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HILLMAN TOWNSHIP ZONING ORDINANCE

PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this ordinance.

ARTICLE I SHORT TITLE AND PURPOSE

Section 1.1 SHORT TITLE

This ordinance shall be known as the Hillman Township Zoning Ordinance.

Section 1.2 PURPOSE

The fundamental purpose of this ordinance is to promote and safeguard the public health, safety, morals and general welfare of the people of Hillman Township. The provisions herein are intended to encourage the use of lands, waters and other natural resources as they pertain to the social, physical and economic well being of the Township, to limit improper use of land and natural resources, to reduce hazards to life and property; to provide for orderly development within the Township; to avoid overcrowding of the population; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural, residential and other areas suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public facilities; to conserve the expenditure of monies for public improvements and services to conform with the most advantageous uses of land, resources and properties.

Section 1.3 AUTHORITY

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, Township Zoning Act, Act 184 of the Public Acts of 1943, as amended.

Section 1.4 VALIDITY

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 1.5 LIMITATION OF ZONING ORDINANCE

The provisions of this Ordinance shall not apply to the use of any dwelling, building or structure or any land or premises, which was lawful and existing on the adoption date of this Ordinance.

The provisions of this Zoning Ordinance shall not apply to the erection, repair, or use of customary accessory farm buildings or structures, such as barns, sheds, pens, fences, and the like: PROVIDED no farm accessory buildings or structures other than open fences through which there shall be clear vision, shall be erected, moved or maintained less than minimum setbacks of the zoning ordinance. This limitation does not apply to a dwelling unit or accessory buildings for the purpose of the dwelling unit.

ARTICLE II INTERPRETATION OF WORDING AND DEFINITIONS

Section 2.0 INTERPRETATION OF WORDING

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
- D. A "building" or "structure" includes any part thereof.
- E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- F. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- G. "Township" shall refer specifically to Hillman Township.
- H. Terms not defined shall be assumed to have the meaning customarily assigned them.
- I. Any necessary interpretation of this Ordinance shall be defined by the Hillman Township Zoning Board of Appeals.

Section 2.1 DEFINITIONS

Abandonment: The cessation of activity in, or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis for a period of six (6) months or longer.

Accessory Building or Structure: A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

Accessory Use: A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

- A. books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
- B. instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar restaurant, or similar commercial establishment that regularly features:

- A. persons who appear in a state of nudity;
- B. live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
- C. films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
- D. persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Motel: A hotel, motel or similar commercial establishment that:

- A. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
- B. offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- C. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture: The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income.

Alley: A public right-of-way, not more than thirty (30) feet in width affording a secondary means of access to abutting property but not intended for general traffic circulation.

Alteration: Any structural change, addition or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, beams, or girders, which may hereinafter be considered as "altered" or "reconstructed".

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Attached: Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

Automobile Repair: Any activity involving the general repair or reconditioning of motor vehicles, engines, or trailers; collision service, such as body, frame, or fender straightening and repair; overall painting and rustproofing of automobiles.

Automobile Sales Area: Any space used for display, sale, or rental of motor vehicles, in new or used and operable condition.

Automobile Service Station: A building used for the retail sale of fuel (stored only in underground tanks and to be dispensed from fixed equipment), lubricants, air, water, and other commodities designed for motor vehicles, aircraft, and boats. Such an operation includes space and facilities for selling, installing, or adjusting tires, batteries, parts and accessories within a building provided that such repair and installation are of minor nature.

Automobile Washing Establishment: A building, or portion thereof, where automobiles are washed as a commercial enterprise.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed & Breakfast Facility: See definition for Tourist Home.

Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.

Berm: An earthen mound used for the purpose of landscaping, screening, or enclosure, compacted and finished with adequate topsoil to support grass or other landscape materials in a neat and well-maintained condition.

Billboard: A constructed unit upon which a verbal and/or pictorial sign or advertisement is fastened for the purpose of disseminating information to the general public, but not including bulletin boards on government property used to display official or public notices and information. A billboard sign does not pertain to the premises or to the use of the premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

Boarding, Lodging, or Rooming House: A dwelling where lodging or meals or both are provided for compensation to three (3) or more individuals on a pre-arranged basis for a definite period of time.

Board of Appeals: As used in this Ordinance, this term means the Hillman Township Board of Appeals.

Boat Livery and Boat Yard: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, providing use thereof to persons other than the owners for a charge or fee, being stored, repaired, decked, serviced, or sold.

Buffer Strip: A strip of land of width and location to be determined by the Zoning Board reserved for the planting or shrubs and/or trees to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Building: An independent structure, temporary or permanent, having a roof supported by columns, walls, or other means of stabilization and used for the enclosure and protection of persons, animals, chattels or for the operation of a business. This shall include tents, awnings, or vehicles situated on a property and used for the above purposes. Structures with interiors not accessible for human use, such as tanks, smokestacks, grain elevators, coal burners, oil cracking towers, or similar structures shall not be considered as buildings.

Buildable Area: The space remaining on a lot or lots of record after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Height: The vertical distance from the established grade of a building to the following roof lines:

- A. flat roof-to the highest point.
- B. mansard roof-to the deck.
- C. gable, hip, and mansard roofs-to mean height between eaves and ridge. The ground level is measured at the wall line in the case of sloping terrain.

Building Line: A line parallel to the front lot line at the minimum required front setback line.

Building Main: A building, which is used for the principal purpose of the lot on which it is situated.

Bulk Station: A place where crude petroleum, gasoline, naphtha, benzol, kerosene, benzene, or any other liquid except such as will stand a test of 150 degrees Fahrenheit, closed-up-testers, are stored for wholesale purpose where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

Cabin: Any building, tent, or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Church: See Place of Worship.

Clinic: A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

Club: Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.

Condominium Unit: That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance.

Conflict of Interest: Situation where an official with duties under this Ordinance has either close family ties or economic interest with parties whose case is being considered.

Convalescent or Nursing Home: A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four (4) or more patients.

Deck: An uncovered outdoor platform, either attached to or detached from the principal structure, constructed on or above the ground surface, and used as a residential accessory structure for domestic or recreational purposes.

Density: The intensity of development in any given area, measured in this ordinance by the number of dwelling units per acre.

District: A portion of the Township in which certain building and activities are permitted and in which certain regulations, in accordance with the ordinance, are applicable.

Dock: An accessory structure used exclusively for boarding and mooring of watercraft.

Drive-Thru Business: Any restaurant, bank or business with an auto service window.

Dwelling Unit: A building or portion of a building which has sleeping, eating, and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, or other such portable structure be considered a dwelling unit.

Dwelling, Single-Family: A detached building containing not more than one dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

Dwelling, Two-Family: A building containing two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
- B. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974.

Dwelling, Multiple-Family: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

Efficiency Unit: A dwelling unit for one individual or small family consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Erected: As used in this ordinance, "erected" signified the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving, and filling of earth.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, and welfare, but not including building one hundred (100) square feet or less, other than those which are primarily enclosures or shelters for essential services equipment. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

Excavation: The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

Family: A person or persons living together as a single-housekeeping unit.

Farm: All of the contiguous neighboring or associated lands operated as a single entity under which bona-fide farming takes place directly by an owner/operator, manager, or tenant farmer, by his or her own labor, or with the assistance of household members or hired employees. Farms may be considered as including establishments that operate bona-fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, as well as the growing,

harvesting or cultivating of cash crops. Establishments keeping or raising fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, piggeries, or stockyards may be considered farms only if attached to bona-fide farming operations on the same continuous track of land.

Farm Buildings: Any building or structure, other than a dwelling unit, built, or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

Feedlot: A concentrated animal feeding operation, involving the rearing and feeding of cattle, poultry, sheep, goats, fur-bearing animals, fish or similar agricultural animals, in such density and at such scale as to cause or potentially cause adverse effects on water quality or nuisance conditions for neighboring property owners.

Fence: A permanent or temporary partition or structure erected as a divider, barrier, or enclosure and not part of a structure requiring a building permit. Wooden, concrete, asphalt, earthen, or masonry walls, berms, paving, driveways or fill materials shall be defined and regulated as fences when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected,) and when such items are used for the purpose of enclosure or as support for an enclosure.

Fence Height: The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete, asphalt, earthen, or masonry walls, berms, paving, driveway or fill materials that are used for the purpose of enclosure or as a base or support for an enclosure, the height of such items shall be included in the measurement of the fence height when such items rise higher than the preexisting ground level.

Filling: The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

Filling Station: A building used or designed for the retail sale and underground storage of automobile fuel, lubricants, and other automotive commodities, or for aircraft or watercraft operations, including the customary space and facilities allocated for installation of such commodities.

Flood Plain: The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater. Determination of a flood plain is:

- A. Contiguous areas paralleling a river stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

Floor Area, Usable: That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

Foster Care Home: A State licensed community-based residential facility for the physically handicapped, developmentally disabled, previously mentally ill adults, that provides custodial care for the aged and for juveniles.

Garage, Commercial: Any structure (except private, community or storage garages) available to the public and primarily used for the storage of motor vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be repaired, rebuilt, or equipped to operate, and where vehicles may be greased, washed and waxed.

Garage, Private: A space or structure suitable for the storage of motor vehicles having no public or commercial shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees, and with a capacity of not more than three (3) motor vehicles. Not more than one (1) commercial vehicle, not exceeding a rated capacity of three-quarter (3/4) of one (1) ton, shall be stored on any one lot on which such a facility is located.

Gas and Oil Processing Facilities: Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Supervisor of Wells, Department of Natural Resources, or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

Grade: For purposes of this ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of each face of the building.

Grading: Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

Ground Floor Area: The square footage of floor space measured from exterior to exterior wall of living space, but not including unheated places such as porches, breezeways, and garages.

Guest House: Separate structure or dwelling, on a residential parcel, used for sleeping and/or eating purposes by non-paying friends, relatives or acquaintances of the resident or owner of the main structure.

Highway: A public thoroughfare or street, excluding alleys, but including Federal, State and County roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

Home Occupations: An occupation, profession, activity, or use that is clearly an incidental and/or secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospitals: An institution providing health services primarily for inpatients and medical or surgical care of the sick and injured, including laboratories, outpatient departments, training facilities, central service facilities, and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

Hotel: A building or part of a building with a common entrance or entrances in which the dwelling units are used primarily for transient occupancy. A hotel may contain a restaurant, cocktail lounge, and/or conference facilities.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and service in attractive surroundings among compatible neighbors.

Junk: For the purpose of this ordinance, this term shall refer to any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or materials that are damaged or deteriorated.

Junkyard: A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, disassembled, baled, exchanged or handled. Junkyards include auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment. Pawn shops and establishments which sell, purchase or store used cars, salvaged machinery, used furniture, radios, appliances, or similar household goods and the processing of used, discarded, or salvaged materials as part of manufacturing operations are not considered junkyards.

Kennel, Commercial: An establishment licensed to operate a facility housing dogs, cats or similar household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business. (Amended August 6, 2001, Effective August 23, 2001.)

Kennel, Private: Any building or land used for the care of dogs, cats or similar household pets belonging to the owner of the principal use and kept for purposes of show, hunting or as pets. (Amended August 6, 2001, Effective August 23, 2001.)

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

Lot: The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

Lot Coverage: The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

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

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat in the request for zoning compliance permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street in the plat and in the request for a zoning compliance permit. (See *Lot, Double Frontage*) In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Montmorency County Register of Deeds on or before the effective date of this Ordinance.

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.

Lot, Zoning: A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

Manufactured Home: see Dwelling, Manufactured.

Master Plan or Comprehensive Plan: The statement of policy by the Township Zoning Board relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

Mobile Home: see Dwelling, Mobile.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use and is licensed by the State of Michigan.

Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Motel or Motor Court: A series of attached, semi-detached or detached rental units providing temporary lodging for transients.

Nonconforming Building: A structure, or portion thereof existing at the time of the adoption of the ordinance, which is not in conformance with the standards of this ordinance.

Nonconforming Use: An activity existing at the time of the enactment of this ordinance, on a lot or lots of record and which is not in conformance with the use regulations for the zoning district in which it is located according to the ordinance.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- A. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- B. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
- C. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nursery, Plant Materials: Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees, and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing, act, or practice; a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, and smoke, are examples of nuisances.

Open Air Business: Includes use operated for profit, substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.

Open Space: Land upon which no structures, parking, right-of-ways, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that will result in the development of impervious surfaces shall not be included as open space.

Ordinary High Water Mark: Is defined as in the Michigan Inland Lakes and Streams Act to mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and vegetation. On an inland lake which has had a level established by law, it means the high established level.

Place of Worship: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Planned Unit Development (PUD): A zoning district which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Principal Use: The designation given to a legally defined parcel of land and based upon the primary activity occurring on such parcel.

Private Road: An easement or right-of-way that provides motor vehicle access to three or more lots, parcels or site condominiums.

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Utility: A person, firm, or corporation, municipal department, board or commission duly authorized to provide and providing, under Federal, State, or Municipal regulations to the general public any of the following: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

Recreation Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.

Resort: A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial grocery, sporting goods, gasoline service outlet, and/or food service facility accessory to the resort.

Road Right-of-Way: A street, alley or thoroughfare or easement permanently established for passage of persons or vehicles, which, if used to establish a lot front, provides adequate permanent access.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling local agricultural products, part of which are raised or produced on the same farm premises.

Seasonal Residence: A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.

Setback: The distance required to obtain the minimum distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Setbacks shall remain as open space unless otherwise provided for in this ordinance.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. physical contact in the form of wrestling or tumbling between persons of the opposite sex;
or
- B. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center.

Shopping Center: A group of more than two commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Sign: Any device designed to inform the general public or attract the attention of persons. The following shall not be considered commercial signs for purposes of this ordinance:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises.
- B. Flags and insignia of any government, except when displayed in connection with commercial promotions.
- C. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Off Site: A sign relating to a subject matter but is off the premises in question.

Sign, On Site: A commercial sign relating in its subject matter to the premises on which it is located, or to activities, products, services, or accommodation of the immediate site.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this ordinance to determine whether it meets the requirements of this Zoning Ordinance, as well as other local ordinances, state and federal requirements.

Stable: A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

Stable, Public: Building in which any horses are kept for hire or sale.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty (50) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

Story, Half: An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one half (1/2) of the full story, contains at least one hundred and sixty (160) square feet and has a minimum floor to ceiling clearance of seven (7) feet, six (6) inches.

Street, Road, Highway: A thoroughfare, which affords the principal means to access abutting property, but does not include alleys.

Stripping: Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, mobile homes, sheds and permanent signs, and excludes vehicles, sidewalks, and paving.

Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Building and Use: A structure or use permitted by the Zoning Administrator, to exist during periods of construction of the main building or for special events, but not to exceed twelve (12) months duration.

Tourist Home, Bed & Breakfast: Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and which can be occupied as part of a dwelling unit, are rented for compensation to the traveling public.

Travel Trailer: See Recreation Vehicle.

Use: The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

Variance: Action taken by the Board of Appeals granting a property owner relief from certain provisions of the ordinance when because of the particular physical surroundings, shape, or topographical conditions of the property compliance would result in an undue hardship upon the owner, as distinguished from a mere inconvenience or desire for an increased economic return.

Yard: An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

Yard, Corner Side: A side yard, which faces a public street.

Yard, Front: A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, Rear: A yard extending the full width of the lot on which a building is situated and located between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, Side: A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through nearest point of the building, and extending from the front yard to the rear yard.

Yard, Transitional: A yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature, in accordance with the provisions of this ordinance. Such transitional yard shall be in lieu of the requirements for front, side, and rear yards as stipulated in the ordinance.

Yard, Waterfront: A yard, any part of which abuts on a lake, stream or any other natural or artificial watercourse.

Zoning Permit: A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this Ordinance.

ARTICLE III GENERAL PROVISIONS

Section 3.1 THE EFFECT OF ZONING

In order to carry out the intent of this Ordinance, no use or activity on a piece of land, shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with the provisions and intent of the specific zoning district in which it is located.

If any activity, use, building, structure, or part thereof, is placed upon a piece of property in direct conflict with the intent and provisions of the Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary, and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

In the event a use, activity, building or structure is existing or under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal non-conforming use and be allowed to remain as such for construction to be completed, providing said construction does not require more than two (2) years from the effective date of this Ordinance for completion.

Section 3.2 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening of a lawful, conforming building or structure, or part thereof, which has been declared unsafe by the Zoning Administrator, building official, or public health inspector, nor the requirement to adhere to the lawful orders of such officials.

Section 3.3 REQUIRED AREA OR SPACE

No lot, yard, court, parking space or any other place shall be divided, altered, or reduced as to be less than the minimum allowable dimension as defined in this Ordinance. Lots in common ownership legally platted under the Subdivision Control Act of 1967 (Act 288 of 1967) as amended may be sold separately even if such lots do not meet the area requirements specified herein.

Section 3.4 ACCESSORY BUILDINGS

Except as otherwise permitted in this Ordinance, accessory buildings shall be subject to the following regulations:

- A. Where the accessory building is attached to or within ten (10) feet of a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to such main buildings.
- B. Accessory buildings shall not be erected in any required front or side yard.

- C. Any accessory building may occupy not more than twenty-five (25) percent of a required rear yard and; in addition, not more than forty (40) percent of any non-required rear yard. On platted lots in the R-1 District, the total floor area of all accessory buildings shall not exceed the ground floor area of the main building. On unplatted parcels in all districts, the ratio of the total floor area of all accessory buildings to the ground floor area of the main building shall not exceed the following: less than two (2) acres - one hundred fifty (150) percent; at least two (2) acres but less than five (5) acres - two hundred (200) percent. On parcels five (5) or more acres, the total floor area of all accessory buildings shall not be limited. These requirements shall not apply to normal farm buildings. The total floor area for all accessory buildings on a vacant platted subdivision lot shall not exceed nine hundred (900) square feet. (Amended August 6, 2001, Effective August 23, 2001.)
- D. Accessory building one hundred (100) square feet in floor area or less than shall not require a zoning permit, but are subject to setback requirements.
- E. One or two detached accessory buildings greater than one hundred (100) square feet may be permitted on the same lot or parcel as a main dwelling. However, three or more detached accessory buildings shall be subject to special use approval requirements.
- F. No detached accessory building shall be located closer than ten (10) feet to any street right-of-way line, nor shall it be located closer than five (5) feet to any side or rear lot line, except where the rear lot line is adjacent to any alley, this may be reduced to three (3) feet. (Amended May 25, 1994.)
- G. No detached accessory building situated on a platted lot in a residential district shall exceed the height of the dwelling unit. In all other situations, the height shall not exceed the height limitations of the district where located.
- H. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.
- I. Accessory buildings shall not be used for dwelling purposes.
- J. Structures such as mobile homes, recreational vehicles, semi-truck trailers, shipping containers and the like shall not be used for storage or accessory buildings. This requirement shall not apply to temporary/seasonal storage in the AG district. (Amended August 6, 2001, Effective August 23, 2001.)
- K. The square footage for accessory buildings shall be calculated on the basis of the horizontal roofline including overhangs when the overhang exceeds two (2) feet. (Amended August 6, 2001, Effective August 23, 2001.)

Section 3.5 DUMPING OF MATERIALS

- A. Storage, dumping of waste, junk, etc. - the use of land or water resources for the storage, collection, or accumulation of used construction materials, or for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash (except for those properly sealed or adequately concealed materials discharged in the process of industrial manufacturing or in the performance of normal household or farming activities on the same lot or parcel on which the premises are located) shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon

approval of the Township Board, after a public hearing. Such permit shall not exceed one (1) year from the date of issuance and may be renewed on an annual basis only after a public hearing is held and approval granted by the Township Board.

An appropriate bond and agreement shall be required of the applicant to insure compliance with the directives set forth by the Township Board. Such dumping or disposal shall not negatively affect the water table, nor cause pollution of stagnant or running water in any area of the Township so as to create health or safety problems to the natural environment and the inhabitants of the Township. Nor shall the natural terrain be altered in any fashion to create safety or health hazards at the expiration date of the permit, or substantially alter the character of the land so as to make it unusable for the uses for which it was originally zoned.

- B. Dumping of soil, sand, and clay materials - the extensive dumping of soil, sand, clay or similar materials shall not be allowed on any lot or parcel without approval of the Zoning Board and subject to the requirements set forth by said board.
- C. Dumping of materials and/or nuclear wastes shall not be allowed within Hillman Township, except as permitted by 1978 P.A. 113, State of Michigan.

Section 3.6 EXCAVATION OR HOLES

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavation which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for the construction, remodeling, or expansion of structures, or for industrial or farming operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Montmorency County, Hillman Township, or other units of government. Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required upon termination of such activities for a period of one (1) year or more, to be either refilled by the person, firm, corporation engaging in the excavation or graded to an angle not to exceed forty-five (45) degrees and or completely enclosed by a four (4) foot woven wire fence.

Section 3.7 EXISTING PLATTED LOTS

Where an existing platted lot, platted prior to Subdivision Control Act of 1967 has an area of not less than ninety (90) percent of its zoning district requirement and where such lot can provide the side and front yard requirements of its zone, the permitted uses of the district shall be allowed. An existing platted lot, in single ownership, of less than ninety (90) percent of its zoning district requirements may be utilized for such permitted uses, and for such purpose the required side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided that no side yard provision may be reduced to less than ten (10) feet and that off-street parking requirements are also met. Where four (4) or more adjacent lots individually contain less than ninety (90) percent of its zoning district requirements, such lots shall be utilized only in complete conformance with the zoning districts unreduced minimum requirements. In the event two (2) or three (3) adjacent lots are in single ownership and the Board of Appeals shall find that there is no practical possibility of obtaining additional land, it may permit their use as separate lots having less than the

required lot area if it shall determine that they can be so used without adversely affecting the character of the neighborhood; provided, however that no side yard provision may be reduced to less than ten (10) feet and that off-street parking requirements are also met.

Section 3.8 BUILDING HEIGHTS

All Districts: No building shall exceed thirty-five (35) feet or three (3) stories in height, whichever is lesser.

Section 3.9 BASIS OF DETERMINING YARD AND SETBACK REQUIREMENTS

The required front yard shall be measured at a right angle from the right-of-way line to the nearest foundation or building wall of the building or structure; provided that where an existing setback line has been established by existing buildings occupying fifty (50) percent or more of the frontage within the same block or where unplatted, within two hundred (200) feet of the proposed building, such established setback shall apply.

Section 3.10 FENCES, WALLS, AND HEDGES

Notwithstanding other provisions in this Ordinance, fences, walls, or hedges may be permitted on any residential property provided that no fence, wall, or hedge exceed a height of six (6) feet, and shall be no closer than five (5) feet from the front property line or road right-of-way. A finished side of the fence shall face the neighboring property.

Where a lot borders a lake or stream, fencing shall be set back from the ordinary high water mark by twenty-five (25) feet at minimum. Further, a fence, wall or hedge placed in any part of the lot lying between the principal building and the ordinary high water mark shall not exceed four (4) feet in height, unless approved as a Special Approval Use Permit. In reviewing any Special Approval Use Permit application for a fence exceeding four (4) feet in height on the waterfront side of such lot, the Zoning Board shall consider whether or not the proposed fence unreasonably restricts waterfront views of neighboring residents, or may in the future.

Fences used for agricultural purposes shall not be subject to the provisions of this section.

Section 3.11 BUFFER STRIPS AND PROTECTIVE SCREENING

On corner lots, no plantings shall be established or maintained which obstructs on the view of vehicular traffic in any direction. Such unobstructed corner shall mean a triangular area formed by the street property lines of two intersecting streets and a line connecting them twenty-five (25) feet from the point of intersection. In the case of a rounded street corner, such measurement shall be from the street lines extended to form an intersection. Plantings within this area may attain a height of up to thirty (30) inches.

In instances where a non-residential structure in a non-residential district is located adjacent to a residential district, the Zoning Board may require the owner of the non-residential property to provide a buffer strip at least ten (10) feet wide. Such buffer strip shall consist of plants, shrubbery, or trees, of which height shall be determined by the Zoning Board, but in no instance shall the height of such natural plantings be less than five (5) feet in the case of trees

or four (4) feet in the case of plants or shrubs. In addition, all planting within this area shall be maintained in an orderly and healthy condition, neat in appearance.

The plans for required protective screenings shall be submitted to the Zoning Administrator for approval or recommendations as to suitability and arrangement of planting material. Any limbs, shrubs, or bushes, which extend into the property of adjoining residential property owner, may be trimmed back by the residential property owner.

Section 3.12 DEMOLITION PERMITS

No building shall be razed except by permit from the Zoning Administrator, who is authorized to require a performance bond, the rate of which is to be determined by the Township Board. Such bond shall be conditioned upon a reasonable time limit for the demolition, and shall meet the health and safety requirements of the Zoning Administrator as stipulated in the permit.

Section 3.13 SEPTIC TANK AND TILE FIELD ISOLATION

All septic tanks located on residential lots adjacent to any lake, pond, stream or river within the Township shall be located no closer than seventy-five (75) feet from the ordinary high water mark of such water body. Accompanying tile fields shall be located no closer than one hundred (100) feet from the ordinary high water mark of any lake, pond, stream or river within the Township. All dimensions are to be measured horizontally.

Exceptions to these required isolation distances may be made with concurrence from the District Health Officer and when the lot in question was recorded prior to August, 1973 and does not otherwise provide sufficient area to meet septic system isolation requirements. In such case, however, a minimum fifty (50) foot isolation distance shall be maintained from any portion of the sewage disposal system to surface waters.

Section 3.14 ESSENTIAL PUBLIC SERVICES

The erection, construction, alterations, and maintenance of facilities considered to be essential to serve the general public shall be exempt from the regulations set forth in the Ordinance and shall be permitted in any Use District, except those considered by the Zoning Administrator to be a danger to the health, safety, or welfare of the general public.

Section 3.15 REVERSION OF REZONED AREA

In the case of land which has been approved for a zoning change, construction on such parcel must begin within a period of one (1) year from approval of such zone change. If construction does not commence within this period, the Zoning Board may initiate a rezoning for the purpose of returning the land to the previous zoning designation, or to another appropriate designation. The process for returning the land to its previous zoning designation must be in compliance with the amendment process as provided in this Ordinance.

Section 3.16 TRANSITIONAL ZONING

A residential lot with its side yard adjacent to a parcel in a Commercial or Industrial District, not separated from such district by a street, and not extending more than one hundred (100) feet from said Commercial or Industrial District may be used for professional offices of doctors, lawyers, architects and the like.

Approval for a non-residential use on a transitional lot shall require a detailed site plan and an architectural rendering of all structures to be located on the parcel to be submitted to the Zoning Administrator. In addition, approval must meet the following conditions:

- A. The yard setbacks shall conform to the requirements of the abutting non-residential district.
- B. Adequate parking and access shall be provided.
- C. The proposed structures shall have a residential appearance in keeping with the character of the adjacent Residential District.

Section 3.17 TEMPORARY STORAGE OF USED MATERIALS

The temporary storage, collection, or placing of used or discarded material, such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only after a permit is issued by the Zoning Administrator stating the conditions under which such activity shall be performed. The Zoning Administrator shall require the removal of such material from districts in which said materials are illegally stored or placed. Such removal shall take place within a reasonable time after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him of the violation and stating the date on which such materials must be removed from the premises.

Section 3.18 ILLEGAL DWELLINGS

Garages or accessory buildings shall not be occupied for dwelling purposes. No structure without adequate sanitary facilities or otherwise structurally incomplete shall be issued a permit of occupancy by the Zoning Administrator.

Section 3.19 VOTING PLACE

Nothing in this Ordinance shall be so construed as to interfere with the temporary use of any dwelling or property as a voting place in an authorized public election.

Section 3.20 PRINCIPAL USE

No lot may contain more than one principal (main) structure or use, excepting groups of apartment buildings, offices, retail business buildings, or other groups of buildings the Zoning Board considered to be principal structures or uses.

Section 3.21 CORNER LOT

When a lot is bounded by two intersecting streets, the front yard requirements shall be met on only one abutting street, provided that no portion of the lot within fifteen (15) feet of the side lot line of any adjoining property is utilized for a structure unless the minimum front yard requirements of the adjoining property are met.

Section 3.22 STREET ACCESS

Any lot of record created after the effective date of this Ordinance shall have access to a public street right-of-way, except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of the Ordinance.

Section 3.23 TEMPORARY DWELLING DURING CONSTRUCTION

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except as provided for in Section 3.24 and under the following applicable conditions:

- A. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
- B. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
- C. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department #4, and shall precede occupancy of the substandard dwelling.
- D. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- E. No annexes or additions shall be added to temporary substandard dwellings.

Section 3.24 TEMPORARY USE OF RECREATIONAL VEHICLE AS DWELLINGS

The temporary special approval use permit is intended to allow some flexibility in the use of recreational vehicles as temporary seasonal dwellings in Hillman Township.

Section 3.24.1 Temporary Special Approval Use Permit Conditions

- A. The recreational vehicle must be either a motor home or a travel trailer maintained in a completely mobile condition.
- B. The vehicle must possess holding tanks for gray water (wastewater) and sewage, or be connected to a District Health Department #4 approved sewage disposal system. A plan for sewage disposal must be submitted with application for a temporary special use permit.
- C. The permit must be renewed annually.
- D. Owners of property bordering the boundary lines of the property in question, regardless of roads, right- of-ways, etc. will be notified of the intended use and given ample time to respond in case they disapprove.

Section 3.24.2 Application Procedure

- A. Obtain a permit application from the Zoning Administrator.
- B. Submit completed application along with permit fee of \$25.00, required site plan, and sewage disposal plan to Zoning Administrator.
- C. The site plan shall include:
 - 1. The location and legal description of the property.
 - 2. The name and address of the property owner.
 - 3. The location of unusual environmental features such as streams, wetlands, shorelands, etc.
 - 4. The type, location and size of all utilities existing for the proposed site.
- D. Any of the application procedure may be waived at the Zoning Administrator's discretion.

Section 3.24.3 Revocation

If the Zoning Administrator shall find that the conditions and stipulations of an approved temporary use permit are not being adhered to, the Zoning Administrator shall give notice to the applicant of its intent to revoke the prior approval for the temporary use permit. Intent to revoke shall be made known to the applicant by a certified letter sent to the applicant signed by the Zoning Administrator. Said letter shall be mailed to applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the temporary use permit.

If the applicant notifies the Zoning Board within fifteen (15) days of the receipt of the above letter of his or her intent to rectify the violation, the Zoning Board, through official act, may defer the revocation.

Section 3.24.4 Appeal

The decision of the Zoning Board may be appealed by the property owner or his or her designated agent to the Hillman Township Board of Appeals within thirty (30) days of disapproval, approval by modification, or revocation of the site plan and special use permit by the Zoning Board.

Section 3.25 DISMANTLED, NONOPERATING UNLICENSED MOTOR VEHICLES

- A. No person, firm or corporation shall store, place or permit to be stored or placed, or allow to remain on any parcel of land for a period of more than ninety (90) days in any one (1) year, a dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed structure.
- B. The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars and dilapidated non-operating motor vehicles upon any land in the Township.
- C. No more than three (3) operable unlicensed vehicles will be permitted on individual property unless stored inside a wholly enclosed structure.

Section 3.26 MOBILE HOMES ON INDIVIDUAL LOTS

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

- A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
- B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974.
- C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
- D. Mobile homes shall not be used as an accessory building.

Section 3.27 MOBILE HOME PARKS

- A. It shall be unlawful for any person to construct, alter or extend any mobile home park development for the placement of three (3) or more mobile homes unless he holds a valid permit issued by the Michigan Department of Consumer and Industry Services, in accordance with the requirements of Public Act 96 of 1987, in the name of said person for the specific construction, alteration or extension proposed.
- B. A person who desires to develop a mobile home park shall submit an application accompanied by a preliminary plan, to the Township Zoning Board, District Health Department, County Road Commission and County Drain Commission for preliminary approval. The preliminary plan shall include the location, layout, general design and a general description of the project.

- C. When all preliminary approvals are made, the developer shall submit the final plans to the Department of Consumer and Industry Services for review and, if approved, issuance of permit.
- D. Any person whose application for a permit has been denied may appeal the decision as provided for in Public Act 96 of 1987.

Section 3.27.1 Licenses

It shall be unlawful for any person to administer a mobile home park within the Township unless said person holds a valid license issued by the Michigan Department of Consumer and Industry Services.

Section 3.27.2 Development Standards

No mobile home, mobile home lot, or mobile home park shall be so designed, constructed or situated as to be in conflict with Public Act 96 of 1987 and the rules governing mobile home developments promulgated pursuant to said Act by the Mobile Home Commission, Michigan Department of Consumer and Industry Services.

No part of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and maintenance of the park.

Section 3.28 BED AND BREAKFAST FACILITIES

While this Ordinance is established to enable single family dwelling units to be used as bed and breakfast operations, it is the intent of the Zoning Board to preserve the character of the residential district in which the operation is located. A bed and breakfast operation is a subordinate use to a single family dwelling unit subject to the following conditions:

- A. A bed and breakfast operation shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
- B. The number of rooms available for guests shall be limited to four (4). Each guestroom shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
- C. Two (2) off-street parking spaces shall be provided for the operator of the bed and breakfast, plus one (1) parking space for each available guestroom and one (1) for each non-resident employee.
- D. The dwelling unit has no exterior evidence, other than one (1) non-illuminated permanently installed sign not exceeding eight (8) square feet in area, to indicate that the same is being utilized for any purpose other than as a residence, and that the sign be in conformance with the requirements of this Ordinance.
- E. Meals may be served only to overnight guests, and in accordance with state and county public health regulations regarding bed and breakfast facilities.

- F. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than two (2) non-resident employees may be hired.
- G. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.
- H. Persons operating a bed and breakfast facility shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. The permit shall be renewed and updated at two-year intervals thereafter. Bed and breakfast facilities are subject to inspection by the Zoning Administrator.

Section 3.29 HOME OCCUPATIONS

While Hillman Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential area. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.

- A. The home occupation shall be conducted entirely within the residential dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises.
- B. The home occupation shall not utilize more than twenty-five (25) percent of the floor area of the dwelling unit.
- C. The home occupation shall not change the residential character of the property or the immediate area by reasons of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards and other such negative impacts involved in or resulting from the pursuit of such an occupation.
- D. No occupation shall require outdoor storage of equipment, machinery or signs not normally found in a residential location. One (1) non-illuminated nameplate, attached to the building, and not larger than two (2) square feet in area, containing the name and occupation of the resident, will be allowed.
- E. Medical clinics, hospitals, barber shops, nurseries, day care centers, beauty parlors, tea rooms, veterinarian clinics, bed and breakfast facilities, animal hospitals, kennels, and other similar enterprises shall not be considered home occupations.
- F. Any home occupation exceeding twenty-five (25) percent of the floor area of the dwelling unit, uses any portion of the yard, or uses any accessory building shall be subject to special approval use permit.

Section 3.30 PRIVATE ROADS

Where a private road serves five (5) or more dwelling units, the road shall be developed in accordance with Montmorency County Road Commission design standards regarding right-

of-way, drainage, construction, erosion control, surface and signage. Where a private road serves three (3) or more parcels, a permanent right-of-way, or easement, at least sixty-six (66) feet in width shall be reserved at a location feasible for future vehicular access, and a passable vehicular access installed within the right-of-way.

Section 3.31 SUBDIVISION OF LAND

All plats submitted to the Township Board pursuant to the Land Division Act, (formerly the Subdivision Control Act of 1967, PA 288) as amended shall be given to the Zoning Board for review with instructions that it shall return the plat to the Township Board with recommendation whether the lots of said plat are consistent with the minimum lot requirements and other applicable requirements of this Ordinance and the Hillman Township Land Division Ordinance.

Section 3.32 CONFLICT OF INTEREST

Members of the Township Board, Zoning Board or Zoning Board of Appeals shall abstain from voting on a case under this Ordinance where conflict of interest, as defined in Article II, exists. When a member asserts conflict of interest, he shall announce such conflict and explain its basis, and same shall be noted in the minutes of the meeting. Abstention from voting shall apply only to conflict of interest situations, as defined in Article II.

Section 3.33 DUMPSTERS (Amended August 6, 2001, Effective August 23, 2001.)

For any use requiring the placement of dumpster(s) for the collection of rubbish, the dumpster(s) shall be screened on three (3) sides with a minimum five (5) foot and maximum six (6) foot enclosure of masonry, wood or other architecturally compatible material. In the R-1 and FR Districts, no dumpster(s) shall be permitted in any required yard setback.

Section 3.34 STORMWATER RETENTION (Amended August 6, 2001, Effective August 23, 2001.)

The property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities, which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten years.

Section 3.35 ACCESS MANAGEMENT (Amended August 6, 2001, Effective August 23, 2001.)

In order to protect public safety, maintain traffic flow, consider future transportation needs, provide adequate and safe access to property, promote efficiency and economy in public utility requirements, minimize land use conflict, protect natural resources, promote

consistent development patterns and enhance the visual characteristics of entryways to Hillman Township, the following site development standards shall apply to all properties with frontage on M-32.

- A. Building Setback Requirements - Development of highway corridor property shall have a minimum front yard setback of fifty (50) feet in all districts, except AG, which has a minimum front yard setback of one hundred (100) feet.
- B. Property Access Requirements - The location of any driveway with access to M-32 shall be established within an easement, recorded with the Montmorency County Register of Deeds. Further, the access drive shall comply with the following:
1. The location of a driveway with access to M-32 shall comply with all of the following:
 - a. At least seventy (70) feet from the intersection of any two roads; and
 - b. At least two hundred (200) feet from another access drive on the same side of the road; and
 - c. At least 50 feet from any access drive on the opposite side of the road; and
 - d. Two access drives on adjacent parcels may share the same driveway entrance, and thereby have zero space between them, but shall comply with other driveway separation distances noted above.
 2. Where there is a choice, driveways shall access adjacent local or minor streets in preference to M-32, and/or provide a rear service drive to access such local or minor street.
- C. Prior to Review by the Zoning Board, any site plan proposing new or altered access drives onto M-32 shall be accompanied by written documentation of consultation with the Michigan Department of Transportation and the Montmorency County Road Commission.
- D. Special Use Review for High-Traffic Uses - In addition to other provisions of this ordinance, when a high-traffic use in the highway corridor adjoins an existing residential use or a residentially zoned parcel, the high-traffic use shall be subject to review as a Special Use. The designation of a proposed use as a high-traffic use shall be determined by the Zoning Board. The designation may include, but is not limited to, gasoline stations, convenience stores and businesses with drive-through service windows.
- E. Landscape Requirements
1. **Parking areas:** In off-street parking areas containing greater than twenty (20) spaces, at least five percent (5%) of the total parking area shall be used for interior landscaping. Parking lot landscape areas shall be no less than five (5) feet in any dimension and at least one hundred fifty (150) square feet in any single area.
 2. **Residential buffer area:** Where commercial, office, or industrial uses abut an existing residence or residentially zoned property, the intervening side or rear yard of the non-residential use shall provide a completely obscuring wall, fence or landscape screen at least six (6) feet in height, measured from the surface of the ground of the abutting residential district.

3. General landscaping: All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs or other suitable plant material. A mixture of evergreen and deciduous trees of species native to northeastern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.
4. Landscape preservation: Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.

**ARTICLE IV
MAPPED ZONING DISTRICTS**

Section 4.1 ZONING DISTRICTS

For the purpose of this Ordinance, the following zoning districts shall be established in Hillman Township:

AG Agricultural	C-1 General Commercial
R-1 Residential	I-1 Industrial
GB Greenbelt	FR Forest/Recreation

Section 4.2 DEFINITION OF BOUNDARIES

The location and boundaries of these zoning districts are established on a map titled the "Hillman Township Zoning Map" which is hereby adopted as a part of this Ordinance. The official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date and any amendments to the Ordinance involving the official map shall become legal only after such changes are noted and portrayed on said map.

The official Zoning Map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk.

Where uncertainty exists as to the exact district boundaries, the following shall prevail:

- A. Where boundary lines are indicated as approximately following streets, alleys, or highways, the centerlines of said streets, alleys, or highways shall be considered to be exact boundary lines.
- B. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
- C. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. In the case of streams, such boundaries shall be considered to follow the centerline of the stream. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the centerline of the new course.
- D. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Board of Appeals upon recommendation by the Zoning Administrator.

Section 4.3 ZONING OF VACATED AREAS

Whenever any street, alley, highway, or other public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall

automatically acquire and be subject to the provisions of the zoning district of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties.

Section 4.4 ZONING OF FILL AREAS

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Natural Resources.

Section 4.5 ZONING DISTRICT CHANGES

When district boundaries change, any nonconforming use may be continued subject to all other applicable provisions of the Ordinance.

Section 4.6 USES PERMITTED BY RIGHT

Permitted uses, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions.

Section 4.7 USES PERMITTED BY SPECIAL APPROVAL

The uses listed in this Ordinance as special approval uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

**ARTICLE V
AGRICULTURAL DISTRICT - AG**

Section 5.1 PURPOSE

This district is intended to preserve and provide for large tracts of land used for farming, dairying, forestry and other rural activities. Large vacant areas, fallow land and wooded areas may be included. The specific intent of these districts is to encourage the proper use of lands through preventing the intrusion of residential activities which may create incompatibility and conflict.

Section 5.2 PERMITTED USES

Land and/or buildings within this district may be used for the following purposes only:

- A. Detached single family residences, including mobile or modular homes on individual lots
- B. Livestock normally associated with farming activities
- C. Crop production
- D. Roadside stands
- E. Kennels (Deleted per Amendment of August 6, 2001, Effective August 23, 2001.)
- F. Home occupations, subject to the provisions of Section 3.29
- G. Accessory buildings and uses (including barns, feeding pens, stables)
- H. Processing and/or conversion of farm products are allowed, except where the building or structure housing these activities exceeds five thousand (5,000) square feet in area.
- I. Temporary dwellings used during construction, subject to the provisions of Section 3.23
- J. Schools
- K. Foster care, group care or day care homes for six (6) or less residents
- L. Bed and breakfast facilities, subject to the provisions of Section 3.28

Section 5.3 USES ALLOWED BY SPECIAL APPROVAL USE PERMIT

- A. Nurseries for plants and flowers
- B. Churches
- C. Resorts
- D. Airports, public or private
- E. Automobile service stations

- F. Stables
- G. Golf courses
- H. Campgrounds
- I. Gas and oil processing facilities
- J. Foster care, group care or day care homes for seven (7) or more residents
- K. Telecommunications towers
- L. Solid waste transfer facilities
- M. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses
- N. Feedlots
- O. Commercial kennels, veterinary clinics and animal hospitals (Amended August 6, 2001, Effective August 23, 2001.)

Section 5.4 ACCESSORY USES

Accessory uses, buildings and structures customarily incidental to the permitted use or use allowed by special approval use permit.

**ARTICLE VI
RESIDENTIAL DISTRICT - R-1**

Section 6.1 PURPOSE

This district is intended to provide a rural residential environment, in keeping with the general character of Hillman Township. The low density mixture of uses permitted in these districts is designed to minimize any negative impacts such development may have on the Township's natural environment.

Section 6.2 PERMITTED USES

- A. Detached single family dwellings, including mobile or modular homes on individual lots
- B. Public parks dedicated to passive recreation
- C. Temporary dwellings used during construction, subject to the provisions of Section 3.23
- D. Foster care, group care or day care homes for six (6) or less residents

Section 6.3 USES ALLOWED BY SPECIAL APPROVAL USE PERMIT

- A. Two-family dwellings
- B. Golf courses, country clubs, golf driving ranges, rental units pertaining to recreational facilities
- C. Private, non-commercial outdoor recreation camps
- D. Home occupations, subject to the provisions of Section 3.29
- E. Churches
- F. Planned Unit Developments, residential
- G. Convalescent homes
- H. Schools: public or private
- I. Campgrounds: operated on a commercial basis
- J. Resorts
- K. Libraries
- L. Nurseries for children
- M. Multiple family dwellings: excluding hotels and motels
- N. Mobile home park licensed by the State of Michigan

- O. Foster care, group care or day care homes for seven (7) or more residents
- P. Gas and oil processing facilities
- Q. Residential uses with common use lake or stream frontage property.
- R. Bed and breakfast facilities, subject to the provisions of Section 3.28
- S. Keeping of farm animals
- T. Public recreational facilities dedicated to active recreation

Section 6.4 ACCESSORY USES

Accessory uses, buildings and structures customarily incidental to the permitted use or use allowed by special approval use permit.

**ARTICLE VII
GENERAL COMMERCIAL DISTRICT - C-1**

Section 7.1 PURPOSE

This district is intended to provide for the construction or continued use of land for general community wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the Township.

Section 7.2 PERMITTED USES

- A. Auto sales, storage, rental
- B. Bakery or bakery goods stores
- C. Banks, savings and loans, credit unions
- D. Barbers, beauty shops
- E. Business colleges, vocational schools
- F. Cabinet shops
- G. Commercial cleaning plants
- H. Cleaning, laundry agencies
- I. Dance, music, voice studios
- J. Restaurants, food stands
- K. Equipment rental and sales yards
- L. Florists
- M. Food stores, delicatessens
- N. Grocery stores
- O. Hardware stores
- P. Indoor amusement including bowling alleys
- Q. Laboratories
- R. Laundromats
- S. Lumber yards, retail
- T. Miniature golf or other similar outdoor recreational facilities
- U. Mortuaries

- V. Motels and hotels
- W. Nurseries for flowers and plants
- X. Offices
- Y. Parking lots, garages
- Z. Prescription pharmacies, opticians, other professions
- AA. Reducing or tanning salons
- BB. Restaurants, bars, taverns
- CC. Retail stores and services
- DD. Shops for building contractors
- EE. Sign shops
- FF. Skating rinks and similar facilities
- GG. Temporary buildings and structures used during construction
- HH. Trailer sales yards
- II. Used car lots
- JJ. Wholesale stores and distributors

Section 7.3 USES ALLOWED BY SPECIAL APPROVAL USE PERMIT

- A. Churches
- B. Drive-in businesses
- C. Furniture refinishing
- D. Hospitals
- E. Printing and blueprinting
- F. Sexually oriented businesses
- G. Tire shops
- H. Vehicle service stations

Section 7.4 ACCESSORY USES

Accessory uses, buildings and structures customarily incidental to the permitted use or use allowed by special approval use permit.

**ARTICLE VIII
INDUSTRIAL DISTRICT I-1**

Section 8.1 PURPOSE

The intent of this district is to provide areas for light industrial sites occupied by manufacturing plants, laboratories, distribution warehouses and similar uses. The regulations contained in this district are intended to maintain aesthetic values in the district and protect investments of the community and industries occupying the improved sites. To these ends, development is limited to uses that can be carried out in an unobtrusive manner and maintain a compatibility with surrounding areas.

Section 8.2 PERMITTED USES AND STRUCTURES

Any of the following when carried out within a completely enclosed building:

- A. The manufacturing, compounding, processing, packaging, treatment, fabrication of such products as: bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceuticals, toiletries, food products, hardware, cutlery and pottery
- B. The manufacturing, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (except planing mills), sheet metal, wax, and wire
- C. Research, experimental, or testing laboratories
- D. Assembly of electrical appliances, electronic instruments or precision devices, radios, phonographs, musical instruments, toys, novelties, sporting goods, and photographic equipment
- E. Printing, lithographic, blueprinting and similar uses
- F. Tool, die, gauge, metal polishing, and machine shops
- G. Warehousing and material distribution centers, and contractors establishments

Section 8.3 USES ALLOWED BY SPECIAL APPROVAL USE PERMIT

- A. Automobile repair, body repair, and undercoating shops when completely enclosed
- B. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I district
- C. Metal plating, buffing and polishing
- D. Gas and oil processing facilities
- E. Blacktop or asphalt plant

F. Solid waste transfer facilities

G. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses

H. Telecommunications towers

I. Junkyards, salvage yards

Section 8.4 ACCESSORY USES

Accessory uses, buildings and structures customarily incidental to the permitted use or use allowed by special approval use permit.

**ARTICLE IX
FOREST/RECREATION DISTRICT - FR**

Section 9.1 PURPOSE

The Forest/Recreation District is designed to promote the use of the wooded areas of the Township in a judicious manner so as to maintain its attractiveness as a natural resource for the enjoyment of tourists and the community at large.

Section 9.2 PERMITTED USES

- A. Growing and harvesting of forest products
- B. Hunting camps, subject to the following requirements:
 - 1. Minimum lot size shall be five (5) acres
 - 2. Minimum floor area of a dwelling unit, to be the principal use of said lot, shall be four hundred (400) square feet
- C. Keeping of domestic farm animals for non-commercial purposes on not less than twenty (20) acres, but not including feedlots. (Amended August 6, 2001, Effective August 23, 2001.)
- D. Single family residences, to be inhabited more or less year round, and distinguished from the seasonal type of residence referred to by (B), and subject to the following requirements: (Amended August 6, 2001, Effective August 23, 2001.)
 - 1. Minimum lot size shall be one (1) acre
 - 2. Minimum floor area shall be nine hundred (900) square feet

Section 9.3 USES ALLOWED BY SPECIAL APPROVAL USE PERMIT

- A. Single family residences, to be inhabited more or less year round, and distinguished from the seasonal type of residence referred to by Section 9.2 (B), and subject to the following requirements: (Deleted per Amendment of August 6, 2001, Effective August 23, 2001.)
 - 1. Minimum lot size shall be one (1) acre
 - 2. Minimum floor area shall be nine hundred (900) square feet
- B. Gas and Oil Processing Facilities
- C. Residential uses with common use lake or stream frontage property.
- D. Campgrounds, commercial and non-commercial
- E. Telecommunications towers
- F. Solid waste transfer facilities

G. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses

H. Commercial kennels, veterinary clinics and animal hospitals (Amended August 6, 2001, Effective August 23, 2001.)

Section 9.4 ACCESSORY USES

Accessory uses, buildings and structures customarily incidental to the permitted use or use allowed by special approval use permit.

**ARTICLE X
GREENBELT DISTRICT – GB**

Section 10.1 PURPOSE

The abundance of shoreline within Hillman Township creates a need for designating this district to adequately protect the environmentally sensitive nature of the Township's lakes and streams. The greenbelt will establish a continual ribbon of open space around these bodies of water to assist in providing a permanent recreational environment. The greenbelt will also prevent nutrients, pollutants and eroded materials from directly entering the water and degrading water quality, and will maintain an extensive root structure to minimize shoreline erosion.

Section 10.2 SCOPE

The greenbelt is defined herein as all that land in an area between the ordinary high water mark of the Township's lakes and streams, and a line twenty-five (25) feet from and parallel to the ordinary high water mark of said bodies of water. In the case where the land immediately surrounding and adjacent to the shoreline slopes at a twenty (20) percent grade, or more, the greenbelt shall consist of all that land between the ordinary high water mark of the lake, stream, river or pond and the crest of the slope. The crest shall be defined as that point where the slope no longer exceeds twenty (20) degrees. Walkout basements will be permitted providing the face of the house does not extend beyond the crest as so defined.

Section 10.3 USE REGULATIONS

Within the greenbelt, trees and shrubs may be trimmed and pruned to permit a view of the water and access to it. Otherwise, the greenbelt shall be maintained in trees, shrubs or unmowed herbaceous vegetation.

Removal or mowing of greenbelt vegetation for access to the water shall be limited to not more than twenty (20) percent of shoreline length, provided that effective runoff and erosion control is maintained in the closed area.

Use of impermeable paving or surface materials in the greenbelt shall be prohibited.

Filling and/or dredging in the greenbelt or adjacent body of water shall be prohibited.

Lighting within the greenbelt or on docks is discouraged. Any such lighting shall be shielded to prevent excessive light or glare onto adjoining properties or the shoreline.

No refuse or potentially polluting materials, including but not limited to lawn clippings, leaves, garbage, trash, junk or toxic materials, may be dumped or stored within the greenbelt.

Section 10.4 PERMITTED USES

No structural facilities will be allowed within this zone except for the following:

- A. Boat launching or storage facilities

- B. Boat docks and piers erected not less than ten (10) feet from any side lot line
- C. Stairways with landings not exceeding an area of one hundred (100) square feet each

Section 10.5 USE OF PESTICIDES, HERBICIDES AND FERTILIZERS

Because of the potentially adverse effects on waterfront vegetation, fish, wildlife, and water quality from improper use of pesticides, herbicides and fertilizers, their use on lands within the Greenbelt District is strongly discouraged except when utilized in accord with the advice and supervision of qualified specialists.

**ARTICLE XI
INLAND LAKE WATER QUALITY MAINTENANCE DISTRICT**

Section 11.1 PURPOSE

In order to prevent or minimize nutrient pollution problems in inland lakes and avoid health risks associated with waterborne disease, proper construction, operation and maintenance of on-site sewage disposal systems is necessary in areas adjacent to inland lakes, and is declared to be a public purpose.

Section 11.2 SCOPE

The Inland Lake Water Quality Maintenance District includes all properties having frontage on inland lakes in Hillman Township, or having deeded access or easement to an inland lake in Hillman Township.

Section 11.3 EVALUATION OF SEPTIC SYSTEM PRIOR TO SALE

The owner of a year-round or seasonal dwelling unit or premise located in the Inland Lake Water Quality Maintenance District shall not sell or transfer ownership of the dwelling unit or premise unless and until the owner has requested the District Health Officer to evaluate the existing on-site sewage disposal system and the full results thereof have been furnished in writing to the prospective buyers or transferees as part of the land transaction.

- A. The term sell or transfer as used in this Article shall include all instances where a third party succeeds to the interest of the owner, whether or not the transaction is voluntary or involuntary, whether it occurs during the owner's life or as a result of his death, whether or not the owner retains land contract vendors, mortgagors, or other security interests in the property, and whether or not the owner retains a reversionary interest therein. The terms shall exclude any instance where the owner retains a life estate, or an interest as a joint tenant or tenant by the entirety. The terms shall also exclude any instance where the owner transfers the property to a trust where the owner retains the right to use and benefit from the property during his life, and any instance where the owner has a guardian, conservator or other fiduciary appointed by a court to manage his affairs.
- B. The evaluation shall consist of a determination that the on-site sewage disposal system is in substantial conformance with the standards of this ordinance. The term "substantial conformance" shall mean that there shall not be more than a minimal likelihood of water quality degradation by improper or malfunctioning sewage disposal systems. In making this determination, the following criteria shall be considered:
 1. Vertical isolation distance between the seasonally high groundwater table and the point of sewage discharge;
 2. Isolation distance from surface water or wetlands, as defined by Federal, State, County and Township law and regulations;
 3. Isolation distance between sewage system and drinking water wells;
 4. On-site conditions of the property, including but not limited to soil types, groundwater elevation and flow, site topography and slope;

5. Whether the sewage system meets the construction and design criteria, including size and capacity requirements, established in State or District Health Department's Code and Regulations, as now or hereafter amended;
 6. Lot size and usable area for on-site sewage disposal;
 7. Operational condition of the existing sewage disposal system.
 8. Proof that the septic tank has been checked and pumped out if needed within the past three years, as shown by a signed and dated service receipt from a licensed septage waste hauler.
- C. When a subsequent sale or sales occur less than five (5) years after the first sale, and the on-site sewage disposal system was found to be in substantial conformance at the time of the first inspection on sale, subsequent inspections within a five (5) year period shall be waived.

Section 11.4 CLASSIFICATION

On-site sewage disposal systems located in the Inland Lakes Water Quality Maintenance District shall be classified as either "Class I" or "Class II." "Class I" indicates a system constructed on or before December 31, 1969 or a sewage disposal system constructed at any time without permit or approval by the District Health Department, or a system where the age or approval status cannot be reliably determined. "Class II" indicates a system constructed, approved and placed into operation after December 31, 1969, or a system which has been evaluated under the provisions of Section 11.3 (2) and found to be in substantial conformance with this ordinance, or a system which has been upgraded under the provisions of Section 11.8 to bring it into substantial conformance with standards in this ordinance. However, any Class II system which does not meet the requirement in Section 11.3 (2) (h) regarding septage checking and pumping as needed may be reclassified as a Class I system until this requirement is met.

Section 11.5 NOTIFICATION

All owners of Class I on-site septic systems located in the Inland Lake Water Quality Maintenance District shall notify the Township in writing on or before September 1, 1995. Failure to file written notice by this date shall be deemed a violation of this ordinance. Written notification shall include the following:

- A. Name, address and telephone number of the owner and the current occupant of the property served by a Class I sewage disposal system, address of the property, and property tax number;
- B. A drawing showing property boundaries, location of all buildings, water well location and sewage disposal system location;
- C. A description of the sewage disposal system, including its size, type of construction and age. If the age of the system is not known, it will be deemed constructed on or before December 31, 1969;

- D. The date the dwelling unit was constructed and the last date the unit was altered, modified, changed or expanded.

Section 11.6 SCHEDULING OF INSPECTION

Upon receipt of notification, the Township shall request the District Health Officer to arrange an on-site inspection and evaluation of the system to determine whether it is in substantial conformance with this ordinance, as defined in Section 11.3 (2). The owner of the on-site sewage disposal system shall be responsible for the District Health Department inspection fee.

Section 11.7 RIGHT OF USE

Upon filing written notice per Section 11.5, the owner of any Class I system shall have an automatic right to use the system for a period not to exceed ten (10) years from the date notice is received by the Township. If the owner fails to file notice before September 1, 1995, the owner shall lose the ten year right of use.

- A. The ten year right of use shall be at the risk of the owner or occupant. No representation is made by the Township or the District Health Department with respect to the working condition or operation of the sewage disposal system.
- B. No property right or interest is created by virtue of the ten year right of use.
- C. Any owner of a system qualifying for the ten year right of use shall maintain the existing system, including meeting the requirement of Section 11.3 (2) (h) to have the septage checked and pumped if needed at least once every three (3) years. The owner or occupant shall notify the District Health Officer in the event of any visible pollution of ground or surface waters attributable to system malfunction.
- D. Any system qualifying for the ten year right of use shall be inspected by the District Health Officer prior to its sale or transfer, per Section 11.3.
- E. At the expiration of the ten (10) years, the owner shall bring the system into substantial conformance as defined by Section 11.3 (2). Further, this section and the ten year right of use shall not be construed to prohibit the District Health Department or other body having regulatory authority from instituting an enforcement action for a violation of its regulations.

Section 11.8 CORRECTIVE ACTION

If, upon inspection per Section 11.6 or inspection upon notice of sale or transfer per Section 11.3, or at the end of the ten year period specified in Section 11.7, it is determined that the system is not in substantial conformance as defined in Section 11.3 (2), written notice of this fact shall be made to the owner and prospective purchaser or transferee by the District Health Officer, and the system shall be brought into substantial conformance as follows:

- A. On receipt of notice regarding nonconformance, the owner, if living, or the transferee, if the owner is not living, shall submit to the District Health Department within thirty (30) days a plan of corrective action for review and approval. All necessary corrective action shall be completed within one hundred and twenty (120) days of plan approval. A

construction time extension, not to exceed sixty (60) days, may be granted if weather conditions prohibit completion within the initial 120 day period.

- B. Before the completion or closing of any real estate transaction involving property located in the Inland Lake Water Quality Maintenance District, the owner, if living, or the transferee if the owner is not living, shall notify the Township that the property is served by a sewage disposal system either in substantial conformance with this ordinance, or shall submit proof of a contract to bring the system into conformance, along with a surety bond issued by an insurance company authorized to do business in the State of Michigan, or in the alternative a cash deposit with the Township, equal to one and a half (1 1/2) times the projected cost required to complete the corrective work. Any contract for corrective work shall include provisions for completion within one hundred and twenty (120) days of property sale or transfer.

Section 11.9 OFF-SITE, JOINTLY USED, OR ALTERNATIVE SEWAGE DISPOSAL SYSTEMS

Nothing in this ordinance shall prevent the use of off-site sewage disposal systems, or joint use or ownership of a sewage disposal system, so long as such system is in substantial conformance with the standards of this ordinance, and each affected property owner has written, legally enforceable rights or easements for use of such system. The written instrument establishing the right to system use shall be furnished as part of the evaluation described in Section 11.3, and/or on request of the Township or the District Health Officer for the purpose of carrying out this ordinance.

Nor shall this ordinance be interpreted to prevent use of alternative on-site wastewater disposal systems, including but not limited to chemical, composting or incinerating toilets, or alternative septic system designs such as mound systems or dosing systems, providing such systems are reviewed and approved by the District Health Officer for use on the site in question.

Section 11.10 ENFORCEMENT

- A. For the purposes of enforcement, existing septic systems regulated under Article XI of this ordinance shall not be regulated as a nonconforming use, but shall instead be held to the criteria and standards established in Article XI of this ordinance.
- B. Any violation of this section is a violation of the Hillman Township Zoning Ordinance, and as such is subject to administrative and enforcement procedures set forth in Articles XIX, XX, and XXI of the ordinance.
- C. In addition to these enforcement means, and in the event of non-compliance with any provisions of Article XI, the Township or District Health Officer may record an Affidavit Concerning Status of Sewage Disposal System with the Montmorency County Register of Deeds setting forth the fact that the property in question may not be served by a sewage disposal system in substantial conformance with this ordinance.

**ARTICLE XII
SCHEDULE OF REGULATIONS**

Zoning District	Minimum Lot Size			Maximum Building Height **			Minimum Yard Setbacks				Minimum Ground Floor Area per Dwelling (A)	
	Area	Width	Feet	Stories	Front	Sides	Rear	Area	Width			
AG	5 A.	200 ft.	35 ft.	3	100 ft. (E)	20 ft.	20 ft.	900 sq. ft.	14 ft.			
R-1	½ A. (D)	100 ft.	35 ft.	3	35 ft. (D)(E)	15 ft. (D)	15 ft. (D)	900 sq. ft. (D)	14 ft.			
G-1	1 A*	100 ft.	35 ft.	3	(B)	(B)	(B)	---	---			
I-1	5 A.	150 ft.	35 ft.	3	50 ft. (B)	20 ft. (B)	20 ft. (B)	---	---			
FR	1 A. (C)	---	35 ft.	3	20 ft. (E)	20 ft.	15 ft.	900 sq. ft. (C)	14 ft. (C)			

FOOTNOTES TO SCHEDULE OF REGULATIONS

*May be reduced to one-half (1/2) acre where contiguous to other commercially zoned properties.

** Building height as defined in Section 2.1, Definitions.

- A. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garage.
- B. Where industrial or commercial districts abut upon a residential district, or a body of water, the provision of fifty (50) feet of open space between said districts or body of water and the industrial or commercial district shall be provided by said commercial or industrial establishments.
- C. For seasonal residences (e.g. hunting camps) minimum lot size shall be five (5) acres; minimum floor area shall be four hundred (400) square feet; minimum width shall be twelve (12) feet.
- D. For multi-unit dwelling structures the minimum gross land area required per dwelling unit in the R Districts shall be:
- E. For waterfront properties in the AG, R-1 and FR Districts, the minimum front yard setback (waterfront side) shall be thirty-five (35) feet from the required twenty-five (25) feet greenbelt. (Amended August 6, 2001, Effective August 23, 2001.)

Land Area in Square Feet

<u>Dwelling Unit</u>	<u>Land Area</u>
Efficiency or one bedroom unit	3,000
Two bedroom unit	4,200
Three bedroom unit	5,100
Four or more bedroom unit	5,700

The minimum required separation between multiple family dwelling structures shall be the following:

<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
30 feet	10 feet	30 feet

The minimum required floor space per dwelling unit shall be:

- Efficiency 350 sq. ft.
 - One bedroom apartment 500 sq. ft.
 - Two bedroom apartment 600 sq. ft.
 - Three bedroom apartment 700 sq. ft.
- plus an additional eighty (80) square feet for each bedroom in excess of three bedrooms in any dwelling unit.

Minimum floor areas for duplexes shall be the same as for single family dwelling units.

**ARTICLE XIII
SITE DEVELOPMENT REQUIREMENTS**

Section 13.1 SCOPE

Those Permitted Uses and Uses Allowed by Special Approval Use Permits enumerated in any zoning district, and if included below, shall be subject to all the conditions and requirements of this Article and Article XIV.

A. Airports, aircraft landing fields:

1. Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
2. All privately owned and maintained aircraft landing strips shall be at least two hundred and fifty (250) feet from all other buildings not designed as accessory structures for said aircraft landing field. The ends of any landing strip shall further be one thousand (1000) feet from any residential dwelling unit.
3. All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Zoning Board.

B. Drive-in Theaters:

1. Premises shall be enclosed with a solid fence at least five (5) feet in height.
2. All points of entrance or exit shall be located no closer than five hundred (500) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
3. Space shall be provided, on premises, for thirty (30) waiting vehicles to stand at the entrance to the facility.
4. The theater screen shall not be visible to a State or County Primary Road or any Residential District.

C. Motel or Motor Court:

1. Each unit of commercial occupancy shall contain a minimum of two hundred and forty (240) square feet of gross floor area.
2. When adjacent to a Residential District, a masonry wall, a minimum of five (5) feet in height, may be required to be erected by the Zoning Board.

D. Drive-through Business:

1. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line of residential property line.
2. A minimum five (5) foot high masonry wall shall be provided adjacent to any Residential District.

E. Open-air business:

1. Lighting should be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties.
2. Parking area shall be provided on-site so as to prevent on-street parking.

F. Transmission and Communication Towers (Commercial), Public Utility Microwaves and Public Utility TV Transmitting Towers: (Amended August 6, 2001, Effective August 23, 2001.)

Antenna towers and masts for cellular phone and other personal or business communications services, public utility microwaves and TV transmission may be authorized with a special approval use permit by the Zoning Board in the Agricultural (AG), Industrial (I-1) and Forest/Recreation (FR) zoning districts only. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point are exempt from these regulations.

A site plan and other materials normally required for special approval use permits must be submitted with the application.

In considering authorization of such towers and masts, the Zoning Board shall apply the standards and procedures of ARTICLE XIV and the following specific standards:

1. The applicant (tower owner/operator/agent) shall provide documentation to the Zoning Board that clearly establishes the legal ownership of the tower. The applicant, agents, or successors shall report to the Zoning Board any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
2. The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Board during its first consideration of the application for special approval before the public hearing.
3. The antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions or two hundred (200) feet, whichever is less.

4. The applicant shall provide documentation of whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.
5. The tower and any ancillary building or buildings housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Zoning Board to accomplish screening of ancillary equipment buildings.
6. Guy cables and anchors shall comply with applicable zoning district setback requirements.
7. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Zoning Board determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
8. The painting of towers in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.
9. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
10. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower. The addition of other user's equipment to the tower shall be permitted so long as the engineered design capacity of the tower or mast is not exceeded.
11. If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township.
12. The tower shall be setback not less than one (1) times the height of the tower measured from the base of tower to all points on each property line. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal one and one half times (1 ½) the height of the tower measured from its base at grade to its highest point. A fence not less than six (6) feet in height with anti-climb features shall be constructed around the base of the tower.

G. Automobile Service Stations:

1. The service area of any automobile service station shall consist of such capacity as to allow the servicing or standing of at least three (3) automobiles per gasoline pump.

2. Gasoline pumps shall be set back a minimum of twenty- five (25) feet from any street or right-of-way line.

H. Private Swimming Pools:

1. No portion of any swimming pool or associated structures shall be permitted to encroach upon any easement of right-of-way, which has been granted for public utility use.
2. Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard.
3. Permanent or portable swimming pools, above or below ground, having a depth of three (3) feet or more, shall be completely enclosed by a six (6) foot screened fence.
4. All electrical installations or wiring in connection with below ground swimming pools shall conform to the provisions of the National Electrical Code or equivalent. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a special use permit is issued for the construction of the swimming pool.
5. A private swimming pool shall be located only in the rear yard.

I. Kennels, Commercial: (Amended August 6, 2001, Effective August 23, 2001.)

1. All kennels shall be operated in conformance with all County and State regulations.
2. For dog kennels, the minimum lot size shall be one (1) acre for the first ten (10) animals, and an additional one (1) acre for each additional ten (10) animals. (Deleted per Amendment of August 6, 2001, Effective August 23, 2001.)
3. Buildings wherein animals are kept, animal runs and/or exercise areas shall not be located nearer than five hundred (500) feet to any adjacent occupied dwelling or any adjacent building used by the public.

J. Vehicle Wash Establishments:

1. All washing activities must be carried on within a building;
2. Vacuuming activities may be carried out in a rear yard and at least fifty (50) feet distance from any adjoining residential use. In lieu of providing this requirement, a five (5) foot masonry wall may be erected in a manner that will shield residential uses from undue noise pollution due to said vacuuming activities.
3. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

K. Stables:

1. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than one hundred (100) feet to any dwelling on adjacent premises.
2. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

L. Road Side Stands:

1. Suitable containers for rubbish shall be placed on the premises for public use.
2. The temporary buildings shall be located not less than twenty (20) feet from the public road right-of-way. Its height shall be no more than one (1) story.
3. Off-street parking may be provided in the required front yard set back area, and shall be constructed in accordance with Article XIV except hard-surfacing shall not be required.

M. Campgrounds:

1. Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park.
2. The campground shall be provided with at least one (1) public telephone.

N. Junkyards:

1. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence eight (8) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. Junk, trash and refuse shall not be piled higher than the top of the fence.
2. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.

O. Waterfront Development Density Limitations:

1. This section is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters and to preserve the quality of the recreational use of all waters in the township. The restrictions below shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, condominium agreement or lease.
2. Any residential development which shares common lakefront or stream frontage may not permit a greater density ratio than one (1) single family home, cottage, condominium unit or apartment per fifty (50) feet of lake or stream frontage held in

common ownership. The lake or stream frontage shall be measured along the ordinary high water mark of the lake or stream. As part of the Special Approval Use Permit application per Article XIV, the owner or developer shall provide the Zoning Board with evidence that the limitation of residential unit density shall be included in the deed.

3. All waterfront common use areas shall provide side yard buffer areas to reduce the impacts of common use lake access on adjacent riparian properties. Existing natural vegetation shall be maintained to provide immediate buffering and screening. Additional landscaping may be required by the Zoning Board within the buffer area, where necessary to achieve an adequate buffer.

P. Gas and Oil Processing Facilities

The purpose of the provisions of this sub-section is to preserve the desirable character and personality of Hillman Township, as well as to recognize the desirability of developing the gas and oil resources lying beneath the Township, the rights of those owning and developing such resources, and the rights of other residents to be as free as possible of an unpleasant or less than desirable atmosphere which may occur should standards not be enacted and applied to the facilities used in the development of the resource. Therefore, the location of all gas and oil processing facilities shall be subject to the following provisions:

1. General Regulations

- a. The facility shall comply with all state and local building, environmental and health codes and regulations.
- b. The applicant shall, in addition to providing of data required by Section 14.8 (Site Plan Data Requirements and Review Standards), provide as part of any site plan, copies of the application for permit to drill, permit to drill, survey record of well location, and plat, as provided to the Supervisor of Wells, Department of Environmental Quality, as part of the permit process for the location and erection of oil and gas processing facilities.
- c. The Zoning Board may impose conditions in order to comply with the Zoning Ordinance Standards.
- d. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, proper documents must be submitted to the Township together with the length of lease.
- e. Because the subject facilities are industrial in nature, the site plan shall show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties.
- f. In the event the facility is no longer required or is not used for two (2) years, the existing facility shall be removed and the area restored to its original state. Further, the area shall be checked by an agency concerned with environmental protection to insure it is clear of pollutants.

2. Regulations by district

a. In all zoning districts, except the Forest Recreational District, the following regulations shall apply:

i. The sound level of any facility shall not exceed sixty (60) decibels as measured six hundred (600) feet in any direction from the facility.

ii. The facility shall be built no closer than six hundred (600) feet from an existing dwelling.

iii. The facility shall be built no closer than two hundred (200) feet from any public road, or one hundred (100) feet if a buffer is provided.

iv. The facility shall comply with the standards of Section 14.8 (Site Plan Data Requirements and Review Standards) and Section 14.2 (Special Approval Use Permit Procedures).

b. In the Forest-Recreational district the following regulations shall apply:

i. The sound level of any such facility shall not exceed sixty (60) decibels as measured four hundred fifty (450) feet in any direction from the facility.

ii. The facility shall be built no closer than four hundred fifty (450) feet from an existing dwelling.

iii. The isolation from public roads shall be one hundred (100) feet.

iv. The facility shall comply with the standards of Section 14.8 (Site Plan Data Requirements and Review Standards).

v. As a Permitted Use, appeal of zoning provisions may be made to the Zoning Board of Appeals.

Q. Sexually Oriented Businesses

1. Regulations

a. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand five hundred (1,500) feet of any principal or accessory structure of another sexually oriented business.

b. No sexually oriented business shall be established on a parcel that is within one thousand five hundred (1,500) feet of any parcel zoned R-1.

c. No sexually oriented business shall be established on a parcel within one thousand five hundred (1,500) feet of any residence, park, school, childcare organization, or place of worship, or other sexually oriented business. The distance shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, childcare organization, place of worship, or other sexually oriented business.

- d. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- e. The proposed use must meet all applicable written and duly adopted standards of Hillman Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- f. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
- g. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- h. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- i. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- j. Hours of operation shall be limited to 8:00 AM to 12:00 midnight.
- k. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- l. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - i. Is handicap accessible to the extent required by the Americans with Disabilities Act;
 - ii. Is unobstructed by any door, lock or other entrance and exit control device;
 - iii. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - iv. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
 - v. Has no holes or openings in any side or rear walls.

2. Review Procedures

The Zoning Board shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business.

- a. If the Zoning Board determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Zoning Board, it shall provide written notice by first class mail within three (3) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Zoning Board for completeness.
- b. If the Zoning Board determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in sub-section 1 above. If the Zoning Board has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.
- c. Prompt judicial review of adverse determination: If the Zoning Board denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall within seven (7) business days of the receipt of such written notice do the following:
 - i. File a petition in the Circuit Court for the County of Montmorency seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
 - ii. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules. The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval application automatically

approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

R. Earth Removal, Quarrying, Gravel Processing, Mining and Related Mineral Extraction Businesses:

Prior to the approval by the Zoning Board of a special approval use for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township, said board shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township ordinance controlling such operations.

1. All such operations shall be located on a primary road or "all weather" road, as defined by the County Road Commission, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes.
2. Minimum lot area shall be forty (40) or more acres and such lot area shall be determined by the nature and scope of the extractive activity.
3. Sufficient setbacks shall be provided from all property lines and public and private roads to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than one hundred and fifty (150) feet to interior boundary lines of the property or such larger setback as may be required by the Zoning Board to adequately protect adjoining properties.
4. No such excavation operation shall be located within five hundred (500) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Department of Environmental Quality, or such other state agency having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.
5. A four (4) foot woven wire fence posted with warning signs shall be erected and maintained around the perimeter of the excavation pit to prevent injury to curious children and others.
6. Sight barriers shall be provided along all boundaries of the site, which lack sufficient natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - a. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees or shrubs.
 - b. A thirty-five (35) foot wide greenbelt buffer strip shall be retained, created, or maintained around the boundaries of the site.
7. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area or immediately upon termination of the mining or excavation activities in areas of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one

(1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity. The following standards shall control reclamation and rehabilitation:

- a. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-flammable and non-combustible solids to insure that the excavated area shall not collect stagnant water and not permit the same to remain therein; or that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- b. The banks of all excavations 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 (1) foot vertical to three (3) feet horizontal.
- c. Top soil of a quality to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, topsoil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
- d. Vegetation shall be restored by the appropriate seeding of grasses and/or the planting of native trees and shrubs to establish a permanent vegetative cover on the land and to minimize erosion.
- e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

S. Golf Courses:

1. Minimum lot size shall be forty (40) acres.
2. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
3. Areas for vehicular parking shall be maintained on course property. Adequate parking spaces shall be provided for all anticipated rates of course usage or capacity.

T. Feedlots:

To avoid potential water quality impacts, nuisance conditions or odors, the Zoning Board may require, as a condition of a special approval use permit, feedlot design modifications or operational limitations, including but not limited to: animal density limits, setbacks, screening, building enclosures, site drainage controls, manure management and odor controls. The Zoning Board may also consult with appropriate Agricultural Extension staff to establish the best management practices for feedlot operations.

**ARTICLE XIV
SPECIAL APPROVAL USE PERMITS,
SITE PLAN REQUIREMENTS, AND SITE PLAN REVIEW STANDARDS**

Section 14.1 PURPOSE FOR SPECIAL APPROVAL USE PERMITS

Special approval uses are those uses of land which are generally compatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to ensure compatibility with the character of the surrounding area, available public services and adjacent land uses. The intent of this Article is to establish equitable procedures and criteria, which shall be applied in approving or denying special approval use permits.

Section 14.2 SPECIAL APPROVAL USE PROCEDURES

The following steps shall be taken by the applicant, Zoning Administrator and the Zoning Board when considering a proposed special approval use:

- A. All applications for special approval uses shall be filed with the Hillman Township Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a permit. Said permit is required for all uses listed in this ordinance as a use allowed after special approval and all planned unit developments.
- B. The Zoning Administrator shall, after preliminary review, forward the complete application to the Township Zoning Board for review.
- C. The Township Zoning Board shall review the special approval application and site plan according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in this Article and all other applicable requirements of this ordinance.

Section 14.3 NOTICE REQUIREMENTS AND REVIEW BY ZONING BOARD

Upon receipt of an application for a special use permit and accompanying required site plan, one notice that a request for special use approval has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real properties assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) or more than fifteen (15) days before the date the application will be considered. 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 may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- A. Describe the nature of the special approval use request.
- B. Indicate the property which is the subject of the special approval use request.
- C. State when and where the special approval use request will be considered.
- D. Indicate when and where written comments will be received concerning the request.
- E. Indicate that a public hearing on the proposed special approval use may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a special approval use permit.
- F. After review and, if requested, a hearing, the Zoning Board shall:
 1. Approve special approval use permit application and final site plan. The Zoning Administrator shall then be directed to issue the special approval use permit, or;
 2. Approve special use permit application and final site plan subject to conditions, which are imposed in order to insure the special approval use complies with standards stated in this ordinance. The Zoning Administrator shall then be directed to issue the special approval use permit.
 3. Disapprove application and final site plan.

Section 14.4 FEES

Accompanying the request for a special approval use permit, a fee, to be determined by the Township Board shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Township for expert consultation relative to the application.

Section 14.5 REVOCATION

If the Zoning Administrator shall find that the conditions and stipulations of an approved special approval use permit and site plan are not being adhered to, the Zoning Board shall give notice to the applicant of its intent to revoke the prior approval given to the special approval use permit and site plan. Intent to revoke shall be made known to the applicant by a certified letter sent to the applicant and signed by the Chairman of the Zoning Board. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the special approval use permit and site plan approval.

If an applicant notifies the Zoning Board within fifteen (15) days of the receipt of the above letter of his or her intent to rectify the violation, the Zoning Board, through official act, may defer the revocation.

Section 14.6 APPEAL

The decision of the Zoning Board may be appealed by the property owner or his or her designated agent to the Hillman Township Board of Appeals. Request for appeal may be made by written letter from the applicant to the Chairman of the Board of Appeals within thirty

(30) days of disapproval, approval by modification, or revocation of the site plan and special approval use permit by the Zoning Board.

Section 14.7 STANDARDS FOR SPECIAL APPROVAL USE REVIEW

Uses by special approval use permit shall be subject to the following special requirements of this section, in addition to the requirements and standards of the Zoning District wherein located, in order to prevent conflict with or impairment of the principal permitted uses of the Zoning District.

- A. The use, location and size of use, and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole, or be in conflict with, or discourage the principal permitted uses of adjacent or neighboring lands and buildings.
- B. The use shall not significantly diminish the value of land, buildings, or structures in the neighborhood, or increase hazards from fire or other dangers to either the property or adjacent properties.
- C. The use shall not significantly increase traffic hazard or cause congestion on the public highways and streets of the area. Adequate access to the use shall be furnished by either existing roads and highways or proposed roads and highways.
- D. Commercial, industrial and business uses on state trunklines or county primary roads shall be located in commercial zones. Excepting farm produce stands located on the farm where the major portion of the produce is grown.
- E. The water supply and sewage disposal system shall be adequate for the proposed use.
- F. Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, smoke, glare, flashing lights or disposal of waste than the operation of any principal permitted use.
- G. The use shall not impair the purpose and intent of the ordinance.

Section 14.8 CIRCUMSTANCES REQUIRING A SITE PLAN AND SITE PLAN DATA REQUIRED

- A. Site plans are required for the following reasons:
 - 1. All new uses except single-family or two-family residential units.
 - 2. Expansion or renovation of an existing use, other than a single-family or two-family residential use, which increases the existing floor space more than twenty-five (25) percent.
 - 3. Change of use for an existing structure to other than a single-family or two-family residential use.
- B. Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Hillman Township Zoning Board:

1. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least 1 inch = 50 feet for parcels under three (3) acres and not less than 1 inch = 100 feet for parcels three (3) acres or more.
2. The boundary lines of the property, to include all dimensions and legal description.
3. The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational area and facilities.
4. The location and widths of all abutting right-of-ways.
5. The location of unusual environmental features, such as streams, wetlands, shorelands, etc.
6. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
7. The name and address of the property owner.
8. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
9. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
10. A locational sketch of the proposed use or structures.
11. The type, location and size of all utilities existing and proposed for the site.
12. The location, size and slope of all subsurface drainage facilities.
13. A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:
 - a. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
 - b. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.
14. For multiple family and mobile home developments, the contour intervals of the topography of the existing and finished site shall be shown, where the existing slope on any part of building site shall be shown, where the existing slope on any part of the building site is ten (10) percent or greater. Such contour shall be shown at height intervals of five (5) feet.
15. For any use requiring the placement of dumpster(s) for the collection of rubbish, the location of the dumpster(s) shall be shown on the site plan, and shall be screened on three (3) sides with a minimum five (5) foot and maximum six (6) foot enclosure of masonry, wood or other architecturally compatible material. In the R-1 and FR Districts, no dumpster(s) shall be permitted in any required yard setback. (Amended August 6, 2001, Effective August 23, 2001.)

**ARTICLE XV
OFF-STREET PARKING AND LOADING AND UNLOADING REQUIREMENTS**

Section 15.1 OFF-STREET PARKING REQUIREMENTS

In all zoning districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open air business or outdoor commercial recreation uses so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- A. Number of Spaces: When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) full parking space.
- B. Double Count: Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
- C. Parking Locations:
 - 1. The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line; and shall consist of a parking strip, parking apron, and/or garage.
 - 2. The off-street parking facilities required for all other uses shall be located on the lot or other lots within five hundred (500) feet for industrial districts and three hundred (300) feet for all other districts. Such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- D. General Condition: In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- E. Parking Duration: Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, and it shall be unlawful to permit the storage on any parking area in any district, of wrecked or junked cars.
- F. Parking Restriction: It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
- G. Existing Parking Lots: Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.

H. Joint Use:

1. Nothing in this section shall be construed to prevent collective provision of off-street parking facilities, for two (2) or more buildings or uses. Provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table that follows.
2. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums, and other places of public assembly, stores, office buildings and industrial establishments, lying within five hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and that are made available for other parking, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church.

Section 15.2 GENERAL STANDARDS

All off-street parking lots providing space for more than four (4) vehicles located in a Business, Commercial, Industrial or Residential District shall comply with the following development regulation prior to the issuance of any Certificate of Occupancy, except as specifically stated otherwise herein:

- A. Plans for the development of any parking lot shall be submitted as part of the site plan to the Township Zoning Officer and must be approved by said Zoning Officer prior to the start of construction. The construction of the entire parking lot shall be completed to the satisfaction of the Zoning Officer before a Certificate of Occupancy may be issued. In the event that owing to inclement or cold weather conditions said parking lot cannot be improved, a six (6) month temporary Certificate of Occupancy can be issued by the Zoning Officer provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten (10) percent of the cost of construction of the parking lot, as determined by the Zoning Officer, which deposit or bond shall be mandatorily forfeited if said parking lot is not fully completed within said six (6) month period.
- B. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
- C. Such parking lots shall be maintained in a usable dustproof condition, and shall be graded and drained to dispose of surface water. No surface water shall be allowed to drain onto adjoining private property.
- D. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained, as may be required by the Zoning Officer.
- E. Entrance to such areas shall be only from the principal use being served or adjoining street or alley right-of-way.
- F. All illumination for or on such parking lots shall be deflected away from residential areas and shall be installed in such a manner as to allow the reduction of the amount of light after normal parking hours each day.

G. In all cases where such parking lots abut public sidewalks, a curb at least six (6) inches high or steel posts twenty-four (24) inches to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete shall be placed thereon, so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk. Wheel chocks shall be provided to prevent vehicle from extending over lot or setback lines.

H. Lot space requirements for the layout of the parking at various angles shall be in accordance with the following minimum regulations:

Parking Angle	0° parallel parking	Up to 53°	54° to 74°	75° to 90°
Maneuvering Aisle Width	12.0 ft	13.0 ft	18.0 ft	24.0 ft
Parking Stall Width	8.5 ft	9.0 ft	9.0 ft	10.0 ft
Parking Stall Length	24.0 ft	21.0 ft	22.0 ft	20.0 ft
Total Width of Two Stalls of Parking Plus Maneuvering Aisle	29.0 ft. (one way) 32.0 ft. (two way)	55.0 f	62.0 ft	44.0 ft

I. The minimum parking space dimension for any development not provided for in the preceding paragraph shall be:

1. 9.0 feet in width,
2. 20.0 feet in length, and
3. 180.0 square feet in area.

TABLE OF PARKING REQUIREMENTS

Use	Required No. of Parking Spaces	Per Each Unit of Measure As Follows
Animal hospital, kennel	1	Four hundred (400) sq.ft. of usable floor area, <u>plus</u>
	1	Two (2) employees
Auditorium, theater, assembly hall	1	Four (4) seats based on maximum seating capacity in the main place of assembly, <u>plus</u>
	1	Two (2) employees
Auto repair garage, bump shop, service garage	2	Service stall, <u>plus</u>
	1	Two (2) employees
Auto salesroom, wholesale store, machinery sales, showroom of a plumber, electrical, or other similar trade	1	One thousand (1000) sq.ft. of usable floor area, <u>plus</u>
	1	One (1) employee
Bank and post office	1	Four hundred (400) sq.ft. of usable floor area, <u>plus</u>
	1	One (1) employee
Barber shop, beauty parlor	2	Operator chair, <u>plus</u>
	1	Two (2) employees
Bowling alley	5	Bowling lane
Business and professional office	1	Four hundred (400) sq.ft. of gross floor area
Carry-out restaurant	1	One hundred and twenty five (125) sq.ft. gross floor area with a minimum total of eight (8) parking spaces
Child care center, day care center, nursery school	1	Four hundred (400) sq.ft. of usable floor area, <u>plus</u>
	1	Employee
Church, place of worship	1	Five (5) seats
Dance hall, exhibition hall, pool hall, and assembly hall without seats	1	Three (3) persons allowed within the maximum occupancy load as established by fixed seats local, county or state fire, health, or building codes
Drive-in bank	4	Teller window
Drive-in establishment (other than drive-in and carry out restaurant)	1	Two (2) employees
Elementary school, junior high school, trade school	1	Teacher, employee and administrator in addition to the requirements of the auditorium or assembly hall exists, <u>plus per classroom</u>
	1	
Establishments (other than drive-in and carry out restaurant) for sale and consumption on the premises of beverages, food or refreshments (e.g. standard restaurant)	1	One hundred (100) sq.ft. of gross floor area
Fast food, drive-in restaurant	1	Fifty (50) sq.ft. of gross floor area
Filling station, automobile service station	2	Service stall, <u>plus</u>
	1	Employee

Furniture and appliance, household equipment repair shop, hardware store, and similar stores	1 1	One thousand (1,000) sq.ft. of usable floor area, <u>plus</u> Two (2) employees
Golf course open to the public	4 1	Hole, <u>plus</u> Employee, <u>plus</u> the amount required for accessory uses
High school	1 1 1	Teacher, <u>plus</u> Employee or administrator, <u>plus</u> requirements of the assembly hall or auditorium, <u>plus</u> Ten (10) students
Hospital	1 1 1 1	Two (2) beds, <u>plus</u> Staff doctor, <u>plus</u> One thousand (1,000) sq.ft. of patient surgery or treatment area, <u>plus</u> Two (2) employees
Industrial establishment	1 1	One and one-half (1 1/2) employees based on the greatest no. of persons employed at any one shift, <u>or</u> Five hundred and fifty (550) sq.ft. of usable floor area (whichever is greater)
Laundromat, coin-operated dry cleaning establishment	1	Two (2) washing and/or dry cleaning machines
Library, museum	1	One thousand (1,000) sq.ft. of gross floor area
Medical clinic, dental clinic	1	Two hundred (200) sq.ft. of gross floor area
Miniature or Par 3 golf course	1 1	Hole, <u>plus</u> Employee
Mobile home site	2	Mobile home site
Mortuary establishment, funeral home, undertaking parlor	1	Fifty (50) sq.ft. of floor area in the parlor area
Motel, hotel, tourist home	1 1	Guest bedroom, <u>plus</u> One (1) employee, <u>plus</u> parking space as may be required for accessory uses
Motor vehicle wash establishment (self-service)	3	Wash stall
Motor vehicle wash establishment (other than self-service)	4 1	Maximum capacity as computed by dividing the linear dimension of the mechanical wash/dry operation by twenty (20) feet, <u>plus</u> One (1) employee
Multiple-family dwelling	2	Dwelling unit

Open air business use including mobile home sales and used car sales lot	1	Each one thousand (1,000) sq.ft. of gross lot area used for open air sales or display, <u>plus</u> additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores
Private club, fraternity, dormitory	1	Three (3) members or lodgers allowed within the maximum occupancy load as established by local, county or state fire, health, or building codes
Private tennis club, swim club, or similar use	1	Two (2) member club, golf families or individual members, <u>plus</u> the amount required for accessory uses
Retail store except as otherwise provided	1	One hundred and fifty (150) square feet of gross floor area, <u>plus</u>
Roadside stand	5	Two (2) employees Establishment

**ARTICLE XVI
ADVERTISING SIGNS AND BILLBOARDS**

Section 16.1 SCOPE

This section is intended to regulate and limit the construction or reconstruction of signs and billboards to protect the public peace, morals, health, safety and general welfare. Such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for in this Ordinance.

Section 16.2 DEFINITIONS

As used in this article, the following words are defined below.

- A. Illuminated signs: A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- B. Election signs: Any sign or bulletin advertising the candidacy of person or persons running for public office.
- C. Identification signs: A sign that identifies the business, owner or resident and/or the street address and which shows no other advertisement.
- D. Pole signs: A sign supported by one or more up-rights, poles or braces placed in or upon the ground surface and not attached to any building and having a sign area not more than seventy-five (75) square feet on a side, and a clear space of at least five (5) feet from the ground to the bottom of the sign.
- E. Projecting signs: A sign which projects from and is supported by a wall of a building and does not extend beyond, into or over street right-of-way.
- F. Portable signs: A free-standing sign not permanently anchored or secured to either a building or the ground such as but not limited to "A" frame, "T" shaped, or inverted "T" shaped sign structures.
- G. Real estate signs: A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
- H. Temporary sign: A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including seasonal produce sales, decorative displays for holidays or public demonstrations.
- I. Marquee sign: An identification sign attached to a marquee, canopy or awning projecting from and supported by the building.
- J. Wall sign: A sign which is attached directly to or painted upon a building wall with the exposed face of the sign in a plane parallel to the building wall.

- K. Roof signs: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- L. Institutional bulletin board: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.
- M. Subdivision sign: A sign placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a mobile home park. Such signs being without moving parts, not higher than fifteen (15) feet from the natural grade and no closer than ten (10) feet to any public right-of-way line, but in no case within the clear vision area of an intersection.

Section 16.3 MEASUREMENT OF AREA OF A SIGN

The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area.

Section 16.4 SIGNS PERMITTED

Signs are permitted according to the District in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following regulations.

- A. Agricultural Districts. The following types of signs are permitted:
 - 1. On Premises Advertising Sign: For principal uses other than dwellings, not exceeding thirty-two (32) square feet in area and set back at least twenty-five (25) feet from the front lot line.
 - 2. Identification Sign: One per dwelling unit including home occupations not exceeding two (2) square feet in area.
 - 3. Temporary Sign:
 - a. One per premises advertising produce raised on said premises; not exceeding sixteen (16) square feet in area; set back from any right-of-way at least fifteen (15) feet, and removed from view during seasons when said produce is not normally considered in season.
 - b. Election signs, in any size, subject to Zoning Board approval for periods up to two (2) month prior and two (2) weeks after a general or primary election. Such approval is subject to a deposit of \$ 50.00, in the form of a performance bond, with

the Township Board. Said deposit will be returned to the depositor upon the removal and disposal of said temporary election signs.

4. Real Estate Sign: One per premises or building and located only while said real estate is actually on the market for sale, rent or lease; not exceeding twelve (12) square feet in area and set back at least fifteen (15) feet from the front lot line.
- B. Residential Districts. No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:
1. On Premises Advertising Sign: For principal uses other than dwellings, not exceeding sixteen (16) square feet in area and not located nearer to the front lot line than one-half (1/2) the required front yard setback nor located in the required side yard setback.
 2. Identification Sign: One per dwelling unit including home occupations, not exceeding two (2) square feet in area.
 3. Institutional Bulletin Board: One per public or semi- public institution, located on premises, not exceeding sixty-four (64) square feet in area, and set back at least twenty-five (25) feet from the front lot line.
 4. Real Estate Sign: One per premises or building and located on the same premises or building only while said real estate is actually on the market for sale, rent or lease; not exceeding twelve (12) square feet in area and set back at least fifteen (15) feet from the front lot line.
 5. Subdivision Sign: Two per subdivision, multiple-family development or mobile home park entrance, continuously and properly maintained; not exceeding sixty-four (64) square feet in area and set back at least ten (10) feet from any property or right-of-way line, but in no case shall the sign(s) be within the clear vision area of the intersection.
 6. Temporary Sign:
 - a. On premises or off premises sign advertising real estate in a subdivision being for sale, rent or lease, not exceeding thirty-two (32) square feet in area and subject to Zoning Board removal as long as the sign conforms to the conditions approved of and said real estate is actively on the market for sale, rent or lease. The number of off premise signs shall be limited to that reasonably necessary to direct the public to the location of the development.
 - b. Election signs, in any size, subject to Zoning Board approval for periods up to two (2) months prior and two (2) weeks after a general or primary election. Such approval is subject to a deposit of \$ 50.00, in the form of a performance bond, with the Township Board. Said deposit will be returned to the depositor upon the removal and disposal of said temporary election signs.
- C. General Commercial District. The following types of signs are permitted:
1. Same as for Residential District except as otherwise stated in this sub-section. No sign shall project beyond a wall or architectural feature by more than one (1) foot nor project above or beyond the highest point of the roof or parapet.

2. One Advertising Sign, Wall Sign, Marquee Sign, Portable Sign (less than sixteen (16) square feet in area), or Pole Sign (less than fifteen (15) feet in height) per principal business or commercial use, or service, not exceeding one hundred (100) square feet in area and set back from the front lot line at least ten (10) feet, except as provided for elsewhere in this Ordinance.
- D. Industrial District. No signs shall be located nearer the front lot line or side lot line than the required yard setback. The following types of signs are permitted:
1. Same as for General Commercial District except that Projecting Signs are permitted.
 2. Billboard: Where a business use or tourist service facility is not located directly on a major route, but is dependent upon passerby traffic for support, one (1) off-premises billboard sign may be permitted, not exceeding one hundred (100) square feet in area or the height limitations of the district where located and one hundred (100) feet from the road right-of-way, subject to review and approval of location by the Zoning Board. However, off-premise signs/billboards on M-32 shall also be subject to the provisions of the Highway Advertising Act (P.A. 106 of 1972, as amended) as administered by Michigan Department of Transportation.
 3. Institutional Bulletin Board: One per public or semi- public institution, located on premises, not exceeding sixty-four (64) square feet in area and set back at least twenty-five (25) feet from the front lot line.

Section 16.5 ILLUMINATION

There shall be no flashing, oscillating or intermittent, red, blue, or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred (100) feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

Section 16.6 CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.

All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.

Section 16.7 HEIGHT AND OVERHANG

No sign otherwise permitted, shall exceed the maximum height limitations of the Zoning District in which it is located.

Section 16.8 BOARD OF APPEALS

The Township Board of Appeals may, upon application by a property owner, modify the specification of this Article where no good purpose would be served by strict compliance with same.

Section 16.9 DIRECTIONAL SIGNALS

All directional signs for orientation of the general public, when erected by the Township, County, or State, shall be permitted in all Districts.

Section 16.10 AUTOMOBILE SERVICE STATIONS, FILLING STATIONS

Only one (1) Portable Sign and one (1) Pole Sign shall be permitted per premises per frontage street, and set back from any right-of-way at least twenty-five (25) feet and fifty (50) feet from any adjacent residential use. All related signs shall be on premise signs.

ARTICLE XVII PLANNED UNIT DEVELOPMENTS

Section 17.1 PURPOSE

The purpose of a Planned Unit Development is to permit and encourage design flexibility within the existing Residential zones using the special use permit procedure. It has the potential of eliminating the current single family, large-scale residential design and substituting in its place a diversity of types and location of dwelling units, allowing a more efficient use of land for circulation, open space, and utilities. It also is intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area.

Section 17.2 PROCEDURES FOR APPLICATION APPROVAL

The procedures for application and approval of a PUD permit shall include one or more informal pre-application conferences between the applicant and the Zoning Administrator in which the applicant informs the Zoning Administrator of his general intentions. During this conference, it is desirable to involve those community agencies (police and fire departments, engineering department, public works department, and parks and recreation departments) which will be involved in the design and construction of the development. A preliminary development plan is then filed with the Zoning Board for purposes of obtaining a special use permit during which time a public hearing will be scheduled commensurate with the criteria set forth in the special use permit procedure. Following the public hearing the Zoning Board will submit its recommendations to the Township Board, which will approve or disapprove these recommendations during its next public hearing.

Section 17.3 CONCEPT PLAN REQUIREMENT

The applicant shall submit, during the pre-application conference, a concept plan including types and placement of residential structures, minimum lot sizes, densities, environmental treatment, pedestrian and auto circulation, the conformity of the proposed development with surrounding uses, financing of the project and all other information the Township Board or Zoning Board may require.

Section 17.4 PRELIMINARY PLAN REQUIREMENTS

Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan. The procedures for submission and approval of the preliminary plan shall follow those outlined in the Special Use Permit section of this ordinance.

The preliminary plan is specifically intended to include enough detail for administrative and legislative analysis for approval or denial of a special use permit.

The preliminary plan must be more detailed than the concept plan and contain the information required of a site plan in Section 14.8. It should also include the following:

- A. A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development, including physical,

social, and economic concepts; a schedule of development, including phasing of residential, public, and commercial areas; and future selling and/or leasing intentions and accompanying management techniques.

- B. Graphic presentation including a base map with topographic identification (preferably using 2 feet contour intervals) and important environmental features, including water bodies, vegetation (type and size) and soils. Additional maps should contain proposed lot lines, location and floor area dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, layout of proposed and existing utility systems, general landscape plans, information pertinent to the identification of areas adjacent to the proposed development, and general description of the architectural and landscape elements on the perimeter of the planned development.
- C. Additional written information shall be contained in the preliminary plan, including tabulation of land area ratios, environmental impact statements, and any contract and deeds of indenture between the developer and homebuyer.

Section 17.5 PROCEDURES FOR FINAL PLAN

Once the preliminary plan has been submitted to the Zoning Board and the special use permit approved, with or without recommended modifications and stipulations, the applicant must, within a period of six (6) months to one (1) year, present a final development plan to the Zoning Board, which shall review it within thirty (30) days.

The final plan should not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met:

- A. The final plan does not violate the content of the ordinance.
- B. Land reserved for open space (common and usable) has not been reduced by more than five (5) percent.
- C. The total building coverage has not increased by more than ten (10) percent.

These provisions are incorporated into the ordinance to preclude any modification which would substantially alter the character of the development from that approved in the preliminary plan.

The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in general fashion in the preliminary stage shall be presented in detail character in the final plan.

Any modifications not included in the preliminary plan must be reviewed by the Zoning Board and legal documents, such as easement agreements, the final draft of articles of incorporation, and indentures, as well as dedications, shall be submitted by the applicant.

The final development plan shall be reviewed by the Zoning Board and members of the Township's staff agencies. The Zoning Board shall then approve the final plan, disapprove it, or approve it with modifications.

No public hearing is necessary, and if approval is given by the Zoning Board, the legislative body shall accept and record site maps and plans, dedicated streets, properties, and open spaces, rights-of-ways, and any additional dedications within the development.

If the plan is disapproved by the Zoning Board, reasons for the denial should become part of the public record as well as presented to the developer in written form.

Section 17.6 DESIGN REQUIREMENTS

- A. Density - Density increases can be allowed for PUD's over and above those allowed in the original R-1 zoning districts. The development shall be allowed on any site of twenty (20) acres or more. It should be controlled by one owner or group of owners, and be planned and developed as a single unit.
- B. Open Space - The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas, within residential developments. Open space shall herein be described as common for use by all homeowners in the PUD. Required open space shall comprise at least twenty-five (25) percent of the total gross areas. Any portions of the PUD site, if deemed environmentally significant, may upon review by the Zoning Board, be preserved in their natural state.
- C. Lot Size Variations - Lot sizes shall be computed using gross acreage computation. Land use for public utilities such as easements and flood plain areas shall not be included in determining gross development area. A fixed percentage of streets within the proposed development shall be subtracted from the gross area figure. This net result shall then be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum residential units allowed. Density increases are to be allowed for the following amenities:
 - 1. If the required open space is improved (i.e. seeded or sod grass, recreational facilities, etc.), the maximum density increase permitted shall be two hundred (200) percent.
 - 2. If the required open space is left unimproved (i.e. in its natural state) the maximum density increase permitted shall be one hundred (100) percent.
- D. Environmental Design Requirements - The Zoning Board shall require the following: preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation, and the planting of vegetation or placement of protective cover on slopes of ten (10) percent or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.
- E. Traffic Circulation - Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUD's should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

ARTICLE XVIII NONCONFORMITIES

Section 18.1 PURPOSE

The purpose of this Article to provide regulations governing buildings, structures and uses of parcels, lots, buildings and structures which were legal before this Ordinance was adopted or amended, including legal non-conforming uses, buildings and structures that would be prohibited, regulated or restricted. It is the intent of this Article to permit these buildings and structures and uses of parcels, lots, buildings and structures, referred to as nonconformities, to remain until they are discontinued or removed. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures, and uses of parcels, lots, buildings and structures permitted by this Ordinance in certain districts. The regulations contained in this Article are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between themselves and the districts in which they are located.

Section 18.2 ALL NONCONFORMING USES OF PARCELS AND LOTS

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a parcel or lot, such use not involving any building or structure, or upon such parcel or lot a building or structure is accessory to such principal use, exists but is no longer permissible under the provisions of this Ordinance, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. All nonconforming uses shall be maintained in good condition.
- B. Nonconforming uses shall not be expanded or increased in intensity of use. For the purposes of this section increases in the intensity of use shall include, but shall not be limited to, such activities as the addition of one or more dwelling units, the provision of additional manufacturing or selling area, or by the addition of facilities which would allow the establishment of another use or other uses.
- C. Nonconforming uses shall not be reestablished after discontinued use and for abatement of use for a period of six (6) months. The Zoning Administrator may grant a six (6) month extension.
- D. Active efforts to sell or rent a nonconformity, even though the property may be vacant and not in use, shall not constitute abandonment or any other condition that would cause the use to be discontinued according to (C) above. Determination of active efforts to sell the property shall be made by the Township Board.

Section 18.3 NONCONFORMING STRUCTURES AND BUILDINGS

Nonconforming structures shall not be altered or expanded without the prior approval of the Zoning Board, except that the following structure alterations may be permitted without prior approval of the Zoning Board:

- A. Structure alterations or extensions which do not add to the bulk of structure or increase the intensity or use of the structure shall not require prior approval of the Zoning Board.

- B. Structure alterations or extensions adding to the bulk of a residential structure which is nonconforming only by reason of lot size or lot width shall be permitted without prior approval of the Zoning Board.

Section 18.4 REESTABLISHMENT

Nonconforming structures shall not be reestablished in their nonconforming condition in any zoning district after damage or destruction of the nonconforming structure if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the entire building or structure exclusive of foundations. In cases where such cost does exceed fifty (50) percent, the nonconforming structure shall not be replaced unless it shall comply with the provisions of this Ordinance, except that if such building or structure is nonconforming due only to its having an insufficient setback or due to its being located on a site having a size, width or both, less than prescribed in the applicable sections of this Ordinance it may be replaced if it complies with all other regulations of this Ordinance.

The estimated expense of reconstruction shall be determined by the County Building Inspector. Persons aggrieved by the determination of estimated replacement cost by the Building Inspector may appeal such determination to the Board of Appeals.

Section 18.5 NONCONFORMING LOTS OF RECORD

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings or structures may be permitted on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided a permit for construction of a well and septic system is granted by the District Health Department, and that yard requirement variances, if necessary, are obtained through approval of the Zoning Board of Appeals.

If any non-conforming lot or lots are of continuous frontage with other such non-conforming lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet, where possible, the minimum requirements for the district in which they are located.

**ARTICLE XIX
ADMINISTRATION AND ENFORCEMENT**

Section 19.1 ENFORCEMENT

The provisions of this ordinance shall be administered by the Township Zoning Officer, who shall be appointed by the Township Board, subject to such conditions and at such rate of compensation as said board shall determine. The Zoning Officer may be assisted by any other Township employees and officials as he may delegate to enforce the provisions of this ordinance. The duty of enforcement thereof shall rest with such administrative officials as shall be authorized therein by law, and such administrative officials shall for the purpose of the ordinance have the power of public officers.

If the Zoning Officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 19.2 ZONING PERMITS

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Zoning Officer. No permit shall be issued except in strict conformity with the provisions of this ordinance, unless the Zoning Officer receives a written order from the Zoning Board of Appeals.

The Zoning Officer shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Officer to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance.

The Zoning Officer shall require that every application for a permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy be filed in triplicate and accompanied by written statement and, as applicable, dimensioned plans or plats drawn to scale, and showing the following, to enable the Zoning Officer to ascertain whether the proposed work or use is in conformance with this ordinance.

- A. The actual shape, location, and dimensions of the lot.
- B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. The lines of the lots or parcels under separate ownership therein.
- E. The names and widths of abutting pavements and rights-of-way.
- F. The signature of the fee holder owner of the premises concerned.

- G. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

One copy of the application shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the application, similarly marked, shall be retained by the Zoning Officer, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Officer shall refuse to issue a permit, he shall state such refusal in writing with the cause and reasons for said refusal.

Section 19.3 EXPIRATION OF ZONING PERMIT

If the work described in any permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire, it shall be cancelled by the Zoning Officer and written notice thereof shall be given to the persons affected.

If the work described in any permit has not been substantially completed within two (2) years from the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

Section 19.4 CONFORMANCE WITH APPROVED PLANS

Permits issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 21.3.

Section 19.5 CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, buildings, or structure for which a permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Officer shall have issued a Certificate of Occupancy to the applicant for the permit in effect stating that the provisions of this ordinance have been complied with.

- A. Certificates for existing buildings - Certificates of Occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures or parts thereof, or such uses of land, are in conformity with the provisions of this ordinance.
- B. Temporary certificates - Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further, that such portions of the building or structure are in conformity with the provisions of this ordinance.

- C. Records of certificates - A record of all Certificates of Occupancy shall be kept in the office of the Zoning Officer and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- D. Certificates for accessory buildings to dwellings - Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather, may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- E. Application for certificates - Certificates of Occupancy shall be applied for in writing to the Zoning Officer coincidentally with application for building permits and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this ordinance. If such Certificate of Occupancy is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

Section 19.6 FINAL INSPECTION

The recipient of any permit for the erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Officer immediately upon the completion of the work authorized by such permit, for a final inspection.

Section 19.7 FEES

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this ordinance shall be collected by the Township Clerk in advance of the issuance of such permits or certificates.

ARTICLE XX BOARD OF APPEALS

Section 20.1 AUTHORITY

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Act 184 of 1943, as amended. The Board of Appeals shall perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this ordinance shall be observed, the public health, safety and welfare assured and justice served.

Section 20.2 BOARD MEMBERSHIP

The Hillman Township Board of Appeals shall consist of three (3) members, the composition of which shall be guided by the following:

- A. The first member of the Board of Appeals shall be a member of the Township Zoning Board. In a Township where the powers, duties and responsibilities of the Zoning Board have been transferred to a Planning Commission, the first member shall be a member of the Planning Commission.
- B. The remaining members of the Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages.
- C. One member may be a member of the Township Board.
- D. An employee or contractor of the Township may not serve as a member of the Board of Appeals.
- E. An elected officer of the Township shall not serve as chairperson of the Board of Appeals.
- F. The Township may appoint not more than two (2) alternate members. An alternate member may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member has the same voting rights as a regular member.

Section 20.3 EXPENSES

The total amount allowed the Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

Section 20.4 TERMS OF OFFICE

Terms shall be for three (3) years, except for members serving because of their membership on the Zoning Board or Township Board, whose terms shall be limited to the time they are members of the Zoning Board or Township Board, respectively, and the period stated in the

resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Members of the Board of Appeals may be removed by the Township Board for non-performance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself from any vote in which he has a conflict of interest. Failure to do so shall constitute misconduct in office.

Section 20.5 REQUIRED HEARINGS

The Board of Appeals shall hear and decide all matters properly referred to the board, or upon which the board is required to act, under any ordinance adopted pursuant to Act 184 of 1943, as amended.

Section 20.6 MAJORITY VOTE

The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which they are required to pass under any such ordinance, or to effect any variation in such ordinance.

Section 20.7 BOARD MEETING

The Board of Appeals shall not conduct business unless a majority of members are present. Meetings of the Board of Appeals shall be held at the call of the chair, and at other such times and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be immediately filed in the office of the Township Clerk, and shall be a public record. The Board of Appeals shall adopt its own rule of procedure for meetings.

Section 20.8 POWERS OF THE BOARD

- A. The Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of, a permit.
1. Grounds for Appeal: The grounds for any such determination shall be stated in the records of the Board's proceedings. The Board of Appeals shall have the authority to dismiss a case if the grounds or cause is determined, by a majority vote, to be frivolous and without adequate grounds.
 2. Timing of Appeals: An appeal shall be taken within such time as shall be prescribed by the Board of Appeals by filing with the officer from whom the appeal is taken, and with the Board of Appeals written notice of appeals specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed is taken.

3. **Stays:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Board of Appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court or application, on notice to the Zoning Administrator and on due cause shown.
4. **Time, Notices, Appearance:** The Board of Appeals shall fix a reasonable time for the hearing of an appeal, and shall give due notice thereof to all parties concerned. Any party may appear at the hearing in person or may be represented by his agent or attorney. The board shall render a decision within a reasonable period of time.

In deciding upon matters referred to, or upon which it is required to act under this ordinance, the Board of Appeals shall, after public notice and hearing, take into consideration the public health, safety and general welfare, and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this ordinance.

B. APPEAL FROM ADMINISTRATIVE ACTIONS

The Board of Appeals shall, when called upon, review, hear and decide appeals from any order, requirements, decisions or determination made by the administrative official and/or Zoning Board charged with enforcement of this ordinance.

C. INTERPRETATION

The Board of Appeals shall have the power to hear and decide upon requests for interpretation of the provisions of this ordinance and the accompanying zoning map.

D. GRANTING OF VARIANCES

The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the BASIC conditions listed herein and any ONE (1) of the SPECIAL conditions listed thereafter can be satisfied.

1. **Basic Conditions:** Any variance granted from this ordinance:
 - a. Will not be contrary to the public interest or to the intent and purpose of this ordinance.
 - b. Will not cause a substantial adverse effect upon property values in the immediate vicinity, in the district in which the property of the applicant is located or in similar districts throughout the Township.
 - c. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
 - d. Will relate only to property that is under control of the applicant.

2. Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a variance may be granted when any ONE (1) of the following special conditions can be clearly demonstrated:
 - a. Where there are practical difficulties or unnecessary hardships, which prevent carrying out the strict letter of this ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of the particular parcel of land.
 - b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant after the adoption of this ordinance.
 - c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
3. Rules: The following rules shall be applied in the granting of variances:
 - a. The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 - b. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds, or newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

Section 20.9 APPROVAL PERIODS

No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within the said period; provided, however, that such order shall continue in force and effect, if a permit for said erection or alteration has been obtained, and said work is started and proceeds to completion in accordance with said permit.

Section 20.10 FINAL ACTION ON BOARD OF APPEALS DECISIONS

The decision of the Board of Appeals shall not be final, and any person aggrieved by any such decision shall have the right to petition to the Circuit Court on questions of law and fact.

Section 20.11 FEES

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk to be credited to the General Revenue Fund.

**ARTICLE XXI
INTERPRETATION, SEVERABILITY, PENALTIES, AMENDMENTS,
RIGHTS and REMEDIES, GENERAL RESPONSIBILITY,
ENACTMENT and EFFECTIVE DATE**

Section 21.1 INTERPRETATION

In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. Where this ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this ordinance shall control. Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 21.2 SEVERABILITY

This ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 21.3 VIOLATION - PENALTY

Any person, firm or corporation, including, but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this ordinance or conditions of the Board of Appeals or Township Board adopted pursuant thereto, or conviction thereof, shall be punished by a fine not to exceed five hundred (500) dollars and costs of prosecution, or by being imprisoned in the County Jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed, or converted in violation of any provision of this ordinance, are hereby declared to be a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.

Section 21.3A MUNICIPAL CIVIL INFRACTIONS

A: This violation by any person, corporation, association, or other entity of any provision of this ordinance, or other ordinance adopted by the Township, is hereby designated as a municipal civil infraction to be enforced in accordance with MCLA 600.8701 et seq., as it may be amended from time to time.

B: Establishment, Location & Personnel of Municipal Ordinance Violations Bureau

1. **Establishment.** The Hillman Township Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/cost for such violations as prescribed herein.

2. **Location.** The bureau shall be located at the township hall/office or other such location in the township as may be designated by the township board.

3. **Personnel.** All personnel of the bureau shall be township employees. The township board may by resolution designate a bureau clerk with the duties prescribed and as otherwise may be delegated by the township board.

C: Bureau Authority

The bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/cost for such violations specified pursuant to this ordinance or other applicable ordinance. The bureau shall not accept payment of fines/cost from any person who denies having committed the alleged violations or who admits responsibility only with explanation. The bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

D: Ordinance Violation Notice Requirements

Municipal civil infraction violation notices shall be issued and served by the authorized township officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:

1. The violation;
2. The time within which the person must contact the bureau for the purposes admitting or denying responsibility for the violation;
3. The amount of the scheduled fines/cost for the violation;
4. The methods by which the violation may be admitted or denied;
5. The consequences of failing to pay the required fines/costs or contact the bureau within the required time;
6. The address and telephone number of the bureau, and
7. The days and hours that the bureau is open.

E: Schedule of Civil Fines/Cost

Unless a different schedule of civil fines is provided for by an applicable ordinance, civil fines payable to the bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule;

First violation within a 3-year period*	\$100.00
Second violation within a 3-year period*	\$125.00
Third violation within a 3-year period*	\$250.00
Fourth violation within a 3-year period*	\$400.00

(*determined on the basis of the date of the violation(s))

In addition of the above-prescribed civil fines, cost in the amount of \$10.00 shall be assessed by the bureau if the fines and costs are paid within 10 days of the date of service of the municipal ordinance violation. Otherwise, costs of \$20.00 shall be assessed by the bureau.

F: Recording & Accounting

The bureau clerk or other designated township official/employee shall retain a copy of all Municipal ordinance violation notices and shall account to the township board once a month or at such other intervals as the township board may require concerning the number of admissions and denial of responsibility for ordinance violations within the jurisdiction of the bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the township treasurer at such intervals as the treasurer shall require, and shall be deposited in the general fund of the township.

G: Availability of Other Enforcement Options

Nothing in this ordinance shall be deemed to require the township to initiate its municipal civil infractions ordinance enforcement activity though the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction, the township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction or take such other enforcement action as is authorized by law.

H: Denial of Responsibility

Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction and pay the required civil fines/costs within the designated time period, the bureau clerk or other designated township employee(s) shall advise the Ordinance Enforcement Officer who may the issue and file a municipal civil infraction citation for such violation with the court having a jurisdiction of the matter. The citation shall thereafter be processed in accordance with MCLA 600.8701 et. seq...

I: Sanctions for Violations

A person or other entity found responsible by the Judge or Magistrate for a violation of this ordinance shall pay a civil fine determined in accordance with the following schedule:

	Minimum	Maximum
First Violation within a 3-year period*.....	\$100.00	\$500.00
Second Violation within a 3-year period*.....	\$125.00	\$500.00
Third Violation within a 3-year period*.....	\$ 250.00	\$500.00
Fourth Violation within a 3-year period*.....	\$400.00	\$500.00

- determined on the basis of the date of the violation(s)

Provided, that in the event the District Court having jurisdiction shall have established a schedule of civil fines which varies from the above, the District Court shall prevail.

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. Failure to pay fine, cost and other charges which have been ordered shall be reported to the assessing officer of the Township who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last tax assessment records of the Township shall be notified of the amount of such costs by first class mail at the address shown on the records. If he fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add

the same to the next tax roll of the Township of Hillman and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of the ordinance continues to exist constitutes a separate violation.

J: Ordinance Enforcement Officer

The office of Hillman Township Ordinance Enforcement Officer is hereby established.

K: Appointment

The township board is hereby authorized to appoint by motion/resolution any person or persons to the office of ordinance enforcement officer for such terms as may be designated in said motion/resolution and for such compensation as the board may determine. The board may further, by motion/resolution, remove any person from said office, in the discretion of the board.

L: Authority

The ordinance enforcement officer is hereby authorized to enforce all ordinances of the township, where heretofore or hereafter enacted, and whether such ordinances specifically designate a different enforcing officer or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance, that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this ordinance, and the authority of the ordinance enforcement officer shall be in addition and supplementary to the authority granted to such other specific officer. An ordinance enforcement officer shall in the performance of the officer's duties be subordinate and responsible to the supervisor or such other township board members as the township board may from time to time designate.

M: Duties

The ordinance enforcement officer's duties shall include the following: investigation of ordinance violations; issuing and serving ordinance violations notices; issuing and serving appearance tickets as authorized under Public Act 147 of 1968, as amended (MCL 764.9c) issuing and serving municipal ordinance violations notices and municipal civil infractions as authorized under Public Act 12 of 1994, as it may from time to time be amended (MCL 600.8701, *et seq*); appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcing duties as may be delegated by the township board, township supervisor or assigned by the township attorney.

N: Severability

The provisions of the ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

O: Effective Date

This ordinance shall take effect immediately upon publication as required by law following adoption by the township board.

Section 21.4 AMENDMENT TO THIS ORDINANCE

The Township Board is authorized and empowered to cause this ordinance or accompanying zoning map to be amended, supplemented or changed, pursuant to the authority and according to the procedures set forth in Act 184 of the Public Acts of 1943, as amended. Proposals for amendments may be initiated by the Township Board, the Zoning Board or by petition of one (1) or more property owners in Hillman Township affected by such proposed amendment.

Section 21.5 PROCESSING OF AMENDMENT

The procedure for amending this ordinance or accompanying zoning map shall be as follows:

- A. Each petition shall be submitted to the Zoning Administrator accompanied by the proper fee, and then referred to the Zoning Board at the next regularly scheduled meeting or at a special meeting called for such purpose.
- B. The Zoning Board shall conduct a public hearing, the notice of which shall be given by two (2) publications in a newspaper of general local circulation. Said newspaper notice shall be published the first (1st) time not more than thirty (30) days nor less than twenty (20) days prior to the proposed hearing, and the second (2nd) newspaper notice not more than eight (8) days prior to the hearing date.
- C. If the property involved adjoins another unit of government, the proper officials are to be given notice of the public hearing at a reasonable time before the public hearing date and shall also be given an opportunity to comment on any coordinated action or review deemed necessary.
- D. In rezoning matters, notices of the public hearing shall be mailed by first class mail to property owners, or as reflected on the Township's tax roll, or tenants of property which lies within three hundred (300) feet of property to be rezoned. The notice shall be made not less than eight (8) days before the hearing.
- E. Following the public hearing, the Zoning Board shall transmit its recommendations to the Township Board. The Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request for a hearing prior to the regular meeting at which the proposed amendment is to be considered.
- F. No petition for rezoning, which has been disapproved by the Township Board, shall be submitted for a period of one (1) year from the date of disapproval except as permitted by the Township Board after becoming aware of new evidence which may result in approval upon resubmittal.

Section 21.6 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 21.7 GENERAL RESPONSIBILITIES

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this ordinance, and said Board is hereby empowered to begin and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court, or any other court having jurisdiction to restrain and/or prevent any non-compliance with, or violation of, any of the provisions of this ordinance, and to correct, remedy and/or abate such non-compliance or violation. And, it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation, may institute suit and/or join the Township Board in such a suit to abate the same.

Section 21.8 ENACTMENT AND EFFECTIVE DATE

The foregoing zoning ordinance and accompanying zoning maps were adopted at a meeting of the Hillman Township Board, on January 4, 1993, after approval of the same by the Hillman Township Zoning Board following a public hearing on December 16, 1992. Notice of adoption of said ordinance was ordered published in a newspaper having general circulation in Hillman Township and shall become effective 20 days after the date of such publication.

Section 21.9 2000 COMPREHENSIVE AMENDMENTS

Public hearing having been held on January 5, 2000 on a set of comprehensive amendments to this Zoning Ordinance of the Township of Hillman, as previously amended, the 2000 comprehensive amendments were adopted by the Hillman Township Board of Trustees at a meeting held on February 14, 2000.

Notice of adoption was published in a newspaper having general circulation in Hillman Township on February 23, 2000, according to statute.

The 2000 comprehensive amendments shall take effect eight days following publication of notice of adoption.

HILLMAN TOWNSHIP ORDINANCE

HILLMAN TOWNSHIP DANGEROUS BUILDINGS ORDINANCE

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Hillman, County of Montmorency, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer; to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE TOWNSHIP OF HILLMAN
MONTMORENCY COUNTY, MICHIGAN
ORDAINS:

SECTION 1.

This Ordinance shall be known and cited as the Hillman Township Dangerous Buildings Ordinance.

SECTION 11.

As used in this Ordinance, the term "dangerous buildings" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

a. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the *(Public Health Code of the State of Michigan, being Act No. 368 of the Public Acts of 1978,) as amended, or the State *(Construction) Code Act of 1972 of the State of Michigan, being Act No. 230 of the Public Acts of 1972, as amended, for a new building or similar structure, purpose or location.

b. Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodge, or to collapse and thereby injure persons or damage property.

c. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the *(Public Health Code of the State of Michigan, being Act No. 368 of the Public Acts of 1978, as amended,) or the State *(Construction) Code Act of 1972 of the State of Michigan being Act No. 230 of the Public Acts of 1972, as amended, for a new building or similar structure, purpose or location.

d. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely

HILLMAN TOWNSHIP DANGEROUS BUILDINGS ORDINANCE

collapse or some portion of the foundation or underpinning is likely to fall or give way.

e. Whenever for any reason whatsoever the building or structure or or any portion is manifestly unsafe for the purpose for which it is used.

f. When the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

g. Whenever a building or structure, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer, or is likely to (cause) injury to the health, safety or general welfare of those living or working within.

h. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

SECTION 111.

It shall be unlawful for any owner or agent thereof to keep or maintain any building (or structure) or part thereof which is a dangerous building as defined in this Ordinance.

SECTION IV.

(a. An Enforcement Officer shall be appointed by the Township Board to serve at the pleasure of the Board.)

*(b.) When the whole or any part of any building or structure is found to be in a dangerous condition, the *(Enforcement Officer) shall issue a notice of the dangerous condition.

*(c.) Such notice shall be directed to the owner of or party in interest in the building (or structure) in whose name the property appears on the last local tax assessment records of the Township.

*(d.) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

*(e.) All such notices required by this Ordinance 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 Certified Mail, Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

HILLMAN TOWNSHIP DANGEROUS BUILDINGS ORDINANCE

(The Township Board may in its discretion, in lieu of its demolition or making safe the dangerous building, institute injunction, abatement or any other action or proceedings to enjoin, abate, remove, or repair any dangerous building. The cost, including actual attorney fees, of such action or proceedings shall be a lien against the real property and shall be reported to the Assessing officer of the Township who shall assess the cost against the property on which the dangerous building is located. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.)

SECTION VIII.

An owner or party in interest aggrieved by any final decision of the Hillman Township Board may appeal the decision or order to the Circuit Court for the County of Montmorency by filing a petition for an order of superintending control within twenty (20) days from the date of such decision.

SECTION IX.

All parts of this Ordinance shall be deemed severable. Should any Section, paragraph, or provision, be declared invalid or unconstitutional by the Courts, such holdings shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared. The Township Board hereby declares that it would have enacted this Ordinance and each part thereof irrespective of the fact that any one or more parts, Section, subsection, phrase, sentence or clauses be declared invalid.

SECTION X.

This Ordinance repeals all Ordinances or parts of ordinances in conflict therewith.

SECTION XI.

This Ordinance shall take effect Thirty (30) days after publication, August 24, 1985.

Alvin Bartow

Alvin Bartow, Supervisor

Beverly Rouleau

Beverly Rouleau, Clerk

Adopted by Hillman Township Board on the 8th day of July, 1985.

Published July 24, 1985 and effective August 24, 1985.

HILLMAN TOWNSHIP DANGEROUS BUILDINGS ORDINANCE

SECTION V.

- a. A Hearing Officer shall be appointed by the Township * (Board) to serve at the pleasure of the *(Board.)
- b. The *(Enforcement Officer) shall file a copy of the notice of the dangerous condition of any building (or structure) with the Hearing Officer.
- c. At any hearing held, the Hearing Officer shall take testimony of the *(Enforcement Officer), the owner of the property, and any other interested party. Upon the taking of such testimony, the Hearing Officer shall render his decision either closing the proceedings or ordering the building or structure to be demolished or otherwise made safe.
- d. If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party in interest to comply therewith.
- e. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Hearing Officer shall file a report of his findings and a copy of his order with the Hillman Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the Hearing Officer shall be served on the owner or party in interest in the manner prescribed in Section IV. (e) of this Ordinance.

SECTION VI.

Upon receiving the findings and order of the Hearing Officer, the Hillman Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner or party in interest in the manner prescribed in Section IV. (e) of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building (or structure) should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

SECTION VII.

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Hillman Township Board, the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Township who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Township shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township of Hillman and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.



Hillman Township

P. O. Box 154

Hillman, Michigan 49746

NOISE ORDINANCE

An ordinance defining and prohibiting excessive noise or disturbing or disruptive conduct within the Township of Hillman and providing penalties for the violation hereof:

THE TOWNSHIP OF HILLMAN HEREBY ORDAINS:

- (a) Any person or persons who shall make or assist in making any noise, disturbance, trouble, or improper diversion, or any rout or riot of any assemblage of person, or vehicles by which the peace and good order of the Township of Hillman are disturbed shall be guilty of a breach of the peace, and disorderly conduct.
- (b) Any person or persons found guilty of a breach of the peace or disorderly conduct as defined herein shall be liable for a fine of not over \$100.00 or imprisonment for not more than ninety (90) days or both and be ordered to pay court costs.
- (c) Within 10 days after the date of passage of this ordinance, the same shall be published in a newspaper printed in the Township of Hillman, if any is published therein, otherwise copies of the ordinance shall, within the same time, be posted in three (3) of the most public places in the Township, and the Clerk shall, immediately after such publication or posting, enter in the record of ordinances in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and place of such publications or postings.
- (d) Should any section of this ordinance be held to be invalid for any reason, such invalidity shall not be held to impair or invalidate the ordinance in its entirety, it being the intent hereof that every section should stand, not with-standing the invalidity of any particular section.
- (e) This ordinance shall be effective 30 days following the date of passage. That date being January 14, 1985.

PASSED AT HILLMAN, MICHIGAN AT THE HILLMAN TOWNSHIP BOARD MEETING,
TOWNSHIP OF HILLMAN, COUNTY OF MONTMORENCY, STATE OF MICHIGAN.

PUBLISHED IN THE MONTMORENCY COUNTY TRIBUNE ON JANUARY 23, 1985.

I, Beverly Rouleau, Hillman Township Clerk, do hereby certify that the above Ordinance was passed by a Motion by Peterson and Supported by Lloyd Oswald. Vote Yeas-PetersonOswald, Benac, Rouleau. Nays-None. This was done at the regular meeting and or/ Special meeting held on January 14, 1985 of the Hillman Township Board and that the same ordinance was published in the Montmorency County Tribune on January 23, 1985.

Beverly Rouleau

Hillman Township Clerk