

**CLEON TOWNSHIP ZONING ORDINANCE  
OF APRIL 1, 2013**

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ARTICLE 1: TITLE, PURPOSE, LEGAL BASIS, EFFECTIVE DATE, AND SCOPE

101. Title

Cleon Township Zoning Ordinance shall be known as the "Cleon Township Zoning Ordinance" hereinafter called the "Ordinance".

102. Purpose

This Ordinance is based upon the Cleon Township Master Plan and designed:

- A. To promote and protect the public health, safety, and general welfare;
- B. To protect the character and stability of the agricultural, forestry, recreational, residential, commercial, and industrial areas within the unincorporated portions of Cleon Township and promote the orderly and beneficial development of the Township;
- C. To regulate the intensity of use of land and parcel areas in a manner compatible with the Cleon Township Master Plan and to determine the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- D. To lessen and avoid congestion on the public highways and streets;
- E. To provide for the needs of agriculture, forestry, recreation, residence, commerce, and industry in future growth;
- F. To promote healthful surroundings for family life in residential and rural areas;
- G. To set reasonable standards to which buildings and structures shall conform;
- H. To prohibit uses, buildings, or structures which are incompatible with the character or development of the uses, buildings, or structures permitted within specified zoning districts;
- I. To prevent such additions to or alteration or remodeling of existing structures which avoid the regulations and limitations imposed hereunder;
- J. To protect against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards;
- K. To prevent the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district;
- L. To conserve the value of land, buildings, and structures throughout the Township;
- M. To provide for the completion, restoration, reconstruction, and extension of nonconforming uses;
- N. To create a Zoning Board of Appeals and to define the powers and duties thereof;
- O. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
- P. To provide for the payment of fees for land use permits;
- Q. To provide penalties for the violation of the Ordinance; and
- R. To accomplish any other purposes contained in Public Act 168 of 1959, as amended, being the Township Zoning Act, MCL 125.271 *et seq.*

103: Legal Basis

This Ordinance is enacted pursuant to PA 168 of 1959, as amended, being the Township Zoning Act, MCL 125.271 *et seq.*

104. Effective Date

This Ordinance was adopted by the Township Board of the Township of Cleon, Manistee County, Michigan, at a meeting held on August 10, 2005, and a notice of adoption was published in the *Manistee News Advocate*, a newspaper having general circulation in said Township, as required by PA 168 of 1959, as amended, being the Township Zoning Act, MCL 125.271 *et seq.*

105. Scope

This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of deed restrictions; subdivision regulations; private restrictions placed upon property by covenants; condominium rules; ownership association rules; and ordinances, laws, regulations of any federal, state, or county agency. When this Ordinance has more restrictive regulations, limitations, or requirements, then this Ordinance shall control. The Zoning Administrator shall not be engaged in the enforcement of deed restrictions or private restrictions placed upon property by covenants.

ARTICLE 5: DEFINITIONS

501. Purpose:  
For the purpose of this Ordinance certain terms are defined. When not inconsistent with the context, the present tense includes the future. Words used in the singular number include the plural number.
502. Undefined Words  
Any word not defined herein, or not referred to in the *Standard Industrial Classification Manual*, shall be interpreted within its common and approved usage.
503. Definitions of Words and Use

**ACCESSORY BUILDING OR STRUCTURE** mean a supplementary building or structure on the same lot or parcel of land as the main building or buildings, the use of which is incidental or secondary to that of the main building or structure, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

**ACCESSORY EQUIPMENT STRUCTURE** means a building or cabinet-like structure located adjacent to or in the immediate vicinity of a communications tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging, and paging services.

**ACCESSORY USE** means a use naturally or normally incidental or subordinate to, and devoted exclusively to a permitted use of the land or buildings.

**ADULT BOOK AND/OR VIDEO STORE** means an establishment having as a substantial or significant portion of its stock in trade, computer services, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" hereinafter defined

**ADULT LIVE ENTERTAINMENT ESTABLISHMENT REGARDLESS OF WHETHER ALCOHOLIC BEVERAGES MAY OR MAY NOT BE SERVED** means an establishment which includes a nightclub, bar, restaurant, or similar commercial establishment which features persons who appear nude or in a "state of nudity" or "semi-nude" and/or features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**ADULT MINI MOTION PICTURE THEATER** means an enclosure with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons therein.

**ADULT MOTION PICTURE THEATER** means an enclosure with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons therein.

**ADULT PANORAM** means an establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing "specified sexual activities" or "specified anatomical areas."

**ADULT PARAPHERNALIA/NOVELTY STORE** means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.

**ALTERATIONS** means any construction, modification, remodeling, repair, improvement, relocation, replacement of a structure, building, dwelling, accessory building, or accessory structure which needs a permit under the provisions of Article 84 or Article 86.

**ALTERED** means any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or any substantial change in the roof or exterior walls.

**ANEMOMETER** means an instrument for measuring wind force and velocity.

**ANEMOMETER TOWER** means a freestanding tower containing instrumentation designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid or multi tower community WECS.

**ANSI** means American National Standards Institute.

**APARTMENT BUILDING** means a dwelling designed for three or more housing units and occupied by three or more families with separate housekeeping, cooking, and bathroom facilities for each.

**ARTICLE** means the main divisions of this Ordinance. Articles are further divided by Sections.

**BED AND BREAKFAST ESTABLISHMENTS** are a use which is subordinate to the principal use of the dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

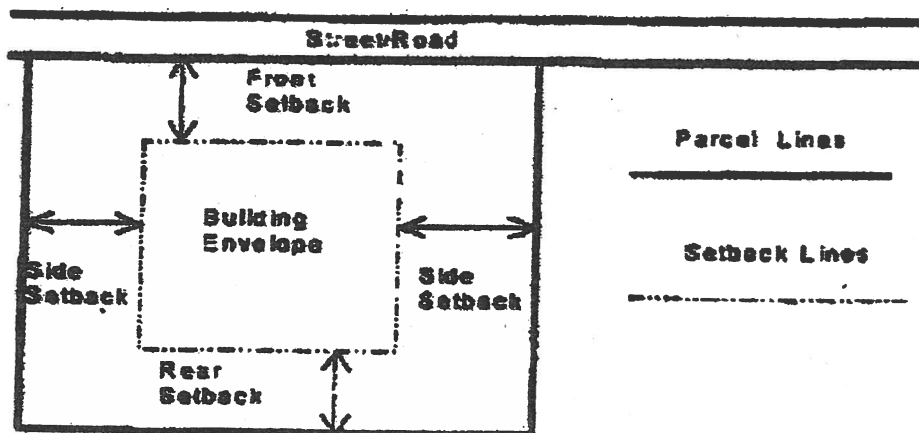
**BLADE/ROTOR** means an element of a wind energy system that acts as a multi bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**BUFFER AREA** means an area which does not have any structures and is designed to buffer noise, light, visual, and other impacts by use of distance or setback greater than otherwise required. Examples are berms, walls, fences, and/or vegetation.

**BUILDING** means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattel, or property of any kind. Buildings shall include awnings, eaves to the drip line, attached decks and porches with or without a roof, and trailers whether mounted or on wheels and situated on private property and used for purposes of a building.

**BUILDING AREA** means the total exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios, steps, awnings, and nonpermanent canopies.

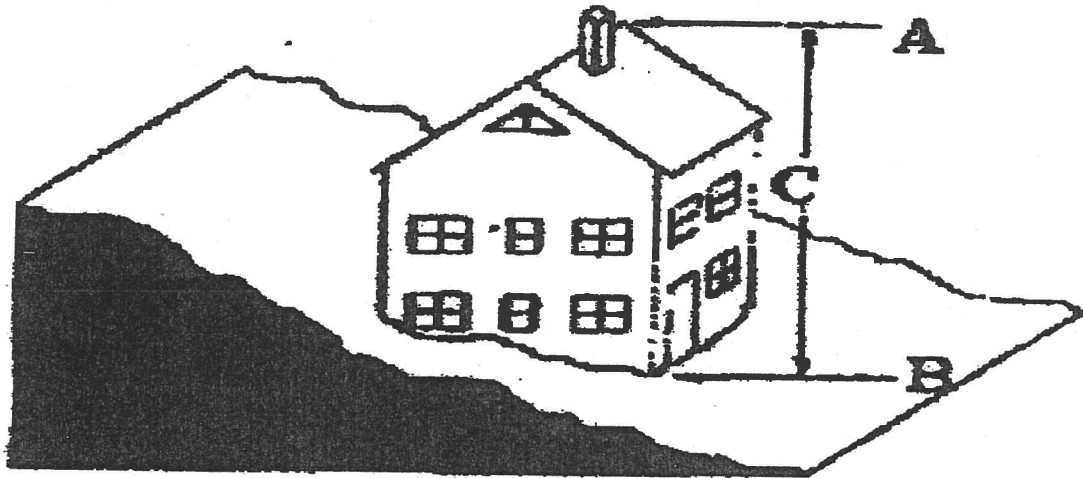
**BUILDING ENVELOPE** means that portion of a parcel excluding the setbacks and applied to that parcel by this Ordinance.





**BUILDING HEIGHT** means the vertical distance measured from the lowest elevation of the ground next to the building to the highest point of the roof (for flat roofs, to the deck line) but not including chimneys, antennas, steeples, and other similar non-inhabitable structures or portions of structures.

"A" is the highest point (not including chimneys, antennas, steeples, etc.); "B" is the lowest point of the ground's surface around the perimeter of the structure; and "C" is the vertical distance for the height.



**CAMPGROUND** means a parcel or tract of land licensed by the State in which 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 recreational units which includes trailers as defined in the Ordinance.

**CHURCHES AND TEMPLES** are any structures wherein persons regularly assemble for religious activity.

**CO-LOCATION** means the location of communication equipment from more than one provider on a common tower, building, or structure.

**COMMUNICATION TOWER** means a radio, telephone, cellular telephone, or television relay structure attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Common examples include, but shall not be limited to towers used in connection with personal communications systems (PC's), cellular radiotelephone services, television, microwave relay, radio, and paging. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireless exchange providers. Not included are towers for residential use such as television, radios, or ham radio antennae. For the purposes of the Ordinance, communication towers are not considered essential services, but will be considered as private enterprises.

**DECK** means a roofed or unroofed structure used for outdoor activities, which may or may not be attached to a structure. If a deck is attached to a structure, it is a part of the structure.

DB(A) means the sound pressure level in decibels. It refers to the "a" weighting scale defined by ANSI. A method for weighing the frequency spectrum to mimic the human ear.

DECIBEL means the unit or measure used to express the magnitude of sound pressure and sound intensity.

DECOMMISSIONING means to remove from service.

DEQ means the Michigan Department of Environmental Quality.

DISTRICT means a section or sections of the Township for which the zoning regulations governing the use of buildings and premises, the height of buildings, size of yards, and the intensity of use are uniform.

DNR means the Michigan Department of Natural Resources.

DRIVEWAY means a passage along which vehicles or animals may be driven.

DUPLEX means a dwelling designed for two housing units and occupied by two families only with separate housekeeping, cooking, and bathroom facilities for each.

DWELLING means a stick-built, manufactured, precut structure, or mobile home designed as a single housing unit and used for the complete living accommodations of a single family which complies with the standards given in this Ordinance.

EASEMENT means a private irrevocable agreement of record between landowners, public utilities, persons for a specific purpose such as but not limited to utilities, driveways, pipelines, pedestrian ways, and roads.

EXISTING BUILDING means a building existing in whole or whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.

FAA means the Federal Aviation Administration.

FALL ZONE means the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. The fall zone radius will be assumed to be equal to the tower height. The distance may be reduced if the applicant provides a registered engineer's certification that the WECS is designed to collapse, fall, curl, or bend within a distance shorter than the tower height, or such certification is provided by the tower manufacturer.

FAMILY means an individual or a collective number of individuals living together in one house under one head whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. However, this shall not include any society, club, fraternity, sorority, association, lodge combine, federation, group, coterie, occupants of the counseling house, lodging house or hotel, or organization, which is not a recognized religious order, nor includes a group of individuals whose association is temporary and resort-seasonal in character or nature.

FARM means a business enterprise for profit engaged in agricultural production, (and otherwise known as farms, ranches, dairies, nurseries, orchards) crops, livestock, and/or trees.

FENCE means a constructed barrier or planted hedge, which is designed to do any one or more of the following:

- A. Restrict passage through it regardless if the fence has a gate(s) or not,
- B. Prevent viewing through it, and/or
- C. Be decorative.
- D. The use of tires as a fenced structure is prohibited under Section 1040.

FLOOR AREA means the sum of the horizontal areas of each story of the building measured from the

exterior faces of the exterior walls, but not including basements, unfinished attics, attached garages, breezeways, decks, and enclosed or unenclosed porches.

GREENBELT means a landscaped area for purposes of aesthetics and for purposes of a buffer area.

HAZARDOUS SUBSTANCES means one or more of the following:

- A. Chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767.
- C. "Hazardous waste" as defined in Article II Chapter 3 Part 111 of PA 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, MCL 324.11101 *et seq.*).
- D. "Petroleum" as defined in Article II Chapter 8 Part 213 of PA 451 of 1994, as amended, (being the Leaking Underground Storage Tanks part of the Natural Resources and Environmental Protection Act, MCL 324.21301 *et seq.*).

HOBBY means an activity carried out by a person primarily for pleasure and self-entertainment.

HOME OCCUPATION means a gainful occupation conducted by members of a family only, within its place of residence, provided that the space used is incidental to residential use and that no article is sold or offered for sale except such as is produced by such home occupation, but is not a hobby.

HORSE BOARDING means to be kept by someone other than the owner for a maximum of 1 (one) year for business purposes such as boarding, training or lessons.

HOUSING UNIT means a house, apartment, mobile home, group of rooms, or single room occupied as a separate living quarter (or if vacant, intended for occupancy as a separate living quarter). Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

ISO means the International Organization for Standardization.

JUNK means as defined by the Cleon Township Junk Ordinance.

JUNKYARD means a business enterprise which has a Michigan sale tax license, records of sale, and other transactions which are required by, and whose business falls under the jurisdiction of PA 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being MCL 445.401 *et seq.*).

LAND USE PERMIT means a standard form that must be approved by the Cleon Township Zoning Administrator or his agent after the form has been completed by a property owner or his agent for the proposed construction of a building or structure and/or the use of land which is in compliance with the provisions of this Ordinance.

LEASED UNIT BOUNDARY means the boundary around property for the purpose of wind energy systems, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located.

LIVESTOCK means horses, cattle, sheep, swine, fowl, and other farm or ranch animals but not domestic house pets.

LIVESTOCK FEEDLOT means an area to hold livestock to get them ready for market.

MANUFACTURED HOME means 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 Act of 1974, as amended: 42 U.S.C 5401 to 5426, 24 CFR Parts 3280 and 3282, 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.

**MOBILE HOME PARK** means a parcel of land upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made thereof, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary mobile home or trailer. Mobile home parks shall be constructed, operated, and maintained in accordance with the Mobile Home Commission Act 419 of 1976, as amended, and the rules and regulations promulgated herein.

**NONCONFORMING BUILDING OR STRUCTURE** means a building or structure lawfully constructed that does not conform to the requirements of the district in which it is situated but existed prior to the effective date of this Ordinance or a subsequent amendment thereto.

**NONCONFORMING PARCEL—PRE-EXISTING** means

- A. A parcel or record or a parcel which is described in a land contract or deed executed and delivered before designation of a high risk erosion area and which does not have adequate depth to provide the minimum required setback for the bluff line for a permanent structure. The term also means those parcels which are legally created after the designation of a high risk erosion area, which have sufficient depth to meet setback requirements for permanent structures, but which subsequently become substandard due to erosion processes.
- B. A parcel of record or a parcel which is described in a land contract or deed executed and delivered prior to the effective date of this Ordinance, which does not have adequate size, width, or which is not big enough to provide for the minimum setbacks and building size required in this Ordinance.

**NONCONFORMING USE—PRE-EXISTING** means structure, building, plot, premise, or land lawfully occupied by use that does not conform to the regulations of the district in which it is situated and lawfully existing on the effective date of this Ordinance.

**ON-SITE WIND ENERGY SYSTEMS** means the system is intended to primarily serve the need of the single customer.

**OUTDOOR RECREATION AND PARKS** means public or private playgrounds, vest pocket parks, nature areas, natural areas, ball fields, open space preserves, arboretums, gardens, beaches, and so on but does not include facilities designed for overnight or camping use.

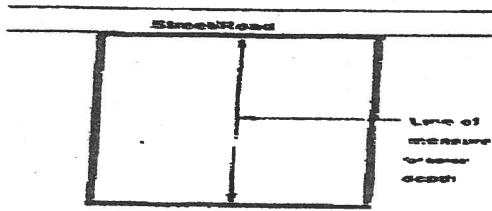
**OWNER** means the proprietor of the land who is natural person or his heirs, executors, administrator, legal representatives, successors, assigns, firm, association, partnership, corporation, or government, or combination of any of them.

**PARCEL** means any tract or contiguous tracts of land in the same ownership, whether one or more platted lots or part of lots, tracts of land, as identified by one (or more than one on contiguous land) property tax parcel number(s) in the Cleon Township Assessment roll, single unit site condominium on which one (1) principal building and its accessories are placed together with the open spaces required by this Ordinance.

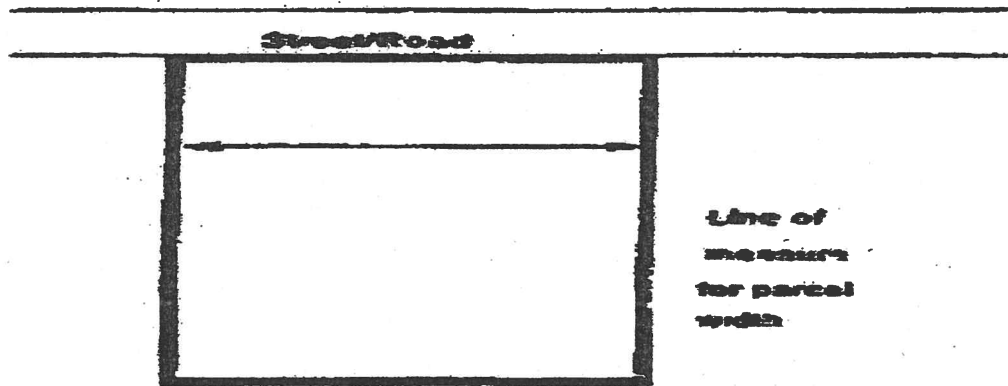
**PARCEL AREA** means the total land area encompassed by the property lines, including any combination of parcels or parcels of record or portions thereof, but in no case shall include easement for road right-of-ways or an area of a public road which is there by historic use.

**PARCEL MEASUREMENTS** means:

- A. **PACEL DEPTH** means the distance between the midpoints of straight lines connecting the foremost points of the front property line and rearmost point of the rear property line.



B. **PARCEL WIDTH** means the distance between the side property lines at each side of the parcel. In determining parcel width on odd-shaped parcels, if the parcel abuts a curving street and as a result the side property lines are not parallel, the measurement of the width shall be at the front yard setback line. In determining parcel width on other odd-shaped parcels, the measurement of the width shall be the average width measured at right angles to its depth.



**PARCEL OF RECORD** means a parcel existing prior to the adoption of this Ordinance and recorded in the office of the county register of deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the county register of deeds office, but dated and executed prior to the effected date of this Ordinance shall also constitute a parcel of record.

**PARK** means an outdoor, public, non-commercial, recreational area,

**PARKING SPACE** means one (1) unit of parking area provided for the parking of one (1) automobile.

**PERSON** means an individual, partnership, firm, corporation, association, organization, trust, company, local unit of government, or other political subdivision of the state, or a state or state agency as well as an individual.

**PLANNED UNIT DEVELOPMENT** see **SINGLE FAMILY CLUSTER HOUSING**

**PLANNING COMMISSION** means the Cleon Township Planning Commission created pursuant to PA 33 of 2008, as amended, (being Township Planning Act, MCL 125.321 *et seq.*) and has vested with it all the powers and duties of a zoning board pursuant of PA 110 of 2006, as amended, (being the Township Rural Zoning Act, MCL 125.271 *et seq.*).

**PROPERTY LINE** means the outside perimeter of a legally described parcel of land.

**PUBLIC UTILITY** means any person, firm, corporation, municipal department, or board fully authorized to furnish under federal, state, or municipal regulation, electricity, gas, steam, communications, telegraph, transportation, water, or sanitary or storm water sewerage facilities to the public.

**QUALITY APPEARANCE** means outer finishes should be uniform in color and lack visual imperfections caused by weathering, rust, storm damage, or other act of God imperfections.

**RIGHT-OF-WAY** means a public or private way for road purposes.

**RECREATIONAL KEEPING OF HORSES** means that it is required that an accessory structure must be established on the parcel of land before a permit is issued for the keeping of horses by the resident. The use of horses and ponies is by the resident, for pleasure only.

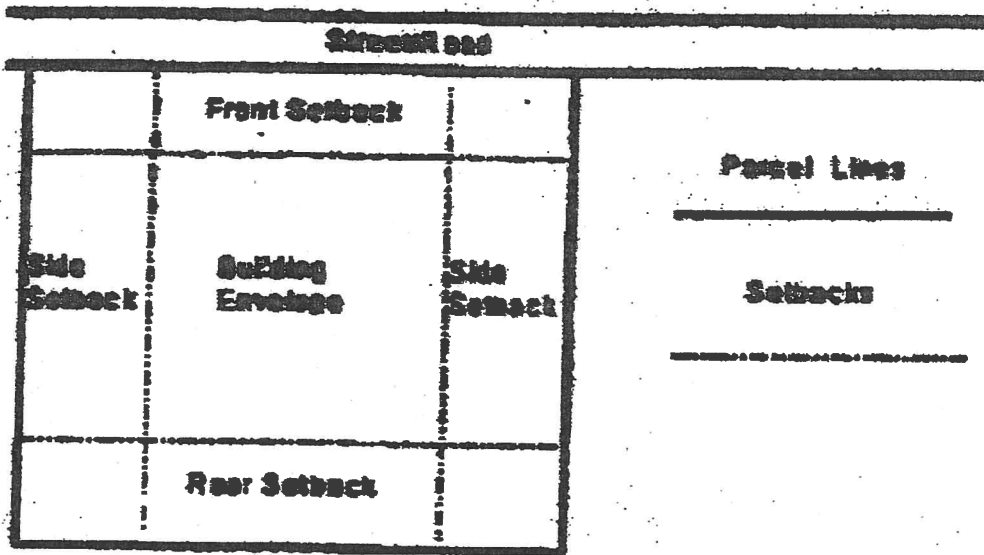
**ROAD, PRIVATE** means a road, which is part of a recorded subdivision and shown as a private road on the plat, or a road which is not public which services more than one dwelling or business. A private road shall not include a driveway to a dwelling, business, or accessory building thereto when the driveway is located on the same parcel of land as the serviced structure; Michigan State Forest Service roads; a county road as shown on maps certifying the same to the Michigan Department of Transportation; and two-track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel of property.

**ROAD, PUBLIC** means a dedicated or accepted public thoroughfare which is maintained by the Manistee County Road Commission.

**ROADSIDE STAND** means a structure used or intended to be used solely by the owner or resident tenant of the land on which it is located for the sale of seasonal products of the immediate locality.

**SECTION** means a part of this Ordinance, being the next division under an Article. A Section is cited by article number and section number "XXX" or "XXXX" with the last two digits being the section number, and the remaining digits to the left being the article number. Sections may be further divided into subsections "A", divisions "1", paragraphs "a", and subparagraphs "(1)", for example.

**SETBACK** means a line parallel to a property line which is a specified distance toward the center of a parcel from the property lines or waterfront. Side, front, rear, and water front setbacks correspond to the respective yard. See **YARD**



**SHADOW FLICKER** means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects such as but not limited to a window at a dwelling.

**SHADOW FLICKER ANALYSIS** means an analysis done to prove evidence that no shadow flicker will fall casting shadows on the ground adjacent to roadways or off-site habitable structures.

**SHALL** means a mandatory directive. The word **SHALL** is always mandatory and not merely permissive.

**SHOOTING RANGE OR HUNTING PRESERVE** means any facility, whether public or private, whether operated for profit or not, which is designed for the use of firearms for the organized/group hunting of game in a confined area, target practice (including skeet, trap, and sporting clays), and shooting ranges.

**SIGN** means any structure or wall or other object used for the display of any message.

**SINGLE FAMILY CLUSTER HOUSING** means a self-contained development, usually with a mixture of housing types in which subdivision and zoning regulations apply to the entire project rather than to separate lots. It may also include mixed uses and can apply to commercial or office developments. This is also referred to as **PLANNED UNIT DEVELOPMENT**

**SMALL WIND ENERGY SYSTEMS TOWER HEIGHT** means the height above grade measured to the top including the tower and blades when fully extended.

**SOLAR FARM** means energy generation facility or area of land principally used to convert solar energy to electricity.

**SOUND PRESSURE** means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

**SOUND PRESSURE LEVEL** means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

**SPECIFIED ANATOMICAL AREAS** means human genitals less than completely or opaquely covered including the pubic region, buttocks, and anus; or female breasts below a point immediately above the top of the areola; or human male genitals in a discernible state of tumescence, even if opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** means and includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. The display of human genitals in a state of sexual stimulation, arousal, or tumescence;
- E. Excretory functions as part of or in connection with any of the activities set forth in A. through D.

**STATE LICENSED RESIDENTIAL CHILD AND ADULT CARE FACILITIES** are facilities for the care of children, eighteen (18) years of age and younger, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services and facilities for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979 and rules promulgated by the State Department of Social Services. An adult foster care facility means a governmental establishment that provides foster care to adults in a private residence. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility. A child care facility means a governmental establishment in a private residence receiving children for various reasons. This does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. These state licensed facilities shall be defined as follows:

- A. Adult foster care family home is a private home with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board for twenty-four (24) hours a day, five (5) or more days a week, and two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. Adult foster care small group home is a private home with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- C. Adult foster care large group home is a private home with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- D. Foster family home is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks unattended by a parent or legal guardian.
- E. Foster family group home is a private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption and are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- F. Family day care home is a private home in which up to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- G. Group day care home is a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

**STORAGE BUILDING** means a structure used or intended to be used solely by the owner of the land on which it is located for the purpose of storage of personal property, but shall not be used as a dwelling or sleeping quarters for human beings

**STORY** means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then it is the space between the surface of any floor and the ceiling above it.



**STREET**, see ROAD

**STRUCTURE** means anything constructed, erected, or placed with a fixed location on the ground or affixed to something having a fixed location on the ground, except, a structure shall not include automobiles, trucks, trailers, hunting blinds, fences, hedges, sidewalks, gardens, or shore stabilization devices.

**SUBSTANTIAL OR SIGNIFICANT PORTION** means a business or establishment which has

- A. Thirty five (35) percent or more of its stock, materials, or services provided relating to or describe "specified anatomical areas" and/or "specified sexual activities;" and/or
- B. Thirty five (35) percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to "specified anatomical areas" and/or "specified sexual activities;" and/or
- C. Their advertising (on signs, in publications, on television or radio, and/or other media forms) associated with the business or establishment and describes or relates to "specified anatomical areas" and/or "specified sexual activities."

**SUPERVISOR** means the chief elected official of the Cleon Township Board.

**SWEETENING PLANT** means a facility or plant which is designed for the removal of sulfur compounds from natural gas from gas and oil wells.

**THIRD PARTY, QUALIFIED PROFESSIONAL** means an individual holding the normal educational and experiential credentials to establish expertise in their field.

**TOTAL HEIGHT** means the height above grade measured to the top including the tower and blades when fully extended.

**TOWNSHIP** means Cleon Township, a Michigan municipal corporation.

**TOWNSHIP BOARD** means the Cleon Township Board.

**TRAILER** means a vehicle which can be drawn on a highway and is used for recreational or camping purposes. This includes the terms motor home, pole-trailer, trailer coach, trailer, and mobile home as defined in PA 300 of 1949, as amended, (being the Michigan Motor Vehicle Code, MCL 257.1-257.82), and including camping units, tents, or any other temporary dwellings.

**TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS** means and includes the following:

- A. The sale, lease, or sublease of the business or establishment;
- B. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange, or similar means;
- C. The establishment of a trust, management arrangement, gift, or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

**USE** means the purpose for which land or a building thereon is designed, arranged, or intended to be occupied or used, or for which it is maintained.

**USED or OCCUPIED** means the physical presence of a person to use a structure and includes the words "intended", "designed", or "arranged" to be used or occupied

**UTILITY GRID WECS** means a utility grid WECS is designed and built to provide electricity to the electric utility grid.

**VARIANCE** means a relaxation of the terms of this Ordinance where such variance will not be contrary

to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary or practical difficulty.

**VEGETATION BELT** means an area, which does not have any buildings, which is designed to mitigate the movement of nutrients in the ground into a water body by use of woody plant material whose roots are likely to remove nutrients from the soil prior to the nutrients reaching the water body, and for erosion and bank stabilization. See **BUFFER AREA** and **GREENBELT**.

**WATER BODIES** means surface water, lakes, wetlands, rivers, streams, ponds, and springs but does not include manmade farm ponds, storm water retention ponds, sediment ponds, or impromptu or uncontrolled collection of storm water.

**WATER'S EDGE** means the line where the water and shore meet when the water level is static. For other fluctuation water bodies, it shall be the line where the water and shore meet when the water is at its annual high level.

**WETLAND** means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and characterized by a soil type which is hydric, alluvial land, undifferentiated, variably textured floodplain Sediments

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

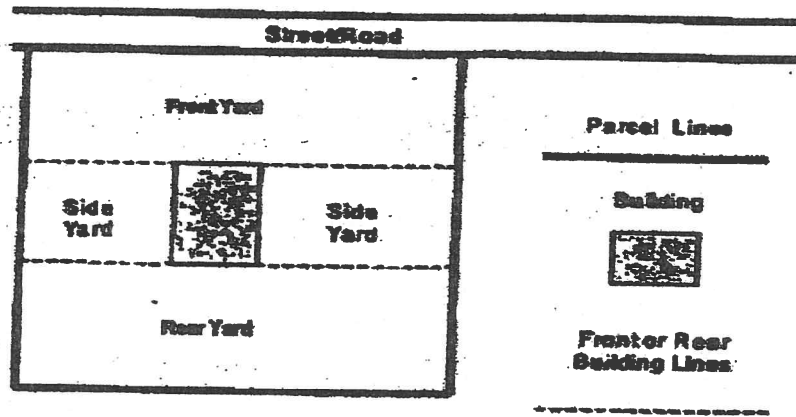
**WIND ENERGY SYSTEMS COMMERCIAL** means wind turbine generators whose energy generation is not intended for primary consumption within the property on which the generator is located.

**WIND ENERGY SYSTEMS SMALL** means a WECS designed and used to generate electricity or produce mechanical energy for use on the property where located to primarily reduce on-site consumption of utility power.

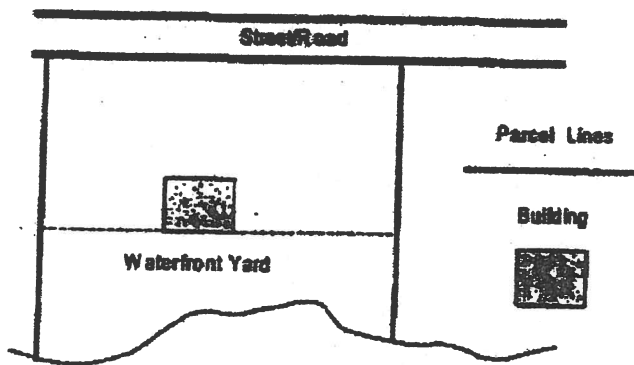
**WOODY PLANT MATERIAL** means vegetation characterized as having a wooden stem or trunk (as opposed to a fibrous or grass stem) and may include those plantings recommended in Lakeland Report Number 12 on Greenbelts; A Circle of Protection for Inland Lakes prepared by the University of Michigan Biological Station, Douglas Lake, February, 1979.

**YARD** means an open space extending the full width of a parcel or extending from the front building line to the rear building line. Designations of side, rear, front, waterfront yards and side, rear, front, waterfront setbacks shall have a direct correlation.

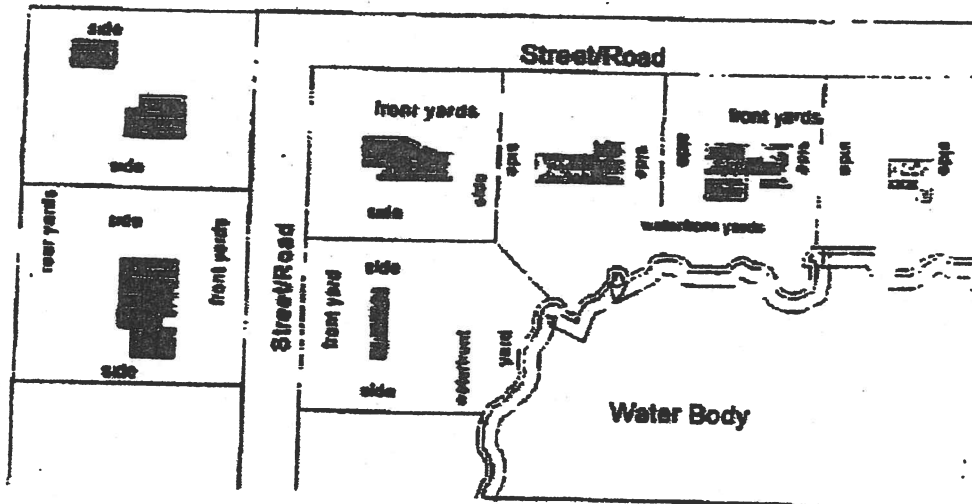
- A. **Front Yard** means a yard between the front property line, which is adjacent to a road right-of-way, and the nearest building line:
- B. **Rear Yard** means a yard between the property line on the opposite side of the parcel from the property line adjacent to a road right-of-way and the rear building line:
- C. **Side Yard** means the remaining yard(s) between the front and rear building lines, and the side lines of the parcel:



D. Waterfront Yard means a yard between the water's edge and a building line. It may be situated in what would be a side or rear yard if the water body was not present:



E. A parcel may have any combination of yards, so that it may not have a rear yard, it may have two front yards, etc:



ZONING ADMINISTRATOR means the Cleon Township Zoning Administrator as created in Article 82.

ZONING BOARD OF APPEALS means the Cleon Township Zoning Board of Appeals as created in Article 96.

504. Standard Industrial Classification Manual

- A. For purposes of this Ordinance, where “uses” and “special uses” are listed for each land use district, those terms are defined in Section 503
- B. Terms denoting “uses” which are not defined in Section 503 of this Ordinance, but which are followed by a capital letter and/or number or series of numbers enclosed in brackets ( [ ] ) shall be defined as found under the respective Standard Industrial Classification Code, as found in the *Standard Industrial Classification Manual* published by the Executive Office of the United States President, Office of Management and Budget, and adopted by reference herein. Terms defined by use of the Standard Industrial Classification Code shall be exclusive and shall include only those uses or activities found included in the respective Standard Industrial Classification(s). A listing of more general classification shall include all sub-classifications included within the general classification. If a term denoting a use is defined in Section 503 of this Ordinance, that use shall not be considered within the respective Standard Industrial Classification(s), *Standard Industrial*.

ARTICLE 10: GENERAL REGULATIONS

1001. Purpose

It is the purpose of this Article to provide regulations that apply in all zoning districts and to all permitted uses and special uses

1002. Scope

Zoning applies to all parcels of land and to every building, structure, or use. No parcel of land, no building, structure, or part thereof and any new building, structure, or part thereof shall hereafter be located, erected, altered, occupied, or used except in conformity with this Ordinance.

1003. Bulk Regulations

- A. The continuing maintenance of and association with required special relationships and physical requirements of this Ordinance for the permitting of a use, structure, building, and parcel shall be the obligation of the owner of the use, structure, building, and parcel.
- B. Required special relationships and physical requirements of this Ordinance shall be allocated to be in connection with only one use, structure, building, parcel, and are not transferable, not to be split or divided by any means, or not to be shared, unless.
  - 1. Any of the uses, structures, buildings, and parcel involved in the transfer does not result in failing to meet required special relationships and physical requirements of this Ordinance or other applicable Ordinances including, but not limited to Cleon Township, Manistee County, and State of Michigan subdivision control laws.
  - 2. Specifically permitted elsewhere in this Ordinance.
- C. Required special relationships and physical requirements of this Ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings, and parcels except that the following can be located anywhere on a parcel:
  - 1. Those parts of a building which are unroofed porches, terraces, patios, steps, awnings, and nonpermanent canopies;
  - 2. Flagpoles;
  - 3. Hydrants;
  - 4. Clothes lines;
  - 5. Arbors, trellises, trees, plants, shrubs;
  - 6. Recreation equipment, outdoor cooking equipment, and
  - 7. Sidewalks, private driveways, footbridges, boardwalks. and walkways.
- D. As used in this section;
  - 1. "Required special relationships" means all the requirements of the Ordinance dealing with minimum or maximum size, area, or space required for approved use, structure, building, and parcel, including but not limited to buffer areas, greenbelts, building areas, building envelopes, parcel areas, parcel measurements (width, setback), parking spaces, vegetation belts, and yards.
  - 2. "Physical requirements" means all the requirements of this Ordinance dealing with designated areas for specific physical (tangible) improvements or uses/functions required for an approved use, structure, building, and parcel, including but not limited to placement of an accessory structure, improvements within buffer areas, the height of a building, easement, floor area, improvements within a greenbelt, all requirements found in Section 1001 *et seq.* of this Ordinance, access drives, loading areas, solid waste storage areas, service drives, and parking areas.

1004. General Provisions

No parcel, building, or structure in any district shall be used or occupied in a manner which creates any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the Construction Code and rules promulgated there under and/or the State Fire Marshall.
- B. Activity which emits radioactivity at any point or electrical disturbance shall not be permitted in excess of the applicable federal, state, or local regulations or rules promulgated there under, including but not limited to, regulations of the Federal Nuclear Regulatory Commission, Public Service Commission, Michigan Department of Health, and Michigan Department of Radiology

- C. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- D. No malodorous gas or matter shall be permitted in excess of the applicable state or federal air pollution statutes or regulations and rules promulgated there under.
- E. No pollution of air by fly ash, dust, vapors, or other substances shall be permitted in excess of the applicable state or federal air pollution statutes or regulations and rules promulgated there under.
- F. No pollution of water bodies shall be permitted in excess of the applicable state or federal water pollution statutes or regulations and rules promulgated there under.
- G. Noise shall be enforced with the rules and regulations of the Cleon Township Anti-Noise and Public Nuisance Ordinance.
- H. No storm water runoff, which is a result of development site design or other manmade alternatives, shall be allowed to collect which results in water standing on the surface, unless the standing water is a part of a property managed and maintained storm water retention system, sediment pond, or the standing water is a natural wetland or water body.
- I. No fly ash may be used for fill material or construction material.

The Zoning Administrator shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules, or ordinances cited above. The Township Board may take direct enforcement action only after a finding that cooperation by the Zoning Administrator with other agencies has not been successful.

#### 1005. Temporary Dwelling

- A. No person shall use or permit the use of any temporary dwelling or accessory building as defined in the Ordinance as a principal or seasonal dwelling on any site, field, parcel, or tract of land except:
  - 1. As part of a campground licensed by the Michigan Department of Public Health.
  - 2. As temporary recreation on a non-commercial and no rental basis by tourists, campers, and sportsman on public land where such activity is allowed by state or federal regulations.
  - 3. As temporary recreation on a non-commercial and no rental basis by tourists, campers, and sportsmen on land owned by the user. Such use shall not require a permit. The time period of occupancy shall not exceed one hundred twenty (120) days in a calendar year. The trailer shall be currently licensed and registered through the Michigan Secretary of State Office or the corresponding motor vehicle registration office of another state and such license and registration shall be displayed on the vehicle/trailer in accordance with applicable law.
- B. A recreational vehicle, camping trailer, or slide-in camper cannot be occupied while enclosed in a permanent structure.
- C. Use of a temporary dwelling requires a special use permit as described in the following:
  - 1. A mobile home or trailer as defined by this Ordinance may be permitted by the Planning Commission by special use permit as a temporary dwelling during the construction, major alteration, and/or installation of a dwelling conforming to Section 1006 of this Ordinance.
  - 2. Temporary dwellings are subject to the following specific regulations:
    - a. The location of the temporary dwelling shall comply with all setback requirements of this Ordinance.
    - b. The use of the temporary dwelling shall not be contrary to the health, safety, and welfare of the public.
    - c. The Zoning Administrator issues a permit for a temporary dwelling. Before a permit is issued it will be reviewed by the Planning Commission. This permit will be given for one (1) year. It may be renewed for not more than six (6) months for good cause shown.
    - d. The land use permit for the temporary dwelling is issued only in addition to, or part of, a land use permit, which is also issued for the simultaneous construction of a principal use or special use.
    - e. Upon completion of the construction, major alteration, and/or installation, if the temporary dwelling is a recreational vehicle, camping trailer, or slide-in camper, all connections to a water supply, electrical supply, septic tank, or other permanent sanitary facility must be removed before the occupancy permit is issued.
    - f. Upon completion of the construction, major alteration, and/or installation, if the temporary dwelling is a mobile home, the mobile home must be removed from the property within thirty (30) days of the issuance of the occupancy permit. It may not be used for storage.
    - g. Additions to a temporary dwelling are not permitted.

#### 1006. Dwelling Regulations

- A. No dwelling shall be constructed in this Township which contains less than nine hundred (900) square feet of

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living area and is less than twenty-four (24) feet wide. Except in the case of single-wide mobile homes which shall not be less in dimension than fourteen by sixty-eight (14' x 68') feet, no older than 15 years at the date of application, have vinyl siding as installed by manufacturer, and are HUD approved. Single-wide manufactured homes must also have a ten by ten (10' x 10') foot deck at front entry site and steps to meet State building codes at the rear entry point.

- B. A dwelling shall comply with Manistee County Sanitary Code.
- C. A dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall in the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In the case of mobile homes, the dwelling shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- D. In the case of mobile homes, each shall be installed with the wheels removed and shall not have any exposed towing mechanism, undercarriage, or chassis. Mobile home skirting shall be vented. Louvered or similar vents shall be at a minimum of six hundred (600) square inches per one thousand (1,000) square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and two to each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be made of fiberglass, sheet metal, aluminum, or masonry. Celotex is not suitable skirting material.
- E. A mobile home shall contain no additions or rooms or other areas, which are not constructed with similar or better quality workmanship as the original structure including any permanent attachment to the principal structure and construction of a foundation as required herein.
- F. Any mobile home shall comply in all respects with (1) the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of PA 230 of 1972, as amended, or (2) the "mobile home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development (HUD) under the provisions of 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all mobile homes shall meet or exceed all applicable roof snow load and strength requirements. Compliance with the applicable codes shall be shown prior to the issuance of a land use or special use permit by a certificate or affidavit of inspection by a certified or licensed building inspector in the case of Michigan State Construction Code or by a HUD seal affixed to the mobile home in the case of the "mobile home construction and safety standards." If a mobile home is required by law to comply with the aforementioned federal standards then such standard shall apply.
- G. All construction required by this section shall be commenced only after a building permit has been obtained in accordance with the applicable construction code provisions and requirement.
- H. Each dwelling unit shall contain a storage area to be not less than one hundred (100) square feet. This needs to be a separate detached accessory structure which needs to be completed before the certificate of occupancy is issued. An attached garage satisfies this requirement.
- I. Storage of mobile homes shall not be permitted.
- J. A mobile home shall not be used for storage.
- K. There shall be no more than one (1) dwelling unit on a parcel. The only exception is Article 16: Special Specific Standards, Section 1606. Second Dwelling on a parcel.

#### 1007. Incomplete Structure

No basement, cellar, garage, or any incomplete constructed structure may be occupied as a dwelling for a period of more than two (2) years without completing the exterior in a watertight manner, including, but not limited to, finished siding, windows, and roofing.

#### 1008. Communication Towers

The following site and developmental requirements shall apply to the construction of any communication tower.

- A. The minimum distance from the base of the tower to any adjoining property line or road right-of-way shall be equal to one and one-half (1 1/2) times the height of the tower.
- B. The tower shall be no closer than six hundred (600) feet from a school or public gathering place, so as to ensure and protect the safety and welfare of the public.
- C. Co-location on already existing towers shall be utilized whenever possible, in order to preserve the landscape as well as to balance the fragile natural resources in the area.
- D. Co-location shall be utilized when technologically feasible with the burden of proof with respect to

- technology and feasibility being on the applicant for the tower.
- E. All towers shall be equipped with an acceptable anti-climbing device to prevent unauthorized access.
  - F. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet or in compliance with minimum setback for the zoning district, whichever is greater. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
  - G. The tower, any accessory building, and all guy lines shall be enclosed with a minimum six (6) foot high fence and four strands of angled barbed wire atop with locked access.
  - H. All buffer yard requirements of the Ordinance shall be met.
  - I. All towers shall meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
  - J. Prior to construction or erection of any tower, the applicant shall provide the Township with copies of all building permits and applications required by the state and federal agencies.
  - K. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
  - L. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure or between towers shall be at least twenty (20) feet above the ground at all points. As an alternative, the conductors may be buried.
  - M. Towers shall be located so as to allow sufficient maneuvering room for maintenance and emergency vehicles on the property owned and/or leased by the applicant.
  - N. A landscape and buffering site plan is required.
  - O. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency or safety purposes.
  - P. There shall be no employee located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
  - Q. Abandoned towers shall be removed by the property owner or lessee; and the land shall be returned to its original and natural state within ninety (90) days after being abandoned. In order to insure that the right of way, easement, or public place is returned to its original condition, the owner or lessee of the tower shall post a bond issued in the Township's name in a reasonable dollar amount sufficient to cover the cost of removal in the event the tower is abandoned or no longer in use. The cost of such bond shall be determined at a special use hearing. The bond shall be placed on deposit with the Township Clerk prior to issuance of a building permit.
  - R. All towers located in a forested area should be positioned so as to retain as much of the natural environment as possible with minimal disturbance to the trees and other natural occurrences.
  - S. If the lessee does not have any carriers at the time of application, the permit will be denied.

#### 1009. Surface Water Protection

Notwithstanding anything to the contrary contained in this Ordinance, (specifically, but not limited to, the setbacks contained in each respective district established in this Ordinance) the following provisions shall apply:

- A. No structure shall be built, located, or constructed closer than one hundred (100) feet measured on a horizontal plane to the water's edge. In the event the water's edge recedes (moves landward) the setback line shall also be construed as to have moved landward distance equal to the water's edge recession. In cases where parcels are smaller than the minimum parcel size allowed in the particular district so that applicable setbacks given here and in a particular district result in a building envelope less than twenty five (25) by forty (40) feet, the Zoning Board of Appeals shall grant a further reduction of side yard setbacks and/or a front yard setback prior to reducing the required water front setback.
- B. Within twenty five (25) feet of water's edge (or landward beach/vegetation line), a vegetation belt shall be maintained by not removing trees with a trunk diameter of three (3) inches at breast height, or greater, unless dead or chronically diseased. Trees and other woody plant material of a smaller diameter at breast height shall not be removed except to prune or clear a filtered view of the water body. It shall be the landowner's responsibility to maintain this vegetation belt in a healthy state.
- C. No building or structure shall be built, located, or constructed within a one hundred (100) year flood plain of any water bodies in any land use district as may be determined by the Michigan Department of Natural Resources and the Department of Environmental Quality.
- D. Fly ash is prohibited for use for fill material or construction material.

#### 1010. Hazardous Substance Groundwater Protection

- A. All businesses and facilities which use or generate hazardous substances except (1) fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor and (2) materials in a five gallon, or smaller pre-packaged sealed container and is for purposes of resale and is located inside a retail



establishment:

1. In quantities greater than two hundred twenty (220) pounds per month or twenty five (25) gallons per month, whichever is less, or
  2. Stores greater than two hundred twenty (220) pounds or twenty five (25) gallons, whichever is less, shall comply with the following groundwater protection requirements:
- B. Groundwater protection requirements:
1. Groundwater protection in general:
    - a. The projected and related improvements shall be designed to protect the natural environment including lakes, ponds, streams, wetlands, flood plains, groundwater, street slopes, and natural and man-made drainage systems.
    - b. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
    - c. General purpose floor drains and storm drains shall be:
      - (1) Connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county, and municipal requirements, or
      - (2) Authorized through a state groundwater discharge permit, or
      - (3) Connected to a public sewer system.
    - d. State and federal agency requirements for storage, spill prevention, record keeping emergency response, transport, and disposal of hazardous substances and polluting material shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
    - e. In determining conformance with the standards in this Ordinance, the Zoning Administrator or Planning Commission, whichever one is applicable, shall take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Above-Ground Storage and Containment of Hazardous Substances and Polluting Materials" published by the Clinton River Watershed Council, May, 1990, and other references.
    - f. Out-of-service wells shall be sealed and abandoned in accordance with applicable requirement of the Michigan Department of Public Health and the Manistee-Mason District Health Department.
    - g. If the site plan includes territory within a Wellhead Protection Overlay Zone, submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Zoning Administrator, county, and state officials.
  2. Above-ground storage
    - a. Primary containment of hazardous substances shall be in product-tight containers, which are protected from weather, leakage, accidental damage, and vandalism.
    - b. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:
      - (1) Sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substances, or
      - (2) Shall be at least as great as volumes required by state or county regulations, or
      - (3) Shall, if not protected from rainfall, contain a minimum of
        - (a.) One hundred ten (110) percent of the volume of the largest container within the dike of the secondary containment areas, plus
        - (b.) The volume that is occupied by all other objects within and below the height of the dike of the secondary containment areas plus
        - (c.) The volume of a six (6)-inch rainfall.
    - c. Secondary containment structures such as outbuildings, storage rooms, sheds, and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
    - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials as well as areas where such materials are handled, stored, or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils.
    - e. At a minimum, State of Michigan and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.
    - f. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.
  3. Underground storage
    - a. Existing and new underground storage tanks shall be registered with the Michigan State Police Fire Marshal Division in accordance with federal and state requirements.

- b. Installation, operation, maintenance, closure, and removal of underground tanks shall be in accordance with the requirements of the Cleon Township Fire Department and the Michigan Department of State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention, and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
- c. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshal Division, the DNR, and this Ordinance.

1011. Water Supply and Sewage Facilities

- A. A structure which is for human occupancy shall be connected to a public sewer and water supply or to such private facilities in compliance with the Manistee County Sanitary Code, as amended.
- B. The Zoning Administrator shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules, or ordinances cited above. The Township Board may take direct enforcement action only after a finding that cooperation by the Zoning Administrator with other agencies has not been successful.

1012. Waste Accumulation and Outside Storage

- A. It shall be unlawful for any person to accumulate junk on any land except in a permitted junkyard or licensed sanitary landfill or as allowed by the Township Ordinance.
- B. No sewage, waste water, or water containing foreign substances shall be deposited or drained into any water bodies unless the same has first been approved by state and county health authorities.
- C. The provisions of this section are not deemed to prohibit storing or spreading of manure, fertilizers, or other soil conditioners as part of a permitted farm, forestry, home garden, lawn operation, botanical and zoological garden [84], or park.

1013. Fences

Fences over six (6) feet high shall be set back the required distance for the respective land use district and subject to site plan review. Fences within the setback area shall not exceed six (6) feet in height. Fences located in the waterfront yard or front yard parcel shall not exceed four (4) feet in height. No fence shall be within forty (40) feet of water bodies. The use of tires as a fence structure is prohibited. The finished side of the fence shall be facing the outside of the property line or the road right-of-way.

1014 Height

No building or structure or part thereof shall be erected or altered to a height exceeding forty (40) feet, except:

- A. That non-dwelling buildings or structures other than accessory buildings or structures may be erected or altered to a height not exceeding forty (40) feet. (For height for accessory buildings or structures, see each respective district.);
- B. Appendages to structures which are ornamental in purpose, such as church steeples, belfries, cupolas, domes, towers, and flagpoles so long as such appendages to structures do not exceed twenty (20) percent of the roof area;
- C. Appendages to structures relating to its mechanical or structural functions, such as chimneys, smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, and antennas and their towers;
- D. Commercial freestanding towers such as radio, television, and telephone antennas and their towers;
- E. Water storage structures, barns, silos, or windmills.

Any building or structure or part thereof may be erected or altered to any height if approved by the Zoning Board of Appeals, pursuant to its power to grant variances or the Planning Commission in connection with a special use permit application approval. This section does not apply to radio, television, or antenna systems.

1015. Parcel Width to Depth Ratio

Any parcel created after the effective date of this Ordinance shall not have a depth which is more than four (4) times its width.

1016. Driveway and Curb Cuts

Driveway entrances and exits to a parcel of land shall comply with the following standards unless superseded by state or federal statute or rule:

- A. The location of a driveway curb cut to any road shall be:
  1. Seventy (70) feet from an intersection of any two roads, or
  2. Fifty (50) feet from another driveway as measured along a line drawn parallel to the centerline of the road.
  3. Two driveways on adjacent parcels which are both next to the parcel boundary between the adjacent parcels and share the same drive entrance to the road shall be allowed to have zero distance between them, but shall comply with required distances from intersections and other driveways in this section.
- B. The distance from the nearest parking space in the parcel to the road edge shall be forty (40) feet or twenty (20) feet from the road right-of-way line, whichever is greater.
- C. The width of the driveway shall be between ten (10) and twenty (20) feet wide for an exit only or entrance only driveway for a dwelling and duplex; and between twenty (20) and thirty-five (35) feet wide for an exit and entrance driveway, except for a dwelling and duplex.
- D. All new driveways shall be approved by the Manistee County Road Commission before construction.

1017. Roads

Every newly constructed road in Cleon Township shall meet the standards of the Manistee Road Commission. Proof of a letter of acceptance by the Manistee County Road Commission is needed to finalize plat approval.

1018. Vehicular Parking Space, Access, and Lighting

- A. For each principal building or establishment hereafter erected or altered and located on a public road in any land use district, including buildings and structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions shown below. The parking spaces called for hereunder shall be considered minimum requirements under this Ordinance and in the case of more than one (1) use on a parcel, the minimum shall be the sum of the required parking for each use:
  1. Dwellings, Duplexes, and Apartment Buildings: Two (2) parking spaces for each family unit occupying the premises.
  2. Hotels and other Lodging Places [70]: One (1) parking space for every three (3) spaces of legal sleeping capacity.
  3. Nursing and Personal Care Facilities [805], Hospitals [806], and institutions of a similar nature: One (1) parking space for each four (4) beds, plus one (1) space for each doctor.
  4. Motion Picture Theaters [783], Amusement and Recreation Services [79], Membership Organization's [83] halls, Public Administration [J] halls/meeting centers, theaters, auditoriums, and any other places of public assembly: One (1) parking space for each four (4) seats of legal capacity.
  5. Offices; Finance, Insurance, and Real Estate [H]; Offices of Physicians, Dentists, Osteopathic Physicians, and other health practitioners [801-804]; Legal Services [81]; Social Services [83]; Miscellaneous Services [89]; and Public Administration [J]: One (1) parking space for every two hundred (200) square feet of floor area; provided, however, that doctors' offices and clinics shall be provided with three (3) spaces for each doctor.
  6. Eating and Drinking Places [58]: One (1) parking space for each three (3) seats of legal capacity.
  7. Any other Retail Trade [G]: One (1) parking space for each one hundred (100) square feet of floor area.
  8. Any other Service [1]: One (1) parking space for each two hundred (200) square feet of floor area.
- B. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed at the establishment shall be provided. Where no specific requirement is designated for other businesses, parking space which is adequate shall be provided. Adequacy of parking shall be based upon the anticipated intensity of use of the business establishment by patrons and employees and by reference to the standards contained in Section 1052 A. The Zoning Administrator shall establish the number of parking spaces required in the land use permit.
- C. A parking space shall be a minimum area of ten (10) feet by twenty (20) feet, with center and cross aisles being a minimum of twenty (20) feet wide.
- D. Approval for location of all exits and entrances shall be obtained from the Manistee County Road Commission for all roads. Such approval shall also include the design and construction thereof in the interest of safety, adequate drainage, and other public requirements.
- E. Parking areas required under this section and publicly owned parking lots shall not be used for the storage or continuous parking of recreational vehicles, trailers, or motor vehicles without a current plate, and junk for more than a twenty-four (24) hour period.

1019. Traffic Visibility at Corners

No vehicle shall be parked, nor fence, hedge, planting of shrubs or any similar structures over thirty (30) inches in height above the elevation of the nearest road surface, shall be located, erected, or maintained within a distance of forty (40) feet from the point intersection of the front lot line and the side lot line adjacent to the road.

1020. Signs

The following provisions permitting the erection and maintenance of permanent and temporary signs will be permitted if the following requirements are met:

A. Permanent Signs – Signs that are intended for and are built to withstand long-term use of at least one (1) year. All permanent signs require a sign permit with the exception of “No Trespassing” and “No Hunting” signs. The following are considered permanent signs:

1. One identification sign of not more than sixteen (16) square feet may be erected on the premises as a part of any business or activity conducted thereon in any district, except those signs relating to home occupations which shall be controlled by Section 1082. This includes signs for religious assembly, rotary or service clubs, and other quasi-public uses.
2. Signs of not more than sixteen (16) square feet in area, pertaining to a business physically located and carried on in the Township, shall be permitted on any unimproved real estate in any district provided they are located not less than five hundred (500) feet from any existing residence. No business shall be entitled to more than two (2) freestanding roadside signs in the Township. All other off-premise signs are prohibited.
3. Farm Market Signs - One permanent sign shall be erected no more than twelve (12) square feet in area. For the safety of the general public, no spinners, pennants, flags, flashing lights, reflectors, flicker tape, or other distractive devices may be used in conjunction with any sign or business.
4. Subdivision Development Signs - One identification sign of not more than sixteen (16) square feet may be erected and landscaped on the premises for subdivision development in any district. In addition, an initial real estate sale sign of not more than sixteen (16) square feet shall be permitted to advertise unsold real estate in the development. Individual “For Sale” signs advertising initial sale of real estate shall be prohibited.
5. “No Trespassing” or “No Hunting” signs shall be limited to two (2) feet square and may be posted without a permit, as needed.

B. Temporary Signs - Signs that are limited to a three (3) month maximum existence and do not need a sign permit.

1. No poster type signs shall be tacked on poles or trees or otherwise erected. “For Sale” or “For Rent” signs shall not be more than four (4) square feet in size and may be placed without a permit.
2. Roadside Stand Signs - No more than two (2) one-sided signs that may be one or two-sided shall be erected, and said signs shall be no larger than nine (9) square feet in area, per side. The sign(s) shall be removed when the stand is closed and removed for the season. For the safety of the general public, no spinners, pennants, flags, flashing lights, reflectors, flicker tape, or other distractive devices may be used in conjunction with any sign or business.
3. Political signs may be erected for sixty (60) days within any district in the Township.
4. “Garage Sale” signs shall be limited to four (4) per garage sale and may be posted for a four (4) day period.

C. Standards

1. Roadside signs shall comply with Michigan Department of Transportation and local Manistee County Road Commission regulations.
2. For the safety of the general public, no spinner, pennants, unshielded lights, or lights directed horizontally at sign faces which may distract on-coming vehicles, flashing lights, or other distractive devices may be used in conjunction with any sign or business.
3. No sign shall have a height greater than eight (8) feet above grade. No message shall be printed outside the area of the sign face. Any elements such as support legs or a solid base shall not be included in the square footage computation so long as they are separate from the sign face by a reveal or a change in materials. Square footage calculation shall include such elements as decorative borders, top caps, and drop signs.
4. The square footage of permanent signs located along M-115 may be increased to twenty-four (24) square feet.
5. Square footage of signs located on buildings shall be included in the total square footage allowed for a permanent sign.

6. Illuminated Signs - In all districts, as permitted in this Ordinance, signs which are illuminated shall be allowed, provided such signs and lighting are so shielded as to prevent direct light ray/beams from the source of light which would provide a hazard or nuisance when intruding/invading into the public right-of-way or any adjacent property.
7. Non-Conforming Signs - It is the intent of this Ordinance to encourage signs to conform to this section. Therefore, non-conforming signs shall be removed upon a change in activity, use, or when a sign no longer has meaning. Any subsequent sign must conform to this section. The size of any existing sign may not be altered unless it conforms to this section.

1021. Location of Accessory Buildings and Structures

- A. All accessory buildings and structures shall be in the side yard or rear yard, except when built as part of the main building, or built in a district where land abuts water bodies, in which case said structures shall only be in side yards. For districts zoned Agricultural-Preservation or Rural-Residential R-1, accessory buildings may be located in a front yard providing the parcel contains five (5) or more acres of land.
- B. An accessory building attached to the principal building of a parcel shall be made structurally a part thereof and shall comply in all respects with the requirements applicable to the principal building.
- C. An accessory building or structure, unless connected with a roof at least four (4) feet wide attached and made part of the principal building as provided, shall not be closer than ten (10) feet to the principal building, and shall meet all setbacks requirements of the district in which it is to be erected, moved, altered, or used.
- D. An accessory building or structure shall not be larger than what is established in each respective district in this Ordinance.

1022. Home Occupations

Home occupations shall not be allowed in any zoning district except as hereinafter provided:

- A. The home occupation(s) takes place in a dwelling owned by the resident and where the resident engaging in the home occupation lives on a full time basis.
- B. The home occupation(s) shall be an accessory to the residential use of the property.
- C. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation.
- D. The home occupation(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of the activity except for a sign that shall not exceed six (6) square feet in size without illumination and in keeping with the character of the neighborhood.
- E. The home occupation(s) shall not involve the
  1. Generation of any hazardous waste as defined in PA 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 299.433 *et seq.*) or
  2. Use of materials that are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, parts 1910(2), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies, or heating fuel.
- F. The home occupation shall employ no one at the residence except those who live there.
- G. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.
- H. Home occupation is listed as a permitted use in the respective district.

1023: SMALL WIND ENERGY SYSTEMS

The Cleon Township Zoning Ordinance is hereby amended by the addition of the following new language as Article 10 General Regulations Section 1023 Small Wind Energy Systems, which shall read in its entirety as follows:

INTENT

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

efficient use of small wind energy systems and to protect the public health, safety, and community welfare.

#### PERMITTED USE

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

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

Small Wind Energy Systems require a Land Use Permit and are subject to certain requirements as set forth below:

1. **Small Wind Energy System Tower Height:** Regardless of the structure height limitations of the zoning district in which a Small Wind Energy System is located, the height of a Small Wind Energy System can extend no more than one-hundred (100) feet.
2. **Clearance of Blade:** The lowest point of the arc created by rotating wind vanes or blades on a Small Wind Energy Systems shall be no less than twenty (20) feet above ground and no blade sweep shall extend over parking areas, drive-ways, sidewalks, decks or required setback areas.
3. **Setback/Fall Zone:** Towers/Roof Mounts shall be setback one and one half times the tower height from any property line.
4. **Appearance:** Towers and/or Small Wind Energy Systems shall not be painted such as to stand out from the surrounding foliage and buildings. There shall be no advertising or signage other than the manufacturer's logo and cautionary signage, both of which are allowed at the base. Towers shall not be lighted.
5. **Safety:** Towers must be equipped with an appropriate anti-climbing device or be enclosed by security fencing not less than eight (8) feet in height. All Small Wind Energy Systems shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
6. **Noise:** When operating, Small Wind Energy Systems shall not generate more than fifty five (55) decibels of sound, as measured at any lot line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms. The applicant shall provide a signed statement from an independent professional establishing compliance with the fifty five (55) decibel maximum sound regulation to the zoning administrator at the time of inspection.
7. **Code Compliance:** Small Wind Energy Systems shall comply with all Applicable federal, state, and local construction and electrical codes and local building permit requirements.
8. **Utility Connection:** All utility lines leading to or from the Wind Energy Generating device shall be underground.
9. **Non Use:** Towers must be maintained in a safe condition or be removed at the property owner's expense. Towers that are in non-use for more than six (6) months shall be removed at the Wind Energy Systems owner's expense.
10. **Roof Mounted:** Any system mounted to roof of a structure and having a maximum rotor diameter of six (6) feet and not to exceed a height of twelve (12) feet.
11. **A Land Use Permit is required of all Small Wind Energy Systems:** A land use permit shall include a site plan including existing structure, lot lines, roads, overhead utility line, and the Small Wind Energy System itself. The manufacturer's cross-section drawing of the structure, base and footings must also accompany the application. The fee structure shall be set by the Cleon Township Board and shall be reviewed from time to time,

## 1024. THE RECREATIONAL KEEPING OF HORSES

Recreational keeping of Horses are allowed in all zoning districts except R-2.

### A. Standards

1. The minimum acreage required, consisting of contiguous land under the same ownership of the resident, is five (5) acres for the first two (2) horses plus one (1) acre for each additional horse over two (2).
2. Minimum fence and housing setbacks shall comply with the setback requirements for the respective Zoning District.
3. Running water will be provided and each animal will have access to fresh water. Wells and facilities will comply with County Health Department standards.
4. Cold or warm housing is required Open housing is not permitted. If using or constructing box stalls they shall be a minimum of twelve (12) feet in width and length.
5. Fences are required and shall be sufficient in size and be constructed of suitable materials to insure containment.

### B. Compliance with Health Regulations

The keeping of horses as provided for in the section shall comply with all regulations and provisions of the County Health Department and the United States Department of Agriculture.

## ARTICLE 12 SITE CONDOMINIUMS

### 1201. PURPOSE

Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of surface or subsurface vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, Ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of the condominium units within the project. Lots or condominium units should be supported by certain infrastructure features, including paved roads, utilities, water, and sanitary sewer. Site condominium projects may be approved as provided by this Section in any zoning district for the uses permitted by the Zoning Ordinance in the zoning district in which the project is located.

The intent of this Article is to provide Cleon Township ("Township") with site plan review of, and to establish standards for site condominium developments that are subdivided under the Condominium Act (Act 59 of 1978, as amended).

The Township review will ensure, among other things that the development is consistent with the Cleon Township Master Plan, Zoning Ordinance, and is consistent with conventional platted subdivision as provided for under the Land Division Act (PA 288 of 1967, as amended) and compatible with adjacent uses of land, that it provides for socially and economically desirable benefits to the Township.

### 1202. GENERAL PROVISIONS

- A. All such developments are subject to the applicable provisions and conditions of this zoning ordinance as amended. When developed under Article 12 (when adopted), applicable provisions shall apply.
- B. Any notice regarding the development which is required to be filed with any Federal, State or Local agency, any correspondence with such agencies relating to permits issued by them, must be copied to the Township at the same time.
- C. Prior to any earthmoving excavation or removal of natural vegetation (or any other preliminary work toward construction of the development) on the site of the proposed development, the applicant must have obtained final approval from the Township under the provisions of the Article and any other applicable provision of the Zoning Ordinance.

### 1203. SITE PLAN REVIEW PROCEDURE

- A. Conceptual Plan: The applicant is required to prepare a conceptual plan of the proposal for informal review by Planning Commission and other interested parties, prior to submitting a formal development plan.
  1. The conceptual plan shall present the functional relationships of various elements of the design, outline specifications, numbers of units, size of development, proposed road access, type of protection for sensitive areas, and other information of this type. The purpose of this informal review is to provide guidance to the applicant, correct possible problems in advance of the expenditure of substantial design funding.
  2. The conceptual plan must be presented at least two weeks prior to a regularly scheduled meeting of the Cleon Township Planning Commission ("Planning Commission").
  3. Comment will be made by the Planning Commission within 45 days of the date of the submission of the conceptual plan.
  4. The Planning Commission shall report and provide preliminary comment as to whether the conceptual plan can satisfy the requirements of the Article, the Zoning Ordinance and Master Plan. Such comment shall not constitute a final determination of any requirement under this Article or Zoning Ordinance. Such determination must await the submission of all documents and information required under this Article and Zoning Ordinance.
- B. Development Plan: After receiving the Planning Commission comment on the conceptual plan, if the applicant desires to proceed further, the applicant shall submit a Development Plan to the Township Zoning Administrator



that contains the following information:

1. Name of the proposed condominium with Section Number, Town, Range, Township and County.
2. Name, address and telephone number of the proprietor and the surveyor or firm preparing the development plan.
3. Date, North Arrow, and scale of not more than two hundred feet to one inch.
4. A copy of the notice of intent letter, pursuant to Section 71 (MCL. 559.171) of the Condominium Act.
5. Adjacent property showing zoning, recorded plats of subdivisions, condominiums, parcels as shown on the tax records, rights-of-ways, and intersecting roads. If adjacent property is other than recorded plats of subdivisions or condominiums, the owner's names as shown on the tax roll be included.
6. A vicinity sketch showing the location of the proposed condominium in relation to the surrounding area
7. Lot lines, lot numbers and lot dimensions.
8. The coordinates for a minimum of two corners of the proposed development, set in the Michigan State Plane Coordinate System, Central Zone, NAD83, in units of U.S. feet.
9. All roads, road names, and widths of existing and proposed road right-of-ways and easements.
10. Topographic information with two foot contour intervals which extend on hundred feet beyond each proposed boundary and indicating the datum used.
11. If on-site sewage disposal is proposed, results of preliminary soil test and the approximate location of the test holes in the sewage disposal area.
12. In on-site water supply is proposed, data relating to well depth, quality, quantity and protection.
13. Written statement in a note on the development plan as to sanitary sewer, water supply, storm drainage, and public utilities to be provided in the development, and specification for road improvements.
14. Existing utilities, including storm and sanitary sewers and water mains.
15. Structures intended to be left standing and significant natural and man-made features which could influence the lay-out and design of the development.
16. Existing zoning classifications within the proposed development for uses exclusive of single-family dwelling.
17. Areas proposed within the development to be reserved or dedicated for open space, storm water retention or other public or non-public uses.
18. Minimum front building setback lines.
19. Description of the boundary of the condominium development project site as shown on the tax roll or as of record, and an indication of the nearest section corner, quarter section corner, or private claim corner.
20. Deed restrictions, Master Deed restrictions, covenants, and bylaws as applicable.
21. The location of significant natural features, such as sand dunes, steep slopes, mature stands of trees, known or suspected endangered or threatened plants or animals and known archeological or historical sites.
22. A delineation of all wetlands and other wet areas, regulated or otherwise, found on the si.
23. The specific dimensions of each condominium lot.\
24. The applicant shall submit preliminary engineering plans for streets, water, sewer, storm water control and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to made a determination as to conformance of the proposed improvements to applicable Township, County, State, and Federal regulations and standards
25. All other provisions of the Detailed Site Plan as set forth in Section 9406.

#### 1204. APPLICATION PROCESS & FEES

The applicant shall submit a written application for review of the proposed Development Plan and shall file such application with the Township Zoning Administrator at least fourteen days in advance of the next regularly scheduled meeting of the Planning Commission

- A. The fee for a subdivision or condominium subdivision application shall be established by the Cleon Township Board. There is no fee for a conceptual plan review.
- B. In the event that plan complexity requires the assistance of paid professional consultants, in the sole discretion of the Township Board, to assist in review of the proposed Development, the applicant shall bear the full cost of those consultants. The applicant shall provide a performance and/or surety bond
- C. The Township will provide the applicant with a monthly statement of the escrow account balance.\
- D. If the escrow account becomes depleted, the applicant must replenish the account at 50% of the original escrow amount.
- E. If the escrow account is not restored, the application will not be processed.
- F. A decision to approve or deny the Development Plan will not be rendered until all outstanding bills relating to the review of the application have been covered by the applicant.
- G. Any remaining escrow shall be returned to the applicant at the projects completion.

1205. DEVELOPMENT STANDARDS\

- A. In a condominium development, each condominium dwelling unit shall be located individually within a condominium lot.
- B. Setbacks shall be measured from the designated lot lines. Lot size shall be calculated from the designated lot lines.
- C. Narrow deep lots shall be avoided. In no case shall lot depth exceed 4 times the lot width.
- D. Corner lots shall be of sufficient width and depth to provide the required setback from both roads.
- E. Individual lots shall only be accessed by interior roads.
- F. Lots backing onto County or State trunk lines shall contain a landscaped easement at least 20 feet wide between the primary road and the condominium lot to restrict access to the primary road, to minimize noise, and to buffer outdoor living areas from visual intrusion. (i.e. buffer zone)
- G. All lots shall front on streets serving the development. In the event that it is not possible to develop such streets, lots may front on a frontage road, or a service drive adjacent to the primary road.
- H. Streets:
  - 1. All public streets within the development shall meet the construction, design, and maintenance standards of the Manistee County Road Commission.
  - 2. All streets within the Development shall be inspected and approved by the Manistee County Road Commission before any development can take place on any lot.
  - 3. All private roads shall meet the requirements of the Manistee County Road Commission for new roads.\
- I. Utility Distribution Systems: All lines, pipes, conduits, etc. for utility distribution systems shall be placed underground in duly recorded easements.
- J. Natural Features: Existing natural features which add to the value of the development shall be preserved to the greatest extent possible.
- K. Where street lighting is to be provided within the Development, the lighting shall be designed, constructed, and located so as to minimize light pollution and shall conform to the following standards:
  - 1. The maximum height of light standards shall not exceed the maximum building height of 40 feet. (refer to Section 1014 Article 10)
  - 2. All lighting fixtures shall be provided with 90-degree cutoff luminaries at minimum Lesser cutoff shall be provided where necessary to provide proper lighting without hazard to drivers or nuisance to residents.
- L. Development Phasing: Proposed condominium developments may be developed in phases subject to the following:
  - 1. Any phase being developed must meet all requirements for a complete site condominium development.
  - 2. Projects intended for phasing must be identified as such during the development plan review.
- M. Lots shall be designed so as to minimize or avoid disruption of existing wetlands, steep slopes or other significant natural area. The applicant should take care to design lots around these features and/or set these aside as common areas or park land.
- N. The Zoning District in which most of the land is located shall be used to determine which Zoning District\ regulations dealing with parking, setbacks, building height, maximum percentage of lot coverage, minimum square feet of building area, density, and signs apply.
- O. Any change on the site plan shall require Planning Commission review and approval.

1206. CONDITIONS AND DURATION OF APPROVAL

- A. Conditions: Approval will indicate that the proposed Development Plan meets the provisions of the Township, but does not cover additional permits that may be required.
- B. Duration: Approval for the start of substantial work towards implementing the Development Plan shall be for a period of one year from the date of its approval by the Township Board. The Township Board, upon consultation with the Planning Commission, may extend the one year period upon written petition for extension. Such extension, if granted, shall cover only the material contained in the original approval process. Not more than three one year extensions shall be granted.
- C. Development Plan Approval Contract: If the Planning Commission approves the Development Plan, it shall instruct the Township Attorney to prepare a contract setting forth the conditions upon which such approval is based. Such contract, after approval by the Township Board, shall be entered into between the Township and applicant prior to the issuance of a land use permit for any construction in accordance with the approved development plan. All reasonable costs, as established by the Township Board, related to the preparation of said contract shall be paid by the petitioner to the Township Treasurer prior to issuance of any land use permits.\
- D. The approval of the Development Plan may include a requirement that the applicant furnish, before any

construction activity begins, a cash bond or irrevocable letter of credit from a bank chartered in the State of Michigan in the amount of any costs, as estimated by the Township Board or other designated person, for which the Township could become liable if the condominium project is not completed in a timely manner. If the Township Board imposes such a requirement, it shall become part of the contract between the Township and the petitioner described in Section 1206 C. The potential liability of the Township shall be determined under the assumption that the escrow requirements of any and all applicable laws of the State of Michigan will be met by the petitioner.

- E. All ordinances or parts of ordinances in conflict herewith, are hereby repealed to the extent of the conflict.

ARTICLE 16: SPECIAL USE SPECIFIC STANDARDS

1601. Purpose

In addition to general special use standards (Article 86 of this Ordinance) there are specific standards for special uses. The specific standards for determining if the following types of Special Use Permits are to be granted or not are provided in this Article.

1602. Campgrounds

For campgrounds, RV parks, and recreational camps [7033]:

- A. The location of a campground shall front on or have public access to a public road or the developer shall agree to provide the funds to upgrade or will upgrade a private road to a public road.
- B. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of PA 368 of 1978, as amended, (being the Michigan Health Code, MCL 333.1101 *et seq.*).
- C. The application for a Special Use Permit for a campground shall contain all the elements and parts which are required by the Health Department for a campground license under authority of PA 368 of 1978, as amended, (being the Michigan Health Code, MCL. 333.1101 *et seq.*), in addition to the Special Use Permit application requirements presented in this Ordinance.
- D. The minimum parcel size for a campground shall be ten (10) acres.
- E. Campsites shall not be less than twelve hundred (1200) square feet in area, and have a width of not less than thirty (30) feet. Sites shall be designed so that recreational vehicles can be parked no closer than twenty (20) feet apart. No site shall be closer than fifty (50) feet from an accessory building.
- F. Spaces in the campground shall be rented on a daily, weekly, or monthly basis only, but not on a permanent basis. After one month an occupant can move to another site within the campground.
- G. Management headquarters, recreation facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses provided:
  1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the campground.
  2. Such establishments shall be restricted in their use to occupants of the campground and their guests.
  3. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the campground and their guests.
- H. No space shall be so located so any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any road. Setback spaces may be reduced if occupied by plant material and/or berms. In no case shall the setback be less than forty (40) feet, and allowed only in instances when screening is an opaque fence or berms. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

1603. Mobile Home Parks

For mobile home parks:

- A. The location of a mobile home park shall front on or have public access to an existing state or county road.
- B. The mobile home park shall conform to all applicable regulations of the Michigan Mobile Home Commission Rules promulgated by the Michigan Mobile Home Commission under authority of PA 96 of 1987, as amended, (being the Mobile Home Commission Act, MCL. 125.2301 *et seq.*), and thus mobile homes which are located within said mobile home park shall be exempt from Dwelling Regulations under Article 10.
- C. The mobile home park shall provide at least two (2) entrances/exits to a state trunk line or county road.
- D. The application for a Special Use Permit for a mobile home park shall contain all the elements and parts which are required by the administrative rules of the Michigan Mobile Home Commission promulgated pursuant to PA 96 of 1987, as amended, (being the Mobile Home Commission Act, MCL 125.2301 *et seq.*), for an application for a license to operate a mobile home park in addition to the Special Use Permit application requirements presented in this Ordinance.

1604. Sweetening Plants

For sweetening plants:

- A. A sweetening plant shall be isolated from existing residences, commercial and manufacturing establishments, wetlands, and surface water by a minimum of one thousand three hundred (1300) feet.
- B. No sweetening plant shall be located closer than two thousand six hundred (2600) feet from any subdivision, apartment building, residential development, mobile home park, hospital, nursing home, residential care facility, or other densely

populated land area for the reason that such areas cannot usually be evacuated quickly or efficiently in the event of an emergency.

- C. The maximum density of sweetening plants shall not be more than one (1) per square mile section of land. A sweetening plant shall not be within four (4) miles of another sweetening plant and shall be of a capacity designed to service all oil and gas wells anticipated that are expected to need such service within a two (2) mile radius. The Planning Commission may waive the density standards set forth in this section if the applicant provides documentation that:
1. An existing sweetening plant located within the same section of land or within two (2) miles is being operated at capacity and cannot be feasibly expanded;
  2. And cannot be expanded or modified to accept oil or gas from the applicant's wells;
  3. And that the owners of the existing sweetening plant refuse, after reasonable offers and negotiations of terms have been made, to share a sweetening plant to service the applicant's wells.

In deciding whether to permit a sweetening plant, the Planning Commission may also consider whether there are suitable sites for the proposed sweetening plant or other existing sweetening plants having excess capacity which are more closely situated to the wells which will be serviced by the proposed sweetening plant.

It shall be the policy of the township that, subject to the density objectives set forth above, and subject to the need to avoid areas of relatively greater population density, the hazards and inconvenience to neighboring properties of necessary gas sweetening operations shall, whenever possible, be associated with the areas where the wells being serviced are located or within industrial districts located inside or outside the Township.

- D. The applicant for a sweetening plant shall hold an ownership interest in the parcel of land, or lifetime lease for use of the parcel of land, on which the sweetening plant is to be situated.
- E. The sweetening plant shall be screened from view from nearby roads, residents, and commercial establishments by vegetation or berms or a combination of both, placed near the property boundary of the parcel of land the sweetening plant is located so the perimeter road and equipment are within the vegetation berms and adequate air circulation through the sweetening plant site is provided for. Lights installed to illuminate the site shall be shaded and/or screened by the vegetation or berms and/or by apparatus on the light fixture so direct glare of the light is not visible beyond the parcel boundary. The sweetening plant shall comply with all applicable setbacks in this Ordinance. The sweetening plant shall be made secure so pedestrians and unauthorized persons cannot gain access to the site.
- F. Emissions and/or effluent from the sweetening plant shall meet or exceed all applicable state and federal air pollution, surface and groundwater quality standards. A sweetening plant shall be fitted with a warning siren audible for one mile in all directions on a calm (no wind) day which is triggered to sound when concentrations of hydrogen sulfide exceed two hundred (200) parts per million within the plant site. The siren shall be periodically tested on a regular basis during the life of the plant. Sulfur, once separated from natural gas, shall not be incinerated. Technology which chemically changes the sulfur to its elemental form (or some form for resale), or more advanced technology approved by the Planning Commission shall be used. All solid wastes from the site shall be transported by a Michigan-licensed hauler to a licensed Type I or Type II landfill. No brine pits, or other earthen pits shall be allowed as part of the plant, except for in-ground pits utilized for backup emergency purposes. Steel tanks shall be used instead.
- G. Odor from the sweetening plant shall not be detectable by normal human senses under normal operational circumstances at a distance of six hundred (600) feet from a sweetening plant.
- H. Noise shall be enforced with the rules and regulations of the Cleon Township Anti-Noise and Public Nuisance Ordinance.
- I. A Pollution Incident Prevention Plan shall be filed with the Planning Commission as part of the Special Use Permit application and shall be approved by
1. The Cleon Township Fire Chief and
  2. The Manistee County Emergency Services Coordinator and
  3. The Michigan State Police Fire Marshal and
  4. DEQ Geological Survey Division and
  5. DEQ Air Quality Division and
  6. DEQ Ground Water Quality Division.
- It shall be updated periodically as required. In as much as it deals with fire, evacuation of the community, communications and warnings of incidents, and a mechanism whereby the owner/operator works with the Cleon Township Fire Department and the Manistee County Emergency Services Coordinator for periodic updating of the plan. Costs of an evacuation, fire, etc. shall be the responsibility of the owner/operator of the establishment.
- J. Upon review of the Special Use Permit application, the Planning Commission may require upgrading of roads from the sweetening plant to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the Planning Commission and applicant, upgrading of roads to a more distant road already constructed to adequately service anticipated traffic may be required. The costs of upgrading of roads shall be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant, Cleon Township, and the Manistee County Road Commission.

- K. The application for a sweetening plant shall include information as to the:
  1. Maximum expected life of the operation of the establishment, if such an estimate is possible; and
  2. A reclamation plan that includes disassembling the sweetening plant and returning the condition of the land to its original state, or other condition acceptable for future use, when the establishment's useful life has ended; and
  3. Costs for the reclamation in the year it is anticipated the reclamation would take place.
- L. Prior to issuing a sweetening plant Special Use Permit, the owner/operator shall deliver to the Township:
  1. A surety bond for required improvements, if required, and for costs of reclamation pursuant to Section 8611: Security Requirements, and
  2. An agreement which provides the Township the right to inspect the sweetening plant from time to time, and
  3. An agreement that obligates the owner/operator to provide the township supervisor a copy of all pollution incident reports with ten (10) days of the report being prepared for other agencies.

1605. Second Dwelling on a Parcel:

- A. The purpose of this section is to provide for placement of a second dwelling on a parcel, that would not otherwise be allowed by this Ordinance—recognizing a need for extended members of a family to take residence near their home, but in separate living quarters—due to age, illness, or handicap such that they cannot care for themselves, while at the same time protecting the character of a single family neighborhood.
- B. A second dwelling may be placed on the same parcel where a dwelling already exists if all of the following conditions are met:
  1. The application for a Special Use Permit shall include a site plan.
  2. The second dwelling shall comply with all applicable construction, height, yard, and setback regulations in the respective district.
  3. The minimum parcel size shall be two and one half (2 ½) acres. The distance between the principal and second dwelling shall be equal to twice the side yard setback required in the respective district.
  4. The second dwelling shall be located in the side or rear yard.
  5. The second dwelling is on a parcel with frontage on a public road, with a driveway adequate to provide off-road parking for two dwellings (at least, but not limited to, three parking spaces), which has access to public road or alley.
  6. Occupancy of a second dwelling shall be only by family member(s) or an extended family that requires daily supervision or care from a family member residing in the other dwelling located on the parcel.
  7. The design of the second dwelling shall be a moveable structure and shall be temporary, to be removed within ninety (90) days when no longer occupied by the qualified resident. Failure to comply will result in a civil infraction.
  8. The application shall include a medical doctor's written statement that the individual is elderly or handicapped and not able to fully take care of one's self. The permit, when issued, shall indicate it is a temporary permit and not transferable to another individual.
  9. This temporary structure shall be exempt from Article 10, Section 1006. Dwelling Regulations but must be fourteen (14) feet wide and HUD approved.

1606. Sexually Oriented Businesses

- A. Purpose: It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest on the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal throughout the commercial zone of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.
- B. Conditions: In order to obtain and retain a Special Use Permit for operation of a sexually oriented business regulated use as defined by this Ordinance, all of the following conditions must be met, in addition to all other standards set forth herein for Special Use Permits:
  1. A Special Use Permit must be acquired through the special use procedures as described in Article 86 of this Ordinance;
  2. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this Ordinance shall not be located within one thousand (1000) feet of any other sexually oriented businesses as defined by this Ordinance, not within three hundred (300) feet of any residentially zoned district or preexisting residential use prior to enactment of the zoning districts, school, day care center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective properties;
  3. The sexually oriented businesses shall only operate between the hours of 8 a.m. and 10 p.m.;

4. There shall be a manager on the premises at all times;
5. No one under the age of eighteen (18) shall be allowed onto the premises by the on-site manager of the regulated use;
6. No product or service for sale or gift or any picture or other representation thereof, which related in any way to "specified sexual activities" or "specified anatomical areas" shall be displayed so as to be visible from the street or exterior of the building of the regulated use;
7. Once a Special Use Permit has been issued for a sexually oriented business, the sexually oriented business shall not be expanded and/or otherwise amended in the manner required by Article 86 of this Ordinance.
8. A Special Use Permit for a sexually oriented business is subject to the terms and conditions of validity set forth in Article 86 of this Ordinance.
9. Exceptions to Conditions: The Planning Commission may waive the foregoing spacing requirements if it finds all the following conditions exist:  
The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
  - a. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and residents, or a disruption in neighborhood development;
  - b. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
  - c. Where all other applicable regulations with this Ordinance or other pertinent township ordinances will be observed.

1607. Single Family Cluster Housing

The intent of this section is to permit the development of single family residential patterns which, through design innovation, will preserve open space and said open space will remain perpetually undeveloped by means of a conservation easement, deed restriction, restrictive covenant, or other legal means that run with the land.

- A. The Planning Commission shall, at the request of the developer, approve a Single Family Cluster Housing development provided that all of the following exist:
  1. A minimum of fifty percent (50%) of the parcel to be developed will remain open and undisturbed.
  2. Density will be determined as prescribed by the Zoning District that the parcel is located in, exclusive of any and all road right of ways.
  3. Single Family Cluster Housing shall be served by a water system designed to meet the standards set forth by the Planning Commission.
  4. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre.
- B. In areas meeting the above criteria the minimum yard setback, building height(s), and minimum floor area shall remain in full effect as outlined in the General Regulations and Zoning District that the parcel is located.
- C. In reviewing the plans and approving the application of this section to a particular site, the Planning Commission shall require that all drives access the interior road(s) of the development and that same be approved by the Manistee County Road Commission (MCRC), Board of Commissioners, or by the Michigan Department of Transportation (MDOT) District Manager and said access points shall meet all other standards set forth by MCRC or MDOT.
- D. In submitting a proposed layout under this section, the sponsor of the development shall include with the site plan:
  1. Typical building elevations and floor plans.
  2. Computations relative to the overall development.
  3. Computations of individual units/lots with acreage/square footage (to also include road frontages per unit/lot).
  4. Computations of density, open space, and easements i.e.: drainage, right-of-way, and utilities.
  5. All other information relevant to the development.
    - a. Site plans submitted under this option shall be accompanied by the information regarding the following:
      1. The proposed manner of holding title to open land.
      2. The proposed method of regulating the use of open land.
      3. The proposed method of maintenance of property and financing thereof.
    - b. All land not intended to be conveyed to individual dwelling units/lots shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and shall be approved by the Township Attorney to assure the following:
      1. Title to open space is held in common by the owners of all units/lots in the Single Family Cluster development.
      2. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of a land use permit.

Act No. 113  
Public Acts of 2011  
Approved by the Governor  
July 20, 2011  
Filed with the Secretary of State  
July 20, 2011  
EFFECTIVE DATE: July 20, 2011

**STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2011**

Introduced by Rep. Huuki

**ENROLLED HOUSE BILL No. 4746**

AN ACT to amend 2006 PA 110, entitled "An act to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 205 (MCL 125.3205).

*The People of the State of Michigan enact:*

Sec. 205. (1) A zoning ordinance is subject to the electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.

(2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

(3) An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

(4) A person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.

(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

- (a) The relationship of extraction and associated activities with existing land uses.
- (b) The impact on existing land uses in the vicinity of the property.
- (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- (e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- (f) The overall public interest in the extraction of the specific natural resources on the property.



1608. Mining, Processing, and Stockpiling of Mineral Resources

Any open pit mining for the purpose of extracting sand, gravel, or mineral shall be permitted with the following stipulations:

- A. A minimum setback of fifty (50) feet from side, front, or rear parcels lines of adjoining property and public road right-of-way. The bank must be sloped at a four (4) foot on one (1) foot drop from these lines and seeded to keep erosion at a minimum.
- B. All pits shall have a limited size area of no more than five (5) acres at one time. This area must be marked out before inspection
- C. Pit expansion shall require the following regulations before an expansion permit shall be issued
  1. Used portion of pit adjoining property lines or road right-of-ways must be sloped and seeded as stated in paragraph A of this section.
  2. The base or bottom of a pit is to be kept reasonably flat.
  3. All waste piles or holes shall be reasonably leveled.
  4. Pit expansion shall be limited to the same size as stated in Section 1609 B.
- D. No pit shall be allowed to go the depth as to where it would contaminate the water table.
- E. All pits must be posted with warning or danger signs no less than two hundred (200) feet apart around the pit area.
- F. All pits must have either a snow-type fence or sand, dirt, or gravel berms approximately four (4) feet high, pushed up within one hundred (100) feet of the bank edge on the used portion of the pit. In addition to the berms, evergreen trees that are six (6) feet in height and two (2) rows of four (4) foot staggered must be planted.
- G. All pits that are or have been abandoned for twelve (12) consecutive months will need a renewal permit to re-establish operation.
- H. Mining, processing, and stockpiling of mineral resources will not be permitted in the Residential District R-2 and the Forest and Recreation District.
- I. These regulations and/or any state or federal regulations will apply to past, present, or future pits with the passage of this Ordinance
- J. A performance guarantee shall be required of the applicant.
- K. Hours of operation are limited to 7 a.m. to 7 p.m.

1609. Shooting Range and Hunting Preserve

For a shooting range and hunting preserve, the following provisions shall apply:

- A. The minimum parcel size shall be one hundred sixty (160) acres.
- B. The setback area shall contain conifer plantation and/or earth berms to create a sight, sound, and safety barrier adequate for the location as determined by the Planning Commission.
- C. The operation shall comply with all federal, state, and local statutes and regulations and accepted design and safety standards including installation of a bullet trap in the target(s) area including but not limited to PA 451 of 1994, as amended (being the Public Shooting and Hunting Grounds, Private Shooting Preserves, Hunting Area Control parts of the Michigan Natural Resources and Environmental Protection Act, MCL 324.41501 *et seq.*, 324.41701 *et seq.*, 324.41901 *et seq.*, and 324.43501 *et seq.*).
- D. Hours of operation shall be between 8 a.m. and dusk for target practice (including skeet) and shooting ranges. Hours of operation shall be the same as required by the administrative rules promulgated under PA 451 of 1994, as amended (being the Hunting and Fishing Licenses part of the Michigan Natural Resources and Environmental Protection Act, MCL 324.43501 *et seq.*) for hunting.

1610. Junkyards

It shall be unlawful for any junkyard to accept business or to do business unless it is:

- A. Permitted under the Cleon Township Zoning Ordinance in effect for the area by land use permit, Special Use Permit, and/or certified as a non-conforming use;
- B. Meets all of the following conditions:
  1. Has a Michigan Sales Tax license;
  2. If applicable to the junkyard in question, has records of sales and other transactions which are required by PA 350 of 1917, the Secondhand Dealers and Junk Dealers Act, being MCL 445.401, *et seq.* as amended;
  3. If applicable to the junkyard in question, has a valid Class C (used vehicle parts dealer) license issued by the Michigan Department of State, under MCL 257.1 *et seq.*, as amended.
- C. Is constructed, designed, and operated according to all of the following standards:
  1. It is screened from view of all roads and from all adjacent parcels by means of an opaque fence or earth berms no less than eight (8) feet in height, or another form of screening, or a combination of the above;

2. It is set back from parcel boundaries at least one hundred (100) feet, and is set back one hundred (100) feet from all road right-of-way or one hundred thirty three (133) feet from the centerline of any road, whichever is greater;
  3. It is designed and operated so that noise abides by the rules and regulations of the Cleon Township Anti-Noise and Public Nuisance Ordinance.
  4. It is operated so that burning or incineration of junk or any other material does not result in smoke;
  5. It is designed and operated to meet or exceed all applicable state and federal air pollution, surface, and ground water quality standards, and otherwise is in compliance with all other state and federal laws intended for the protection of the environment or the protection of the public health, safety, welfare, and morals.
  6. It complies with PA 219 of 1966, the Control of Junkyards Adjacent to Highways Act, being MCL 252.201 *et seq.* as amended; PA 350 of 1917, the Secondhand Dealers and Junk Dealers Act, being MCL 445.401, *et seq.* as amended; the Solid Waste Management Act; and if applicable, PA 300 of 1949, Michigan Vehicle Code being MCL 257.1 *et seq.*, as amended.
  7. No part of it is a landfill, as defined in the Solid Waste Management Act, even as an accessory function or use of the junkyard.
  8. It is more than one thousand (1000) feet from a school, campground, or park.
  9. It is not otherwise adverse to the public health, safety, welfare, and morals of the Township.
- Any licensed junkyard in business in the Township at the time of enactment of this Ordinance shall abide by the rules and regulations in the Cleon Township Junk Ordinance.

1611. Golf Courses

- D. The location of a golf course shall front on or have public access to an existing state or county road.
- E. The site area shall be sixty (60) acres or more for a nine (9) hole course, and one hundred and twenty (120) acres or more for an eighteen (18) hole course.
- F. All principal and accessory buildings, structures, and parking areas shall be not less than forty (40) feet from any road right-of-way, and not less than two hundred (200) feet from any adjoining property line.
- G. The site shall be screened by open structure wooden or woven wire fences along all adjoining property lines, except along the road right-of-way. The fencing shall be a minimum of forty six (46) inches in height but shall not exceed six (6) feet in height. The screening may consist of shrubs and/or trees, alone or in combination with structural screens. This requirement may be waived if the proprietor submits written waivers from adjoining property owners.

1612. State Licensed Residential Child and Adult Care Facilities

State licensed child and adult care facilities, as defined in Article 5: Definitions, are allowed within a residential structure only as provided for in the following table:

TYPE OF FACILITY	ZONING DISTRICT		
	RESIDENTIAL R-2	AG-PRESERV, RURAL-RESIDENTIAL R-1	FOREST AND RECREATION
Adult foster care family home (6 or fewer adults)	Permitted	Permitted	Not permitted
Adult foster care small group home (12 or fewer adults)	Special Use	Special use	Not permitted
Adult foster care large group home (13-20 adults)	Not permitted	Special use	Not permitted
Foster family home (4 or fewer children 24 hrs/day)	Permitted	Permitted	Not permitted
Foster family group home (5-6 children 24 hrs/day)	Special use	Permitted	Not permitted
Family day care home (6 or fewer children less than 24 hrs/day)	Permitted	Permitted	Not permitted

Group day care home (7-12 children less than 24 hrs/day)	Special use	Special use	Not permitted
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Permitted: Permitted by right.

Special use: May be allowed upon review and approval of a Special Land Use Permit, in accordance with the general and specific standards of Article 16: Special Use Specific Standards.

Not permitted: Not allowed in zoning district.

1613. Churches and Temples

- A. The lot area is at least five acres.
- B. The area within the lot under active use shall be located a minimum of fifty (50) feet from any agricultural cropland with an active spraying schedule.
- C. The minimum lot width shall be three hundred (300) feet.
- D. The minimum front, side, and rear setbacks of the principal church structure shall be fifty (50) feet.
- E. The site shall front on or have public access to an existing state or county road.
- F. All parking areas shall be behind the actual front setback of the principal structure and not closer to any adjacent property line than thirty (30) feet.
- G. A buffer shall be required by the Planning Commission to screen the bulk of activity on the site from the view or hearing of adjacent residential users.

**1614 COMMERCIAL WIND ORDINANCE**

**PURPOSE AND INTENT**

The purpose of this Article is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities [Wind Energy Facilities] in Cleon Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

**Zoning**

A Wind Energy Facility may be constructed on land that is zoned Agricultural and Rural Residential District R-1.

**GENERAL REQUIREMENTS**

A. ACCESS: All ground mounted electrical and control equipment or structures shall be labeled and secured to prevent unauthorized access. All anemometer and WECS towers shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above the ground. Lattice-type or guyed towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; The Planning Commission or Zoning Administrator may waive such requirements as it deems necessary.

B. ACCESS ROADS: A private road or drive shall be constructed according to applicable Zoning Ordinance requirements Fire Hazards and Emergency Vehicle Access, Clear Vision Corners, and Access Management. Such regulations or standards provide for adequate access, egress, and protection of emergency service vehicles and personnel. Further regulations may restrict construction of private drives or roads in environmental areas such as those in identified wetlands or steep slopes. These standards apply to all single-Tower community WECS designed primarily to supply the power grid, multi-tower Community WECS or Utility Grid WECS, and to other WECS in similar areas.

C. APPEARANCE, COLOR, AND FINISH: The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless an alternative is approved in the building permit. For Multi-Tower Community and Utility Grid WECS, all towers will be a uniform color and finish. All outer finishes of wind generators and towers shall be kept in quality appearance as determined by the Zoning Administrator and/or Planning

Commission.

D. BLADE CLEARANCE: For towers 200 feet or greater in height, blade clearance shall conform to the manufacturer's standard. For towers of less than 200 feet in height or for any towers without a manufacturer's standard, blade clearance shall be no less than 15 feet from ground level and a safe distance from walkways and common areas.

E. BRAKING SYSTEM: All WECS shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components.

F. CONSTRUCTION CODES: TOWERS, & INTERCONNECTION STANDARDS: All WECS shall comply with all applicable state construction and electrical codes and local building permit requirements. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards. All On-site WECS expected to engage in net-metering or some version of a feed-in tariff, Utility Grid WECS, and Community WECS will comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. All Off-grid WECS are exempt from compliance with MPSC and FERC requirements.

All WECS shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations, as amended or succeeded.

G. DISCONTINUATION AND DECOMMISSIONING: A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Cleon Township Zoning Administrator or Planning Commission outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to a depth of three feet below ground level within 90 days of the discontinuation of use. The energy system operator is required to notify the township zoning administrator or the planning commission when energy production has ceased for a period of one year for each individual wind turbine.

Each Single-Tower Community WECS designed primarily to supply energy to the power grid, Multi-Tower Community WECS or Utility Grid WECS shall have a decommissioning plan outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a third-party qualified professional, such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning.

The owner or operator of a single-tower Community WECS designed to primarily supply energy to the power grid, a multi-tower Community WECS or Utility Grid WECS shall post with the Planning Commission or Zoning Administrator as escrow agent sufficient funds in an amount equal to the gross decommissioning costs as determined by the cost estimates made by the third party qualified professional. Decommissioning funds may be in the form of a performance bond, surety bond, or other form of financial assurance as may be acceptable to the Planning Commission or Zoning Administrator. If the owner/operator indicates an intention to restart the system, the decommissioning process may be extended at the discretion of the Planning Commission or Zoning Administrator

H. DISPOSAL OF HAZARDOUS MATERIALS: All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.

I. ENVIRONMENTAL AND PROTECTION: For WECS requiring a Land Use Permit, site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to those specified in the Cleon Township Zoning Ordinance, Regulation of Environmentally Sensitive Areas. Other such areas may include but are not limited to: major wildlife and avian migratory corridors, wilderness areas, national parks, and wildlife refuges.

J. GUY WIRES: For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground.

K. LIGHTING: No portion of any WECS shall be lighted except to be in compliance with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations, as amended or succeeded. The minimum FAA lighting standards shall not be exceeded. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.

L. MAINTENANCE FACILITY: A WECS may include a maintenance facility for storing trucks, service equipment, spare parts, lubricants, and other supplies. The maintenance facility may be located on- or off-site. Turbine control and maintenance functions may be in one building. Maintenance facilities shall conform to all setbacks, structure limitations, access and other zoning provisions contained within the township zoning ordinance.

M. MAXIMUM TOTAL WECS HEIGHT: The total height of a wind turbine shall be measured from the ground to the tip of the blade at the highest point. Generally, the total height shall be limited to 350 feet from existing grade unless modification of this maximum height is approved. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Public Act 259 of 1959) and FAA guidelines as part of the approval process.

N. SOUND LEVELS (MAXIMUM): This section applies only to Mounted WECS, On-site WECS and single-tower Community WECS. Where an adjacent parcel contains a residential use, school, hospital, or park, the sound produced by a WECS may not exceed the ambient sound level that exists at the property line or lease unit boundary. Where no adjacent parcel contains a residential use, school, hospital, or park, the maximum sound level may be the ambient sound level plus 5 dB(A) on a consistent basis at the property line or lease unit boundary.

O. OTHER DESIGN REQUIREMENTS: No WECS shall be used for displaying any advertising except for identification of the turbine manufacturer and shall be limited to the same square footage requirements contained in the township sign ordinance.

P. POST-CONSTRUCTION PERMITS: Construction Codes, Towers, and Interconnection standards shall comply with all applicable state construction and electrical codes and local building permit requirements.

Q. SETBACK FOR ON-SITE WECS AND SINGLE-TOWER COMMUNITY WECS: From adjoining property lines, road right of ways or other right of ways, including but not limited to easements for utilities, natural gas & oil pipelines and private driveways: 1 ½ times the total height of the structure fall zone distance from the property line or lease unit boundary. From environmentally sensitive areas (bird habitats, wetlands, etc.): 1 ½ times the radius of the fall zone. The Planning Commission may adjust the setback upward or downward before approval of the WECS application following consideration of environmental analysis and proposed mitigation effects.

R. SETBACK FOR MULTI-TOWER COMMUNITY WECS AND UTILITY GRID WECS in addition to requirements stated in above section Q, will be equal to three times the height of the turbine from the nearest occupied structure. This distance may be reduced at the discretion of the Zoning Administrator or Planning Commission if the owner/operator can demonstrate within the sound modeling and analysis report that sufficient sound mediation measures will be taken such that the sound level at the property line or lease unit boundary does not exceed 55 DB(A). At no time will a turbine be sited closer to the property line or lease unit boundary than 1 ½ times the total height of the fall zone.

S. SETBACK FOR ANEMOMETER TOWER including guy wires, if applicable, shall be the greater distance of the following:

1. The setback from property lines of the respective zoning district;

2. The setback from the road right-of-way; and

3. A distance equal to the height of the tower from property lines or from the lease unit boundary, whichever is less.

T. SIGNAGE: WECS shall have only one sign, not to exceed two (2) square feet in area posted at the base of the tower and on a security fence if applicable. The sign shall contain a) Warning of high voltage, b) Manufacturer's and owner/operator's name, and c) Emergency contact numbers.

U. SIGNAL INTERFERENCE: Operation of a WECS shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems. . .

V. SURVIVAL SPEED: Neither the turbine nor tower shall be erected unless the survival speed as certified by the manufacturer is more than 90 mph as stated by the manufacturer.

W. UTILITIES: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee published standards to prevent avian mortality.

X. UTILITY NOTIFICATION: No WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. If a WECS is connected to a public utility for net-metering or feed-in tariff purposes, the owner/operator will need an interconnection agreement with the local utility prior to operation. Off-grid systems shall be exempt from this requirement. under, whichever is less.

#### **PERMIT APPLICATION AND SITE PLAN REVIEW REQUIREMENTS**

A. Special Use permit requirements for all WECS. Site Plan Review will not be initiated until all permits from applicable federal, state, and/or local regulatory bodies as specified in this ordinance have been obtained. This section applies only to those WECS and anemometers requiring any special land use permit. When applying for any Special Land Use Permits, the applicant shall show compliance with all other applicable standards in the Cleon Township Zoning Ordinance, i.e., Article III General Regulations (private driveways and roads), each respective Zoning District within which the project is located. In addition to the requirements specified in those sections, site plans for WECS are required.

1. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
2. Proof of the applicant's public liability insurance for the project.
3. A copy of that portion of the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of the property(ies), Lease Unit(s); and the site plan showing the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
4. Phases, or parts of construction, along with a construction schedule.
5. The project area boundaries including lease unit boundaries.
6. The location, grades, average cross section and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
7. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.

8. All wind turbines and anemometers will have a recorded GPS location, with each individual structures ID number, date of installation, total height and anticipated life span. This data shall be provided to the township in a spreadsheet digital format.

B. For Utility Grid Wind Energy Systems only:

1. A copy of a sound modeling and analysis report. The site plan also shall show locations of equipment identified as a source of sound, how that equipment is placed, and the sound levels based on the analysis, so that the wind energy system will not exceed the maximum permitted sound levels. The sound modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
2. A copy of an Environmental Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
3. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
  - a. Sites requiring special scrutiny include wildlife refuges, other areas where birds and/or bats are highly concentrated, such as wooded ridge tops that attract birds and bats, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
  - b. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted
4. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
5. A second site plan, which includes all the information found in Section XIV of this Ordinance, and shows the Discontinuation and Decommissioning plan for the site after completion of the project which includes the following supporting documentation:
  - a. The anticipated life of the project.
  - b. The estimated decommissioning costs net of salvage value in current dollars.
  - c. The method of ensuring that funds will be available for decommissioning and restoration.

d. The anticipated manner in which the project will be decommissioned and the site restored.

6. A copy of the Operations and Maintenance Plan.

7. A compliance summary showing how the project will comply with all of the requirements of the relevant federal, state, and/or local regulatory agency requirements.

8. A description of the traffic logistics associated with transportation and construction of the WECS components and equipment including:

Construction transport routes

Intersection reconstruction

Restoration of roads, curbing, culverts, signage, land features, buildings or other infrastructure.

Construction timetable

Description of at least one alternative transport route and the rationale for the one chosen.

A. description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process must include the option to use an independent mediator or arbitrator and shall include a time limit by which the applicant will act on a complaint. The process shall not preclude the local government from acting on a complaint. During construction and operation, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

The final determination of whether a third-party qualified professional has the necessary neutrality to provide a reliable analysis of the relevant professional area under consideration shall be at the discretion of the Zoning Administrator or the Planning Commission. Every attempt should be made to assure that the qualified professional be a resident of Michigan or an employee of a Michigan firm in order to promote and support the Michigan economy.

A copy of a microwave analysis of possible interference with aeronautic and/or communication signals.

**1615. SOLAR FARMS:** Solar farms shall be permitted in R1 and agriculture districts as a special use except in the locations of those districts that are encompassed within the Natural Beauty Overlay District. Solar farms must conform to the following regulations:

A. Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 8 feet.

B. Appropriate warning signage shall be posted at the site in a clearly visible manner in accordance with the Cleon Township sign ordinance.

C. On-site power lines shall, to the maximum extent practicable, be placed underground.

D. Solar farms shall adhere to the setback, height, and coverage requirements of the district that they located. In addition to property line setbacks, setbacks from easements shall be observed, including but not limited to utility easements, road and private drive easements, underground oil and natural gas pipe lines.

E. Glare: Solar panels shall be placed and arranged such that the solar radiation or glare shall not be directed unto adjacent buildings, properties or roadways.

F. Appearance Color and Finish: The solar farm facility and accessory equipment shall remain painted or finished the



color or finish that was originally applied by the manufacturer, unless an alternative is approved in the building permit. All outer finishes shall be kept in quality and uniform appearance as determined by the Zoning Administrator and/or Planning Commission.

G. Vegetation maintenance: It is encouraged to keep solar farms as green as possible and the planting of ground cover is encouraged. All vegetation within the project area shall be maintained to a reasonable height as not to interfere with the solar collectors.

H. The following requirements shall be met for permit applications:

- 1) A descriptive plot plan including setbacks, panel sizes, locations of property lines, buildings and road right of ways.
- 2) No solar farms shall be installed until evidence has been given to the Planning Commission or Zoning Administrator that the electric utility company has been informed of the intent to install the solar farm.
- 3) An affidavit or evidence of agreement between the property owner and the facility's owner or operator that the operator has permission of the property owner to apply for necessary permits for the construction and operation of the solar farm.
- 4) Any other relevant studies, report, certificates and approvals as may be reasonably requested by the Planning Commission or Zoning Administrator, including but not limited to design review

I. The following requirements shall be met for decommissioning:

- 1) Solar farms that have not been in active and continuous service for a period of 1 year shall be removed at the owners or operators expense. The Township shall be notified by the operator when a solar farm ceases to be active
- 2) The site shall be restored to as natural condition as possible within 6 months of the removal.
- 3) The owner or operator of a solar farm shall post with the Planning Commission or Zoning Administrator as escrow agent sufficient funds in an amount equal to the gross decommissioning costs as determined by the cost estimates made by the third party qualified professional. Decommissioning funds may be in the form of a performance bond, surety bond, or other form of financial assurance as may be acceptable to the Planning Commission or Zoning Administrator. If the owner/operator indicates an intention to restart the system, the decommissioning process may be extended at the discretion of the Planning Commission or Zoning Administrator.

J. Post construction permits: Construction Codes and Interconnection standards shall comply with all applicable state construction and electrical codes and local building permit requirements.

K. Complaint Resolution: A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process must include the option to use an independent mediator or arbitrator and shall include a time limit by which the applicant will act on a complaint. The process shall not preclude the local government from acting on a complaint. During construction and operation, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. The final determination of whether a third-party qualified professional has the necessary neutrality to provide a reliable analysis of the relevant professional area under consideration shall be at the discretion of the Zoning Administrator or the Planning Commission. Every attempt should be made to assure that the qualified professional be a resident of Michigan or and employee of a Michigan firm in order to promote and support the Michigan economy.

L. The following requirements are above and beyond those required to be met under Article 86 of this Zoning Ordinance, and should not take the place of any required information or actions outlined as necessary within the individual Zoning District in which the Solar Farm will be established.

M. Buffers are required to proficiently screen Solar Farms from neighboring uses. The buffering should be sufficient to create visual obstruction onto the site from neighboring properties. The screening can be in the form of landscaping and/or earthen berms. Landscaping chosen should be sufficient to block visual site line during all seasons of each calendar year. The height of such screening shall be determined on a project by project basis taking into account neighboring land uses, zoning and the site requirements contained within as well as existing site conditions. Screening can consist of natural vegetation currently located on the site for the proposed development as long as it is proficient enough to meet the requirements of this section, and is identified as a "no-touch" zone on the site plan.

ARTICLE 18: LAND USE DISTRICT

1801. Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map and is hereby adopted and incorporated by reference and declared to be a part of this Ordinance:

- A. Rural-Residential District R-1
- B. Agricultural-Preservation
- C. Forest and Recreation
- D. Residential R-2
- E. Natural Beauty Road Overlay

1802. Provision for Official Zoning Map

For the purpose of this Ordinance the zoning districts as provided in Section 1801 of the Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Cleon Township", a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this Ordinance by reference.

1803. Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Cleon Township", together with the effective date of this Ordinance.

1804. Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of PA 184 of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Supervisor promptly after the amendment authorizing such change shall have been adopted and published.

1805. Authority of Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Cleon Township Hall shall be the final authority as to the current zoning status of any land, parcel, district, use, building, or structure in the Township.

1806. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made, the Township Board may by resolution authorize the transcribing and drawing of a duplicate official zoning map which shall supersede the prior Official Zoning Map. The duplicate Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the Prior Official Zoning Map. The duplicate Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Cleon Township duplicated on \_\_\_\_\_ which replaces and supersedes the Official Zoning Map which was adopted on \_\_\_\_\_."

1807. Rules of Interpretation

Where uncertainly exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a road, alley, or easement shall be construed as following such line.
- B. A boundary indicated as approximately following a recorded parcel line or a property line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a village or township shall be construed as following such line.
- D. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
- E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- F. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.

- G. A boundary indicated as parallel to, or an extension of, a feature indicated in Paragraphs A through F above shall be so construed.
- H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by Paragraphs A through H above, or question in interpreting Paragraphs A through H above, the Zoning Board of Appeals shall interpret the zoning district boundary.

1808. Application of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings, and structures throughout each district. Where there are practical difficulties or unnecessary hardship in the way of this Ordinance, the Zoning Board or Appeals shall have power in passing upon appeals to vary or modify any rules, regulations, or provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured, and substantial justice done.

## ARTICLE 30: AGRICULTURAL-PRESERVATION DISTRICT

### 3001. Purpose

The intent of this district is to provide for areas which are suited for the production of food or plant fiber to be retained for agricultural production, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and deplete essential agricultural lands and their productivity.

### 3002. Permitted Uses:

#### A. Dwelling

1. Accessory buildings to the dwelling
2. Home occupation See Article 10, Section 1022
3. Parking for currently licensed automobiles

#### B. Agriculture

1. Dwellings, duplexes, and apartment buildings for the owners, operators, and employees of the farm
2. Accessory buildings to the single family dwelling
3. Home occupation
4. Roadside stands
5. Crops and livestock of the farm operation
6. Storage building

### 3003. Special Uses

- A. Agricultural services [07]
- B. Non-metallic minerals [14] except chemical and fertilizer minerals [147]
- C. Accommodations including bed and breakfast establishments
- D. Fishing, hunting, and trapping [09] except commercial fishing [091]
- E. Single family cluster housing
- F. Second dwelling on a parcel
- G. Communication towers
- H. Shooting ranges and hunting preserves
- I. Adult foster care small group home
- J. Adult foster care large group home
- K. Group day care home
- L. Mining, processing, and stockpiling of mineral resources
- M. Post office
- N. Livestock feedlot
- O. Solar Farms

### 3004. Regulations and Standards

The following regulations shall apply to all permitted uses and special uses in this district:

- A. Minimum parcel size: No building or structure shall be established on any parcel less than five (5) acres.
- B. Minimum parcel width: Parcel width shall be no less than three hundred thirty (330) feet and it shall front on a public road.
- C. Minimum setback from street or road: The minimum front setback shall not be less than fifty (50) feet from the front property line, or eighty-three (83) feet from the centerline of the road, whichever is greater.
- D. Minimum setback for side yards: The minimum side yard setback shall not be less than thirty (30) feet.
- E. Minimum setback for rear yards: The minimum rear yard setback shall not be less than thirty (30) feet.
- F. Dwelling size: No dwelling shall be constructed which contains less than nine hundred (900) square feet of living area and is less than twenty-four (24) feet wide. Except in the case of single wide manufactured homes which shall not be less than fourteen by sixty eight (14' X 68') feet, no older than 15 years old at date of application, have vinyl siding as installed by manufacturer, and are HUD approved. Single wide mobile homes must also have a ten by ten (10' x 10') foot deck at front entry site and steps to meet State building codes at the rear entry point.
- G. If the only non-conformity of a parcel of land is that it fails to comply with the minimum parcel size required in a respective zoning district or fails to comply with the minimum parcel width required in a respective zoning district or both of these conditions, the Zoning Administrator may issue a land use permit for a single family dwelling and accessory building(s) without the issuance of a variance from the Zoning Board of Appeals if both of the following conditions are met:
  1. The parcel must have existed prior to November 26, 2003, 12:01 a.m. as shown by instruments in the Manistee

County Register of Deeds office.

2. All required setbacks for the respective zoning districts must be complied with.
- H. One storage building up to 8,000 (eight thousand) square feet. An additional 150 (one hundred fifty) foot front setback will be added to allow adequate setbacks for a future principal residence.

## ARTICLE 34: FOREST AND RECREATION DISTRICT

### 3401: Purpose

It is the intent of this district to preserve large areas of forest and wetland areas for recreation, watershed, and forestry purposes, to prevent spot development within these areas, to prevent the need to construct or upgrade roads, to encourage landowners to retain large acreage parcels of land for cost effective forest management purposes, to preserve the special and unique environment of the area, while at the same time providing for limited residential use of land along existing public roads, to provide a natural resource for forestry industry, recreation, and compatibility with land management programs of the Michigan Department of Natural Resources. of

### 3402: Permitted Uses

#### A. Dwelling

1. Accessory buildings to the dwelling
2. Home occupation See Article 10, Section 1022
3. Parking for currently licensed automobiles

#### B. Forestry [08]

### 3403: Special Uses

#### A. Parks

#### B. Single family cluster housing

#### C. Second dwelling on a parcel

#### D. Logging [2411]

#### E. Storage building

### 3404: Regulations and Standards

The following regulations shall apply to all permitted uses and special uses in this district:

- A. Minimum parcel size: No building or structure shall be established on any parcel less than ten (10) acres of area unbroken by any public road or thoroughfare.
- B. Minimum parcel width: Parcel width shall be no less than three hundred thirty (330) feet and it shall front on a public road.
- C. Minimum setback from street or road: The minimum front setback shall not be less than fifty (50) feet from the front property line, or eighty-three (83) feet from the centerline of the road, whichever is greater.
- D. Minimum setback for side yards: The minimum side yard setback shall not be less than thirty (30) feet.
- E. Minimum setback for rear yards: The minimum rear yard setback shall not be less than thirty (30) feet.
- F. Dwelling size: No dwelling shall be constructed which contains less than nine hundred (900) square feet of living area and is less than twenty-four (24) feet wide. Except in the case of single wide manufactured homes which shall not be less than fourteen by 68 (14' X 68') feet, no older than 15 years old at the date of application, have vinyl siding as installed by manufacturer, and are HUD approved. Single-wide mobile homes must also have a ten by ten (10' x 10') foot deck at front entry site and steps to meet State building codes at the rear entry point.
- G. If the only non-conformity of a parcel of land is that it fails to comply with the minimum parcel size required in a respective zoning district or fails to comply with the minimum parcel width required in a respective zoning district or both of these conditions, the Zoning Administrator may issue a land use permit for a single family dwelling and accessory building(s) without the issuance of a variance from the Zoning Board of Appeals if both of the following conditions are met:
  1. The parcel must have existed prior to November 26, 2003, 12:01 a.m. as shown by instruments recorded in the Manistee County Register of Deeds office.
  2. All required setbacks for the respective zoning districts must be complied with.
- H. One storage building up to 8,000 (eight thousand) square feet. In addition a 150 (one hundred fifty) foot front setback will be added to allow adequate setbacks for a future principal residence.

ARTICLE 37: RURAL-RESIDENTIAL DISTRICT R-1

3701. Purpose

The intent of this district is to provide for areas of a rural nature which because of their location and natural characteristics are suitable for a wide range of agricultural, forestry practices, and residential use.

3702. Permitted Uses

A. Dwelling

1. Accessory buildings to the dwelling
2. Home occupation See Article 10, Section 1022
3. Parking for currently licensed automobiles

B. Agriculture

1. Dwellings, duplexes, and apartment buildings for the owners, operators, and employees of the farm
2. Accessory buildings to the single family dwelling
3. Home occupation
4. Roadside stands
5. Crops and livestock of the farm operation
6. Storage building

3703. Special Uses

A. Apartment buildings

B. Duplexes

C. Health care and social assistance and state licensed facilities. Exceptions: Residential mental retardation/health facilities, community care facilities for the elderly, other residential care when such residential care is intended to include residential facilities for seven (7) or more patients, halfway homes for delinquents and offenders and persons with social or personal problems, including but not limited to prisons.

D. Public golf courses [7992]

E. Accommodations including bed and breakfast establishments [7001]

F. Building, developing, and general contracting

G. Sweetening plants

H. Outdoor recreation and parks

I. Mobile home parks

J. Agricultural services [07]

K. Fishing, hunting, and trapping [09] except commercial fishing [091]

L. Single family cluster housing

M. Non-metallic minerals [14] except commercial fishing [147]

N. Campgrounds [7033]

O. Second dwelling on a parcel

P. Communication towers

Q. Sexually-oriented businesses

R. Shooting ranges and hunting preserves

S. Junkyards

T. Mining, processing, and stockpiling of mineral resources

U. Adult foster care small group home

V. Adult foster care large group home

W. Group day care home

X. Churches, temples, and religious assembly [8661]

Y. Post office

Z. Livestock feedlot

AA. Solar Farms

3704. Regulations and Standards

The following regulations shall apply to all permitted uses and special uses in the district:

A. Minimum parcel size: No building or structure shall be established on any parcel less than five (5) acres.

B. Minimum parcel width: Parcel width shall be no less than three hundred thirty (330) feet and it shall front a public road.

C. Minimum setback from street or road: The minimum front setback shall not be less than fifty (50) feet from the front property line, or eight-three (83) feet from the centerline of the road, whichever is greater.



- D. Minimum setback for side yards: The minimum side yard setback shall not be less than thirty (30) feet.
- E. Minimum setback for rear yards: The minimum rear yard setback shall not be less than thirty (30) feet.
- F. Dwelling size: No dwelling shall be constructed which contains less than nine hundred (900) square feet of living area and is less than twenty-four (24) feet wide. Except in the case of single wide mobile homes which shall not be less than fourteen by sixty eight (14' X 68'), no older than 15 years old at date of application, have vinyl siding as installed by manufacturer, and are HUD approved. Single wide manufactured homes must also have a ten by ten (10' X 10') foot deck at front entry site and steps to meet State building codes at the back entry point.
- G. If the only non-conformity of a parcel of land is that it fails to comply with the minimum parcel size required in the respective zoning district or fails to comply with the minimum parcel width required in a respective zoning district or both of these conditions, the Zoning Administrator may issue a land use permit for a single family dwelling and accessory building(s) without the issuance of a variance from the Zoning Board of Appeals if both of the following conditions are met:
  - 1. The parcel must have existed prior to November 26, 2003, 12:01 a.m. as shown by instruments recorded in the Manistee County Register of Deeds Office.
  - 2. All required setbacks for the respective zoning districts must be complied with.
- H. One storage building up to 8,000 (eight thousand) square feet. An additional 150 (one hundred fifty) foot front setback will be added to allow adequate setbacks for a future principal residence

ARTICLE 40: RESIDENTIAL DISTRICT R-2

4001. Purpose

It is the intent of this district to provide for more densely developed neighborhoods for residential and certain controlled immediate area retail and service businesses, to promote a compatible arrangement of land uses for homes, and to keep neighborhoods relatively quiet and free from detrimental uses.

4002. Permitted Uses

Dwelling

- A. Accessory buildings to the dwelling
- B. Home occupation See Article 10, Section 1022
- C. Parking for currently licensed automobiles

4003. Special Uses

- A. Apartment buildings
- B. Duplexes
- C. Health care and social assistance and state licensed facilities. Exceptions: Residential mental retardation/health facilities, community care facilities for the elderly, other residential care when such residential care is intended to include residential facilities for seven (7) or more patients, halfway homes for delinquents and offenders and persons with social or personal problems, including but not limited to prisons.
- D. Parks
- E. Second dwelling on a parcel
- F. Adult foster care small group home
- G. Foster family group home
- H. Group day care home
- I. Single family cluster housing
- J. Bed and breakfast establishment

4004. Regulations and Standards

The following regulations shall apply to all permitted uses and special uses in this district:

- A. Minimum parcel size: No building or structure shall be established on any parcel less than one (1) acre.
- B. Minimum parcel width: Parcel width shall be no less than one hundred fifty (150) feet and it shall front on a public road.
- C. Minimum setback from street or road: The minimum front setback shall not be less than fifty (50) feet from the front property line, or eighty-three (83) feet from the centerline of the road, whichever is greater.
- D. Minimum setback for side yards: The minimum side yard setback shall not be less than ten (10) feet.
- E. Minimum setback for rear yards: The minimum rear yard setback shall not be less than twenty (20) feet.
- F. Dwelling size: No dwelling shall be constructed which contains less than nine hundred (900) square feet of living area and is less than twenty-four (24) feet wide.
- G. If the only non-conformity of a parcel of land is that it fails to comply with the minimum parcel size required in a respective zoning district or fails to comply with the minimum parcel width required in a respective zoning district or both of these conditions, the Zoning Administrator may issue a land use permit for a single family dwelling and accessory building(s) without the issuance of a variance from the Zoning Board of Appeals if both of the following conditions are met.
  - 1. The parcel must have existed prior to November 26, 2003, 12:01 a.m. as shown by instruments recorded in the Manistee County Register of Deeds office.

All required setbacks for the respective zoning districts must be complied with.

## ARTICLE 42: NATURAL BEAUTY ROAD OVERLAY DISTRICT

### 4201. Purpose

In accordance with Natural Resources and Environmental Protection Act 451 of 1994, Part 357, Natural Beauty Roads, as amended, three and three tenths (3.3) miles of Valencourt Road from Yates Road to Litzen Road/M-115 in Cleon Township have been designated a Natural Beauty Road by the Manistee County Road Commission in September, 2002. The purpose of this designation is to protect, preserve, and enhance in a natural, essentially undisturbed condition, the native vegetation and other natural features within or associated with the right-of-way, for use and enjoyment of local residents and the public in general. This overlay district will balance growth and development with preservation and conservation and balance roadside safety with aesthetics.

### 4202. Special Natural Features to be Preserved, Protected, and Enhanced

- A. Tunnel of Trees: A canopy of mature hardwoods such as maple and beech, shade much of the narrow, hilly gravel road and provide scenic beauty throughout the year. Spring ephemerals and other native wildflowers, ferns and grasses form a groundcover below.
- B. Rural Character: Large tracts of forest interspersed with conifer plantations, farm fields, and wetlands currently line the roadside. The large majority of properties consist of twenty (20) acres or more.
- C. Wildlife Habitat: The mix of forests, fields, and wetlands as well as sparse development provides shelter, food, and cover for a diverse population of wildlife.
- D. Wetlands: Wetlands exist on both sides of Valencourt Road east of Yates Road and are critical to maintaining good water quality of nearby Second and Third Creeks, part of the headwaters of Bear Creek. Other benefits include groundwater recharge and purification and scenic views of plant and animal life. Wetlands that are drained and filled can no longer serve their vital functions.

### 4203. Regulations and Standards

- A. This Natural Beauty Road Overlay District is presently zoned Rural-Residential and Agricultural-Preservation. This overlay district shall regulate a corridor two hundred thirty three (233) feet from the center of the road and extending out on both sides.
- B. There shall be an eighty-three (83) foot green belt from the center of the road and extending out on both sides of natural vegetation to be maintained in natural condition.
- C. There shall be a one hundred eight (108) foot setback from the center of the road and extending out on both sides for buildings.

### 4204. Recommendations to be Followed Whenever Possible

- A. Tree and vegetation clearing for road safety, driveways, utilities, buildings, and other purposes shall be kept to a minimum so as to preserve the greenbelt and scenic character of the roadway and overlay area.
- B. Locations of driveways must comply with safety requirements of the Manistee County Road Commission, especially where curves, hills, and hidden views are present.
- C. Light pollution shall be kept to a minimum by directing outdoor lighting to the ground and away from the sky and surrounding properties through the use of shades or baffles.
- D. Signage shall be kept to a minimum so as to blend in with the rural character of the road. The use of natural materials such as wood and stone are encouraged.
- E. Whenever possible, the use of native plant material shall be utilized to preserve the integrity of the natural ecosystem.

### 4205 Maintenance Practices

- A. Natural Beauty Roads should receive the same level of maintenance performed on the road prior to designation, as long as the character of use and development of the road does not change to the extent that a higher degree of maintenance is necessary and as long as the level of maintenance performed is not inconsistent with the provisions of the Natural Resources and Environmental Protection Act 451 of 1994, Part 357, Natural Beauty Roads, as amended.
- B. Mowing should be continued where done previously, but should be limited to one (1) swath, maximum of five (5) feet, on either side as follows:
  - 1. On one-lane trail or dirt roads, mowing should be immediately adjacent to the tracks.

## ARTICLE 80: NONCONFORMITIES

### 8001. Purpose

Within the districts established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcels, lots, buildings, and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under this Ordinance. These uses are referred to as nonconformities and may continue until they are discontinued, damaged, or removed but are not encouraged to survive. 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. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, or extended except as provided herein nor to be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings, and structures prohibited elsewhere in the same district.

### 8002. Regulations

No nonconforming uses of land shall be moved in whole or in part to any other portion of the same parcel, or to a different parcel, not occupied on the effective date of this Ordinance, or amendment thereto, except as provided in Section 8003.

### 8003. Extensions

A nonconforming structure and use may not be added to, extended, moved, reconstructed, structurally altered, or expanded during its life; and a nonconforming parcel may not be used or built upon; except for any one or combination of the following and subject to the following restrictions:

- A. If the nonconformity land use is a use which is not otherwise allowed in the zoning district; then the use and structures upon which the use is associated shall not be expanded more than fifty (50) percent in size, hours of operation, level of service, or any other extension, which exists at the time of adoption of this Ordinance. Under no condition shall the parcel be expanded and the use be expanded to a contiguous parcel.
- B. If the nonconformity is that the parcel is too small and already has existing uses and structures, then the structures shall not be expanded more than spatially possible while such expansion shall comply with all applicable setback regulations in this Ordinance. Any expansions of the structure shall comply with all other provisions of this Ordinance. There shall be no more than one (1) dwelling unit on a parcel. The only exception is Article 16: Special Use Specific Standards, Section 1605. Second Dwelling on a Parcel. Nothing here is intended to prevent the acquisition of adjacent land to bring the parcel into compliance, or to lessen the nonconformity if the use is permitted in the zoning district.
- C. If the nonconformity is that the parcel is too small and the parcel is vacant; then a use or structure shall not be permitted unless contiguous land is added to the parcel to make the parcel large enough, except:
  1. It is documented by the applicant that contiguous land or enough contiguous land cannot be purchased at a reasonable price, and
  2. The parcel is large enough to accommodate required well and septic as determined by the Manistee County Health Department, and
  3. The nonconforming parcel was not created by division, which does not comply with both the zoning ordinance in effect at the time of the division and this Ordinance.There shall be no more than one (1) dwelling unit on a parcel. The only exception is Article 16: Special Use Specific Standards, Section 1605. Second Dwelling on a Parcel.
- D. If the nonconformity is that the structure is too small, then the use shall not be expanded more than fifty (50) percent in hours of operation, level of service, or other similar extension than what exists at the time of adoption of this Ordinance. Nothing here is intended to prevent any amount of addition to the size of the structure, if:
  1. The size of the structure is the only nonconforming use, and
  2. The addition results in the structure being in full compliance, or as a second choice closer to compliance.

### 8004. Repairs and Maintenance

Nothing in this Ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of nonconforming buildings, structures, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the PA 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 *et seq.*, relative to the maintenance of buildings or structures; provided, however, that the cost of such repair, reinforcement, improvements, rehabilitation, or compliance shall not exceed sixty (60) percent of the replacement value of such building at the time such work is done; and provided,

further, there shall be no change of use which would expand the nonconforming use of such building at the time such work is commenced; and provided, further, there shall be no change of use of said building or part thereof.

**8005. Building Damage**

- A. No building damaged by fire, act of God, or other causes to the extent that the damage is more than seventy-five (75) percent of its true cash value shall be repaired or rebuilt except in conformity with the provisions of this Ordinance.
- B. Reconstruction, repair, or restoration of the original use shall be completed within one (1) year following the damage and resumption of use takes place within ninety (90) days of completion. The Planning Commission may grant an extension if it finds one of the following conditions exists:
  1. The delay is unavoidable due to weather;
  2. The delay is a result of a criminal investigation;
  3. The delay is a result of an insurance settlement in dispute; or
  4. The property is being held in probate.

**8006. Completion**

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the actual, substantial construction of which was commenced prior to the passage of this Ordinance or any amendment thereto, and the construction of which shall have been completed within twelve (12) months after said date of adoption or amendment.

**8007. Non-Use**

Any building, structure, or land that has been used for nonconforming purposes but which has not been occupied by such nonconforming use for one (1) year or more shall not thereafter be used unless it conforms to the provisions of this Ordinance. The Planning Commission for any one of the following reasons may grant an extension:

1. Criminal investigation;
2. Insurance settlement in dispute; or
3. Property held in probate.

**8008. Historic Buildings**

A variance to Section 8003. B and D of this Ordinance to expand and replace nonconforming buildings may be granted by the Planning Commission if the proposed expansion or replacement is an enhancement of a historic district, building, or adjacent historic building.

**8009. Change of Tenancy or Ownership**

There may be change of tenancy, ownership, or management of an existing nonconforming use, building, or structure, provided there is no change in the nature or character of such nonconforming use, building, or structure.

**8010. Nonconforming Special Uses**

- A. There are uses which were in effect immediately prior to this Ordinance which are not permitted uses under this Ordinance. Of those uses, there are some which are listed as potential special uses. Those existing uses, which were permitted uses, and are listed as special uses in this Ordinance, shall not be considered nonconforming uses.
- B. Those uses, or parts of uses, which exist immediately prior to this Ordinance, and are listed as special uses in this Ordinance shall be considered to be an approved existing special use with the configuration shown on a site plan drawn to reflect how the use exists at the time of adoption of this Ordinance. Parts of uses, which are nonconforming immediately prior to the adoption of this Ordinance, shall continue to be nonconforming under this Ordinance. A permit in existence pursuant to this subsection shall be known as a Pre-existing Special Use Permit.
- C. An owner of a Pre-existing Special Use Permit may, at no charge to the owner, obtain from the Planning Commission a certification of a site plan reflecting how the use exists at the time of adoption of this Ordinance with identification of nonconforming parts, if any. In the case of a dispute over facts on what existed at the time of adoption of this Ordinance, the most recent aerial photographs taken by Manistee County shall be used to establish a certified site plan. For purposes of this section, the above mentioned photos may be accepted as the site plan for the Pre-existing Special Use Permit.
- D. When a special use owner applies to amend the unwritten Special Use Permit for expansion or change, a
  2. written Special Use Permit shall be prepared for the entire use and parcel. In review of the Special Use Permit amendment application for expansion or change, the Planning Commission shall only review and act

on the expansion or change portion of the Special Use Permit. If the application for amendment of the Special Use Permit is approved, approved with conditions, denied, or denied in part, the action shall not change or alter those parts of the special use that are shown on the Pre-existing Special Use Permit. On two-way gravel roads, mowing should be immediately adjacent to the edge of the graded surface.

3. On paved roads, mowing should be immediately adjacent to the edge of the pavement.
- C. Grading will be kept as narrow as possible. This should normally be kept within a total width of ten (10) to fifteen (15) feet for trail roads. On other roads, grading should continue as normally provided and be kept to a minimum to avoid disturbance of vegetation. It should be pulled back to avoid trees or unusual sites which have been designated.
- D. Under no circumstances will herbicides be used to control or eliminate roadside vegetation.
- E. Where dust laying has been the practice or becomes a necessity, a minimum level of dust treatment may be used.
- F. Cross drainage must be handled where necessary to prevent damage to the road and possible washouts and other problems which may be detrimental to proper safety.
- G. Natural beauty roads will be identified at the entrance points by a specifically designated standard sign to be of a design prepared by the Department of Transportation, and placed by the Manistee County Road Commission. The length of the designated road will be indicated on the sign.
- H. Trees, tree branches, or shrubs causing obstructions on the roadway or to vision at intersections may be trimmed or removed as necessary for safety or protection of the traveling public or vehicles. Dead trees or dead branches in or overhanging the road right of way may be trimmed or removed as necessary for safety or protection of the traveling public or vehicles. This should be done judiciously and with proper tools so as not to leave unsightly scars.

The existing road surface at the time of designation should normally be continued. Necessary changes in surface to improve safety, drainage, reduce maintenance problems, etc., may be cause for designating roads if such changes disturb the natural beauty characteristics for which the road was designated

## ARTICLE 82: ADMINISTRATION OF THIS ORDINANCE

### 8201. Purpose

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violations, and enforcement of the provisions of this Ordinance and amendments.

### 8202. Zoning Administrator

- A. The Cleon Township Zoning Administrator shall administer the provisions of this Ordinance. The Cleon Township Planning Commission shall interview applicants for the office of Township Zoning Administrator. The Cleon Township Planning Commission shall make its recommendations to the Cleon Township Board regarding the qualifications of the applicants. The Cleon Township Board shall appoint, from a list of applicants recommended by the Township Planning Commission, a Zoning Administrator who shall serve for such term, subject to such conditions, and at such rate of compensation as the Board shall determine. The duty of the enforcement of this Ordinance shall rest with the Zoning Administrator as shall be authorized by law.
- B. Elected officials of Cleon Township and/or members of the Cleon Township Planning Commission and the Zoning Board of Appeals shall be ineligible for appointment to the office of Township Zoning Administrator except as otherwise provided in Section 8202. C.
- C. In the event of the resignation, death, disability, extended vacation, or disqualification of the Zoning Administrator, a mutually agreed upon member of the Cleon Township Planning Commission shall serve as Interim Zoning Administrator until a new Zoning Administrator shall be appointed by the Township Board or the existing Zoning Administrator again assumes his duties.
- D. In issuing an order, requirement, decision, or determination on any discretionary matter referred to him or upon which he is required to pass under this Ordinance, it shall be sufficient for the Zoning Administrator to reasonably conclude that in addition to the standards set forth in this Ordinance, the proposed order, requirement, decision, or determination is compatible with the present uses of adjacent land, is consistent with and promotes the intent and purposes of this Ordinance, is compatible with the natural environment, is consistent with the capabilities of public services and facilities affected by such order, requirement, decision, or determination and protects the public health, safety, and welfare and is consistent with the constitutional requirement of due process and equal protection of the law.

### 8203. Zoning Administrator Duties

The Zoning Administrator shall submit to the Planning Commission monthly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The duties of the Zoning Administrator shall include but are not limited to:

- A. Maintaining all records, property descriptions, and maps,
- B. Determining and enforcing the minimum of all provisions of this Ordinance, and
- C. In the case of denying a land use permit for failure to comply with the minimum required setback, the Zoning Administrator shall inform the property owner of the right to appeal, the condition under which an appeal will be granted and he shall further inform the Zoning Board of Appeals when any appeal action is to be initiated.

### 8204. Procedures for Issuing a Land Use Permit

- A. The applicant completes and submits the signed application along with the required copies of site plans, specifications, other necessary information, and fee to the Zoning Administrator.
- B. The Zoning Administrator reviews the application to make sure that all the required information is submitted. If it is not, it needs to be corrected.
- C. The Zoning Administrator reviews the application to make sure that it is the proper application for the zoning action requested and to determine zoning compliance.
- D. The Zoning Administrator makes a site inspection to verify accuracy of the application and to gather additional information. The site of the proposed structure must be accurately and clearly staked out. Property boundaries must be flagged.
- E. If necessary, the Zoning Administrator discusses the application and site plan with the Planning Commission for advisory comments and/or approval.
- F. If necessary, the Zoning Administrator requests the Zoning Board of Appeals to interpret an unclear ordinance provision.
- G. If the proposed use complies with all the ordinance requirements, the Zoning Administrator approves the application and site plan; and a land use permit is granted.

H. If the proposed use does not comply with all the ordinance requirements, the Zoning Administrator disapproves and rejects the application and site plan with reasons given in writing. A decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals.



ARTICLE 84: PERMITS

8401. Land Use Permits

No land shall be occupied or used and no building or structure shall hereafter be erected, altered, or relocated under the provisions of this Ordinance until a permit authorizing the same shall be issued by the Zoning Administrator. Proceeding without a proper permit shall be considered a municipal civil infraction subject to the provisions of the Cleon Township Civil Infraction Ordinance and Article 98, Section 9804 of this Ordinance.

8402. Land Use Applications

- A. If a use is listed in a respective land use district as a permitted use, anyone with an interest in a parcel may apply for a land use permit under this section. Land use permit applications are completed and signed by the applicant and presented to the Zoning Administrator.
- B. Nothing in this Ordinance is intended to prohibit an applicant from having a pre-application meeting with the Zoning Administrator.
- C. The Zoning Administrator shall require that the application include the form, detailed site plan, specifications, and such other information as the Zoning Administrator may deem necessary. Such other information shall include, but not be limited to:
  1. A site plan drawn to the specifications of Sections 9404, 9405, 9406, 9407, or 8604 *et seq.* of this Ordinance.
  2. The legal seating and/or sleeping capacity of all buildings and structures, if applicable.
  3. A concise statement of all operations and uses which will be conducted on the land and buildings.
  4. A concise statement of the services, if any, to be offered to the public, if applicable.
  5. Any other information required by this Ordinance.
  6. A non-refundable fee. This fee shall be established from time to time by the Cleon Township Board.
  7. An escrow, if applicable, for complex applications in an amount which shall be collected in escrow to pay for all costs of professional review expenses of engineers, community planners, lawyers, and any other professional whose expertise the Planning Commission values and hires to review an application. The amount of escrow shall be established from time to time by the Cleon Township Board, or the amount shall be estimated by the Zoning Administrator for the particular application. The applicant shall receive a copy of the statement of fees for those professionals who worked on the application. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use permit. If any unexpended balance remains in the escrow it shall be returned to the applicant.
  8. A copy of any other necessary permits including a DNR or DEQ permit required prior to a land use permit or a copy of an agreement for or written intent for concurrent approval for those permits.
- D. The application and all the supporting documents shall be kept by Cleon Township as part of the Zoning Administrator's permanent records.
- E. The application and site plan, if applicable, shall show the proposed use and structures which will be developed in compliance with all aspects of this Ordinance.
- F. Upon receipt of a land use permit application, the Zoning Administrator shall review the application to insure it is complete, to coordinate its review with other agencies, if required, and act on the application within ten (10) working days. One of the following must be completed:
  1. If the application is not complete, the Zoning Administrator shall return the application with a letter that specifies the additional material required.
  2. If the application is complete but is found not to conform with this Ordinance, a permit denial shall be sent to the applicant in writing listing the violations of the Ordinance and what changes would be necessary to obtain a permit, if any changes made would make it possible for a permit to be issued.
  3. If the application is complete and the proposed land use and structures are found to comply with this Ordinance, a land use permit shall be issued.
- G. A land use permit shall be required prior to the issuance of a Michigan State Construction Code permit, issued pursuant to PA 230 of 1972, as amended. (being the State Construction Code Act, MCL 125.1501 *et seq.*)

8403. Permit Exemptions

Section 8402 notwithstanding, a land use permit or fee is not needed under this section for the following uses: (Nothing in this section exempts or requires building permits other than required by PA 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 *et seq.*)

- A. Only exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use districts.
- B. Relocation or replacement of machinery or equipment within a building located in a commercial or industrial zone, conforming to the provisions of this Ordinance and used for commercial or industrial purposes, or for any modification to such building in connection with said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.
- C. The erection, construction, alteration, or maintenance by public utilities, or municipal departments or commissions of over ground or underground gas, electrical, water, communication, for the local hydrants, towers, pool stations, electrical substations, gas regulation stations, and similar service to individual customer/clients in Cleon Township. This does not include regional, long distance, interstate distribution or collection systems, gas and oil pipelines from an oil or gas well to a central production facility, sweetening plant, or other processing and refinery facilities or communication tower facilities which uses shall require a land use permit.
- D. Open space.
- E. Individual recreation uses such as boating, hiking, hunting, fishing, and trapping.
- F. Plowing and planting cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation on one or more parcels of land.
- G. Harvesting of timber as part of a forest management activity when part of a forest management plan.
- H. Hedges, arbors, trees, gardens, plants, and shrubs.
- I. Sidewalks, driveways to dwellings, duplexes, and apartment buildings.
- J. Domestic animal shelters.
- K. Accessory structures to dwellings and duplexes which are constructed by minors or children for purposes of play by the same minors and children including but not limited to playhouses, doll houses, tree houses, forts, hideouts, and so on, so long as such accessory structures adhere to setback requirements or this Ordinance.
- L. Personal property sales.
- M. Signs which indicate land is private property, trespassing is not allowed, no hunting, or other specific activities are not allowed.
- N. One-story detached accessory structures, if the floor area does not exceed one hundred (100) square feet.

8404. Start Work Deadline

A permit issued under this article is void if the use is not commenced within one (1) year. The Zoning Administrator may grant a renewal after a restudy of the permit. Another fee must be paid which will be the same as the current application fees.

8405. Void Permits

- A. A violation of any condition or specification in a permit issued under this article shall void the permit.
- B. Any improper or incorrect information contained in the application for a permit issued under this article shall void the permit until properly corrected upon the permit application provided that, as corrected, the applicant continues to meet all requirements for a permit.

8406. Building Permits

A copy of permits issued must be posted in a prominent position on the building site.

## ARTICLE 86: SPECIAL USES

8601. **Purpose**  
This Ordinance divides the Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses which may be appropriate to include in a district due to the specific circumstances surrounding the use and the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a Special Use Permit.
8602. **Authority to Grant Permits**  
The Planning Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. If approved by the Planning Commission, the Zoning Administrator shall issue these permits.
8603. **Application and Fee**  
If a use is listed as a possible special use in any district, anyone with an interest in the property may apply for a Special Use Permit. A Special Use Permit application shall be made on a form provided by the Zoning Administrator and submitted to the Zoning Administrator along with required information and the required fee. The Township Board will establish the fee from time to time. The applicant shall pay any additional costs incurred in processing the application beyond that covered by the fee before the permit is issued. No portion of the fee shall be refundable.
8604. **Information Required in Application**
- A. An application for a Special Use Permit shall include:
    - 1. The applicant's name and address.
    - 2. A signed affidavit stating that the applicant is the owner, or has an ownership interest in, or is acting on the owner's behalf.
    - 3. The address and legal description of the property.
    - 4. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8608.
    - 5. A detailed site plan as specified in Section 9406 of this Ordinance.
    - 6. A complete description of the proposed development including: Areas of the site, the number of parcels or units, and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, and related material as applicable.
    - 7. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads, and other factors that may apply to the particular development.
    - 8. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise, and the scale of development in terms of the surrounding environment.
    - 9. Evidence of having received or having an agreement for, or concurrent approval for, any other necessary permits required prior to a Michigan State Construction Code Permit.
  - B. In addition, the applicant may be required to furnish:
    - 1. Elevations on all buildings, including accessory buildings.
    - 2. An environmental assessment.
    - 3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
  - C. The applicant shall certify the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion, if the Special Use Permit is approved.
8605. **Review for Completeness**  
Upon receipt of the Special Use Permit application, the Zoning Administrator will review the application to insure it is complete.
- A. If the application is not complete, the Zoning Administrator will return the application to the applicant with a letter that specifies the additional material required.
  - B. If the application is complete, the Zoning Administrator and the Chairperson of the Planning Commission shall establish a date to hold a public hearing on the Special Use Permit

application.

8606. Notice of Public Hearing

- A. The Zoning Administrator shall notify the following persons of the public hearing not less than five (5) nor more than fifteen (15) days prior to the date that the application will be considered:
  1. The applicant.
  2. The owner of the property, if different.
  3. The owners of all real property within one thousand three hundred twenty (1320) feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll.
  4. Occupants of any structures within one thousand three hundred twenty (1320) feet of the boundary for the property for which the approval has been requested.
  5. The general public by publication in a newspaper, which circulates in the Township.
  6. The members of the Planning Commission.
- B. The notice shall include:
  1. The nature of the Special Use Permit being requested.
  2. The property for which the request has been made.
  3. The location where the application documents can be viewed and copied prior to the hearing.
  4. The date, time, and location of the public hearing.
  5. The address at which written comments should be directed prior to the hearing.
  6. For members of the Planning Commission only, a complete copy of the Special Use Permit application.

8607. Hearing and Decision

- A. The Planning Commission shall hold a public hearing to receive input on the Special Use Permit application.
- B. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and the Planning Commission), the Planning Commission shall either grant, grant with conditions, or deny the application. The decision shall be in writing and reflect the reasons for the decision. At a minimum, the record of the decision shall include:
  1. A summary of public comments made at the hearing,
  2. Formal determination of the facts,
  3. The conclusions derived from the facts (reasons for the decision),
  4. The decision, and
  5. A listing of any conditions upon which a permit is issued or occupancy is allowed.

8608. Special Use Permit Standards

- A. The standards for determining if a Special Use Permit to be granted or not are:
  1. Is the use reasonable and designed to protect the health, safety, and welfare of the community?
  2. Is the use consistent with the intent and purpose of the district?
  3. Is the use compatible with adjacent land uses?
  4. Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity? and
  5. Does the use comply with other general and specific standards in Section 1601 of this Ordinance, the respective district, and general provisions of this Ordinance?

8609. Special Use Permit Conditions

- A. Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the Planning Commission. Any conditions, limitations, or requirements upon which approval is based shall be:
  1. Reasonable and designed to protect natural resources, the health, safety, and welfare of the public;
  2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto, and of the community as a whole;
  3. A valid exercise of the police power;
  4. Related to the purposes which are affected by the proposed use or activity;
  5. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective district;
  6. Designed to insure compatibility with adjacent uses of land and the natural environment; and
  7. Designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

B. The Planning Commission shall have the right to limit the duration of a Special Land Use where the same is for mining and/or sweetening plant operations and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use.

8610. Record of Special Use Permit

A notice of the Special Use Permit as provided by law shall be recorded with a property description with the Manistee County Register of Deeds, miscellaneous records. The Zoning Administrator shall file the application and all other information relating to the Special Use Permit with the Township.

8611. Security Requirement

A. To insure compliance with the site plan and Ordinance and any conditions, limitations, or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Planning Commission may require:

1. A cash deposit,
2. Certified check,
3. Irrevocable bank letter of credit, or
4. Surety bond,

In an amount and under the conditions permitted by law.

B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

C. Such security shall not exceed the estimated cost of the required conditions, limitations, and requirements for which the security is designed to insure compliance.

8612. Amendment of Special Use Permits

Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the Planning Commission and applicant, if done prior to the issuance of an occupancy permit or as otherwise permitted by law.

8613. Transfer of Special Use Permit

A Special Use Permit, with any and all associated benefits, conditions, and required security may be transferred to a new owner. The responsibility for affecting the transfer shall be the original owner. If not transferred, the original owner shall continue to be held responsible for any conditions, security, etc. required by the Special Use Permit. The original owner, upon transferring the Special Use Permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security, and other conditions.

8614. Construction Code Permit

A Special Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to PA 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 *et seq.*

8615. Expiration of Special Use Permits

A Special Use Permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests the rescinding of the Special Use Permit.
- D. If the use is not used, moved, or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.

8616. Violation of Permit

Any violation of the terms, conditions, or limitations of a Special Use Permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use Permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the violation(s) alleged to exist and when a hearing will be held on the matter. The

notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s).

## ARTICLE 94: SITE PLAN

### 9401. Purpose

It is recognized by this Ordinance that there is value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging harmonious relationships between buildings and uses both within a site and in relation to adjacent uses; further, that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission under the provisions of a Special Use Permit and provides for the option of site plan review by the Zoning Administrator.

### 9402. Site Plan Review

- A. Every application for a land use permit shall include a site plan, drawn according to the specifications of this article. (A demand for appeal before the Zoning Board of Appeals shall include a site plan drawn according to the specifications of this article) The Zoning Administrator shall transmit the site plan to the Planning Commission or Zoning Board of Appeals as appropriate, for their review.
- B. There shall be three levels of site plans, for different complexities of proposed land uses:
  1. A Basic Site Plan (Section 9404) for dwellings, additions to dwellings, construction of accessory structures to dwellings. These site plans shall only be subject to review by the Zoning Administrator.
  2. A Medium Site Plan (Section 9405), for any permitted use, which is not a dwelling, addition to a dwelling, construction of accessory structures to dwelling and for any matter before the Zoning Board of Appeals which would not need a Detailed Site Plan. The Planning Commission shall publish policy for when a Medium Site Plan, not drawn for an appeal, shall be required to be reviewed by the Planning Commission and/or a committee of the Planning Commission, or the Zoning Administrator.
  3. A Detailed Site Plan (Section 9406), for any Special Use. These site plans shall only be subject to review by the Planning Commission.
- C. There is also a Site Plan Involving Special Groundwater Protection Provisions (Section 9407) which shall be subject to review by the Planning Commission.
- D. Whenever possible, site plan review by the Zoning Administrator and Planning Commission shall be coordinated and done simultaneously with other reviews by the Zoning Administrator and Planning Commission on the same application.

### 9403. Optional Sketch Plan Review

Prior to submitting an application and site plan for a land use permit, an applicant may choose to submit a sketch plan for review by the Zoning Administrator and/or Planning Commission. The sketch plan shall be superimposed on an aerial photo of the parcel or shall be a scaled drawing of the parcel showing the location of existing and proposed buildings, parcel boundaries, all structures, natural features, all improvements, streets, sidewalks, easements, and drainage systems. The review shall be informal and advisory only, and not constituting any form of approval or authorization of granting any type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Planning Commission's agenda if the sketch plan is to be reviewed by the Planning Commission.

### 9404. Required Data for a Basic Site Plan

The Basic Site Plan shall be a sketch, drawn to scale, or superimposed on an aerial photo, or superimposed on a survey, of the parcel. The following shall be shown on the Basic Site Plan:

- A. The property, identified by parcel lines and location and size.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale, north point.
- D. Natural features such as woodlots, water bodies, wetlands, high-risk erosion areas, slopes over twenty-five (25) percent, beach, sand dunes, drainage, and similar features.
- E. The location of proposed, main, and accessory buildings, existing structures, fences on the site, the height of all buildings, and square footage of floor space.
- F. The proposed driveway, if any.
- G. Show any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the Planning Commission issues a Special Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits.)

9405. Required Data for a Medium Site Plan

The site plan shall be drawn to scale and shall be on paper, which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the Zoning Administrator can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the Zoning Administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use:

- A. All the data required for a Basic Site Plan, spelled out in Section 9404 of this Ordinance.
- B. The parcel's legal description.
- C. Boundary dimensions of natural features such as woodlots, water bodies, wetlands, high-risk erosion areas, slopes over twenty-five (25) percent, beach, sand dunes, drainage, and similar features.
- D. Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer line, storm water drainage and retention lines.
- E. Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size, and number of parking spaces in the off-street parking areas and the identification of service lanes and service parking, and snow storage areas.
- F. Any proposed alterations to the topography and other natural features.
- G. Any proposed location of connections to existing utilities and proposed extensions thereof.
- H. A description of the proposed development.
- I. A vicinity map showing the location of the site in relation to the surrounding street system.

9406. Required Data for a Detailed Site Plan

The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one (1) drawing where required for clarity and shall include the following information, unless specifically waived by the Zoning Administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use. The Planning Commission, upon initial review of the site plan, may act to require any information specifically waived by the Zoning Administrator to be submitted. Such site plan shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, community planner, owner, or other qualified individual. Unless so waived, all site plans shall include the following information:

- A. All the data required for a Basic Site Plan, spelled out in Section 9404 of this Ordinance and for a Medium Site Plan, spelled out in Section 9405 of this Ordinance.
- B. The proposed location of any open spaces, landscaping, and buffering features such as greenbelts, fences, etc.
- C. The location, proposed finished floor and grade line elevations.
- D. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit type.
- E. Any proposed roads, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
- F. Topography information based on USGS datum or selected on-site elevations. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.
- G. Generalized soil analysis data which may include data prepared by the Manistee County Soil Conservation District or Manistee County Planning Department regarding the soils and their adaptability to the use.
- H. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures both during and after any site work related to the development, when required.

9407. Required Data for a Site Plan Involving Special Groundwater Protection Provisions

Applicability of site plan review standards for groundwater protection: These are facilities which use, store, or generate hazardous substances in quantities greater than two hundred twenty (220) pounds or about twenty-five (25) gallons and shall be subject to the following site plan review requirements:

- A. All the data required for a Basic Site Plan spelled out in Section 9404, Medium Site Plan spelled out in Section 9405, or a Detailed Site Plan spelled out in Section 9406, whichever is applicable.
- B. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
- C. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil



holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.

- D. Location of exterior drains, on-site sewage systems, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store, or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- E. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the site's property boundaries.
- F. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
- G. Submission on the "Hazardous Substances Reporting Form for Site Plan Review".
- H. Submission of the "State/County Environmental Permits Checklist".

9408. Submission of a Site Plan

Two (2) copies of a site plan shall be submitted with a land use permit application to the Zoning Administrator. In the case where a committee of the Planning Commission or the Planning Commission is reviewing the site plan, nine (9) copies of the site plan shall be submitted to the Zoning Administrator.

9409. Review for Completeness

The Zoning Administrator shall review the site plan received to insure it is complete and contains all the elements required by this Ordinance. Such findings shall be done concurrently with similar required findings that a land use application is complete.

- A. If the site plan is not found to be complete, the Zoning Administrator shall return the site plan to the applicant with a written list of items that need to make the site plan complete.
- B. If the site plan is found to be complete, the Zoning Administrator shall:
  - 1. Only as applicable, forward copies of the site plan to the County Road Commission, County Soil Erosion Inspector, County Drain Commissioner, County Health Department, and Michigan Department of Highways for their recommendations to be subsequently forwarded with the site plan, and
  - 2. Determine if the site plan is to be reviewed and acted upon by him/her, and then do so, or
  - 3. Determine if the site plan is to be reviewed and acted upon by the Zoning Board of Appeals, and then forward the copies of the site plan to each member of the Zoning Board of Appeals a week or more prior to their meeting, or
  - 4. Determine if the site plan is to be reviewed and acted upon by the Planning Commission or a committee of the Planning Commission, and then set up a site plan review meeting and forward the copies of the site plan to each member of the Planning Commission (or a committee of the Planning Commission) a week or more prior to their meeting.

9410. Standards for Site Plan Review

The Planning Commission and the Zoning Administrator shall use the following standards to review site plans:

- A. All applicable regulations of this Ordinance which apply generally to all districts, and all applicable regulations of this Ordinance which apply to the specific zoning district, to any conditions imposed with the granting of a Special Use Permit or variance, shall be shown on the site plan as being complied with.
- B. All utility easements shall be distributed on site in a manner, which is least harmful to surrounding properties. Electric, telephone, coaxial cable, and other lines shall be located underground unless this requirement is specifically waived by the Zoning Administrator, Planning Commission, or the Zoning Board of Appeals upon review of the site plan.
- C. Water lines, sewer lines, and all provisions of surface water drainage shall be approved by the Zoning Administrator, Planning Commission, or the Zoning Board of Appeals and designed in compliance with any applicable federal and state statute, county ordinance, and township ordinance.

9411. Approval and Compliance

- A. In cases where the Zoning Administrator reviews the site plan pursuant to Section 9402, within seven (7) days of the site plan being found complete, as specified in Section 9409, the Zoning Administrator shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- B. In cases where the Planning Commission or a committee of the Planning Commission, reviews the site plan; within sixty (60) days of the site plan being found complete, as specified in Section 9409, the Planning Commission shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- C. The action shall be recorded in a record of the land use application and shall be filed with the Zoning Administrator. The Zoning Administrator or Planning Commission shall notify the applicant in writing of its

decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, shall be given to the applicant, in writing, attached to the rejection. If the Zoning Administrator or Planning Commission does not act on the site plan, and put its action in writing within the prescribed time, the site plan shall be conclusively presumed to have been approved. If the applicant and Zoning Administrator or Planning Commission mutually agree, the time limit may be extended.

9412. Conditions of Site Plan Approval

A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown on the approved site plan and/or shall be in writing.

9413. Security Requirement

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations, or requirements imposed by the Zoning Administrator or Planning Commission as necessary to protect natural resources, the health, safety, and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area, the Planning Commission may require:
1. A cash deposit,
  2. Certified check,
  3. Irrevocable bank letter of credit, or
  4. Surety bond
- in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such security shall not exceed the estimated cost of the required conditions, limitations, and requirements for which the security is designed to insure compliance.

9414. File Copies

At least one (1) copy of the site plan, all accompanying documents, record approval, list of conditions, and security shall be kept by the Township for its records.

9415. Permits

No land use permit or Michigan Construction Code Building Permit, issued pursuant to PA 230 of 1972, as amended, being the State Construction Code Act MCL 125.1501 *et seq.* shall be issued or otherwise authorized until after the site plan has been approved and any required securities have been received.

9416. Amendment of Site Plan

An application may be considered to amend an existing site plan, and shall be handled in the same manner for the initial site plan review prescribed by Section 9401 *et seq.* of this Ordinance. By mutual agreement between the Township and applicant, minor no substantive changes may be made to an existing approved site plan if such change is sought prior to the issuance of an occupancy permit for work authorized by the permit to which the site plan relates or as provided by law.

## ARTICLE 96: ZONING BOARD OF APPEALS

### 9601. Zoning Board of Appeals Established

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in PA 110 of 2006, as amended, (being the Township Rural Zoning Act, MCL. 125.271 *et seq.*), in such a way the objectives of this Ordinance shall be enforced, the public health, safety, and welfare secured, and substantial justice done.

### 9602. Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall hear and decide such matters as the Zoning Board of Appeals is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by law including but not limited to variances and interpretations of Ordinance text and map.

### 9603. Variance

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
  1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  3. That the special conditions and circumstances do not result from the actions of the applicant.
  4. That granting the variance will not alter the essential character of the area.
- B. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- C. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met by the applicant for a variance.
- D. The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- E. The Zoning Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance and including requirements for a buffer area, greenbelt, and vegetation belt. Violations on such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 9804.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

### 9604. Voiding of the Reapplication for Variance

The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  1. The construction authorized by such variance or permit has begun within one (1) year after the granting of such variance and pursued diligently to completion: or
  2. The occupancy of land or buildings authorized by such variance has taken place within one (1) year after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

### 9605. Interpretation of Ordinance Text

- A. Interpretation - Pursuant to the requirements of PA 110 of 2006, as amended, (being Township Rural Zoning Act, MCL 125.271 *et seq.*); nothing contained herein shall be construed as prohibiting the Zoning Board of Appeals from interpreting the text of this Ordinance in such a fashion that will allow in a zoning district buildings, uses, and structures which are sufficiently similar to the specifically delineated permitted or special uses in that land use district, under the same permitted or special use regulations. Such interpretation shall not

have the effect of granting a variance but rather shall be deemed only to be an interpretation of the Ordinance text.

- B. Standards - In determining whether a proposed building, use, or structure is sufficiently similar to a specifically delineated permitted or special use, the Zoning Board of Appeals shall consider the relevant policies for the land use district in question as set forth in the Master Plan, the nature, use, and purpose of the proposed building, use, or structure and whether or not the proposed building, use, or structure is permitted or special use in any other zoning district.
- C. Precedent - An earlier determination under this section shall be considered a precedent for other applications proposing an identical building, use, or structure in the same zoning district, provided the earlier determination was made with respect to a building, use, or structure sufficiently similar to a specifically delineated permitted use in the zoning district and not with respect to a specifically delineated special use. An earlier determination with respect to an identical, sufficiently similar special use shall be considered as a precedent only to the extent that such sufficiently similar special use shall be considered as a candidate for as Special Use Permit in the land use district, but shall otherwise be subject to all requirements of Article 86.

9606. Appeals to the Zoning Board of Appeals

The following provisions shall apply:

- A. Appeals, How Taken - Appeals from the ruling of the Zoning Administrator, the Planning Commission, or the Township Board concerning the enforcement, administration, and interpretation of this Ordinance text and map may be made to the Zoning Board of Appeals by the filing with the Zoning Administrator a demand for appeal specifying the grounds thereof within thirty (30) days of the date a decision is received by the appellant. Date of receipt shall be presumed to be five (5) days after the date shown on the decision. The demand for appeal shall be on a form prepared by the Township for that purpose and shall also include a site plan. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Who May Appeal - Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, County, or State.
- C. Fee for Appeal - A fee prescribed by the Township Board shall be paid to the Zoning Administrator at the time of filing the demand for appeal. If the Township Board finds an applicant to be indigent, the fee may be waived by the Township Board.
- D. Effect of Appeal: Restraining Order - An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Administrator, and on due cause shown.
- E. Hearing By the Zoning Board of Appeals: Demand for Appeal: Notice: Hearing - When a demand for appeal has been filed in proper form with the Zoning Board of Appeals, the Zoning Administrator shall immediately place the said demand for appeal upon the calendar for hearing and cause notice to interested parties, stating the time, place, and objective for the hearing to be served personally or by first-class mail. Interested parties at a minimum shall include the Zoning Board of Appeals members, the appellant, the property owner and/or resident, and adjoining property owners and/or residents. The Township's attorney may be called upon to be present.
- F. Representation at Hearing - Upon the hearing any party or parties may appear in person or by agent or by attorney.
- G. Decisions of the Zoning Board of Appeals and Appeals to the Circuit Court - The Zoning Board of Appeals shall decide, by an affirmative vote of a majority of all its members, upon all matters appealed within twenty-one (21) days of the decision unless mutually agreed by both parties to extend the time, and may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken for administration and enforcement of this Ordinance. The Zoning Board of Appeals decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals in each particular case. Any person having an interest affected by such decision shall have a right to appeal to the Circuit Court as provided by law.

9607. Zoning Board of Appeals Members

The Zoning Board of Appeals shall consist of the following three (3) members:

- A. The first member shall be a member of the Planning Commission.

B. The second and third members shall be selected and appointed by the Township Board from among the electors residing in the Township, but not a member of the Planning Commission or Township Board. In the case where two (2) or more members cannot hear an appeal due to conflict of interest, illness, or other absence, the Township Board may appoint alternate(s) for that appeal.

ARTICLE 98: AMENDMENTS - VIOLATIONS OF ORDINANCE NUISANCE PER SE AND CIVIL INFRACTION -  
PROCEDURE AND PENALTIES

9801. Initiating Amendments

The Township Board may from time to time, on recommendations from the Planning Commission, amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more property owners to be affected by the proposed amendment.

9802. Amendment Procedure

The procedure for making amendments to the Ordinance shall be in the manner provided by law, with all amendment proposals being referred to the Planning Commission for the statutorily required notice, hearing, review by the Township Attorney and the Manistee County Planning Commission, transmission of the proposed amendments and summary of comments made at the public hearing to the Township Board for their action with or without an additional public hearing, with fifteen (15) day's notice given in a newspaper. If the Township Board holds an additional hearing, the Planning Commission members shall be required to attend. Within fifteen (15) days of adoption, a notice to that effect shall be published in a newspaper and a copy of the amendment filed with the Township Clerk.

9803. Conformance to Court Decree

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

9804. Violations of Ordinance: Nuisance Per Se, Civil Infraction, Enforcement, Remedies, and Penalties

- A. Nuisance Per Se: Any building or structure which is erected, reconstructed, altered, converted, maintained, or used or any use of land or premises which is begun, maintained, or changed in violation of any provisions of the Ordinance is hereby declared to be a nuisance per se.
- B. Civil Infraction: A nuisance per se shall constitute a civil infraction punishable under the provisions of the Cleon Township Civil Infraction Ordinance (enforceable in the 85<sup>th</sup> Judicial District Court for Manistee County).
- C. Separate Offenses: Each day that a violation continues to exist shall constitute a separate offense.
- D. Authorized Local Official: The Zoning Administrator is hereby designated as the authorized local official to issue municipal civil infraction citations. The Zoning Administrator may serve, personally or through first class mail, a notice of violation requiring that the violation be corrected within thirty (30) days of the notice, unless the Zoning Administrator has determined that there is a danger to the public health, safety, or welfare requiring immediate action. Failure to correct the violation noticed shall result in the issuance of a civil infraction citation.
- E. Cumulative Remedies: The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or admission of responsibility for violation of the Ordinance in a civil infraction proceeding shall not bar a civil action seeking equitable relief beyond the jurisdiction of the 85<sup>th</sup> Judicial District Court under sub-section B, hereof, arising from the same violation.
- F. Fines, Costs, Damages, and Expenses:
  1. Fines: Upon being found "responsible" for a civil infraction (by admission or by adjudication) for violation of this Ordinance, fines shall be imposed as follows:
    - a. First Offense: Not less than one hundred fifty (\$150.00) dollars nor more than five hundred (\$500.00) dollars.
    - b. Second Offense: Not less than three hundred (\$300.00) dollars nor more than five hundred (\$500.00) dollars.
    - c. Third or Subsequent Offense: Not less than five hundred (\$500.00) dollars.
  2. Costs, Damages, and Expenses: In addition to the civil fines imposed pursuant to the section above for violation of the provisions of this Ordinance, a person who is found to be "responsible" above for municipal infraction shall be responsible for the payment of costs in the action of not more than five hundred (\$500.00) dollars. "Costs" as used in this section, are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment, which expenses

may include reimbursement for attorney fees incurred and/or other costs, damages, and expenses.

9805. Caption

The captions used in this Ordinance shall not be deemed to be a part of this Ordinance and shall not be construed to enlarge or restrict the rights and obligations otherwise contained herein.

9806. Pending Zoning Applications

All applications for permits, appeals, and variance requests pending before the Zoning Administrator, the Planning Commission, or the Zoning Board of Appeals on the effective date of this Ordinance shall be acted upon only in conformance with the provisions of the Ordinance.

9807. Validity and Severability Clause

If any court of competent jurisdiction shall declare any part of the Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of the Ordinance to a particular land, parcel, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land parcel, district, use, building, or structure not specifically included in said ruling.

9808 Period of Effectiveness

This Ordinance shall remain in full force and effect henceforth unless repealed.

AMENDMENT 2010-4-14  
TO THE CLEON TOWNSHIP ZONING ORDINANCE  
ARTICLE 10, SECTION 1020  
SIGNS

Signs that meet the following provisions pertaining to the erection and maintenance of permanent and temporary signs will be permitted if the following requirements are met:

**A. PERMANENT SIGNS** - Signs that are intended for and are built to withstand long-term use of at least one (1) year. All permanent signs require a sign permit with the exception of "No Trespassing" and "No Hunting" signs. The following are considered permanent signs:

1. One identification sign of not more than sixteen (16) square feet may be erected on the premises as part of any residence, business or activity conducted thereon in any district, except those signs relating to home occupations which shall be controlled by Section 1022. This includes signs for religious assembly, rotary or service clubs and other quasi public uses.

2. Signs of not more than thirty-two (32) square feet in area, pertaining to a business physically located and carried on in the Township, shall be permitted on any unimproved real estate in any district provided they are located not less than three hundred (300) feet from any existing residence. No business shall be entitled to more than one (1) freestanding roadside sign in the Township. All other off-premise signs are prohibited. The Cleon Township Board will establish fees from time to time.

3. Farm Market Signs - One permanent sign shall be erected no more than sixteen (16) square feet in area. For the safety of the general public, no spinners, pennants, flags, flashing lights, reflectors, flicker tape, or other distractive devices may be used in conjunction with any sign or business.

4. Subdivision Development Signs - One identification sign of not more than sixteen (16) square feet may be erected and landscaped on the premises for subdivision development in any district. In addition, an initial real estate sale sign of not more than sixteen (16) square feet shall be permitted to advertise initial sale of real estate shall be prohibited.

5. "No Trespassing" or "No Hunting" signs shall be limited to two (2) square feet and may be posted without a permit, as needed.

**B. TEMPORARY SIGNS** - Signs that are limited to a three (3) month maximum existence and do not need a sign permit.

1. No poster type signs shall be tacked on poles or trees or otherwise erected. "For Sale" or "For Rent" signs shall not be more than four (4) square feet in size and may be placed without a



AMENDMENT 2010-4-14  
TO THE CLEON TOWNSHIP ZONING ORDINANCE  
ARTICLE 10, SECTION 1020  
SIGNS

Motion made by Jeff Stanton

Seconded by Linda Cudney

Ayes: Marlene Wood-Zylstra, Linda Cudney, Jeff Stanton, Todd Humphrey, JoAnn Bogus

Nays: None

The Supervisor declared the resolution adopted.

CERTIFICATION

I, Marlene Wood-Zylstra, the duly elected and acting Clerk of the Township of Cleon, hereby certify that the foregoing resolution was adopted by the township Board at a regular meeting of the Board held on April 14, 2010, at which meeting a quorum was present and that this resolution was ordered to take effect 30 days after publication.

Marlene Wood-Zylstra  
Marlene Wood-Zylstra  
Clerk