Soil Erosion Officer and County Drain Commission.
9. In the case where the applicant wishes to develop a given area, but wishes to begin with only a portion of the total area, the preliminary plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the applicant intends to follow. Each subsequent development shall follow the same procedure until the entire area controlled by the applicant is subdivided. Each phase of the development shall not exceed, on a cumulative basis, the average density allowed for the entire development.
10. An indication of the means by which and extent that significant natural features such as water courses, bodies of water, and stands of trees are to be preserved in conjunction with the development of the proposed project.
11. Indication of the approximate area for all site improvements including roads, utilities, drains, and all building activity that will have to be cleared and graded in order to develop the proposed project.
12. The Preliminary Site Condominium Subdivision Plan will also indicate the significant ecological areas that are to be preserved in their natural state. The intent is not to require a detailed grading plan at this time but to ensure that the developer's consultant has given sufficient thought to the clearing and grading requirements in preparing the Preliminary Plan
13. Condominium Protective Covenants and Deed Restrictions which hold harmless the Township for improvements within the site condominium subdivision and requires conformance of all conditions and requirements of site plan approval and this Ordinance. All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
14. A grading and storm water drainage plan that shows proposed finished floor elevations, finished grades at structures, proposed storm water collection system, storm outlet(s), ultimate downstream outlet, all necessary off-site drainage easements, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all

development shall detain storm water so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way.

15. The condominium subdivision shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains, and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through, and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations. Easement dedication documentation may be reviewed by the Township Attorney and Engineer.
16. A utility plan shall show all existing and proposed utilities and easements located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.
17. A street construction and paving plan showing types of surfacing, method of drainage, and grade elevations. For private streets, a maintenance plan must also be provided.
18. Limited common elements, common elements, site condominium lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.
19. Prior to the issuance of any land use permit the site shall be marked with monuments per PA 59 and administrative rules, and a certified copy of the survey shall be filed with the Township.

Section 17.5 Review Procedures

A. Distribution to Authorities - The Zoning Administrator shall deliver the proposed condominium subdivision plan to the Commission for review. The Zoning Administrator shall retain one copy, and send one copy to the Township Fire Chief.

B. Staff Review - The Township Zoning Administrator and/or Planner or consultant shall send recommendations to the Commission at least seven (7) days prior to Commission meeting.

C. Planning Commission –
   1. The Commission shall review the condominium subdivision plan and the reports of the County Road Commission, the County Drain Commissioner, the County Soil Erosion Officer, the County Health Department, and the Township Zoning Administrator. An independent consultant(s) may be hired, at the applicant's expense, to review the project and make recommendations to the Commission.
   2. The Commission shall hold a public hearing on the proposed condominium subdivision plan, for the purpose of reviewing and approving, approving with conditions, or denying the application.

3. The Commission shall either approve the site condominium subdivision plan with or without conditions, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Commission.

D. Attorney Review - The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Township Attorney review.

E. Outside Agency Permits or Approvals - The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.

Section 17.6 Conditions and Duration of Approval

A. Conditions - The approval of the Commission will indicate that the proposed site condominium subdivision plan meets the provisions of this Article 17 and PA 59, but does not cover additional permits that may be required after the Master Deed has been recorded.

B. Duration - Upon approval the applicant shall have one (1) year from date of approval to complete common area infrastructure of roads and utilities. The Commission may extend the one year period upon written petition for extension. Such extension, if granted, shall cover only the material contained in the original approval process. Not more than three one-year extensions shall be granted.

C. Condominium Subdivision Plan Approval Contract -
   1. If the Commission approves the site condominium subdivision plan, it may – request that the township attorney review a contract setting forth the conditions upon which such approval is based; such contract, after approval by the Township Board, shall be entered into between the township and petitioner prior to the issuance of a land use permit for any construction in accordance with the approved site condominium subdivision plan. All reasonable costs, as established by the Township Board, related to the preparation of said contract shall be paid by the petitioner to the Township Treasurer prior to issuance of any land use permits.
   2. If the Commission determines that the basic zoning application fees will not cover the actual costs of the application review, or if the Commission determines that review of the application and/or participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Commission equal to the estimated additional costs.

Section 17.7 Design Layout Standards, Improvements

Construction of Development in Phases. For developments where construction is to occur in phases, that portion which is constructed shall conform with all laws, ordinances and regulations

of all governmental bodies having jurisdiction, and be capable of functioning independently without further improvements, including, without limitation, without the necessity of constructing any additional roads, drainage or utilities.

Section 17.8 Interpretation

A. Minimum Requirements. The provisions of these regulations shall be held to be minimum requirements adopted for the promotion and preservation of public health, safety, and general welfare of Suttons Bay Township.

B. Application of Traditional Definitions. In the review of preliminary and final plans, as well as engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures of "fee simple" development to the condominium subdivision. However, the review of plans submitted under this article shall be accomplished with the objective and intent of achieving results which are in harmony with the existing development of the adjacent properties and are consistent with the intent of the Township's Master Plan, and are in conformance with all requirements of Section 3.6 Schedule of Area, Height, Placement and Regulations of this Ordinance, as amended.

C. Conflict with Existing Regulations. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the State of Michigan or Leelanau County except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations. Nothing in this Ordinance shall be construed as requiring a Site Condominium Subdivision to obtain plat approval under the Subdivision Control Act.

Article 18
Subdivision (Plat) Control

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18.2	General Provisions	18-1
18.3	Project Considerations and Requirements	18-1
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Section 18.1 Intent

The intent of this Article is to provide procedures and standards to control the subdivision of land within the township pursuant to the authority granted by the Michigan Land Division Act (P.A. 591 of 1996 as amended, M.C.L. 560.101 et seq) and the Michigan Planning Enabling Act (P.A. 33 of 2008 as amended, M.C.L. 125.3801 et seq) to promote the public safety, health, and welfare. This Article addresses the preparation and presentation of preliminary and final plats, minimum standards which must be met or guaranteed by the subdivider, and the procedure to be followed by the township in applying regulations and standards.

Section 18.2 General Provisions

A. For the purposes of this article, a Subdivision shall include any development proposed under the Michigan Land Division Act (P.A. 591 of 1996 as amended, M.C.L. 560.101 et seq), herein after called "Act."

B. All Subdivisions are subject to the provisions and conditions of the zoning districts in which they are located.

C. Definitions: For the purposes of this article the words and phrases defined in the Act and Section 2.2 Definitions of this ordinance shall have the meanings respectively ascribed to them in those sections.

Section 18.3 Project Considerations and Requirements

A. Lot size, height of structure, setbacks, area covered by structures, and lot area covered by structures shall be in conformance with the provisions of Section 3.6 Schedule of Area, Height and Placement Regulations for the zoning district in which it is located, unless developed under the provisions of Article 16 Open Space Residential Land Development.

B. Setbacks shall be measured from the designated lot lines. Lot size shall be calculated from the designated lot lines.

C. A twenty (20) foot wide landscaped easement shall be maintained on all lots which border M-22 and other County Primary Roads, to restrict access to the primary road, to minimize noise, and to protect outdoor living areas.

D. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all lots shall front on secondary roads. Lots along M-22 and other County Primary Roads shall either back up to such roads or shall front onto a service drive.

E. Streets - All lots shall front upon a public road, or private road which complies with the road standards of this Ordinance. All public streets within a subdivision shall be constructed as required by the Leelanau County Road Commission. All private roads within a subdivision shall meet the requirements of Section 3.16 Private Roads Standards.

F. Water Supply and Sewage Disposal Systems - Water Supply and Sewage Disposal Systems shall comply with the requirements of the Benzie/Leelanau District Health Department and/or State of Michigan.

G. Landscaping - The subdivision development shall comply with applicable requirements of Section 3.12 Landscaping, Screening, Buffers and Greenbelts.

H. Lighting – All outdoor lighting shall meet the standards of Section 3.18 Outdoor Lighting Standards.

I. Storm Water - Stormwater runoff shall be contained and handled on the site. Adequate and full measures shall be taken to accommodate the storm water runoff of the subdivision on site.

J. Construction of Development in Phases. For developments where construction is to occur in phases, that portion which is constructed shall conform with all laws, ordinances and regulations of all governmental bodies having jurisdiction, and be capable of functioning independently without further improvements, including, without limitation, without the necessity of constructing any additional roads, drainage or utilities.

Section 18.4 Review and Approval Process

A. All subdivision plat developments require approval by the Township Board.

B. Within sixty-three (63) days, or such other time period as may be required by state stature, after a complete application for a proposed subdivision plat has been submitted, the Planning Commission shall recommend approval, approval with

conditions or denial of the proposed subdivision plat to the Township Board. If the Commission does not act within sixty-three (63) days, and the applicant does not agree to an extension of time, the subdivision plat shall be considered approved.

C. The Commission shall review the site plan per the standards and processes of Article 19 Site Plan Review and hold a public hearing which shall be noticed per Section 23.3.3 Notices.

D. Upon determination that a subdivision plat request is in compliance with all of the standards and requirements of this Ordinance and other applicable township ordinances and state laws, the Commission shall recommend approval of the subdivision plat plan to the Township Board.

E. The Commission may impose reasonable conditions with the approval of a subdivision plat. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit to the Zoning Administrator a revised subdivision plat plan that demonstrates compliance with the conditions.

F. Upon determination that a subdivision plat plan does not comply with all of the standards and regulations set forth in this Ordinance, other township ordinances or state laws, or requires extensive revision in order to comply with the applicable standards and regulations, the Commission shall recommend to the Township Board denial of the subdivision plat application.

G. Re-submittal of a denied application shall be considered a new application.

Section 18.5 Final Approval of Preliminary Plat

A. The application for proposed preliminary plat shall meet the provisions of Article 19 Site Plan Review requirements.

B. Approvals shall be obtained from all applicable agencies.

C. The application for proposed preliminary plat shall be submitted to the Township Zoning Administrator for Planning Commission review.

D. The Planning Commission shall review the proposed preliminary plat for compliance with all applicable Township standards and requirements. The Planning Commission shall make a recommendation for approval, approval with conditions, or denial to the Township Board.

E. If the Township Board determines that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant final approval of the preliminary plat, for a period of one (1) year from date of approval. Such final approval of the preliminary plat may be extended for a period of two (2) years at the discretion of the Township Board.

Section 18.6 Final Plat Approval

A. The applicant shall submit thirteen (13) copies of the proposed final plat to the Zoning Administrator and the Township Attorney. This submittal shall include restrictions or any other submittal requirements contained in the Act.

B. The Zoning Administrator shall review the final plat for compliance with the preliminary plat requirements and shall report to the Township Board.

C. The Zoning Administrator shall review the status of the development of the final plat and report to the Township Board.

D. A financial guarantee acceptable to the Township Board may be required if monuments, streets, drainage systems utilities, or any other improvements or requirements are not placed or installed.

E. The Township Board shall approve the final plat if all the following are satisfied:
   1. All requirements of the "Act" have been met.
   2. The final plat meets all conditions of preliminary plat approval.
   3. All improvements have been placed or installed or financial guarantee is in place.

F. After final approval the subdivision plat shall be recorded as an amendment to the Master Plan, copies to be kept with the files of the Master Plan, and noted on official copies of the Master Plan.

Section 18.7 Subdivision Lot Division

Platted lots may be partitioned or divided with the approval of the Township Board into not more than four parts, provided that the resulting lots or parcels or combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of the following: all requirements of the zoning district in which such lot is located and meeting all other requirements of this ordinance, the Township Zoning Ordinance and the Michigan Land Division Act (P.A. 228 of 1967 as amended, M.C.L. 560.101), and provided further that such resulting lots shall each have access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lot, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Land Division Act (P.A. 228 of 1967 as amended, M.C.L. 560.101) and all Township Ordinances.

Article 19
Site Plan Review

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Section 19.1 Intent

The purpose of this Article is to establish uniform site plan procedural requirements and standards for all applicable land use developments in the Township so the site plan provisions of this Ordinance can be applied equitably and fairly, encouraging a harmonious relationship of land uses within the site and adjacent lands. Toward this end, this Ordinance requires site plan review and approval by the Planning Commission (Commission), Zoning Board of Appeals (ZBA), or the Zoning Administrator as set forth below, or as otherwise provided in this Ordinance.

Section 19.2 Applicability

Site Plan Review is required for any project requiring a Land Use Permit, Special Land Use Permit, Planned Unit Development, Site Condominium, Subdivision, Appeal, Variance, or under other circumstances required by this Ordinance.

Section 19.3 Categories/Types of Site Plans and Review

There shall be three categories of site plans that are applicable depending on the different type and complexity of proposed land uses:

A. **Administrative Site Plan** applies to Land Use Permits issued by the Zoning Administrator and to projects such as single family dwellings, additions to dwellings, and construction of accessory structures. See Article 23 Administration and Enforcement, Section 23.4 Land Use Permits.

B. **Abbreviated Site Plan** applies to Variance Requests, Appeals, and projects where Abbreviated Site Plan Review is specified in this Ordinance. This review is performed by the Commission or ZBA.

C. **Detailed Site Plan** applies to more intensive land uses as specified in this Ordinance, and applies to site plans that are not listed as Administrative or Abbreviated.

Section 19.4 Chart of Project Types and the Site Plan Required

Type of Project	Administrative Site Plan Review	Abbreviated Site Plan Review	Detailed Site Plan Review
Land Use Permits	X		
Clustered Housing Development			X
Commercial Site Plan (Buildable area and/or building over 3000 sft)			X
Commercial Site Plan (less than 3000 sft of buildable area or building with a change of use)			X
Commercial Site Plan (less than 3000 sft of buildable area or building without a change of use, or accessory building)	X		
Commercial Site Plan change of use to a greater intensity		X	
Winery/Cidery			X
Agricultural Special Events		X	
Home Business		X	
All Other Special Land Uses			X
Dimensional Variances -ZBA		X	

Section 19.5 Optional Pre-Application Sketch Plan and Review

Prior to submitting an application, and/or one of the applicable site plans described above, an applicant may choose to submit a sketch plan for review by the Zoning Administrator and/or the Commission. The sketch plan may be superimposed on an aerial photo of the parcel subject to the land use or may be a scaled drawing. The sketch should show the location of existing and proposed parcels, parcel boundaries, natural features, existing and proposed structures, and proposed improvements. The review shall be informal and advisory only, and shall not constitute any form of approval of authorization for granting of any type of land use or other permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Commission's agenda if the sketch plan is to be reviewed by the Commission.

Section 19.6 Administrative Site Plan

For submission standards, please see Article 23 Administration and Enforcement and Section 23.4. Land Use Permits. The Zoning Administrator shall review an Administrative Site Plan.

Section 19.7 Abbreviated Site Pan Submittal Requirements

A. The Commission or the ZBA shall review an Abbreviated Site Plan depending upon the type of land use described in Section 19.4 [Chart of Land Use Project Types and the Applicable Site Plan Required], or elsewhere in this Ordinance. An Abbreviated Site Plan Review requires a completed application, application fee, site plan, and applicable supporting documents such as photos, studies, permits, agency approvals, maps, etc. provided by the Applicant at the time the application is submitted or when requested by the Commission.

B. The site plan shall be drawn to scale in a clear and concise manner, and may require a survey. The site plan shall be on paper which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the Zoning Administrator, ZBA and Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity. The Site Plan shall include the information listed below, unless specifically waived by the Zoning Administrator, with concurrence by the Commission, or ZBA upon the determination that the requirements to be waived are not reasonably related to the proposed use.

C. The Zoning Administrator, ZBA or Commission, upon initial review, may request additional information that it deems necessary to make a decision on the Application.

D. The Site Plan shall include the following, unless waived by the Commission or ZBA:

    1. The property, identified by parcel lines and location and size.

    2. The scale and north point.

3. An identification block that includes the applicant's name and signature, date, and engineer's seal if applicable.

4. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, drainage and similar features.

5. The location and dimensions, including the height, of all proposed and existing primary and accessory buildings, structures, and fences on the site.

6. All existing and proposed driveways.

7. Structures and buildings that are located on adjacent property.

8. Existing and proposed exterior lighting.

9. Show any changes or modifications required for any applicable regulatory agencies' approvals.

10. Location dimensions of existing and proposed utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention areas.

11. Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes and service parking.

12. Proposed alterations to the topography and other natural features shall be indicated.

13. The proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

14. Location of any stream, wetland, or body of water within 500' of the subject parcel.

15. An area map showing the location of the site in relation to the surrounding street system.

16. A vicinity map showing the location of the site and the adjacent existing land uses within 300 feet of the project location.

Section 19.8 Detailed Site Pan Submittal Requirements

A. The Commission shall review a Detailed Site Plan. Detailed Site Plan Review requires a completed application, application fee, site plan, traffic study (if applicable), statement on hazardous materials, groundwater extraction statement and supporting documents such as photos, studies, permits, agency approvals, maps, soil borings, etc. provided by the Applicant or requested by the Commission.

B. The site plan which shall be of a scale not to be greater than one (1) inch equals ten (10) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity. The site plan shall be prepared by a registered professional architect, landscape architect, engineer, land surveyor, or community planner.

C. The site plan shall include the information listed below, unless specifically waived by the Zoning Administrator, with concurrence by the Commission, upon the determination that the requirements to be waived are not reasonably related to the proposed use.

D. The Commission, upon its review, may request additional information that it deems necessary to make a decision on the application.

E. The site plan shall include the following, unless waived by the Commission:

1. All the data required for the Abbreviated Site Plan Review listed above.

2. The location, proposed finished floor and grade line elevations.

3. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit type.

4. Any proposed roads, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site.

5. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of topography.

6. Generalized soil analysis data, which may include data, prepared by the Leelanau County Soil Conservation District, Leelanau County Planning Department, or more detailed soil data regarding the soils and their adaptability to the use. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of soils.

7. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development, when required.

8. Show any changes or modifications required for any applicable regulatory agencies' approvals. Site plan or design plan changes required after the Commission issues a Special Land Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Land Use Permits.

9. A traffic impact study prepared by a traffic engineer or traffic professional shall be provided that includes an analysis of vehicle type using the facility or development (police, medical, employees, visitors) peak hour traffic, and projected noise impact from increased traffic. If applicable, copies of the Michigan Department of Transportation and/or the Leelanau County Road Commission requirements and/or studies shall be submitted to the Township. The Commission may waive this requirement when it is deemed unnecessary.

10. Hazardous materials statement indicating whether there will be any hazardous materials used or stored on the property.

11. Groundwater extraction statement indicating the amount of groundwater to be extracted and any impact on the groundwater table.

Section 19.9 Submission of Site Plan and Escrow Funds

A. For an Administrative Site Plan Review one (1) copy is required.

B. For an Abbreviated and Detailed Site Plan Review twelve (12) to eighteen (18) copies are required, as requested by the Zoning Administrator.

C. Application fee is required at time of submittal. Fee is as required per the Suttons Bay Township Fee Schedule as said schedule may be adopted from time to time by the Suttons Bay Township Board.

D. If the Commission or ZBA determines that the basic zoning application fees will not cover the actual costs of the application review or appeal, or if the Commission or ZBA determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Commission or ZBA equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs.

Section 19.10 Review for Completeness

A. The Zoning Administrator shall provide an initial review of an Abbreviated Site Plan and a Detailed Site Plan to insure they are complete, and contain all of the elements required by the standards of this Ordinance. Such review shall be undertaken concurrently with the initial review of the land use application to determine that it is complete, as may be required elsewhere in this Ordinance.

B. If the site plan is found to be incomplete, the Administrator shall return the site plan to the applicant with a list of items needed to make the site plan complete.

C. If the site plan is found to be complete, the Administrator shall notify the Chairperson of the ZBA or Commission, schedule the Site Plan Review and Public Hearing if necessary, place the Application on the appropriate agenda, perform a written staff review of the Application, and distribute the Application, Site Plan and other materials to the reviewing body.

Section 19.11 Coordination With Other Agencies

A. The Zoning Administrator shall forward Abbreviated and Detailed Site Plans and Applications to the following Agencies where applicable for their information and opportunity to comment:

1. Suttons Bay/Bingham Fire and Rescue
2. Leelanau County Road Commission
3. Michigan Department of Transportation
4. Benzie/Leelanau District Health Department
5. Leelanau County Drain Commissioner
6. Leelanau County Sheriff's Department
7. Any other agency that may be affected by the Site Plan.

B. This review does not alleviate the Applicant from obtaining any and all required permits and/or approvals from these agencies. Any comments received within a reasonable time (21) days will be reviewed and considered by the Commission and/or the ZBA.

C. The Commission may approve an Application conditioned on obtaining agency permits, or may, if the permit is critical to the Site Plan, require the permit or approval prior to issuance of their approval.

D. No construction activity associated with an approved site plan shall be undertaken until permits and approvals from all applicable agencies have been presented to the Township Zoning Administrator.

E. Whenever possible site plan review by the Zoning Administrator and Commission shall be coordinated and done simultaneously with other reviews by the Zoning Administrator and Commission on the same application.

F. When an Application is dependent on the need for a dimensional variance from the ZBA, re-zoning of property, or a zoning ordinance text amendment, such action must be completed prior to Final Site Plan Approval by the Commission.

Section 19.12 Site Plan Review Process

A. Abbreviated Site Plan Review: The site plan shall be reviewed and subject to any public hearing requirement of this ordinance and/or the Zoning Act. If a public hearing is required, no final decision on the site plan shall be made until at least one public hearing has been conducted. A site plan final decision may be tabled for more information. Any public hearing required may be conducted at the first scheduled public meeting after the application is found to be complete. For Zoning Board of Appeals cases refer to Article 24 Zoning Board of Appeals.

B. Detailed Site Plan Review: An introductory public meeting is required, and the public hearing may be scheduled at the introductory meeting. A public hearing shall not occur, however, at the introductory public meeting. A decision may be made following the public hearing, or the Commission may postpone consideration of the request if it requires more information.

Section 19.13 Standards for Site Plan Review

The Commission, or Zoning Administrator, as applicable, shall approve, or approve with conditions, a site plan if that site plan meets all of the following standards:

A. All applicable regulations of this Ordinance which apply generally to all districts, found in Article 3 General Provisions of this Ordinance.

B. All applicable regulations of this Ordinance which apply to the specific zoning district.

C. All specific standards for the specific proposed special use, if applicable.

D. Any conditions imposed with the granting of a Special Use Permit or variance.

E. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground.

F. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the appropriate agency and designed in compliance with any applicable federal and/or state statute, and any Township and/or county ordinance.

G. Evidence of sufficient protection to ensure there shall be no additional storm water run-off created by the project, or that adequate measures have been taken to accommodate such storm water run-off created on the site.

Section 19.14 Approval and Compliance

A. In cases where the Commission reviews the site plan, the Commission shall act to approve, approve with conditions, or disapprove the site plan in writing with findings of fact.

B. The action shall be recorded in a record of the zoning application and shall be filed with the Zoning Administrator. The Zoning Administrator or Commission shall notify the applicant in writing of its decision along with the Findings of Fact.

Section 19.15 Establishing Conditions on Site Plan Approval

A. A site plan may be approved with conditions necessary to comply fully with the intent of this Ordinance.

B. Reasonable conditions may include conditions necessary to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

2. Protect the natural environment and conserve natural resources and energy.

3. Insure compatibility with adjacent uses of land.

C. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the land or proposed activity, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those

standards.

Section 19.16 Security Requirement

A. As security for and to insure compliance with the site plan and zoning ordinance and any conditions, limitations or requirements imposed by the Zoning Administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Administrator, upon advice and consent of the Commission, may require:

   1. Cash deposit.

   2. Certified check.

   3. Irrevocable bank letter of credit or surety bond in such amount as determined necessary to ensure completion of the project, and under the conditions permitted by law.

B. Such security shall be deposited with the Township Treasurer at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

C. Such security shall not exceed the reasonably estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance.

Section 19.17 Authority and Limitations

A. A person aggrieved by a decision of the Zoning Administrator or Commission in granting or denying approval of a site plan, or regarding any conditions attached to an approval, may appeal the decision to the ZBA per the requirements of Article 24 of this Ordinance.

B. Decisions on a Special Use Permit or Planned Unit Development site plan may not be appealed to the ZBA, and may be appealed directly to Circuit Court.

C. Land Use Permits associated with an approved site plan will not be issued until permits and approvals from applicable outside agencies have been presented to the Township Zoning Administrator. Such permits and approvals shall include but not be limited to soil erosion and sedimentation control permits, wetland permits, floodplain permits, driveway and road permits, and Health Department permits.

Section 19.18 Expiration/Phasing/Completion Time/Extensions

An approved site plan shall be valid for a period of one (1) year from the date of approval. If construction or the permitted use has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the site plan approval shall expire. The Zoning Administrator or Commission, whoever granted the site plan approval, may, at its discretion, extend the approved site plan for up to one (1) additional year, if requested to do so in writing by the applicant and if there is reason to believe that the applicant will commence construction of the permitted use and proceed meaningfully toward completion by the end of the second year, and provided that the Suttons Bay Township Zoning Ordinance has not been amended in a manner that would affect the Site Plan as approved.

Section 19.19 Amendments to Approved Site Plan

A. MAJOR CHANGES (amendments): An application may be considered to amend an existing site plan, and shall be processed in the same manner as the original site plan application as described by this Article. Any changes to a site plan which are not considered as minor changes as provided in "B" below are to be processed as major changes.

B. MINOR CHANGES: By mutual agreement between the Township and applicant, minor non-substantive changes may be made to an existing approved site plan if such change is sought prior to the issuance of an occupancy permit for any structure authorized by the Land Use Permit. Minor changes to an approved site plan shall be permitted only under the following circumstances:

1. The owner of property for which a site plan land use has been approved shall notify the Zoning Administrator of any desired minor change to the approved site plan. Minor changes may only be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the minimal dimensional and other design standards of the site plan, and any specified conditions imposed as part of the original site plan approval. Minor changes shall include the following:

    a. Reduction of the size of any building and/or sign.

    b. Movement of buildings and/or signs by no more than ten (10) feet provided the movement is within the dimensional setback or building footprint for the appropriate zoning district or as otherwise approved by the Commission or the ZBA for the site plan.

    c. Landscaping approved on the site plan that is replaced by similar landscaping to an equal or greater extent.

d. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.

e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

f. Changes related to subsections (a) through (e) above, required or requested by state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.

2. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

Section 19.20 As-Built Site Plan

A. For a project which requires a detailed site plan review, an as-built site plan shall be submitted to the Township within 90 days of completion or occupancy, whichever comes first. This site plan shall be prepared to the same standard as the approved site plan. The Zoning Administrator shall use this as-built site plan as a comparison to the approved site plan, and the actual construction on the ground to insure compliance with the conditions, and other requirements of the site plan, Planned Unit Development, special use permit, and requirements of this Ordinance.

B. If the as-built site plan does not show compliance with the conditions, and other requirements of the site plan, Planned Unit Development, special use permit, and requirements of this Ordinance the deviation shall be considered a violation of this Ordinance and shall be subject to any applicable enforcement remedy.

Article 20
Special Land Use Permits

Sec	Name	Pg
20.1	Intent	20-1
20.2	Applicability	20-1
20.3	Pre-Existing Use	20-2
20.4	Optional Pre-Application Sketch Plan and Review	20-2
20.5	Application, Fee and Possible Escrow	20-2
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Section 20.1 Intent

It is the intent and purpose of this Article to provide a set of procedures and standards for the review and, where appropriate, the granting of special land use permits in each of the districts in which special land uses are identified, at all times maintaining provisions for the protection of the health, safety, and general welfare of the Township's residents. Because of the complexity and unique characteristics of many special land uses, this Article shall provide for detailed review giving particular consideration to the impact of the proposed special land use on adjacent and neighboring properties and to the potential impact on the environment and on the community as a whole. In addition to approving a special land use permit, a site plan must also be approved, which is performed in conjunction with the special land use review.

Section 20.2 Applicability

A special land use is a use which, because of the intensity and other characteristics of the use has a greater potential for impact upon the zoning district, the environment, the community and/or upon the neighboring properties than permitted uses.

A. Only those special land uses specifically identified as eligible for consideration in the particular zoning district in which they are to be located, may be considered for a special land use permit.

B. All applications for special land use permits shall be considered by the Planning Commission (or “Commission”) after a public hearing.

1. The attendance of five (5) members constitutes a quorum for a meeting at which a special and use application is considered, but a majority of the entire nine (9) member Commission (5 members) shall be required to approve or deny a special land use request or to grant the request with conditions.

2. The Commission shall have the authority to grant, to deny, or to grant with conditions, such special land use permits and site plans.

3. The determination shall be considered final, and may be appealed only to the Circuit Court of Leelanau County.

Section 20.3 Pre-Existing Use

Any land use in existence, which was permissible by right in a zoning district, prior to its later designation as a special land use, shall continue as a non-conforming use. Any subsequent expansion of such an original permissible use, however, shall not be considered a nonconforming use and must proceed through the special land use permit process for approval.

Section 20.4 Optional Pre-Application Sketch Plan and Review

Prior to submitting an application, an applicant may choose to submit a preliminary plan for review by the Zoning Administrator and/or the Commission in order to assess the feasibility of a project. This plan is preliminary and may be superimposed on an aerial photo or may be a scaled drawing. The review shall be informal and advisory only, and shall not constitute any form of approval or authorization of granting any type of land use or other permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Commission's agenda if the sketch plan is to be reviewed by the Commission.

Section 20.5 Application, Fee and Possible Escrow

A. All applications for a special land use permit shall be submitted to the Commission through the Zoning Administrator on a form available from the Zoning Administrator.

B. The applicant shall provide twelve (12) to eighteen (18) copies of the application together with all accompanying data, as requested by the Zoning Administrator.

C. The Application shall include the following:

1. Application form.

2. Application fee.

3. Site Plan required per Article 19 Site Plan Review.

4. Legal description of property.

5. Detailed description of the proposed special land use, including a project schedule and a description of any development phasing.

6. Completed checklist showing how the proposed Special Land Use meets Section 20.8 Governing Standards.

7. Agency Checklist.

8. Copies of permits, approvals, or review letters from agencies.

9. Letter of authorization if the applicant is not the owner.

10. Escrow fee if required.

11. Photos (optional).

12. Letters supporting the special land use (optional).

D. If the Commission determines that the basic zoning application fees will not cover the actual costs of the application review, or if the Commission determines that review of the application and/or participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount in escrow determined by the Commission equal to the estimated additional costs.

Section 20.6 Review for Completeness

A. The Zoning Administrator shall provide an initial review of the Special Land Use Permit application to insure it is complete, and contains all of the elements required by the standards of this Ordinance.

B. If the application is found to be incomplete, the Administrator shall return the application to the applicant with a list of items needed to make the application complete.

C. If the application is found to be complete, the Administrator shall notify the Chairperson of the Commission, perform a written staff review of the application, and distribute the application, site plan and other materials to the Commission.

D. Applications for uses that qualify for Abbreviated Site Plan Review, (as determined in Article 19 or in the zoning district) will be noticed for Public Hearing and review at the first Commission meeting that meets the noticing requirements.

E. Applications for uses that require a Detailed Site Plan Review, (as determined in Article 19 Site Plan Review or in the zoning district) will be placed on the next available

Commission Meeting Agenda for preliminary consideration. Following preliminary consideration, if the Commission is satisfied with the data submitted the Commission shall set a date for a public hearing on the special land use application.

F. Public Hearings shall be noticed per Section 23.3.3 Notices.

Section 20.7 Coordination With Other Agencies

The Applicant is responsible for obtaining any and all permits or approvals from other agencies. Applicants are encouraged to submit projects to agencies for review and/or approval prior to submitting an application for a Special Land Use Permit. The Commission during deliberation of the Special Land Use Permit may require an Applicant to obtain an agency permit or approval prior to, or as a condition of, the Special Land Use Permit if it is determined that the agency approval or permit is needed to satisfy one or more of the Governing Standards.

Section 20.8 Governing Standards

In deciding to grant or to deny a special land use application, the Commission shall establish that the following standards shall have been satisfied, together with all other requirements of the Ordinance. The standards enumerated herein are intended to promote the intent and purpose of the Ordinance and to ensure that the land use or activity authorized shall be compatible with the zoning district, the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed land use. These standards shall ensure that the proposed land use or activity is consistent with the public health, safety and welfare of the Township.

Each of the proposed special land uses on the proposed location shall:

A. Meet all the specific requirements of the particular special land use contained in the zoning district for which the special land use is proposed.

B. Be designed, constructed, operated and maintained so that such use will not change the essential character of the zoning district and surrounding vicinity in which it is proposed.

D. Be served adequately by essential public facilities and services, including but not limited to highways, streets, off-street parking, police, fire protection, drainage district, refuse disposal, water and sewage facilities, schools, etc.

E. Not unduly burden the capacities, or negatively impact public services and facilities affected by the proposed special land use, nor result in excessive additional public cost for the creation of facilities and services not otherwise available.

F. Not adversely affect the natural environment, especially any creek, stream, lake, pond, wetlands area, floodplain or the groundwater.

G. Not adversely affect farmland or farming operations, but to the extent practicable

preserve it as open space or provide adequate buffering between the special land use and farmland.

H. Demonstrate in the site plan that there exists sufficient protection to ensure that there will be no additional storm water runoff created by the proposed special land use; or that adequate and full measures have been taken to accommodate such storm water runoff on the proposed site location. For purposes of this standard the receipt of a Soil Erosion permit or Drain Commissioner's review shall satisfy this requirement.

I. Provide that the special land use including off-street parking, loading and unloading areas, outside storage areas, and areas for the storage of trash, which face or are visible from neighboring property or public thoroughfares, shall be screened in accordance with Section 3.12 Landscaping, Greenbelts, Buffers, Screen, and Fences.

J. Conform to the requirements of Section 3.18 Outdoor Lighting Standards.

K. Not be hazardous to adjacent or neighboring properties, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or to adjacent and neighboring properties, through the excessive production of traffic, noise, smoke, odor, fumes, or glare.

L. Be in compliance with the requirements of the district in which it is proposed and with all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Leelanau County Soil Erosion Control Officer, Suttons Bay/Bingham Fire Department, DNR, and other applicable Township, County, State, and Federal statutes.

Section 20.9 Conditions and Safeguards

Additional conditions and safeguards may be imposed by the Commission if reasonable, and necessary to protect the natural environment or to conserve natural resources or energy, to ensure compatibility with, and to protect adjacent and neighboring properties, to promote the use of the land in a socially and economically desirable manner, and to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating the increased activity.

Any conditions so imposed shall meet the following requirements:

A. To the extent possible, any condition should be designed to avoid conflict, wherever possible, with the approved master plan.

B. Be designed to protect natural resources, including but not limited to modification of setback requirements and limitations on the area to be developed.

C. Be designed to protect the health, safety and welfare of those who will be using the

proposed special land use or activity under consideration, or those affected by the special land use.

D. Be designed to protect Township residents, and adjacent and neighboring properties to the proposed special land use or activity, including but not limited to requirements such as screening, or the erection of natural or artificial barriers, setbacks, or limitations on the time of any activities, including construction, may occur.

E. Be necessary to meet the intent and purposes of this Ordinance, and be related to the standards established for the land use activity under consideration, and be necessary to ensure compliance with those standards.

F. Be necessary to ensure compliance with any part of the application received and approved by the Commission.

G. Be approved as part of the special land use permit.

Section 20.10 Variances

Where the applicant is dependent upon the grant of any dimensional variances by the Zoning Board of Appeals ("ZBA"), said favorable action by the ZBA shall occur before a special land use permit is granted and site plan approval given. An approved site plan shall include a note referencing the case number and date of all variances granted.

Section 20.11 Approval and Compliance

A. The Commission shall approve the special land use application, and the site plan if, after the public hearing(s) on the application for a special land use permit and site plan, the Commission determines that

1. The Application meets the governing standards for approval, and;

2. There are no further conditions or safeguards to be imposed, and;

3. The request is otherwise in compliance with this Ordinance and any other applicable ordinances, and with State and Federal statutes.

B. In the event that the Commission determines that the application fails to establish a sufficient basis for granting a special land use permit, the same shall be denied, and the reasons for denial shall be set forth in writing in the determination made by the Commission.

C. Upon approval of the Commission, and satisfying any conditions imposed by the Commission, a special land use permit shall be issued by the Zoning Administrator.

Section 20.12 Reapplication

No application for a special land use permit which has been denied wholly or in part by the Commission shall be resubmitted until the expiration of one-hundred-twenty (120) days from the date of denial, except on grounds of newly discovered evidence or proof of changed conditions.

Section 20.13 Binding Effect

Any special land use permit approved by the Commission pursuant to the provisions of this Ordinance shall be binding between the parties, and said use shall not be substantially modified, altered, expanded or otherwise changed, except as otherwise provided in this Article. Further, such conditions shall run with the land, and be binding on the land owner, their successors, heirs, and assigns.

If at any time during the existence of the Special Land Use Permit(s), the lot(s) and/or structures are used contrary to the conditions and provisions of the permit, the Special Land Use Permit may be revoked by the Commission after a review at a Public Hearing.

Section 20.14 Inspections

The Zoning Administrator shall be responsible for the inspection, at various and critical stages of construction of the improvements involved in the special land use, in order to determine the project's conformance to the approved site plan as well as compliance with the terms and conditions of the special land use permit. The Zoning Administrator shall report periodically to the Commission on progress being made, and shall notify the Commission in writing of any failure on the part of the applicant to meet the requirements of the site plan and special land use permit, and report on steps being taken to ensure compliance.

Section 20.15 Amendments to Approved Special Land Use Permit

A. Major Changes: An application may be considered to amend an existing special land use permit, and shall be processed in the same manner as the original special land use application as described by this Article 20. Any changes to a the terms of an approved special land use permit which are not considered as minor changes as provided in "B," below are to be processed as major changes.

B. Minor Changes: By mutual agreement between the Township and applicant, minor, non-substantive changes may be made to an existing approved special land use permit. Minor changes to an approved special land use permit shall be permitted only under the following circumstances:

    1. The owner of property for which a special land use permit has been approved shall notify the Zoning Administrator of any desired minor change to the approved special land use permit. Minor changes may only be approved by the

Zoning Administrator upon determining that the proposed revision(s) will not alter the minimal dimensional and other design standards of the special land use permit, and any specified conditions imposed as part of the original special land use permit approval. Minor changes shall include the following:

a. Reduction of the size of any building, lot and/or sign.

b. Movement of lot lines within a development, so long as they do not:

   i. decrease overall open space.

   ii. increase the size of a lot more than ten (10) percent.

   iii. increase number of lots.

c. Movement of buildings and/or signs by no more than ten (10) feet provided the movement meets the dimensional setback or building footprint for the appropriate zoning district or as otherwise approved by the Commission or the ZBA for the site plan.

d. Landscaping approved on the site plan that is replaced by similar landscaping to an equal or greater extent.

e. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.

f. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

g. Changes related to subsections (a) through (e) above, required or requested by state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.

2. All amendments to a special land use permit approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

Article 21
Nonconformities

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Section 21.1 Intent

It is the purpose of this Section to permit the continuance of the lawful use of any parcel, structure, or use existing at the effective date of this Ordinance or of any amendments, although such uses of lots or structures may not conform to the provisions of this Ordinance. The protection of private property rights and the continuance of nonconforming situations will be maintained through the provisions of this Section.

Section 21.2 Change in Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, buildings or structures, or premises, provided there is no change in the nature, size, scope or character of such nonconforming uses, other than what is provided for within this Ordinance.

Section 21.3 Nonconforming Parcels

A nonconforming parcel is that which does not conform to the district's area, width, or depth requirements. Any nonconforming parcel legally created on or before the date of this Ordinance or any applicable amendment, may be used for any purpose authorized within the district in which it is located. All setbacks and dimensional regulations within the Area shall be met, except when a variance is granted pursuant to the procedures and standards of this Ordinance.

Section 21.4 Nonconforming Structures: Repairs and Maintenance

Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of nonconforming buildings, structures, or parts thereof existing at the effective date of this Ordinance or any applicable amendments, rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the P.A. 230 of 1972, as amended, (being the Stille-Derossett-Hale Single State Construction Code Act, M.C.L. 125.1501 et. seq.), relative to the maintenance of buildings or structures.

Section 21.5 Nonconforming Structures: Replacement, Alteration, or Expansion

A. Any nonconforming building or structure whose use conforms to the requirements of this Ordinance may be altered or expanded, so long as such alterations or expansions are themselves in conformance with the setbacks of the zoning district in which they exist and with all other requirements of this Ordinance.

B. Nonconforming structures, with the exception of non-enclosed structures (such as decks), may be expanded in height up to the limits allowed in this ordinance.

C. Replacement of a nonconforming building or structure is permitted in the size, shape and footprint of the structure being replaced except where such nonconforming structure is abandoned as described in Section 21.7.

D. No building damaged by fire, act of God or other causes to the extent that the damage is total (i.e. the insurance coverage, if it existed, would pay the full amount insured) shall be repaired or rebuilt, except

1. in conformity with the non-use provisions of this Ordinance; and in conformity with the permitted and/or special use provisions of this Ordinance, or
2. reconstruction, repair or restoration of the original use shall be completed within one (1) year following the damage and resumption of use takes place within ninety (90) days of completion. The Zoning Administrator may grant an extension after a written request of the property owner is received and if one of the following conditions exist:
   a. The delay was not avoidable due to weather;
   b. The delay was a result of a criminal investigation;
   c. The delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance, or
   d. Property held in probate.

Section 21.6 Nonconforming Use: Replacement or Expansion

A. Replacement of the same nonconforming use in a building or structure is permitted in the size, shape and footprint of the structure being replaced except where abandoned as described in Section 21.7.

B. A nonconforming use shall not be increased in land area to be more than the existing nonconforming use, except as otherwise permitted by this Section.

C. Change in use may be permitted by the Planning Commission after holding a Public Hearing, if the proposed change meets the following standards:
   1. Existing use was lawful at the time of its inception (i.e. legal nonconforming use);
   2. Will not adversely affect surrounding properties;

3. Will not change the character of the district in which it is located;
4. Will not adversely affect the natural environment, especially any creek, stream pond, lake, wetland area, floodplain or groundwater;
5. Shall comply with any conditions imposed by the Commission that are necessary to ensure that the proposed change in use will not prove detrimental to the adjacent properties, the neighborhood, or the community.

Section 21.7 Nonconforming Use or Structure: Abandonment

If a property owner has intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance.

A. When determining the intent of the property owner to abandon a nonconforming use or structure, the Administrator shall consider the following factors:
   1. Whether utilities, such as water, gas, and electricity to the property have been disconnected;
   2. Whether the property, buildings, and grounds have fallen into disrepair;
   3. Whether signage or other indications of the existence of the nonconforming use have been removed;
   4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed;
   5. Whether U.S. mail deliveries have been terminated or forwarded to another address;
   6. Whether the classification of the property for tax purposes has been changed to reflect another use;
   7. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure;
   8. Whether permits have been obtained to reconstruct a nonconforming structure or use.

B. Action to find a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:
   1. Property held in Probate;
   2. Insurance settlement in dispute; or
   3. Criminal investigation.

Article 22
Open

Article 23
Administration and Enforcement

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Section 23.1 Administration

The Township Supervisor, with Board approval, shall appoint the Zoning Administrator. The Township Supervisor, with Board approval, shall appoint a temporary Zoning Administrator to act, with full authority, under the following circumstances:

A. The Zoning Administrator has a direct interest in the construction of any building or in any land use for which application has been made for a land use permit.

B. The Zoning Administrator is temporarily incapacitated and unable to perform his duties.

Section 23.2 Zoning Administrator

The Zoning Administrator is the administrative and enforcement officer of the Township. He/she shall perform such duties as the Township Board may prescribe, in addition to any duties set forth in this Ordinance.

Section 23.2.1 Appointment

The Township Supervisor, with Board approval, shall appoint the Zoning Administrator.

Section 23.2.2 Eligibility

To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, on good practice in fire protection, and the proper installation of safety, health and sanitary facilities. The Zoning Administrator shall be in good health and physically capable of fulfilling the duties of his position. The Zoning Administrator shall not be a member of the Township Board, the Planning Commission, or the Zoning Board of Appeals.

Section 23.2.3 Limitations

Under no circumstances is the Zoning Administrator to make changes in this Ordinance or to vary its terms in carrying out his duties.

Section 23.3 Duties of the Zoning Administrator

Section 23.3.1 Information

The Zoning Administrator shall provide information to the public on matters relating to Township zoning, and make available copies of this Ordinance at a price to cover the cost of printing. He shall make available for public inspection all applications for land use permits, variance requests, and written appeals and complaints received, and furnish copies at cost to anyone requesting them.

Section 23.3.2 Applications

The Zoning Administrator shall accept and process applications for land use permits, requests for rezoning, requests for dimensional variances, requests for zoning ordinance text changes, additions, amendments or other requests, written appeals and complaints received.

Section 23.3.3 Notices

A. Public Notification: All applications requiring a public hearing or public notice shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and the other provisions of this Section with regard to public notification.

B. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Suttons Bay Township and deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service, or personally delivered.

C. Content: All mail, personal and newspaper notices for public hearings shall:
    1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
    2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
    3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
    4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

D. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

    a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.

    b. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Suttons Bay Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice shall be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

    c. Other persons who have requested to receive notice.

2. Notice by mail/affidavit: Notice shall be deemed given by its deposit with the U.S. Postal Service, or other public or private delivery service, or personally delivered during normal business hours.

3. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

E. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

Section 23.3.4 Inspections

The Zoning Administrator shall conduct inspections and collect such investigative data as is deemed necessary to carry out his duties in the enforcement of this Ordinance, and to assist the Planning Commission and the Zoning Board of Appeals in carrying out their duties. If the Zoning Administrator is refused entry to a property, and if deemed necessary, an administrative search warrant from the court may be sought.

Section 23.3.5 Record Keeping

The Zoning Administrator shall maintain records of the administration and enforcement of this Ordinance, including but not limited to the following:

A. The Ordinance and all amendments adopted, and an updated Zoning Map. A copy of the updated Map shall be available at the Suttons Bay Township Office.

B. A file of all parcels of land incurring zoning activity. Parcels shall be identified and filed by property tax number. Each parcel file shall include:
   1. All applications for land use permits and their denial or approval and subsequent history.
   2. Variance requests and appeals and action taken by the Zoning Board of Appeals.
   3. Citations for violation of this Ordinance and the action taken.
   4. Affidavits of notices mailed.

C. Annual and monthly written reports to the Board, with a copy to the Planning Commission.

Section 23.3.6 Enforcement

The Zoning Administrator shall initiate appropriate action to prevent, restrain, correct, or abate any illegal act or violation of this Ordinance.

Section 23.4 Land Use Permits

Section 23.4.1 Township Land Use Permits

Any individual, partnership, corporation, association, officer, department, board, or bureau of the State, County, or Township, planning to move or erect a building or structure, or alter any existing structure or mobile home to the extent of more than one hundred (100) square feet of floor area, or replace a mobile home as a dwelling by another mobile home, or to establish a new use for any lot, shall obtain an approved land use permit prior to such action from the Zoning Administrator. Application for this permit shall be made with the Zoning Administrator on a form/application provided by the Township. Erecting a sign may also require a permit. (See Section 3.17 Signs) Septic systems are excepted, and do not require a land use permit. Lot and boundary line fences are fully excepted.

Section 23.4.2 Regular Land Use Permits

A. Applications for permits for land uses not classified in the Ordinance as special land uses, nor as land uses permitted only after a public hearing, shall be submitted to the

Zoning Administrator for his approval. Four (4) copies shall be provided, including plot plans and supporting material, for the Zoning Administrator, the Township file, the Assessor, and one to be returned to the applicant, signed by the Zoning Administrator and indicating approval or disapproval. The permit, having been signed by the Zoning Administrator and by the applicant, shall constitute an agreement between the applicant and the Township that all the requirements of the permit and of this Ordinance will be met.

B. Applications shall include:
   1. Proof of ownership of the property in question.
   2. The property tax number or a legal description of the property.
   3. A plot plan acceptable to the Zoning Administrator, showing:
      a. The length and width of the lot.
      b. Dimensional size and location of all structures to be erected.
   4. A Health Department permit, if the proposed development requires a well or sewage disposal system.
   5. A driveway permit from the Leelanau County Road Commission if applicable.
   6. Any other information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance, and to provide for its enforcement.

C. Regular Land Use Permits shall be valid for a period of one (1) year from the date the permit is issued.
   1. Permits may be extended for an additional one (1) year by the Zoning Administrator upon written request from the Permit Holder.
   2. The Regular land Use Permit shall become invalid if the authorized work has not reasonably progressed within one (1) year after issuance of the permit, unless extended by the Zoning Administrator.

Section 23.4.3 Special Land Use Permits

Applications for special land use permits shall be submitted to the Planning Commission through the Zoning Administrator. See Article 20 Special Land Use permits and Article 19 Site Plan Review.

Section 23.4.4 Land Use Permits Conditional Upon a Hearing

Where a land use is permitted with conditions, and one of those conditions is a hearing conducted by the Commission, which then approves or disapproves the application, the application must be submitted to the Commission through the Zoning Administrator. Thirteen (13) copies shall be provided, including plot plans as described in Section 23.4.2 Regular Land Use Permits (above), for the nine Commissioners, the Zoning Administrator, the Township file, the Assessor, and one to be returned to the applicant with an indication of approval or disapproval, signed by the Chairman of the Planning Commission.

The permit, having been signed by the Commission Chair and by the applicant, shall constitute an agreement between the applicant and the Township that all the requirements of the permit and of this Ordinance will be met.

Applications shall include:

A. Proof of ownership of the property in question.

B. The property tax number and a legal description of the property.

C. A site plan drawn to a minimum scale of one inch equals fifty feet (1"=50'), showing:
   1. The boundaries of the lot, its width and depth.
   2. Existing and intended uses, including location, size and height, and number of stories, of all structures existing or to be erected, with setbacks noted.
   3. Location of water supply and septic systems.
   4. Any change in the contour of the parcel.
   5. Driveway and parking areas.
   6. The centerline(s) of any road(s).
   7. Location of any easements.
   8. The Commission may require the property to be located by a registered surveyor, in cases where property boundaries are not clearly indicated by corner markers or other means.

D. A Health Department permit, if the proposed development requires a well or sewage disposal system.

E. A driveway permit from the Leelanau County Road Commission if applicable.

F. Any other information deemed necessary by the Commission to determine compliance with the Ordinance, and to provide for its enforcement.

Section 23.4.5 Temporary Use Permits

The Zoning Administrator is authorized to issue a temporary land use permit for temporary uses, as follows:

A. Carnival, Circus, or Fair, for a period not to exceed seven (7) days.

B. Open Lot Sale of Christmas Trees, for a period not to exceed forty-five (45) days.

C. Real Estate Sales Office, for lots or units on the premises and for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

D. Contractor's Office and Equipment Sheds, for the development on the parcel and for a period not to exceed one (1) year, provided that such office be placed on the property to which it is appurtenant.

Section 23.5 Failure to Pass Inspection

Section 23.5.1 Warning

Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provisions of this

Ordinance, or of any other applicable law, he shall so notify, in writing, the holder of the permit. Further construction shall be stayed until correction of the defects set forth has been accomplished, and upon notice and request for re-inspection by the applicant, inspections have been completed and written approval given.

Section 23.5.2 Cancellation of Permit

Should the holder of a land use permit fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of cancellation of the permit to be securely and conspicuously posted upon or affixed to the land use not conforming to the Ordinance requirements, the same being sent by first class mail to the address provided to the township by the applicant when he, she, or it filed the original application for land use permit. Such posting shall be considered as serving notice of cancellation to the permit holder. No further activity in such use shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to properly notify the Zoning Administrator of the time for an inspection shall automatically cancel the permit, requiring issuance of a new permit before the land use may proceed.

Section 23.5.3 Voiding of Permit

A. Any land use permit granted under this Ordinance shall be null and void unless the property is developed as proposed, within one (1) year. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one year period, and before voidance of the permit is actually declared. Permits may be extended for up to one (1) additional year by the Zoning Administrator upon the written request from the permit holder.

B. The Zoning Administrator may suspend or revoke a permit issued in error or on the basis of incorrect information supplied by the applicant or his agent, or which is in violation of any of the ordinances or regulations of the Township.

Section 23.6 Violations

Section 23.6.1 Reports of Violation

Violations observed by residents of the Township may be reported to the Zoning Administrator to be investigated. This need not be in writing. The Zoning Administrator should keep the names of such residents confidential.

Section 23.6.2 Notices of Violation

Whenever the Zoning Administrator determines that a violation of this Ordinance exists, he shall issue a notice of violation. Such notice shall be directed to each owner or party in interest in whose name the property appears on the last local tax assessment records.

Section 23.6.3 Serving of Notice

All notices shall be in writing and shall be served upon the person to whom they are directed personally or, in lieu of personal service, may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing

should be kept on file.

Section 23.6.4 Correction of Violations

All violations shall be corrected within thirty (30) days following the date of issuance of written notice to correct.

Section 23.6.5 Prosecution of Uncorrected Violations

If steps have not been taken to correct the violation(s), they shall be referred for prosecution to the Township's attorney, who may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful erection, maintenance, or use.

Section 23.7 Penalties

Any person, firm, association, corporation or other entity who or 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 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 the township has been put in connection with the municipal infraction. Costs of no more than $500 shall be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. 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:

	Fine
1st violation	$100.00
2nd violation within 3-year period	$250.00
3rd violation within 3-year period	$500.00
4th or subsequent violation within 3-year period	$1000.00

Section 23.8 Appearance Tickets and Municipal Civil Infraction Citations

As provided for in the Suttons Bay Township Municipal Civil Infraction Ordinance, the Suttons Bay Township Supervisor, the Suttons Bay Township Zoning Administrator and the Suttons Bay Township Attorney, are hereby authorized to investigate violations of this ordinance, and to issue and serve appearance tickets and citations, including municipal civil infraction citations,

pursuant to MCL 764.9c, MCL 600.8701 and MCL 600.8707, on all persons in violation of this Zoning Ordinance. Such appearance tickets and/or citations shall be issued and served in accordance with applicable Michigan law.

Section 23.9 Fees

All fees for inspections and land use permits, zoning amendments and variances, shall be collected by the Zoning Administrator, and turned over to the Township's general fund. A schedule of fees shall be established by resolution of the Township Board, and shall be in an amount adequate to defray the cost of inspections and supervision, including necessary paperwork, and the publication of notices.

Section 23.10 Declaration of a Zoning Moratorium

Notwithstanding any other provision of this Zoning Ordinance, the Township Board may, by resolution, declare a moratorium on the issuance of any permit under this ordinance, the processing of any permit application hereunder, the processing of any rezoning request, the processing of any site plan review, special land use request, or the processing of any other application made under this zoning ordinance. Such a moratorium may be declared by the Township Board only under the following conditions:

A. The Township Board finds, based on facts appearing in the public record before it, that such a moratorium is necessary to protect the public health, safety and welfare and that no other action short of imposing a moratorium can adequately protect the public health, safety and welfare;

B. The moratorium is for a limited period of time, not to exceed six (6) months, but may be extended for no more than one (1) additional six (6) month period upon a new and separate findings of fact required under subsection 1 above;

C. The moratorium is limited in its scope and area of application so as to only affect those matters and that area necessary to protect the public health, safety and welfare;

D. The resolution declaring the moratorium shall be published in a newspaper of general circulation within the Township;

E. The resolution declaring the moratorium shall specify the effective date of such moratorium which may be the date of publication or another date following such publication; and

F. The resolution declaring the moratorium shall be adopted by a vote of a majority of the five (5) members of the Township Board.

Article 24
Zoning Board of Appeals

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Section 24.1 Establishment

A Zoning Board of Appeals ("ZBA")is hereby retained, in accordance with P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.), hereinafter referred to as the "Zoning Act"

Section 24.2 Membership

A. There shall be five (5) members and a first and second alternate member on the ZBA, appointed by the Township Board as follows:
   1. The first member of the ZBA shall be a member of the Planning Commission.
   2. The remaining members of the ZBA shall be selected from electors of the Township. The membership must be representative of the population and interests present in the Township. One member may be a member of the Township Board, but such member may not serve as chair of the ZBA.
   3. The ZBA shall not conduct business unless a majority of the members are present.

B. Alternate members shall serve as regular members:
   1. In the absence of a regular member.
   2. For the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
   3. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

Section 24.3 Terms of Office

The term of each member of the ZBA is three (3) years. The terms shall be staggered. The term of the member of the Planning Commission or Township Board shall not extend beyond their term. A successor must be appointed to any vacancy within one (1) month. Vacancies for unexpired terms shall be filled for the remainder of the term.

Section 24.4 Compensation

Members of the ZBA shall receive such compensation as determined from time to time by the Township Board, and be reimbursed for reasonable expenses incurred.

Section 24.5 Rules of Procedure

Section 24.5.1 Rules of Procedure

The ZBA shall adopt rules and regulations to govern its procedures, and shall elect a Chairperson.

Section 25.5.2 Majority Vote

The concurring vote of a majority of the members of the ZBA shall be necessary to revise any order, requirement, decision or interpretation of the Zoning Administrator; to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance; or to effect any variance in this Ordinance.

Section 25.5.3 Meetings

Meetings of the ZBA shall be held at the call of the Chairperson, and at such other times as the ZBA may specify in its rules of procedure. All meetings shall be open to the public.

Section 25.5.4 Records

Minutes shall be kept of each meeting, and the ZBA shall record into the minutes all of its official actions, all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question (or if absent or failing to vote, an indication of such fact). All records shall be open to the public. All minutes shall be filed with the Township Clerk.

Section 24.6 Duties and Powers

The ZBA shall perform its duties and exercise its powers so that the objectives of this Ordinance shall be attained, the public health, safety and welfare secured, and substantial justice done. The ZBA is empowered to act upon the matters described in Section 24.7 through 24.9, below, as well as those matters referred to the ZBA under the Zoning Act, and upon no others.

Section 24.7 Interpretation

A. The ZBA, upon request, shall interpret unclear language in the Ordinance.

B. It shall determine the precise location of boundary lines between zoning districts, where uncertainty exists, including interpretation of the Zoning Map.

Section 24.8 Administrative Review/Appeals

A. A demand for a zoning appeal is received by the zoning administrator. Appeals can be filed by:
   1. a person aggrieved, or
   2. an officer, department, board, or bureau of the state or local unit of government.

B. The ZBA shall hear and decide appeals from, any administrative orders, requirements, decision or determinations made by an administrative official or body charged with enforcement of the zoning ordinance.

C. The ZBA shall have the authority to hear appeals regarding decisions concerning site plan review except for Special use Permits and Planned Unit Developments as outlined in Section 19.7.B Authority and Limitations.

Section 24.9 Variances

The ZBA may grant dimensional variances from the strict and literal enforcement of the provisions of this Ordinance. Practical difficulties unique to the property in question must be demonstrated before a variance is granted. Listed below are the standards to be applied:

A. Standards for Variance. Listed below are the five standards to be applied:
   1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography as compared with other properties in the zoning district. The need for variance shall not be due to the applicant's personal or economic difficulty.
   2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
   3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
   4. That the requested variance is necessary to do substantial justice to the applicant as well as to other property owners in the district.
   5. That the requested variance will not cause an adverse act on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

B. Lesser Variance. The ZBA may grant a lesser variance than that applied for if it would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

C. Conditions. The ZBA may grant a variance with conditions necessary to comply with the intent of this Ordinance.

Section 24.10 No Use Variances

Under no circumstances shall the ZBA grant a variance to allow any use expressly or by implication prohibited by the terms of this Ordinance in the zoning district in which the variance is to be located.

Section 24.11 Procedure for Appeals and Variance Requests

Section 24.11.1 Filing

A. Upon receipt of a demand for appeal, interpretation or variance, the Zoning administrator will review the demand for appeal to insure it is complete and that the fee is paid.
   1. If the application is not complete, the Zoning Administrator will return the application to the applicant with a letter that specifies the additional material required.
   2. If the application is complete, the Zoning Administrator and chair of the ZBA shall establish a date to hold a hearing on the appeal.

B. Ten (10) copies of all appeals and requests for variances shall be filed in writing through the Zoning Administrator, who shall transmit copies to the members of the ZBA.

C. A site plan of the subject property in question, showing all the salient features of the proposed project, shall accompany the appeal or variance request being filed. It shall be drawn to scale sufficient to illustrate the requested variance, showing structures and lot lines in question and other pertinent features.

D. The notices of hearing shall be given in accordance with Section 23.3.3. Notices.

E. Upon the hearing, any party or parties may appear in person or by agent or by attorney.

Section 24.11.2 Decisions

A. If request for appeal is a variance, the ZBA shall grant, grant with conditions, or deny the application. The ZBA may reverse or affirm, wholly or partly, or modify an administrative decision.

B. APPEALS: All appeals shall be made within sixty (60) days from the date of any decision constituting the basis of appeal. The ZBA shall hold a hearing within a reasonable amount of time after an appeal is filed. Upon hearing such an appeal, the ZBA may affirm, change or modify the ruling, decision or determination or, in lieu thereof, make such other or additional determination as it shall deem proper under the circumstances. The ZBA shall render its decision in writing, with grounds for its decision stated. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the ZBA that a stay would in his opinion cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order by the courts.

C. VARIANCES: The ZBA shall hold a hearing within a reasonable amount of time after a variance request is filed. The ZBA shall render its decision in writing, with grounds for its decision stated. The ZBA has the right to impose an expiration on a granted variance.

D. REAPPLICATION: No application for a variance which has been denied shall be resubmitted within one hundred eighty (180) days from the last date of denial unless there has been a change in circumstances.

Section 24.11.3 Notices

Notices of meetings of the ZBA shall be given as described in Section 23.3.3 Notices, in Article 23 Administration and Enforcement.

Section 24.12 Conduct of Meetings

A. Copies of variance requests and appeals under consideration, and of the accompanying plot plans, should be made available to the public in attendance.

B. A ZBA public hearing takes place during a ZBA meeting which is subject to the Open Meetings Act (P.A. 267 of 1976, as amended). The hearing continues until the chairperson is satisfied that everyone present has had an opportunity to be heard at which the time the public hearing is closed to further public input. The ZBA may then deliberate on the question before them and make a decision, or they may postpone action to a later meeting.

Section 24.13 Judicial Review

As provided in MCL 125.3605, the decision of the ZBA shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided in the Zoning Act M.C.L. 125.3606.

Article 25
Amendments

Sec	Name	Pg
25.1	Request and Fees	25-1
25.2	Rezoning	25-1
25.3	Conditional Rezoning	25-2
25.4	Amendment Procedure	25-6
25.5	Resubmittal	25-6

Section 25.1 Request and Fees

The Township may from time to time, amend or supplement the text of the Ordinance or Zoning Map whenever the public necessity and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more property owners. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay a filing fee as set from time to time by the Township Board.

Section 25.2 Rezoning

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

A. The proposed rezoning is consistent with the surrounding uses.

B. There is no adverse physical impact on the surrounding properties.

C. There is no adverse effect on property values in the adjacent area.

D. There have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning.

E. Rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations.

F. Rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public.

G. There are substantial reasons why the property cannot be used in accordance with its present zoning classification.

H. The rezoning is not in conflict with the planned use for the property as reflected in the master plan.

I. If rezoned, the site will be served by adequate public facilities.

J. There are no sites nearby that are already properly zoned and that can be used for the intended purposes.

Section 25.3 Conditional Rezoning

Section 25.3.1 Intent

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Michigan Zoning Enabling Act; P.A. 110 of 2006 (as amended), specifically M.C.L. 125.3401(3), by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Section 25.3.2 Application and Offer of Conditions

A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

E. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

F. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

G. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site

plan approval for such use or development is ultimately granted in accordance with the provisions of the Ordinance.

H. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

Section 25.3.3 Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 25.4 Rezoning of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

Section 25.3.4 Township Board Review

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 25.4 Rezoning of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Michigan Zoning Enabling Act; P.A. 110 of 2006 (as amended), specifically MCL 125.3401(3), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

Section 25.3.5 Approval

A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

B. The Statement of Conditions shall:
    1. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
    2. Contain a legal description of the land to which it pertains.
    3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

E. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

Section 25.3.6 Compliance With Conditions

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

Section 25.3.7 Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be

extended by the Township Board if:

A. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and

B. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

Section 25.3.8 Reversion of Zoning

If commencement of the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 25.3.7 Time Period for Establishing Development or Use above, then the land shall revert to its former zoning classification as set forth in M.C.L. 125.3405. The reversion process shall be initiated by either the Planning Commission or by the Township Board requesting that the Planning Commission make a determination that the conditions for the conditional rezoning were not met.

A. Before making such a finding, the Commission shall provide the owner of the property with a notice of its intent to find that one or more conditions of the rezoning have not been met and shall afford the property owner with an opportunity to present evidence to the Commission that commencement of the approved development and/or use of the rezoned land has in fact occurred.

B. If the Commission shall then make a determination that the approved development and/or use has not met the conditions for the rezoning, it shall find that the land should be rezoned to its former zoning classification, and shall make such recommendation to the Township Board for adoption of a zoning ordinance amendment to that effect.

C. If there is a request to rezone the land to another zoning classification, the procedure for that consideration shall be the same as applies to all other rezoning requests.

Section 25.3.9 Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

Section 25.3.10 Amendment of Conditions

A. During the time period for commencement of an approved development or use specified pursuant to Section 25.3.7 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

Section 25.3.11 Township Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act; P.A. 110 of 2006 (as amended), specifically MCL 125.3405.

Section 25.3.12 Failure to Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 25.4 Amendment Procedure

The procedure for making amendments to the Ordinance shall be in accordance with Public Act 110 of 2006, as amended and as otherwise specified in this Ordinance.

Section 25.5 Resubmittal

No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions.

Article 26
Severability and Effective Date

Sec	Name	Pg
26.1	Severability	26-1
26.2	Effective Date	26-1

Section 26.1 Severability

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 thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 26.2 Effective Date

The provisions of this Ordinance are hereby given immediate effect pursuant to the provisions of P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 et seq.) and P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.). This Ordinance shall remain in full force and effective unless repealed.