

CHAPTER 2 - GENERAL REQUIREMENTS**SECTION 201. NON-CONFORMING USES**

It is the intent of this Ordinance to permit lawful use of a dwelling, building or structure and of land or a premise as existing and lawful at the time of enactment of this Ordinance, or of amendments to this Ordinance, although the use does not conform with the Ordinance or amendment.

Such non-conforming lots, uses of land, structures, and uses of structures and premises are declared by this Ordinance to be incompatible permitted uses in the areas involved. It is further the intent of this Ordinance that non-conforming uses and structures not be enlarged upon, expanded or extended, nor be used as grounds for other structures or uses prohibited elsewhere in the same district.

1. NON-CONFORMING LOTS.

- a) Any lot created and recorded prior to the effective date of the Ordinance may be used even though such lot fails to satisfy requirements for lot area, or width, or both.
 - 1) The use of the lot is a use permitted by right in the district in which the lot is located.
 - 2) All other provisions of the Ordinance have been satisfied.
- b) Lots or combinations of lots of record, which were held in single ownership at the time when this Ordinance became effective, shall be considered an undivided parcel. This provision shall not apply to divisions or splits that satisfy the requirements of this Ordinance.

2. NON-CONFORMING USES OF LAND.

Where, at the effective date of adoption of this Ordinance, or amendment to this Ordinance, a lawful use of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

- b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

3. NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way that increases its non-conformity.
- b) Should such structure be destroyed by any means except intentional demolition, it may be reconstructed as a non-conforming structure, provided that the reconstruction begins within **12 months of the date** of destruction. A structure that is intentionally demolished to any extent shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c) Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area in which it is located after it is moved.

4. NON-CONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed under the terms of this Ordinance, the lawful use may be continue so long as it remains otherwise lawful, subject to the following provisions.

- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, or structurally altered which increases the area of the structure, except when changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of a structure, or structure and premises, if authorized by the Zoning Board of Appeals. In permitting such change the Board of Appeals may require appropriate conditions

and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land or land with structure is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

5. REPAIR AND REPLACEMENT OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement on non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official

6. CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses.

SECTION 202. ACCESSORY BUILDINGS.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulation:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to, all regulations of this Ordinance applicable to main building.
2. Building accessory to residential buildings shall not be erected in any required front yard.
3. No detached building accessory to a residential building shall be located closer than ten (10) feet to any side or rear lot line.
 - a) In the case of corner lots, all yards having frontage on a street or road shall be considered front yards for the purpose of satisfying dimensional requirements.
 - b) In those instances where the rear lot line coincides with an alley right-of-way, the accessory building shall not be closer than three (3) feet to such rear lot line. In no

instance shall an accessory building be located within a dedicated easement or right-of-way.

4. No detached accessory building in R-1, FR, or RL districts shall exceed thirty-five (35) feet in height, except that farm accessory buildings are exempt from this provision.

SECTION 203. PERFORMANCE STANDARDS.

Standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained for all land uses:

1. OPEN STORAGE

In the "I" Industrial District the Open Storage of any industrial equipment, unlicensed vehicles used for industrial purposes, and all industrial materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.

2. WASTE MANAGEMENT AND DISPOAL

- (a) No waste materials shall be kept, stored, placed, piled, or dumped on any land within the Township in a manner, which constitutes a nuisance or creates a hazard to the health, safety, or general welfare of the citizens of the Township. All waste materials shall be removed from the site of generation frequently enough to protect the public health.
- (b) All waste materials shall be managed or disposed of in accordance with the Soil Waste Management Act. P.A. 641 of 1978 as amended, the Wexford County Solid Waste Management Plan, and all other applicable local regulations.
- (c) All animal wastes (manures) must be managed in accordance with a waste utilization plan, which complies with the guidelines for generally accepted and recommended livestock waste management practices, as approved by the Michigan Department of Agriculture.

SECTION 204. LOT AREA ALLOCATION RESTRICTION.

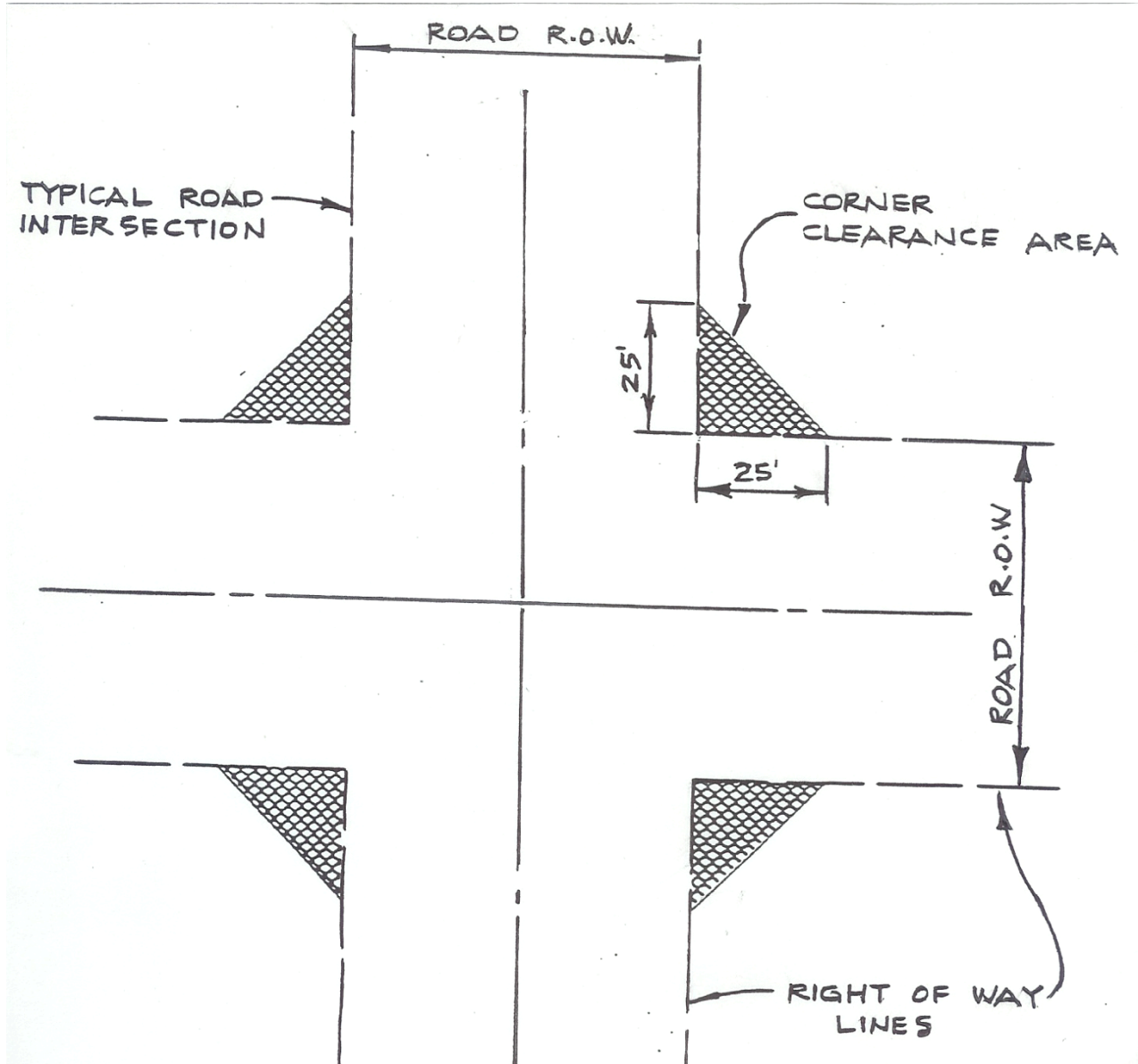
No portion of a lot or parcel can be used more than once in complying with the provisions for lot area and yard dimensions for the construction as proposed, or the alteration of any existing building.

SECTION 205. CORNER CLEARANCE.

No fence, wall, shrubbery, crops, signs, or other visual obstructions shall be permitted above a height of thirty inches from the established street grades in any district within a triangular area formed by the intersection of any street right-of-way lines at a distance along each such line of 25 feet from their point of intersection. See figure 1. Next Page

Figure 1. REQUIRED CORNER CLEARANCE AREAS

SEE SECTION 205



SECTION 206. SITE PLAN REVIEW. (Amended by Ordinance #73 and)

1. **Site Plan Required.** A site plan shall be submitted to the Zoning Administrator for review by the Site Plan Review Officer or Planning Commission of:
 - a) Any use or development, including but not limited to residential subdivisions and commercial or industrial developments of any type, for which a submission of a site plan is required by any provision of this Ordinance.
 - b) Any use or development that is contiguous to a major street or collector street. Individual single-family residential construction is exempt from this requirement.
 - c) All non-residential uses permitted in residential areas, such as but not limited to: churches, schools, and public facilities.
2. **Required Information.** Every site plan submitted shall be in accordance with the requirements of this Ordinance and shall include the following information:
 - a) A scale of not less than 1" equals 50' if the subject property is less than 3 acres and 1" equals 100' if 3 acres or more.
 - b) Date, North point and scale.
 - c) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
 - d) The location of existing and proposed structures on the subject property and all existing structures within 100' of the property, including existing and proposed public utilities.
 - e) The location of all existing and proposed drives and parking areas.
 - f) The location and right-of-way widths of all abutting streets, alleys, and public utilities easements.
 - g) The names and addresses of the person(s) responsible for the preparation of the site plan.
3. **Considerations on Review.** In the process of reviewing site plans the Planning Commission or Site Plan Review Officer appointed pursuant to this section shall consider:

- a) Overall design to achieve reasonably compatible relationships with adjacent property and the surrounding area.
- b) The location and design of driveways providing vehicular ingress and egress from the site shall be made in relationship to the streets giving access to the site and in relationship to pedestrian traffic.
- c) The traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matter as will assure:
 - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - ii. Satisfactory and harmonious relationships between the development of contiguous land and adjacent neighborhoods.
- d) The Planning Commission or Site Plan Review Officer may require landscaping, fences, walls, and other modifications of the site plan in pursuance of the objectives of this Ordinance. All such requirements shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.
- e) Whenever landscaping or a landscaping plan is required as part of the site plan review for any use (including a planned unit development), it shall be a condition of approval that all landscaping plants shall be healthy when planted and thereafter maintained, in perpetuity, in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but not longer than one growing season. *(Amended by Ordinance #13-84)*
- f) All structures shall be connected to public water or public sewer, or both, when required by the Haring Township Water and Sewer Ordinances.
- g) All necessary easements (e.g., sewer, water, sidewalks, bike paths, etc.) shall be granted to the Township, Wexford County, and any public utility companies, as appropriate, for the purpose of constructing, operating, inspecting, maintaining, repairing, replacing, and/or removing pipelines, mains, conduits, wires, and other

installations of a similar character for the purpose of providing any and all public utilities to the property. In addition, any such easements as necessary to provide public utility service to adjacent or other properties which may be in the future be developed shall be granted at that time, or an irrevocable option given to acquire such easements. "Reserve strips" at the property line or similar means by which a property owner can block extension of utilities are prohibited.

- h) Site plans in areas currently served or to be served by public water, public sewer, or both, shall be referred for review and comment to the Township Engineer, utility staff, or committee or body formed by the Township to review public water and sewer utilities for recommendation on matters such as extension of public sewer and water, construction, oversizing, location in terms of easements, and similar matters. The reviewing official or group may recommend a variation or waiver of certain requirements for easements if it is determined such easements are not likely to be used, or if different arrangements will be made for water or sewer extension.

4. **Site Plan Review Officer.** The Planning Commission may appoint a Site Plan Review Officer and delegate authority to conduct Site Plan Reviews pursuant to this Section to said Officer, with Township Board approval. The Site Plan Review Officer shall serve at the pleasure of the Planning Commission and the Township Board. The Site Plan Review Officer's authority shall be limited to review and approval or disapproval of site plans for proposed uses allowed by right in the zoning district in which the proposed development is to be located. Delegation of site plan review authority under this subsection shall not preclude the Planning Commission from exercising its authority under this Section.

5. **Written Decision.** Following site plan review under this Section, the Planning Commission or the Site Plan Review Officer shall render a written decision on a form developed for that purpose. The decision shall include findings of fact for each of the criteria set forth in this section as well as for any other applicable regulations and standards contained in this Ordinance, other Township Planning Documents and other applicable Township Ordinances. The decision shall state conditions, if any, to which approval may be subject. The written decision shall be a part of the official record and shall constitute the decision of the Planning Commission for purposes of Section 703.2(a).

6. **Issuance of Permits** - Provided that all other requirements of this Ordinance have been met, the Zoning Administrator may issue Zoning Permits immediately upon approval of Site Plans under this Section.
7. **Installation of Required Improvements:** Performance Bond. The Planning Commission or Site Plan Review Officer shall require that all roads, driveways, sewer and water mains and connections, and other required improvements be constructed and completed prior to issuing an occupancy permit. If those improvements are only partially completed, but occupancy would not impair the health, safety, and general welfare of the patrons and the public, the building inspector may, upon the recommendation of the approving board or official, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one year of the date of the occupancy permit. This bond would be non-refundable for non-performance.

SECTION 207. RESIDENTIAL ENTRANCEWAY.

In areas zoned for residential uses, so-called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided by Section 205, Corner Clearance, provided that such entranceway structures shall comply to all codes and ordinances of the Township and be approved by the Zoning Administrator and zoning permit issued.

SECTION 208. GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE.

The regulations of this Ordinance shall not apply to the following:

1. Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township, it being the intent to exempt such essential services from the application of this Ordinance.
2. Voting Place. The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SECTION 209. MULTIPLE DWELLING SIDE YARD.

For the purpose of side yard regulations, a multiple family dwelling shall be considered as one building occupying one lot.

SECTION 210. FENCES (ORDINANCE #60) also see Section 205.

- (a) General Requirements. Unless otherwise provided in this section, fences in all districts shall be subject to the following requirements.
- (1) Unless specifically exempted by this section, any person desiring to construct a fence upon property in the Township shall first apply to the Zoning Administrator for a permit. A written application shall be submitted containing such information as may be required by the Zoning Administrator, necessary to determine that the proposed fence will not violate any ordinance of the Township.
 - (2) Fees for fence permits may be established from time to time by resolution of the Haring Township board.
 - (3) Fences shall be of such construction, design and location so that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises enclosed by the proposed fence.
 - (4) No fence shall be constructed of waste or scrap materials such as, but not limited to, pallets, tree trunks or stumps, trash, tires, junk or other similar items.
 - (5) Fences may touch the property line of the parcel to be enclosed thereby but may not extend over said line nor onto any right-of-way or across alleys which have not been vacated.
 - (6) Fences shall not exceed six (6) feet in height, measured from the ground immediately below the location of the fence.
 - (7) Fences situated in the front yard shall be 3 feet or less in height OR, no more than 25% solid.
 - (8) No "privacy fence," i.e. any fence greater than 3 feet in height AND greater than 25% solid, may be constructed within the front yard setback distance established for the district in which the fence is to be located.
 - (9) Electrified fences shall not exceed 24 volts.
 - (10) No fence, wall, shrubbery, crops, signs, or other visual obstructions shall be permitted above a height of thirty-six inches from the established street grades in any district, within a triangular area formed by the

intersection of any street right-of-way lines at a distance along each line of 25 feet from their point of intersection.

- (11) Interior fences, i.e., fences located entirely within the setback distances established for the district in which the fence is to be located, require no permit under this section.
 - (12) Fence posts must face interior of property
- (b) Fences in Commercial and Industrial Districts. The following additional provisions shall apply to fences in the Commercial and Industrial Districts:
- (1) All required fences shall be no less than six (6) feet but no more than eight (8) feet in height.
 - (2) Chain link protective fences shall be permitted in all yards.
 - (3) No electrified fences shall be permitted in the Commercial District.
- (c) Fences in the Forest Recreational and Agricultural Districts. The following additional provisions shall apply to fences in the Forest Recreational and Agricultural Districts:
- (1) Electrified fences exceeding 34 volts may be constructed in the Forest Recreation and Agricultural Districts without a permit, provided that such fencing is undertaken pursuant to farm operations conforming to generally accepted agricultural and management practices as contemplated by the Michigan Right to Farm Act, MCL 286.471, et seq.
- (d) Parks, Playgrounds and/or Public Areas. The following additional provisions shall apply to fences around parks, playgrounds and/or public areas:
- (1) Fences enclosing public or private parks, playgrounds, fields, and similar recreation or athletic use areas shall not exceed eight (8) feet in height. Such fencing may be installed upon a finding that the proposed fencing is needed for reasons of public safety, protection of property from vandalism, or to prohibit unwanted trespassing. Such fencing shall be constructed of boards, non-barbed wire or other suitable material as approved by the Charter Township of Haring Zoning Administrator.

- (2) Backstops and similar barriers used in connection with athletic fields, courts or similar recreation facilities are exempted from this subsection, but must comply with the general requirements of subsection (a).

SECTION 211. ACCESS THROUGH YARDS.

Access drives may be placed in the required front and/or side yards so as to provide access to rear yards and/or accessory structures.

SECTION 212. MOBILE HOME PARKS.

Mobile home parks shall meet the following minimum standards:

1. All developments shall conform with the Michigan Mobile Home Commission Act as amended, and all rules established under this Act. All provisions of the Act and its rules shall supersede the provisions of this Ordinance if the Ordinance provisions are found to be in conflict with the Act or its rules.
2. There shall not be less than nine hundred eighty (980) square feet of floor space within each mobile home.
3. There shall be provided for each mobile home a recreation area equal in size to at least two hundred (200) square feet per mobile home site. The recreation area shall be no longer than one and one-half (1 & ½) times its width. The area shall be graded, developed, sodded, and maintained by the management, so as to provide recreation for the residents of the mobile home park.
4. The front yard, and any side yard adjacent to a street shall be landscaped within one (1) year of construction and entire mobile home park shall be maintained in a good, clean, presentable condition at all times.
5. All mobile homes must be skirted with fireproof material. Adequate ventilation and access must also be provided.
6. All fences, other than the greenbelt surrounding the park, shall be uniform in height, shall not exceed thirty (30) inches in height, and shall be constructed in such a manner as to provide firemen access to all sides of each mobile home.

SECTION 213. DISH ANTENNAS AND SIMILAR STRUCTURES.

Dish antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following condition:

Any such structure shall meet the minimum front and side yard setback requirement for the zoning district in which it is located, as specified in Chapter 3 of this Ordinance. Any height restrictions imposed by the Wexford County Airport Zoning Regulations shall also apply

SECTION 214. ACCESS ROAD REQUIREMENTS.

Every parcel created after the effective date of this Ordinance shall have access by one of the following means:

1. The parcel shall have access to a public road, and it shall have continuous, permanent frontage on the public road for not less than the minimum lot width required for the Zoning District in which the parcel is located.
2. For single family dwellings not located in a site condominium or subdivision, or agricultural uses, the parcel shall have access to a recorded easement extending to a public road which runs with the land, which is dedicated for ingress and egress, and which is a minimum width of thirty-three (33) feet. A parcel utilizing a recorded easement for access shall have continuous frontage on the easement for not less than the minimum lot width required for the Zoning District in which the parcel is located.
3. For commercial, industrial, or multi-family, new residential subdivision or site condominium, or use other than individual single family dwellings or agricultural uses, the parcel shall have access to a recorded easement which runs with the land, which is dedicated for ingress and egress, and which meets the following requirements:
 - a) The easement shall have a minimum width of sixty-six (66) feet.
 - b) The access easement shall include easements in favor of the Township, County of Wexford, and other public utilities as appropriate allowing for installation of current or future public utilities throughout the entire length of the access easement, or suitable alternative location approved by the Township.
 - c) All parcels utilizing such an easement for access shall have continuous frontage on the easement for not less than the minimum lot width required for the zoning district in which the parcel is located.
 - d) The access road shall be approved as part of the site plan for a new development or, in the case of land division in connection with future development, the access itself shall

require site plan approval by the Site Plan Review Officer, unless the Planning Commission directs Planning Commission review.

SECTION 215. ROADSIDE STANDS.

Roadside stands are permitted in the agricultural zoning district, subject to the following requirements:

1. One parking space off the road right-of-way shall be provided for each fifteen (15) square feet of space in the stand.
2. The stand may have no more than two (2) signs. The sign size shall not exceed 16 square feet.

SECTION 216. TEMPORARY OUTDOOR USES.

A Zoning Permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by the event sponsor. The Zoning Administrator shall determine the off-street parking requirements for the event.

SECTION 217. ZONING AND BUILDING PERMITS.

No building permits of any kind, or authorization for any construction activity requiring a building permit shall be given or considered given unless a zoning permit issued by the Zoning Administrator has been granted.

SECTION 218. REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.

No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry, or public facility unless it is connected to public sewer or water, or both, if connection or extension is required by the Township Sewer or Water Ordinances. If connection or extension is not required, such structure shall be provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic commercial, and industrial waste which conforms with all of the requirements of the Wexford County Health Department and applicable State agencies.

SECTION 219. OFF-STREET PARKING REGULATIONS.

1. INTENT This section is intended to balance the need for efficient performance of streets with the need for efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

2. TABLE OF OFF-STREET PARKING REQUIREMENTS This table appears on the following pages. It identifies the number of parking spaces required for specific uses based upon measures of activity intensity.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Total parking required is the sum of spaces for all uses proposed on the site, plus employee parking, as defined below.

THE FOLLOWING USES MAY HAVE GRAVEL SURFACED PARKING

LAND USE	# SPACES	PER ACTIVITY UNIT
-1&2 Family Homes	2	Dwelling Unit
-Campground/RV Park	1	Campsite
-Animal Boarding	1	5 Animals Boarded
-Riding Stable	1	2 Horses Housed on site
-Produce Stand	5	Stand
-Grain Elevator	4	Business
-Cemetery	2	Acres
-Game Area, Nature Preserve	1	10 Acres
-Fishing Site	1	20 Ft. Dock or Waterfront
-Boat Launch	10*	Ramp (10'x45'/car & Trailer)
-Picnic Area	1	Picnic Table
-Tennis	2	Court
-Team Sport	12	Court or Field
-Park, Golf Course	1	2 Acres
-Driving Range	1	Tee
-Gun Club	4	Range, skeet or Trap House
-General Aviation	1	Tie Down of Hangar Space
-Day Nursery	1	4 Children, per License
-Vehicle Sales	1	500 Sq. Ft. of Indoor Sales Area
-Barber Shop or Beauty Salon	2	Chair
-Meeting or Bingo Hall, Skating Rink	1	4 persons allowed in Building. Based on Fire Code Rules
-Church	1	3 Seats or 6 feet of Bench of Pew Seating
-Nursing Home	1	6 Beds
-Private Club	1	2 Member Families
-Sexually Oriented Business	1	4 persons allowed in building based upon fire code

-Any Employment Site: 1** Employee on Peak Shift

* Spaces must be sized as noted.

TABLE OF OFF-STREET PARKING REQUIREMENTS (CONTINUED)

<u>LAND USE</u>	<u>#SPACES</u>	<u>PER ACTIVITY UNIT</u>
-Mobile Home Park, Apartments	2	Dwelling Unit
-Senior Citizen Housing	1	3 Dwelling Units
-Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
-Retail, office, Service, Financial	1	150 sq. ft. of Public Area
-Vehicle Service/Wash, Gas Station	3	Wash, Stall, or Fuel Pump
-Truck Stop	5*	Fuel Pump (12'x70'/Truck)
-Bar or Restaurant (Not Drive-In)	1	2 Seats
-Drive-In Restaurant	1	20 sq. ft. Gross Floor Area
-Hotel or Motel	1	Guest Room
-Community Center, Gymnasium	1	4 persons allowed in bldg. Based on Fire Code rules
-Bowling Alley	4	Lane
-Wholesale, Industrial	1	900 sq. ft. Gross Floor Area
-Theater, Arena, Stadium, Auditorium	1	3 seats or 6 feet of Bench or Pew
-Grade School	1	10 Students
-High School	1	5 Students
-College, Technical School	1	3 Students
-Hospital, Visitor Parking	1	3 Beds
-Hospital, Doctors Parking	1	2 Medical Staff Members
-Library, Museum, Gallery, Post Office	1	600 sq. ft. Gross Floor Area
-Transitional/Sheltered Housing: (Amendatory Ordinance #12-1008)		Applicant shall provide one (1) space per employee/ volunteer of the largest shift and one (1) space per bedroom, unless approved otherwise by the Planning Commission. However, in all cases, there shall be parking for no less than one (1) space per four (4) bedrooms plus one (1) space per employee/ volunteer of the largest shift. A parking plan must be provided and approved for anticipated needs for off-street parking
<hr/>		
-Any Employment Site:	1**	Employee on Peak Shift

* Spaces must be sized as noted.

3. CALCULATIONS. The TABLE OF OFF-STREET PARKING REQUIREMENTS is used to compute the required number of off-street parking spaces for a parcel. Calculate the total number of spaces to be provided by adding the requirements for each existing or proposed activity. Read down the "Land Use" column, identifying all situations which apply to parcel under consideration. For each line identified, calculate the number or activity units involved and the required number of parking spaces to serve that many units. Finally, add the total number of spaces required.
- (a) USES NOT LISTED. Requirements for a use not mentioned shall be the same as for that use which is most similar to the use not listed as determined by the Zoning Administrator whose decision may be reviewed by the Zoning Board of Appeals (see Interpretation-Section 703).
 - (b) ADDITIONS. Additional parking shall be provided in proportion to any increase in floor area, change in use or expansion of a building's use capacity.
 - (c) AVAILABILITY OF SPACES. Parking spaces are counted toward the requirement for an activity if they are located on the same parcel or an adjoining parcel with the farthest space not over five hundred feet (500') from the nearest public entrance to the principal building and a continuous paved walkway between said lot and entrance.
4. REDUCTIONS IN PARKING REQUIREMENTS. Parking requirements calculated as noted above may be reduced in the following situations.
- (a) MIXED USED. In the case of mixed uses, each of which occupies at least twenty percent (20%) of the floor area of a building, the total off-street parking requirement for the building shall be reduced to ninety percent (90%) of the sum of parking spaces required for the individual uses computed separately.
 - (b) JOINT PROVISIONS OF OFF-STREET PARKING. Where two or more abutting parcels in any Commercial Zoning District provide paved vehicular and pedestrian access between hard surfaced parking areas, allowing travel from one parcel to another without use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%) in addition to reductions allowed by other provisions of this section.
 - (c) REDUCTIONS FOR FURTHER PUBLIC BENEFITS. In any Commercial or Industrial Zoning District, uses on parcels fronting on County Primary Roads or State Highways, except limited

access expressways, and meeting and three (3) of the following conditions, may reduce the number of parking spaces required by ten percent (10%) in addition to reductions allowed by other provisions of this section.

- (1) The parcel has no driveway openings onto the major road.
- (2) No freestanding signs are located in the required front yard setback area for the building.
- (3) A portion of the parcel equivalent to at least thirty five percent (35%) of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.
- (4) Sidewalks are provided along the full length of the major road frontage of the parcel, with curb cuts to provide barrier free non-motorized travel.

5. SITE DEVELOPMENT AND CONSTRUCTION REQUIREMENTS.

- (a) DRAINAGE. Storm water collection, drainage and retention structures meeting all requirements of the Wexford County Road Commission and the Wexford County Drain Commissioner shall be installed for all off-street parking areas, if required.
- (b) DRIVEWAY AND AISLE CONFIGURATION. Driveways and aisles for any off-street parking area shall be clearly marked meeting the following requirements:
 - (1) WIDTH. Each driveway shall be a minimum of fifteen feet (15') and a maximum of twenty feet (20') in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement.
 - (2) STACKING AREA. The driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to five percent (5%) of the total number of spaces on the parking area.
 - (3) ANGLE. The driveway shall intersect the abutting street at a ninety (90) degree angle.
 - (4) AISLES. Aisles shall be at least twenty feet (20') wide.

- (c) LIGHTING. Off-street parking provided for multiple family housing, or for any business, industrial or institutional use shall be so arranged that light is not directed at adjacent properties or public thoroughfares.
- (d) SCREENING FOR RESIDENTIAL AREAS. Any parking area larger than ten (10) spaces must have a visual screen not less than five feet high on any side which abuts a parcel which is zoned for residential use.
- (e) PERMIT. A Zoning Permit shall be required for construction of any parking lot.

SECTION 220. OFF-STREET LOADING REGULATIONS.

1. UNLOADING SPACES. Provide off right-of-way unloading.
2. LOCATION. A Loading space must be located within or adjacent to the building it serves and arranged so that trucks entering or using the space do not block any portion of a public street or alley.

SECTION 221. SUPPLEMENTARY STANDARDS FOR SINGLE-FAMILY DWELLINGS

All single-family dwellings shall comply with the following standards:

1. If the dwelling is a mobile home, the mobile home must be certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.
2. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, mechanical, energy, and other similar codes which are or may be adopted by the Township; provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards are different than those imposed by Township codes, then the federal or state regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the County Building Official.
3. The dwelling unit shall comply with all requirements of this Ordinance.
4. If the dwelling unit is a mobile home, the mobile home shall be installed with the wheels removed.

5. The dwelling unit shall be attached to a permanent continuous foundation constructed on the building site. The foundation shall have a wall of the same perimeter dimensions as the dwelling unit and shall be constructed of such materials and type as required by the County Building Code for on-site constructed single-family dwellings. If the dwelling is a mobile home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism. The skirting shall be constructed of a fireproof material and shall be adequately ventilated.
6. If the dwelling unit is a mobile home, it shall be installed on the foundation referenced by Item 6 above pursuant to the manufacturer's setup instructions and shall be secured to the building site by a anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, as adopted or responsibility for mobile home parks.
7. The dwelling shall be connected to public sewer and water supply, or to private facilities approved by the Wexford County Health Department.

SECTION 222. TELECOMMUNICATION TOWERS

Telecommunication towers and their attendant facilities shall be permitted in accordance with current FCC regulations, provided that any tower structure must be centrally located on a parcel having dimensions of not less than one and one-half (1 ½) times the height of the tower, as measured from the base of the tower to all points on each property line.

SECTION 223. LAND DIVISIONS (Ordinance #67)

Except as otherwise provided in Section 421 of this Ordinance, no parcel or lot hereafter created by the division of a tract of land, shall be less than the minimum required square footage and lot width for the zoning district wherein situated. The provisions of the Land Division Act, 1967 PA 288, as amended, shall also govern the procedure of land division.

SECTION 224. HOME OCCUPATIONS.

Home occupations are permitted in the Agricultural (A), Residential (R), Forest Recreation (FR), and Lake Resort (RL) Zoning District. Prior to establishing any home occupation, a zoning permit must be obtained from the Township Zoning Administrator.

Home occupations must meet the following standards:

1. The activity must be operated in its entirety within the principal dwelling, and accessory building.
2. The activity must not involve alteration or construction not normally found in a residential dwelling.
3. The activity must not display or create outside the structure any external evidence of the operation of the home occupation except for one sign that is not more than four (4) square feet in area.

SECTION 225. TEMPORARY SITE REMEDIATION PERMITS.

1. A Temporary Special Site Remediation Permit may be granted by the Planning Commission, *subject to* the procedures and standards set forth in sections 502 and 503 of this Ordinance, for on-site remediation of parcels that are found to be contaminated or contain waste materials. Special Site Remediation Permits shall only be granted for remediation of conditions existing prior to the adoption of this amendment and shall not establish a *permanent* use not otherwise permitted in the Zoning District in which the parcel is located.
2. Conditional Approval - In approving an application for a Temporary Special Site Remediation Permit, the Planning Commission may impose reasonable and necessary conditions to ensure that the use will be in compliance with this Ordinance and the findings required by section 503 of this Ordinance. The conditions may address any pertinent factors affecting the establishment or operation of the temporary use, and may include, but are not limited to the following:
 - a) Time limits. Provision for fixed periods of time as specified by the permit for completion of remediation activities, site restoration and removal of temporary facilities, equipment or structures. Where not specified, such time limits shall not exceed 90 days for a temporary clean-up;
 - b) Nuisance mitigation. Regulation of nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration;
 - c) Hours of operation. Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection a), above;
 - d) Parking. Provision for adequate temporary parking facilities, pedestrian, and vehicular circulation,

including vehicular ingress and egress, and public transportation, if applicable, in compliance with Section 219 (Off-Street Parking Regulations);

- e) Performance guarantees. Submission of a performance bond, irrevocable letter of credit, or other surety measures, in compliance with Section 702 (4) (Performance Guarantees), to ensure:
 - (1) Removal of temporary facilities, equipment or structures from the site following completion of site remediation, expiration or revocation of the temporary permit,
 - (2) That upon completion of the temporarily permitted activity, the property will be cleaned of debris, litter, or any other evidence of the temporary use, and
 - (3) That the property shall otherwise be brought into compliance with the requirements of this Ordinance;

SECTION 226. MEDICAL MARIHUANA DISPENSARIES, PRIMARY CAREGIVERS, AND MEDICAL MARIHUANA GROW FACILITIES.

1. DEFINITIONS

- a) "Department" means the Michigan Department of Community Health, as may be amended from time to time.
- b) "Act" means the Michigan Medical Marihuana Act, MCL 333.26421, et seq., as amended.
- c) "Drug Paraphernalia" means all equipment, products, and materials of any kind, which is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance as defined in Section 7104 of the Michigan Public Health Code, 368 PA 1978, as amended, in violation of the laws of the State of Michigan.
- d) "Marihuana" or "Marijuana" means that term as defined in Section 7106 of the Public Health Code, 368 PA 1978, as amended.
- e) "Medical Marihuana Grow Facility" means any structure in which two or more Primary Caregivers and/or Qualifying

Patients either own or lease space in which to grow Marihuana for Medical Use.

- f) "Medical Marihuana Dispensary" means any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, Marihuana or cannabis or any product containing Marihuana or cannabis.
- g) "Medical Use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Marihuana or paraphernalia or Drug Paraphernalia relating to the administration of Marihuana to treat or alleviate a registered qualifying patient's medical condition or symptoms.
- h) "Primary Caregiver" means a person who is authorized under the Michigan Medical Marihuana Act, MCL 333.26421, et seq, as amended, to assist with a Qualifying Patient's Medical Use of Marihuana.
- i) "Qualifying Patient" means a person who is legally authorized under the Michigan Medical Marihuana Act, MCL 333.26421, et seq., as amended, and by the Department to use Marihuana for Medical Use.
- j) "Township" means the Charter Township of Haring, Wexford County, Michigan.

2. CONDITIONS AND STANDARDS

- a) No use, which purports to have distributed Marihuana prior to the enactment of this section, shall be deemed to have been to have been a legally established use under the provisions of the zoning ordinance and such use not be entitled to claim legal nonconforming status.
- b) Medical Marihuana Dispensaries
 - i) Medical Marihuana Dispensaries shall not be situated anywhere within the Township.
- c) Primary Caregivers with more than one Qualifying Patient
 - i) A Home Occupation shall include an individual's ability to operate as a registered Primary Caregiver, as defined by, and in compliance with the General Rules of the Michigan Department of Community Health, and the Act.

- ii) The location from which a Primary Caregiver grows, cultivates, or otherwise provides services to qualifying patients shall not be used by more than one primary caregiver.
 - iii) The location from which a Primary Caregiver provides its services shall not be located within 1,000 feet of a drug-free school zone.
 - iv) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing or harvesting of Marihuana are located.
 - v) Cultivating/growing or distribution of Marihuana shall not occur in connection with or at a location at which any other commodity, product, or service is also available
 - vi) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential use between the hours of 11:00 pm and 7:00 am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
 - vii) That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Township's Fire Department to insure compliance with the Michigan Fire Protection Code.
 - viii) All administration of Marihuana for Medical Use shall be administered offsite, with the exception of Qualifying Patients whose residence is the same as the Primary Caregiver's.
- d) Primary Caregivers with one Qualifying Patient
 - i) Those Primary Caregivers with one Qualifying Patient, not including themselves, shall not be subject to this Ordinance.
 - e) Medical Marihuana Grow Facility

- i) A Medical Marihuana Grow Facility shall be located within the industrial districts of the Township by special use only.
- ii) All Primary Caregivers and Qualifying Patients at the facility must be registered with the Department.
- iii) The facility must be located more than 1,000 feet of an educational institution, nursery school, or child care center, or another Medical Marihuana Grow Facility.
- iv) The facility shall be available for inspection, during business hours, by the Township to confirm the facility is operating in accordance with all applicable laws, including state laws and other local ordinances.
- v) The facility shall only be open between the hours of 8:00 a.m. and 8:00 p.m., except that staff of the facility may be on location for matters pertaining to the facility itself, but not the growing. By way of illustration only, a security guard or maintenance person can be onsite after hours.
- vi) The use of Marihuana at or within the facility or the facility's property is prohibited.
- vii) No Qualified Patients or Primary Caregivers shall be permitted access to the facility outside of its normal operating hours.
- viii) A security plan and floor plan shall be submitted with applications for a facility. The facility shall identify the number of grow rooms located in the facility, chemical storage space, storage space, and other relevant aspects of the layout. The security floor plan shall be kept confidential by the Township and exempt from disclosure under the Freedom of Information Act.
- ix) A waste disposal plan shall be included with all applications for a facility detailing plans for chemical disposal and plans for waste disposal.
- x) All aspects of the facility, including growing, shall be in compliance with the fire protection code.
- xi) The facility shall obtain MDEQ and Township approval regarding discharge of growing by-products into the Township's sewer system.

- xii) The facility at all times must comply with the requirements of the Department's General Rules and the Act.
- xiii) The following shall be prohibited:
 - (a) Storage of toxic, flammable or hazardous materials;
 - (b) Discharge of any toxic, flammable, or hazardous materials into the Township's sewer system;
 - (c) No residential uses within the same building/structure;
 - (d) No outdoor storage; and
 - (e) No minors in the facility without a parent and/or guardian.
- f) Violations and Penalties: Any person who violates a provision of this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or imprisonment in the county jail for a period not to exceed 90 days. Further a person who violates the provisions of this ordinance in addition to the penalties set forth herein, shall be presumed to be operating a nuisance per se and shall be subject to suit or injunction to enjoin further conduct.
- g) Nothing in this ordinance, or in any companion regulatory provision, adopted in any other provision of this ordinance, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution for growing, sale, consumption, use, distribution or possession of Marihuana not in strict compliance with the Act and the Department's General Rules. Also, since Federal Law is not affected by the Act or the Department's General Rules, nothing in this ordinance, or in any companion regulatory provision, adopted in any other provision of this ordinance, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or owners of the properties on which the Medical Use of Marihuana is occurring from prosecution under the Federal Controlled Substances Act.
- h) All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

- i) If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity or circumstance, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance. It is hereby declared to be the legislative intent of this body that this ordinance is severable, and that this ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this ordinance.
- j) All rights and duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.
- k) This Ordinance shall take full force and effect upon publication as required by law.