

SOLON TOWNSHIP ZONING ORDINANCE

**TOWNSHIP OF SOLON
COUNTY OF LEELANAU
STATE OF MICHIGAN**

**EFFECTIVE DATE: 1971
AMENDED THROUGH: 01.04.2023**

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SCHEDULE OF MAJOR REVISIONS

DESCRIPTION OF CHANGE	EFFECTIVE DATE
Created Zoning Ordinance	1971
Updated entire Ordinance	1998
Updated Definitions added	2011
Reduced Land Use Districts from twelve to nine, Sec. 3.01.	January 2014
Removed Sec. 4.08 Easement to Water	January 2014
Moved Home Occupation from Sec. 6.01 "Permitted Principal Uses" to Sec. 6.02 "Permitted Accessory Uses"	January 2014
Renamed all Sections using the term "Conditional Uses" to "Special Land Uses"	January 2014
Moved Public utility transformer stations and switchboards, gas regulator stations and telephone exchange from Sec. 6.01 "Permitted Principal Uses" to Sec. 6.03 "Special Land Uses"	January 2014
Changed Sec. 6.04 R/A 5 "Lot and Building Requirements"; front, side and rear setbacks were reduced	January 2014
Moved nine uses from Resort Recreation Sec. 10.01 "Permitted Principal Uses" to Sec. 10.03 "Special Land Uses"	January 2014
Removed family dwellings from Business District Sec. 11.01	January 2014
Added additional clarifications of Scope, Vacated Areas, Filled Lands Categories and Schedule of Regulations in Article III, Sec. 3.04 – 3.09 Modified uses between B-1 & B-2 and updated districts to reflect new definitions	January 2014
Rewording and grammatical corrections of general sentences	April-June 2014
Full re-write of Sections 1-15, condensing to Sections 1-12	June 2014
Full re-write and re-number of Sections 16-33; removal of Articles previously numbered 22 (Effective Dates), 23 (Manufacturing and Service Park Zone), 26 (Access to Lots in Plots) and 29 (Lake and Shoreline Usage; revisions to allowed uses in Articles 6-12; addition of Landscaping Article 19	TBD

RESOLUTION ESTABLISHING ZONING ORDINANCE

TOWNSHIP OF SOLON

COUNTY OF LEELANAU

STATE OF MICHIGAN ZONING ORDINANCE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATION FOR THE TOWNSHIP OF SOLON AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THE RURAL ZONING ACT, ACT 184, OF THE PUBLIC ACTS OF 1943, AS AMENDED, FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith AND TO PROVIDE PENALTIES FOR VIOLATION HEREOF.

WHEREAS, Act 184 P.A. 1943, as amended, empowers the Township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Township Board of Solon deems it necessary, for the purpose of promoting the health, safety, and general welfare of the Township of Solon to amend such existing zoning ordinance, and WHEREAS, the Township Board, pursuant to the provisions of Michigan Zoning Enabling Act of 2006 P.A. 110 of 2006, as amended, M.C.L. 125.3101 et seq., and the MICHIGAN PLANNING ENABLING ACT Act 33 of 2008 as amended, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the Township into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration to the character of the districts and the peculiar suitability for the particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township, and

WHEREAS, the Planning Commission has submitted its report to the Township Board, and

WHEREAS, the Township Board and Planning Commission have given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of Act 184, P.A. 1943 as amended, and Act 168, P.A. 1959, as amended, with regard to the preparation of this Ordinance and subsequent action of the Township Board have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP OF SOLON, LEELANAU COUNTY, STATE OF MICHIGAN, AS FOLLOWS:

ARTICLE I

SECTION 1.01 SHORT TITLES

For the purpose of clarity and brevity, the following titles shall hereafter be referred to as follows:

1. "THE SOLON TOWNSHIP ZONING ORDINANCE" as this Ordinance;
2. The Solon Township Zoning and Planning Commission as the Commission;
3. The Solon Township Board as the Board;
4. The Solon Township Zoning Board of Appeals as the Board of Appeals;
5. The Solon Township Zoning Administrator as the Administrator;
6. The Solon Township Clerk as the Clerk;
7. "THE OFFICIAL ZONING MAP OF SOLON TOWNSHIP" as the Zoning Map;
8. Solon Township as the Township;
9. Leelanau County as the County;
10. A Land Use Permit as a permit.

SECTION 1.02 INTERPRETATION OF LANGUAGE

For the purpose of this Ordinance, unless the context requires otherwise the following definition shall be used in the interpretation of this Ordinance. The following also applies:

1. The word "SHALL" is mandatory, not discretionary.
2. The word "MAY" is permissive.
3. Words used in present tense include the future tense.
4. The singular number includes the plural, and the plural, the singular.
5. The word "PERSON" includes a firm, association, organization, trust, partnership, company, or corporation, as well as an individual.
6. The word "OCCUPIED" and the word "USED" shall be considered as though followed by the words "OR INTENDED, ARRANGED, OR DESIGNED TO BE OCCUPIED OR USED".
7. The word "BUILDING" includes the word "STRUCTURE", and either includes any part thereof.
8. The word "LOT" includes the word "PLOT", "TRACT", or "PARCEL".
9. "THIS ORDINANCE" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
10. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary shall be consulted.
11. "DAYS" means calendar days unless otherwise stated.

12. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “AND”, “OR”, “EITHER...OR”, the conjunction shall be interpreted as follows:
 1. “AND” indicates that all the connected items, conditions, provisions, or events shall apply.
 2. “OR” indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 3. “EITHER...OR” indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
13. The “TOWNSHIP” is the Township of Solon in the County of Leelanau, State of Michigan; the “TOWNSHIP BOARD”, “BOARD OF APPEALS” and “PLANNING COMMISSION” are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
14. TERMS not defined herein shall have the meanings customarily assigned to them.

Any use of land listed as a Special Land Use as referred in this Zoning Ordinance, herein, requires approval by the Planning Commission according to the standards as provided in Article XX of this ordinance after a public hearing is held in accordance with the Michigan Zoning Enabling Act of 2006 as amended.

ARTICLE II DEFINITIONS

SECTION 2.01 DEFINITIONS

Abutting (lot or parcel): A lot or parcel which shares a common border with the subject lot or parcel.

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Administrative Building: A building that houses governmental functions whose principal operations focus on the management of governmental activities and services.

Agriculture: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

Agricultural Building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to an agricultural activity, excluding retail trade.

Agricultural Labor Housing: A parcel and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for five (5) or more migratory workers engaged in agricultural activities including related food processing, as licensed under the Michigan Department of Agriculture.

Agricultural Support Business (ASB): A Business that provides goods and/or services primarily to the local agricultural community, not just the farm on which it operates.

Agricultural Tourism, “ag-tourism” and/or “agri-tourism” means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

Value-added agricultural product means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, and educational presentation, activities and tours that relate to agriculture or agricultural products.

Agricultural products includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins,

tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

Agriculturally related products means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan, and value-added agricultural products and on-site production. **Non-agriculturally related products** means those items not connected to farming or the farm operation, such as knick-knacks imported from other states or countries. **Agriculturally related uses** means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc. **Non-agriculturally related uses** means activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc. and are subject to special use permit.

Alley: A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

Alternative Tower Structure: Any structure which, if intended to be used to locate an antenna or tower, may accommodate and conceal the presence of said antenna or tower, including, but not limited to, man-made trees, clock towers, bell steeples, water towers, light poles and silos.

Antenna: Any exterior transmitting or receiving device mounted on a Tower, building, structure or Alternative Tower Structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Animal Unit: A unit of measure used to compare differences in the production of animal waste produced on a regular basis by a slaughter steer or heifer, with the following equivalencies applicable to other livestock:

slaughter steer/heifer:	1.00 animal unit (all cattle)
horses:	2.00 animal units
mature dairy cow:	1.40 animal units
swine:	0.40 animal units
sheep:	0.10 animal units
all fowl:	0.05 animal units

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

Architectural Features: The following structural elements are exempted from height limit requirements, provided that no portion of the exempted element may be used for human occupancy:

- A. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments.
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height.

Automobile Service and Repair Stations: Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.

Basement: That portion of a building which is partly or wholly below finished grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and Breakfast Establishments: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard: A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of the Highway Advertising Act, PA 106 of 1972 (as amended) as well as to the provisions of this Ordinance. Tourist oriented directional signs (TODS), as provided by the Michigan Department of Transportation, are excluded from this definition.

Board of Appeals: Solon Township Zoning Board of Appeals (ZBA).

Buffer Area: A strip of land for planting shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities.

Building Height: The vertical distance from the peak of the roof to the average finished grade. When the terrain is sloping, the height shall be computed using the average grade measured at the building wall on all four sides (see Figure 1). No portion of the structure's roof may exceed the maximum height allowed in the specific District regulations. As illustrated in Figure 2 buildings may be "stair stepped" up and down slopes. The building height shall be calculated for each "stair stepped" portion separately.

Building Inspector: An individual hired by Leelanau County to administer the County building code.

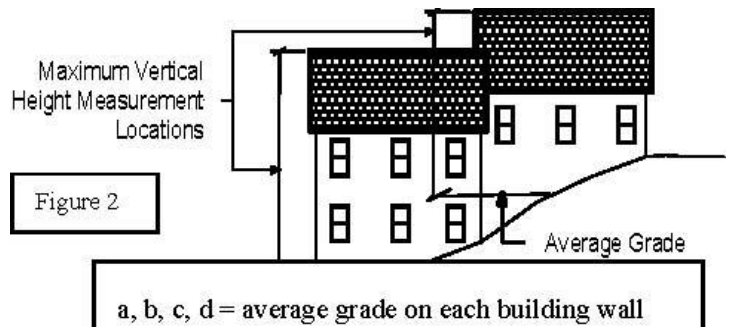
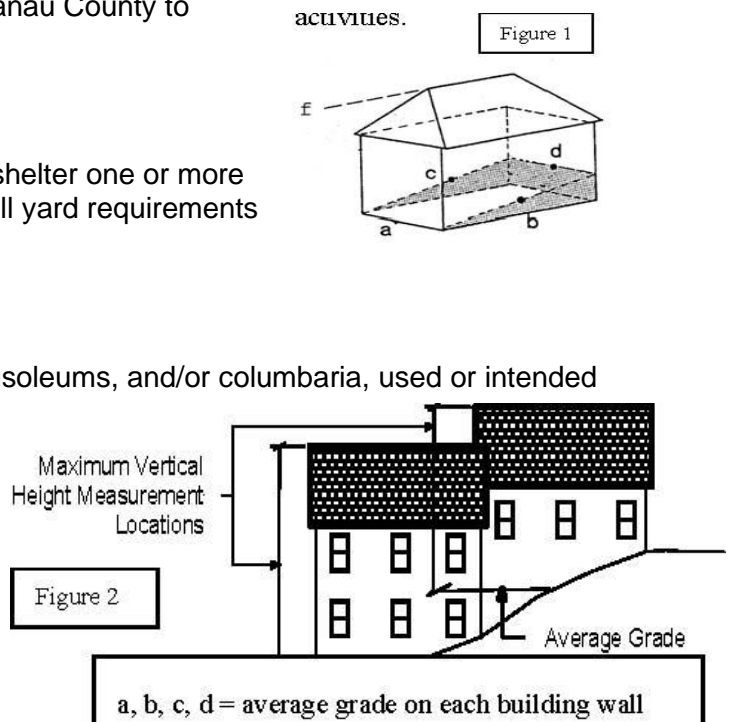
Building Lines: see Setback.

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

Cellar: See definition for "Basement".

Cemetery: Property, including crematories, mausoleums, and/or columbaria, used or intended to be used solely for the perpetual interment of deceased human beings.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the County building code.



Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the immediate previous use.

Christmas Tree Farm: A Christmas tree farm is one that grows coniferous trees such as Scotch, White and Austrian Pine; Douglas fir, Fraser fir, Canaan, Concolor and Balsam Fir; Blue, Norway and White Spruce for the purpose of landscape or Christmas holiday decoration, either pre-cut or for the consumer to cut. **Associated Entertainment:** Wagon ride – either tractor or horse-drawn to Christmas tree lot, Petting farm, Bonfire, Tree drilling, baling. **Retail:** Pre-cut Christmas trees, Wreaths, grave blankets and garland, Christmas ornaments and decorations, Stands. **Food Concessions:** Hot chocolate, coffee, cider, Bakery items – donuts, Kitchen and dining facilities for limited service of items such as, hot chocolate, cider, doughnuts and other bakery items. All food franchises and products are strictly prohibited. The kitchen must comply with other applicable zoning ordinances, and any local and state agency regulations and inspections.

Church: See Church

Cidery: See Winery

Cider Mill: A cider mill consists of a facility where apples are processed into cider. Although the cider is the main focus of the business, there are related activities that keep the customer entertained. Pasteurization may or may not be part of the process. Apples may be from the farm or bought from area farmers. **Associated Entertainment:** Inflatable play areas, Petting farm, goat walks, Haunted houses, Corn mazes, straw mountains, Bonfires, Corporate picnics, Tours, Birthday parties, General children's playground equipment –slides, swings, climbers. **Retail:** The retail area sells in-season fruits and vegetables grown on the farm and from other local growers. Locally made maple syrup, honey, jams and jellies are also sold in farm markets. Local crafters and artisans will sell their pieces in farm markets. Bakery items are also a part of the retail business. **Food concessions:** Kitchen and dining facilities can serve food and bakery items. All food franchises and products are strictly prohibited. The kitchen shall comply with other applicable zoning ordinances and any local and state agency regulations and inspections.

Clinic: A building or group of buildings where patients come for examination and treatment by one or more professionals, such as a physician, veterinarian or dentist.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.

Co-location: The use of a telecommunication tower or alternative tower structure by one or more wireless telecommunication providers.

Commercial Farm: A Farm that has sold agricultural or horticultural products worth \$10,000.00 or more annually for at least three of the past five years.

Community Supported Agriculture (CSA): A small-scale farm and/or garden that sell their products to buyers that have purchased a "subscription" to the farm. A CSA's focus is usually on a system of weekly delivery or pick-up of vegetables and other farm products. It is a partnership between a local farmer and nearby consumers who become members or subscribers in support of the farm. In exchange for paying in advance (at the beginning of the growing season,) the CSA member receives fresh produce as available throughout the season.

Communication Tower: Any structure that is designated and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, Wi-Fi, and other telecommunication purposes. The term includes, but is not limited to, radio and television transmission communication towers, microwave communication towers, common-carrier communication towers, cellular telephone communication towers alternative tower structures and the like. The term includes the structure and any support thereto, and any antenna that may be affixed to such structure. This term also applies to an antenna in the case where the antenna is affixed to a building or other structure that was not constructed primarily for the purpose of supporting an antenna.

Concentrated Livestock Operations: A farm operation which exceeds the confinement of livestock or poultry in excess of fifty (50) animal units per confined acre, or where the confinement area accumulates manure that must be removed, or a sustained ground cover

(crops, vegetation, forage growth, or post harvest residue) cannot be maintained over the normal growing season throughout the area where the animals are confined.

Condominium Project: A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed.

Cottage Industry: An occupation or trade conducted either within residential structure or within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes.

Dairy Farm: A working farm where dairy animals and products are produced. **Associated Entertainment:** Tours and hayrides, Petting farm and animal feeding, Picnic, Festivals, Corporate meetings, **Retail:** Dairy products, Meat products, Gift shop. **Food Concessions:** Ice cream shop, Snack shop, **Other Considerations:** Storage

Day Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility, which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- b. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- c. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

Day Care Home; Family: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 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. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care Home, Group: A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor 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. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest or other interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

Density: The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the rights-of-way for streets and alleys.

Distillery: See MLCC requirements

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

Dock: Any structure temporary or permanent, built or extending over a public body of water, supported by pillars, pilings or other supporting devices.

Drive-in Establishment: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A private lane, which is used for vehicular ingress and egress serving one or two lots, parcels or site condominium units.

Dwelling: see Dwelling Unit.

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

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. 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
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

Dwelling, Multiple Family: A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

Dwelling, Two Family (Duplex): A building containing not more than two separate dwelling units designed for residential use.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent, shipping container or other such portable structures be considered a dwelling unit.

Easement, Permanent Recorded: A grant of one or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the Leelanau County Register of Deeds.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical activity upon a premise or lot required for the building. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Erosion: The removal or relocation of soil particles from the land by the action of water, wind, ice, or other geological elements.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. Telecommunication towers or facilities licensed via state or federal agencies, alternative tower structures, wireless communication antenna and wind turbine generators are not included within this definition.

Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

Family:

- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or.
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any

society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

- c. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm: The use of contiguous, neighboring, or associated land operated as a single unit by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees for the purpose of raising and harvesting farm products for economic gain. The use of land as dog kennels, commercial slaughterhouses, fertilizer works, and bone yards shall not be considered farms.

Farm Market: An accessory building or structure to a farm operation used solely for the purposes of the sale of seasonal or other farm products, of which fifty (50) percent of the retail floor area is devoted to seasonal or other farm products produced on the farm or in Leelanau County.

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Farm Product: Those plants and animals useful to man and includes, but is not limited to: forages and sod crops; grains, and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, and trees; fish, apiaries, equine and other similar products; or any other products which incorporate the use for food, feed, fiber, or fur.

Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure or barrier.

Filling: The depositing or dumping of any soil matter into or onto the ground.

Floor Area, Gross: The sum of the square footage of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Usable: (For the purposes of computing parking requirements), that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Footing: That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

Foster Care Facility: An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

- a. Family Home: A facility which provides foster care to six (6) or fewer persons.
- b. Group Home: A facility which provides foster care to seven (7) or more persons.

Frontage: The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.

Garage: An accessory building or an accessory portion of a principal building designed or used for the use of motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Golf Course/Country Club: A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

Grade, Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

Grade, Finished: The elevation of the ground upon the completion of construction and improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Home Occupation: A profession or occupation conducted entirely within a dwelling which is clearly incidental and secondary to the residential use of the lot; does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

Hotel or Motel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

Impervious Surface: Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways.

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Junk: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building or otherwise managed as part of a junk yard. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from any residential structure for a period not to exceed seven (7) days.

Junk Yard: Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered as a special land use requiring special approval.

Kennel: A lot or premises on which four (4) or more dogs, cats, or other domestic pets of the same species, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

Landscape buffer strip: see Buffer Strip.

Land Use Permit: A permit signifying compliance with the provisions of this Ordinance, as issued by the Zoning Administrator on behalf of the Township.

Livestock: Cattle, horses, sheep, goats, swine, poultry, llamas, and other animals or fowl.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A parcel of land or site condominium unit, whether buildable or unbuildable.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see Figure 3.)

Lot Coverage: The percentage (%) of the lot covered by buildings, loading docks, and other structures which impede the unobstructed infiltration of water. Driveways, sidewalks or other like items are not included.

Lot, Depth Of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or does not meet the frontage requirements of the district in which it is located.

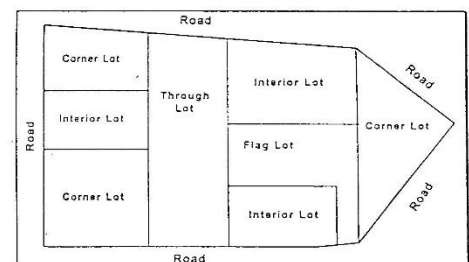


Figure 3

Lot Frontage: The length of the front lot line along a public or private road or easement.

Lot, Interior: A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street.

Lot Lines: (Figure 4) The lines bounding a lot or

- a. Lot Line, Front: The line(s) separating the lot from any street right-of-way, private road or other access easement. In the case of a waterfront lot, the front lot line shall be the water's edge.
- b. Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot or parcel, an imaginary line parallel to and at a maximum distance from the front lot line.
- c. Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: A lot whose legal existence, location and dimensions have been recorded with the Register of Deeds, or registered in a deed or on a plat.

Lot, Through: An interior lot having frontage on two (2) more or less parallel streets.

Lot Width: The straight line perpendicular distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines.

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Leelanau County Road Commission or as a principal or minor arterial by the Michigan Department of Transportation.

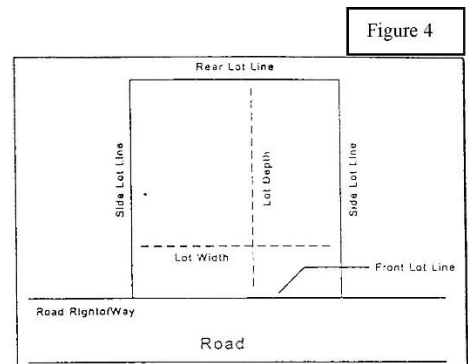
Manufactured Housing: see Dwelling, Manufactured.

Marina: A water body or portion thereof used for the principal purpose of docking watercraft in water for which a fee is paid for such docking, and where additional accessory services may be offered including watercraft repair, fueling and servicing.

Master Deed: The document recorded as part of a condominium project to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium project and the condominium site plan.

Master Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner.

Mini Storage (warehouse) Facilities: A building or group of buildings that contains individual Compartmentalized and controlled access stalls or lockers for the storage of customer's



goods or wares including recreational vehicles and watercraft, which are generally not used on a daily basis.

Minor Thoroughfare: A public street identified as a county local road by the Leelanau County Road Commission, except that no street in a platted subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.

Modular (Pre-Manufactured) Housing Unit: see Dwelling, Manufactured

Motel: see Hotel.

Motor Home: see Recreational Vehicle

Municipal Civil Infraction Citation: A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Municipal Sewage Treatment Facility: A sewage treatment system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Municipal Water Supply: A water supply system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Nature Trail: A dedicated non-motorized recreational path that can be privately or publicly owned.

Nonconforming Structure: A building or structure (or portion thereof) that does not meet floor area, setback, parking or other dimensional regulations for the district in which located, but which complied with application regulations, if any, at the time it was constructed.

Nonconforming Lot of Record: A lot of record, that does not comply with the area or width dimensions, or both, for the district, but which complied with applicable regulations, if any, at the time it was created.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, that does not conform to the use regulations in the district in which located, but which conformed with use regulations, if any, at the time it was created.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Occupancy Permit: see Certificate of Occupancy

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Open Space, Dedicated: Common open space dedicated through permanent recorded deed restrictions or easement.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Parcel: see Lot.

Park: Properties and facilities owned and operated by any public or private entity which are open to the general public for recreational purposes.

Parking Area, Off-Street: A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide safe access for ingress and egress.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for storage or parking of vehicles.

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

Planned Unit Development: A type of development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development. Such developments can be proposed as either single use (such as a residential site condominium project), or mixed use developments (such as a project which includes both residential and commercial components).

Planning Commission: The Planning Commission of Solon Township.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967 or a prior statute.

Principal Building: The main building on a lot in which the principal use exists or is served.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Road: A private way or means of approach which meets the requirements of this Ordinance to provide access to three (3) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Private Sanitary Sewage Disposal System: An individual or community (shared), on-site sewage disposal system as defined in the County Health Department Sanitary Code.

Private Water Supply: A well or other water supply system approved by the County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

Prohibited Use: A use of land which is not permitted within a particular zoning district.

Public Facilities: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, state, or public school boards and including commissions or other arms of such entities.

Public Sanitary Sewer: A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

Public Utility/Infrastructure: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, transportation or water.

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (Act 96, Michigan Public Acts of 1987, as amended).

Recreational Vehicle Park: All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Restaurant, Drive-through: A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready -to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

The term "standard restaurant" shall not be interpreted to mean or include a drive-through restaurant.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Road Frontage: The area along a parcel or lot abutting a public or private road.

Roadside Stand: A structure which is used seasonally for display and sale of agricultural produce and products grown on the same parcel of land.

School: A public or private educational institution offering students a conventional academic curriculum, including pre-school, kindergartens, elementary schools, middle schools, high schools and colleges. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Screen: A visual barrier located between two areas; the area enclosed and the adjacent area. A screen may be structural or non-structural, such as shrubs or other growing materials.

Seasonal: A recurrent period other than year round.

Secondary Containment: A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.

Setback: The minimum distance from the lot line within which no buildings or structures, including overhangs, may be placed, except as otherwise provided in this ordinance

- a. **Front:** Minimum distance, extending the full lot width, between the principal building and the front lot line.
- b. **Rear:** The minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- c. **Side:** The minimum required distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

Shooting/Hunting Preserve (minimum 120 acres small game (shot guns/bows), 320 acres large game): Shooting preserve or game farming means the intensive, small pasture production of wild animals for the purpose of hunting on agricultural land, for a fee, over an extended period of time, in conformance with state and federal game laws. **Associated Entertainment:** Competitions, **Food Concessions:** Boxed lunches, Snack shop, Dining facilities, **Other Considerations:** Bird cleaning facilities, Overnight camping, Bed and breakfast, Dog kennels.

Shoreline: Any area within five hundred (500) feet of the water's edge of Lake Leelanau; any additional areas adjacent to Lake Leelanau designated by the State of Michigan or County agencies as environmental areas worthy of protection due to wildlife habitats, sensitive aquatic vegetation, or high risk of erosion; and any area within one hundred fifty (150) feet of the water of a stream, river, pond, lake or wetland area, or the designated floodplain of such water bodies, whichever is greater.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such a manner as to attract attention from outside the premises.

Sign Area: The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed and structural and nonstructural trim. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

Sign, Freestanding: A sign on the lot which is not attached to a principal or an accessory structure.'

Sign, Off-Premises: A sign on the lot which is not attached to a principal or an accessory structure.'

Sign, Portable: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers.

Sign Wall: A sign which is attached directly to a building wall with the horizontal sign surface generally parallel to the building wall, including signs painted on any building wall.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

Solid Waste: Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

Special Land Use: Conditional uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing.

Stable, Commercial: A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

Stable, Private: An accessory structure and/or land use where horses are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.

Steep Slope: Any area exceeding a slope of twenty-four (24) percent.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Stream: A definite bank, a bed, and visible evidence of a continued flow or continued occurrence of water as determined by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

Street: A state highway, county road, dedicated public thoroughfare or approved private road affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Structural Alterations: see Alterations.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground. Sidewalks and at-grade patios shall not be considered as "structures," but must comply with all applicable standards of this Ordinance.

Subdivision: The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.

Swimming Pool: Any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

Tasting Room: A room in conjunction with a winery, cidery, or distillery where a) tasting of wine, fruit wines, and nonalcoholic fruit juices takes place and b) the retail sales of winery products, incidental retail sales of non-food items and packaged food items are allowed as provided herein.

Temporary Dwelling (TD) Unit: When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the County Building Inspector, a TD may be approved for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.

Temporary Off-Season Storage Agricultural Building: An agricultural building which is used no more than six (6) months during a twelve (12) month period for the purposes of storing recreational vehicles which are not registered to a person residing on the premises.

Township Board: Elected members of the governing Board of Trustees of Solon Township.

Township Engineer: The staff engineer or consulting engineer of the Township.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

U-Pick: U-Pick means a fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant. **Associated Entertainment:** Wagon rides, Festivals and contests, Picnic areas, Children’s play area. **Retail:** In season produce from own farm or other Michigan farms. **Food Concessions:** Snack shop.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance which the Zoning Board of Appeals is permitted to grant, upon making certain required findings, including but not limited to, when strict enforcement of said provision would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is sought.

Waterfront Lot: Any lot or parcel which abuts Lake Leelanau or has a stream, river, or pond.

Water’s Edge: The contour line 589.9 feet above mean sea level with respect to lands abutting Lake Leelanau, including the bays and harbors thereof, and the “ordinary high water mark” as defined and interpreted under the Natural Resources Protection Act, PA 345 of 1994, as amended with respect to lands abutting all other lakes and streams in the township.

Wetland: 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 is commonly referred to as a bog, swamp or marsh.

Wine: The product made by the normal alcoholic fermentation of the juice of grapes or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.

Wine Related Beverages: Fortified wines, wine brandy and mixed wine drinks.

Wine Drink, Mixed: A drink or similar product containing less than 7% alcohol by volume, consisting of wine and plain, sparkling, or carbonated water, and containing any one or more of the following:

1. Non-alcoholic beverages
2. Flavoring
3. Coloring materials
4. Fruit juices
5. Fruit adjuncts
6. Sugar
7. Carbon dioxide

8. Preservatives

Wine-Fortified: Wine with brandy or wine spirits added as permitted by law.

Winery: The retail and/or manufacturing premises of a small winemaker or winemaker licensee as defined by the Michigan Liquor Control Commission. According to the Michigan Liquor Control Commission (MLCC), a winemaker “means any person licensed by the commission to manufacture and sell, at wholesale or retail, wine manufactured by that person.” A small winemaker is a winemaker manufacturing or bottling not more than 50,000 gallons in 1 calendar year.” Wine is defined as “the product made by normal alcoholic fermentation of the juice of sound ripe grapes, or any other fruit with the usual cellar treatment, and containing not more than 21 percent of the alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.” An MLCC Rule that impacts winery zoning - even though the winemaker license gives the business permission to sell wine, it is subject to the following restriction: R 436.1003 *Building and health laws, rules, and ordinances*. Rule 3: A licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. **Associated Entertainment:** Special events involving wine, food, arts and cultural entertainment, Vineyard and winery tours, **Retail:** Tasting room for sampling of wine or other beverages made by the winery, Bottles of wine, Wine related items - glasses, corkscrews, and coolers, Business related items – t-shirts, bags, caps, wine books - arts and crafts. **Food Concessions:** Full service restaurants – as allowable under MLCC regulations, Breads, cheese, bakery. **Other Considerations:** Overnight Accommodations – bed and breakfast.

Yard: A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

- a. **Front Yard:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the structure. There shall be maintained a front yard on each street side of a corner lot.
- b. **Rear Yard:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the structure of the main building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
- c. **Side Yard:** A yard between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the structure of the main building.

Zoning Administrator: The authorized individual appointed by the Township Board of Trustees and charged with the responsibility of administering this Ordinance.

Zoning District or Zone: A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

ARTICLE III

SECTION 3.01 LAND USE DISTRICTS

For the purposes of this Ordinance, the Township is divided into ten (10) Land Use Districts, as follows: CHANGE PER DANA'S COMMENT

1. Agricultural/Conservation (A/C)
2. Residential/Agricultural (R/A 2)
3. Residential/Agricultural (R/A 5)
4. Residential 1 (R-1)
5. Residential 2 (R-2)
6. Governmental
7. Resort Recreation (RR)
8. Business 1 (B-1)
9. Business 2 (B-2)
10. Planned Unit Development (PUD)

SECTION 3.02 ZONING MAP

The Land Use District into which each lot in the Township is placed is shown on the Zoning Map which accompanies and is hereby made a part of this Ordinance. The Zoning Map, or an exact copy thereof, shall be available for examination at the office in the Township Hall at all reasonable times, and shall be kept with the records of the Clerk. Unless otherwise stated, all Land Use District boundaries shown on the Zoning Map are intended to follow lot lines, or the center lines of roads or streets.

SECTION 3.03 INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following a street, the center lines of such streets shall be considered to be such boundaries.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
4. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map.
5. Boundaries following the water's edge of a stream, lake or other body of water shall be construed to follow such shorelines; boundaries indicated as approximately following the center line of streams, rivers, canals, or similar bodies of water shall be construed to follow such center lines.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundary between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals after recommendation from the Commission.

SECTION 3.04 SCOPE OF REGULATION

A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

B. Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.

C. No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.

D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after

the effective date of this Ordinance shall meet at least the minimum requirements established herein.

E. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.

F. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.

SECTION 3.05 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for those uses as is permitted under this Ordinance for such adjoining lands.

SECTION 3.06 ZONING OF FILLED LANDS: USE OF WATER

No fill shall be placed in any wetland, lake or stream without proof of a valid permit therefor from the Michigan Department of Natural Resources. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

SECTION 3.07 CONFLICTING REGULATIONS

Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

SECTION 3.08 CATEGORIES WITHIN ZONING DISTRICTS

In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the land uses have been classified into three (3) categories.

A. Uses Permitted By Right: Uses permitted by right are the primary uses and structures specified for which the zoning district has been established.

B. Special Land Uses Permitted By Special Approval: Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing and Planning Commission approval.

SECTION 3.09 SCHEDULE OF REGULATIONS

The requirements in the following table entitled "Schedule of Regulations" apply to all principal land uses and buildings permitted by right within each zoning district, except as otherwise specified in the schedule or established in this Ordinance. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the schedule, and all other applicable site development provisions. In the event of any conflict between the provisions of the written text of the Ordinance and the content of the Schedule of Regulations, the provisions of the text shall apply. Owners of nonconforming lots of record should refer to Article XIV as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self-created hardships or economics of the owner.

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage (in feet)	Maximum Building Height		Minimum Yard Setback (in feet)			Maximum Lot Coverage (%)
				Feet	Front Yard	Side Yard	Rear Yard	
AC: Agricultural Conservation	5 acre	250		35	50	25	50/ 100 RES	25
RA: Residential /Agricultural 5 Residential /Agricultural 2	5 acres 2 acres	200 f 100 f		35	40	20	30	25
R-1: Low Density Residential	15,000 sq. ft.	100 50 in Cedar		35	40 *Cedar	10	40 15 Cedar	40 50 Cedar
R-2: Medium Density Residential	30,000 sq. ft.	100		35	40	10	40	40
GOV: Governmental	20,000 sq. ft.	100		35	40	10	10	75
RR: Resort Recreation	20,000 sq. ft l	75		35	40	10 / 15c	40	50
B-1: Business	20,000 sq. ft.	100 50 in Cedar		35	75 15 Cedar	15 5 Cedar	25	8,000 15,000 d
B-2: Business / Light Manufact.	1 acre	150		35	65	10 50 Res.	10 50 Res.	50

Footnotes: Residential sq. ft. minimum is 400 with a 20' by 20' minimum core on the main level.

* Neighborhood Clause equals average of setbacks within 200' for front yard

ARTICLE IV: GENERAL PROVISIONS

SECTION 4.01 SCOPE

Except as otherwise provided in this Ordinance no lot, no existing building or structure and no new building, or structure shall hereafter be located, erected, constructed, reconstructed, altered or used for purpose other than in conformity with the provisions of this Ordinance.

SECTION 4.02 ESSENTIAL PUBLIC SERVICES

Essential public services such as drains, sewers, pipes, and conduits within the road right-of way, are hereby declared exempt from the provisions of this Ordinance. Overhead wires, cables and poles shall be located on section or property lines, PROVIDED, however, that if such location is impractical, the Board of Appeals may, on application made thereof, grant a variance. Accessory buildings for utility installations shall be approved through Special Land Use and Site Plan Review requirements.

SECTION 4.03 CODES

All buildings constructed within all zoning districts shall meet all local, state and federal approved codes, if applicable.

SECTION 4.04 YARD, AREA AND LOT RELATION

Every building and structure hereafter erected shall be located on a lot the description of, and the deed to which shall be on record in the office of the Register of Deeds of this County, or on a lot the description of which shall be contained in a bona fide land contract or lease which is in full force and in effect at the time of application for a permit under this Ordinance.

SECTION 4.05 SETBACK RESTRICTIONS, HIGHWAY

Right-of-way line of any roadway appearing elsewhere in this Ordinance have been written with the assumption that the right-of-way is not wider than sixty six (66) feet, therefore, any forty (40) foot setback restriction may be reduced as follows:

HIGHWAY

<u>RIGHT-OF-WAY</u>	<u>DISTANCE</u>
66	40
100	30
150	25
200	20

SECTION 4.06 SETBACK RESTRICTIONS, BUILDING AND STRUCTURES

No building or structure shall be built closer to the adjoining right-of-way than forty (40) feet nor closer to the water's edge than forty (40) feet except where compliance with both of these restrictions on a lot of record created before the institution of this Ordinance creates a hardship in which case the right-of-way restriction may be reduced as deemed necessary by the Board of Appeals, but in no case shall the setback from the right-of-way be less than twenty (20) feet nor the setback from the water's edge be less than twenty (20) feet. To reduce fire hazards, no building or structure shall be erected less than ten (10) feet from the side lines of any lot or existing or proposed structures. Towers, wind generators, transmission or reception antennas and other similar structures shall be setback ten (10) feet plus the height of the structure, from all lot lines, except where other provisions of this Ordinance are more restrictive.

SECTION 4.07 PARKING RESTRICTIONS

Parking and/or service areas for all business uses shall be separated from adjoining residential uses by a suitable planting screen, fence or wall at least six (6) feet in height, as required by the Planning Commission during site plan review.

SECTION 4.08 BOAT HOUSES

Unless otherwise specifically provided in this Ordinance, boat houses constructed on lakes or water courses in the Township do not have to comply with setback restrictions from such water's edge of lakes or water courses as would be applicable to other types of structures. A 14' x 24' maximum building footprint with an 18' high maximum peak with a minimum 4/12 gable roof pitch is allowed. No habitable space or decking is allowed.

SECTION 4.09 MAXIMUM HEIGHT

Fire Department regulations require that no building or structure shall be constructed having a height greater than thirty-five (35) feet unless allowed by applicable building and fire safety codes. This does not include towers or antenna systems that might require a greater height for adequate signal reception.

SECTION 4.10 STRUCTURES EXEMPT FROM LAND USE PERMITS AND SETBACK REQUIREMENTS

Structures, such as mailboxes, sidewalks, (still MAY require a permit from the Leelanau County Road Commission), and other similar objects shall be exempt from setback requirements and shall not require a Land Use Permit. Also see TEMPORARY HOUSING UNITS, Section 4.13, and SIGNS.

SECTION 4.11 DRIVEWAYS

To promote public safety; to facilitate optimum levels of emergency services to township residents and guests; and, to prevent or reduce damage to buildings and structures resulting from fire hazards, all

Primary Driveways shall meet the following minimum design, construction, and maintenance standards:

1. Connection to Public Street or Road -Unless otherwise permitted by this Ordinance, all driveways shall connect directly to an approved public or private street or road.
2. Design Standards - All driveways shall meet or exceed the following design standards:

Design Element	Standard
Right-of-Way – Area used for driveway placement, including the driving surface and clearance zone. That portion of the right-of-way outside the limits of the driving surface may also be used for snow storage and surface water drainage.	24'

<p>Horizontal Clearance Zone – Open area maintained throughout the length of the driveway for accommodating the driving surface and shoulder areas. A clearance zone is necessary for the unimpeded movement of emergency vehicles, such as fire equipment, as well as the parking of vehicles associated with emergency operations.</p>	<p>20'</p>
<p>Vertical Clearance Zone – A vertical clearance zone maintained along all portions of the driving surface. A clearance zone is necessary for the unimpeded movement of emergency vehicles, such as fire equipment, as well as the parking of vehicles associated with emergency operations.</p>	<p>14'</p>
<p>Improved Driving Surface – Improved area of the driveway used for the normal conveyance of vehicular traffic associated with the use of the lot or parcel served by said driveway</p>	<p>12' – Driveway serving Single Parcel 16' – Driveway serving Multiple (up to 2) Parcels</p> <p>(Note: the improved driving surface width at the connection of the driveway to a public street shall be not less than required by the agency having jurisdiction over the street to which the driveway will connect.)</p>
<p>Driving Surface Alignment – The location of the driveway within the right-of-way.</p>	<p>The centerline of the driving surface shall follow the centerline of the right-of-way. Provided, however, the Zoning Administrator may permit modification of said placement for purposes of public safety and/or protection of important site features.</p>
<p>Grade – Incline/slope of the road. Radius approval by Zoning Administrator and Fire Chief</p>	<p>Not to exceed 7%. A grade exceeding 7%, up to a maximum of 10%, may be permitted subject to review and approval by the Fire Chief and Zoning Administrator.</p>
<p>Materials – Driveway construction materials</p>	<p>Sub-base: 6 inches compacted course sand</p> <p>Surface: 4 inches compacted gravel (22A); or 2" bituminous pavement or 3" to 5" of suitable concrete over compacted gravel. Materials shall be placed over a stable base or equivalent.</p>

Clear Vision – Maintaining an open area of the intersection of the driveway with a private street or road such that the views of oncoming traffic are not blocked or obscured.	Shall be maintained at all driveway/road intersections.
Turn-A-Rounds – For driveways beyond 400 feet in length	Shall be required if the terminus of the driveway (i.e. point[s] most distant from the connection of the drive to a public street or road) does not provide sufficient area or maneuvering capability for the turn-a-round of vehicles using the driveway. The turn-a-round shall be in the form of a cul-de-sac having a radius of not less than 40 feet or a hammerhead "T" of sufficient size to permit the safe and efficient maneuvering of vehicles for turn-a-round purposes. All turn-a-rounds shall be subject to review and recommendation of the Township Fire Department
Turn-out – for driveways greater than 400 feet in length.	Shall be required subject to review and approval of the Zoning Administrator and Fire Chief.
Stream, Wetlands and Drainage Crossings	The crossing of a stream, wetland, or county drain shall be subject to site plan review and approval. All such crossings shall also satisfy the requirements of the agency having jurisdiction thereof
Shared Driveways	All portions of shared driveways shall comply with applicable provisions of Section 4.12

3. Maintenance- All driveways shall be regularly maintained, suitable for the safe and efficient passage of emergency vehicles at all times.
4. Other Access Requirements- The provisions of Section 4.12 do not preclude compliance with the access and lot frontage requirements of this Ordinance.
5. Shared Driveways- The sharing of driveways shall be permitted provided, however, this provision shall not nullify the requirements that every lot shall abut on, or have permanent access to, a public street. All parcels subject to use of a shared driveway shall execute and record with the County Register of Deeds an access easement and maintenance agreement. Said agreement shall fully describe the location of the access easement and shall contain language specifying that all parties to the easement agreement shall be subject to the driveway requirements of Solon Township, and that said access easement agreement shall not be construed as a public or private street or road. The applicant shall file a copy of the recorded access

agreement with the Solon Township Zoning Administrator not less than sixty (60) days after date of said recording.

6. County or State Road Connection Approval (permit)- The applicant shall obtain necessary connection approvals (i.e. permits) as required by Leelanau County Address Ordinance, the Leelanau County Road Commission or the Michigan Department of Transportation.
7. Township Approval- The design and construction of a Primary Driveway shall be subject to site plan review and approval by the Zoning Administrator. Provided, however, review and approval may also occur coincident with the review and approval of site development (i.e. building) plans proposed for the property subject to the driveway. The Zoning Administrator may consult with the Fire Chief or other parties when reviewing and approving a driveway.

The approval of a primary Driveway may be subject to conditions necessary to protect the public health, safety, and welfare. Said conditions may include, but shall not be limited to, relocation of the driveway for purposes of public safety and/or to protect adjoining properties from the effects of the driveway resulting from its construction and use; provisions for the placement of emergency staging areas to support fire and emergency vehicles and associated equipment; certification by a civil engineer or professional surveyor, registered in the State of Michigan, specifying that said Primary Driveway has been designed and constructed to township standards; implementation of a dust control plan; implementation of an erosion control plan; landscape buffers for purposes of dust and erosion control; and other such conditions necessary to protect public safety, the integrity of the driveway, and the fulfillment of these regulations.

8. Indemnity-The applicant(s) and owners of a driveway agree that by applying for and securing a permit to construct a driveway shall indemnify and will hold the Township, including the Township Board, Planning Commission, Township Staff, Township Consultants and other such bodies representing the Township, harmless from any and all claims for personal injury and/or property damage arising out of the use of the driveway or the failure to properly construct, maintain, repair, and replace the driveway.

SECTION 4.12 SINGLE FAMILY DWELLINGS

Single family dwellings in all districts allowed by this ordinance shall meet each of the following standards:

1. The dwelling shall comply with the minimum living space requirements and other requirements of the district in which it is to be placed.
2. The exterior walls shall be constructed, or appear to be constructed, of wood or masonry, or other materials approved by the Planning Commission. Reflection from such exterior shall not be greater than from siding coated with clean, white, gloss paint.

3. The dwelling shall have a minimum dimension, in any direction, of not less than twenty (20) feet.
4. The dwelling shall have not less than two (2) exterior doors.
5. The dwelling shall be firmly attached to a permanent foundation, which shall be coextensive with the perimeter of the dwelling. The foundation shall be constructed in accordance with the Leelanau County Building Code, and attachment of the dwelling to the foundation shall meet all applicable building codes and other state and federal regulations.
6. The dwelling shall not have exposed wheels or towing mechanism.
7. The dwelling shall meet all standards of the State of Michigan's Building Code and all other applicable Township, state, or federal ordinances or statutes.

Compliance with the foregoing standards shall be determined by the Zoning Administrator of the plans submitted, which plans shall include elevations or elevations of photographs of all sides of the proposed dwelling, exterior dimensions, roof slopes, description of the exterior finish and roofing composition, storage areas, and all other information required to be submitted under any applicable ordinance. Said determination may be appealed by an aggrieved party to the Zoning Board of Appeals, pursuant to Article XXI, Section 21.08. Further, the Board of Appeals is empowered to grant variances from the foregoing standards to permit innovative design concepts involved in such matters as solar energy, view, unique land contour, or relief from the common or standard dwelling.

SECTION 4.13 TEMPORARY DWELLING UNIT

A maximum of one (1) temporary dwelling unit may be located on any lot without issuance of a Land Use Permit, provided the following conditions and limitations are met:

1. Each unit shall:
 - a. Be maintained in reasonable state of repair and in working condition
 - b. Meet all applicable setback requirements
 - c. Not be located in a public right-of-way
 - d. Not be used for commercial or business purposes
 - e. Not constitute a public or private nuisance
 - f. Not be used for residential purposes for more than sixty (60) calendar days in any calendar year, except in Ag Conservation district no more than a hundred (100) calendar days
 - g. Not be used as a permanent dwelling
 - h. Meet Health Department requirements for sanitary waste disposal and water supply

2. No temporary housing unit shall be located, parked, or stored for a total period of more than sixty (60) consecutive days in any calendar year, on any lot on which no permanent dwelling exists, unless located inside a legally established barn, garage, or other enclosed structure conforming to all requirements of the Ordinance.

SECTION 4.14 PERMITTED ACCESSORY USES

The following accessory uses are permitted in all Land Use Districts, except the Governmental District, within the Township:

1. Accessory structure; private garage, garden house, tool house, swimming pool, play house or greenhouse (not used for habitable space), private dock, boat house and/or swimming beach (not used for commercial purposes), studio hobby or craft shop (not for commercial use and not producing a nuisance). All buildings and structures for accessory uses customarily incidental to any of the uses permitted in any district shall be subject to the same provisions of location, spacing and land occupancy as the principal building permitted in that district and their area shall be computed as part of the maximum total area of land occupancy permitted.

SECTION 4.15 FLOOD INSURANCE

Any party or parties requesting a Land Use Permit on lakeshore property eligible for National Flood Insurance under the National Flood Insurance Act of 1968, as amended in 42 USC 40011127, must comply with all the requirements as defined in said Act, if said party or parties desires to obtain said insurance.

SECTION 4.16 SANITATION PERMIT REQUIREMENTS

The placement of any sewage disposal system on any lot shall be such as not to endanger the domestic water supply of any neighboring property owners or otherwise be the cause of any contamination or pollution and, therefore, where a sewage disposal system is to be a part of the construction project, the Administrator may not issue a land use permit until a permit for the construction of the sewage disposal system and water system has been issued by the local health department.

SECTION 4.17 PERMIT REQUIREMENTS

Subject to all other terms and conditions of this Ordinance, a land use permit shall include legal description, and a drawing showing length and width of lot, direction, dimensional size and location of all buildings and structures to be erected, water supply and sewage system. Floor plans may be required to confirm compliance with use requirements of this ordinance.

SECTION 4.18 AMENDMENTS

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is intended that this Ordinance be amended only to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with changes to the Comprehensive Development Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Master Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

INITIATION OF AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

FILING FEE

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is on the Township Board or Planning Commission.

PROCEDURES

A. Application: A petitioner shall submit a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit the following information:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the applicant.
4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
5. Date of filing with the Township Zoning Administrator.
6. The desired change and reasons for such change.
7. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Action of Zoning Administrator: The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

C. Notice of Hearing: After the Zoning Administrator has transmitted the amendment application to the Planning Commission, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within sixty (60) days of the date of application receipt. The Planning Commission shall arrange for notice of the public hearing.

1. By one (1) publication in a newspaper of general circulation in the Township, to be printed not more than thirty (30) days, nor less than twenty (20) days and not more than eight (8) days before the date of the hearing.
2. For any proposed amendment to the Zoning Map affecting an individual property or several adjacent properties, written notice of the time and place of the hearing shall be delivered by mail, or personally, to the owner or owners of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and two family dwellings within three hundred (300) feet of the premises in question. The notice shall be delivered at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice shall be made at least fourteen (14) days prior to the hearing. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.
3. Written notice of the time and place of the hearing shall also be provided not less than twenty (20) days before the hearing to each electric, gas, pipeline, and telephone public utility company who registers its name and mailing address with the Township Planning Commission for the purpose of receiving the notice.
4. All notices shall also include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
5. An affidavit of all mailings shall be maintained.

D. Planning Commission Actions

1. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 - b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
 - c. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - d. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
 - e. Does the petitioned district change generally comply with the adopted Comprehensive Development Plan?
 - f. Is the property in question able to be put to a reasonable economic use in the zoning district in which it is presently located?
2. Outside Agency Review: In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, any school district affected, and the County Planning Commission.
3. Planning Commission Recommendation: The Township Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the County Planning Commission and Township Board. The Township Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the County Planning Commission and Township Board within a period of sixty (60) days following the required public hearing in subsection (C) above.

E. Township Board Actions

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission if received within thirty (30) days of receipt from Township Planning Commission's recommendations, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
2. The Township Board shall not deviate from the recommendation of the Township Planning Commission without first referring the application back to the Planning Commission, which shall have thirty (30) days after such referral in which to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board refers an application back to the Planning Commission, the Township Board shall make specific mention of their objections to results of the Planning Commissions findings and recommendations.

F. Publication Of Notice Of Ordinance Amendments: Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

RESUBMITTAL

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Township Board to be valid.

COMPREHENSIVE REVIEW OF ZONING ORDINANCE

The Planning Commission shall, from time to time, or at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

SECTION 4.19 FEES

The Board is hereby authorized to establish, by a resolution, all fees for the administration of this Ordinance. Such fees may be altered by subsequent resolution of the Board after public notice.

Each application for a land use permit, amendment, rezoning, appeal, and some conditional uses shall be accompanied by the payment of a fee as established by the Board to help defray the anticipated costs of investigation and printing. The payment of the fee for an amendment or appeal may be waived by the Board if it can be shown that the fee creates an undue hardship to the applicant. Specific information may be required of the applicant regarding his or her financial status in order to determine individual hardship. No part of any fee shall be refundable. Refer to schedule of fees, to be obtained from the Township Clerk.

ARTICLE V: AGRICULTURAL CONSERVATION (A/C) DISTRICT

This district is designed to accommodate agriculture uses, outdoor recreational activities, and conservation measures while protecting the rural areas of the Township. A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to legal Generally Accepted Agricultural and Management Practices (GAAMPs).

SECTION 5.01 PERMITTED USES

1. Single family dwelling
2. Agricultural activities, such as field crops, horticulture, viticulture, fruit and nut producing, forestry, maple syrup production, ranching, nurseries and greenhouses, beekeeping, poultry and egg production, animal breeding, raising, training, stabling, kenneling, milk/cheese production and storage relating to the above uses.

SECTION 5.02 PERMITTED ACCESSORY USES

1. Any structures customarily incidental to the permitted use by right.
2. Signs, as permitted in Article XXVI.
3. Roadside stands.
4. Home occupation

SECTION 5.03 SPECIAL LAND USES

The following uses are permitted in this district upon Development Site Plan Review approval by the Planning Commission in accordance with Article XXIV and are subject to a Public Notice and subsequent Public Hearing. The necessary conditions for approval of any of these uses shall be a demonstrated need for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site or the surrounding properties:

1. Farm Retail Market, nurseries, and retail greenhouses provided that one (1) off-street parking space is provided for each one hundred (100) square feet of retail floor area. Screened parking shall not be allowed within the first fifty (50) feet of the front setback.
2. Farm dwellings, farm labor housing: More than one farm dwelling shall not be permitted on a parcel of record unless substantial evidence is provided which shows conclusively that the additional farm dwelling is necessary for the operation of the commercial farm. In making the determination whether the additional farm dwelling is necessary for the farm operation, the Planning Commission shall take into consideration whether any non-farm dwellings already exist on the farm unit that may be used for that purpose. Farm dwellings in addition to the principal dwelling shall be located to minimize adverse effects upon productive areas for farm crops and

- livestock.
3. Wineries, Cideries, Distilleries, and Tasting Rooms subject to licensing from regulatory agencies.
 4. Fruit Packing, Grading, Cooling, and Packing Plants
 5. Agricultural research and development facilities, public and private (excluding manufacture and sale of products)
 6. Farm implement dealers and suppliers
 7. Libraries & Churches
 8. Daycare operations, Nursing Homes, & Adult Foster Care facilities
 9. Bed and breakfast establishments
 10. Public and private, elementary, junior and senior high schools, offering general education provided, however, that the net lot upon which located contains at least five hundred (500) square feet of land per pupil.
 11. Nursery schools, provided that the net lot area upon which located contains at least two hundred fifty (250) square feet of land per pupil.
 12. Public utility transformer stations and switchboards, gas regulator and telephone exchanges.
 13. Permanent sawmills, provided that no sawmill shall be located closer than two hundred fifty (250) feet from any road right-of-way and having a minimum side, front, rear and water's edge setback of two hundred fifty (250) feet.
 - a. Wherever possible, the existing natural vegetation shall not be removed from the normal required setbacks. Where existing vegetation is insufficient or non-existent, three (3) rows of conifer trees (min. 8' in height) shall be stagger planted and permanently maintained on the perimeter of the lot and spaced seven (7) feet apart in accordance with the recommendations of the Leelanau County Soil Conservation District. Adjacent to road right-of-ways, trees will be planted outside of the road right-of way.
 - b. Hours of operation shall be determined during the Site Plan Review process.
 - c. Noise will be measured from the common property line and shall not exceed 70 decibels.
 14. Cemeteries, provided that the minimum lot area is five (5) acres and a maximum lot area of ten (10) acres and has controlled vehicle access.
 15. Golf Course, provided that:
 - a. Minimum front, rear and side setbacks of one hundred (100) feet except rough which may extend to the lot line, and the fairway may extend within fifty (50) feet of the lot line.
 - b. Off-street parking, four (4) spaces for each golf hole plus one (1) for each two (2) employees.
 - c. The sale and/or rental of golfing sports equipment and accessories shall be allowed. The sale of non-alcoholic beverages and refreshments shall be allowed.
 - d. The sale of alcoholic beverages shall be allowed if proper licensing is obtained.
 - e. A master plan shall be required indicating the measures that will be implemented to meet the above conditions. It shall be submitted to the Zoning Administrator prior to the issuance of a land use permit.
 16. Concentrated livestock operations which meet the GAAMPS of the Michigan Department of Agricultural.
 17. Wildlife management areas, plant and wildlife conservancies, refuges and sanctuaries.

SECTION 5.04 LOT AND BUILDING REQUIREMENTS

1. Minimum Lot Area - Five (5) acres
2. Minimum Road Frontage & Lot Width - Two hundred fifty (250) feet
3. Minimum Front Setback - Fifty (50) feet
4. Minimum Side Setback – Twenty-five (25) feet - Except 50' along a Residential District
5. Minimum Rear Setback - Fifty (50) feet - Except 100' along a Residential District
6. Lot Coverage % - 25 percent

ARTICLE VI: RESIDENTIAL/AGRICULTURAL (R/A) DISTRICT

This district is designed to accommodate limited agricultural uses in a residential district that are harmonious to a residential environment and do not constitute a nuisance visually or audibly, or cause obnoxious odors to the surrounding properties.

SECTION 6.01 PERMITTED PRINCIPAL USES

1. Single family dwelling

SECTION 6.02 PERMITTED ACCESSORY USES

1. Any structure customarily incidental to the permitted principal use
2. Signs, as permitted in Article XXVI
3. Roadside stands
4. Home occupation

SECTION 6.03 SPECIAL LAND USES

1. Cemeteries, provided there is a minimum lot area of five (5) acres, a maximum lot area of ten (10) acres all controlled vehicle access.
2. Beekeeping, poultry and egg production (R/A2, 20 acres; R/A5, 40 acres) , large/small animal breeding, raising, training, stabling, or kenneling, provided there are fifty (50) foot side and rear setbacks. Buildings and/or use shall not exceed twenty-five (25) percent of the lot area except as pasture for animals.
3. Nurseries and greenhouses. All buildings and structures and/or greenhouse materials shall be setback according to the lot and building requirements of this district. All plantings shall have a minimum side and rear setback of five (5) feet. Buildings shall not exceed fifty (50) percent of the lot area.
4. Private and public schools, elementary, junior and senior high schools, offering general education provided, however, that the net lot upon which located contains at least five hundred (500) square feet of land per pupil.
5. Nursery schools, provided that the net lot area upon which located contains at least two hundred fifty (250) square feet of land per pupil.

6. Nursing homes, provided that they shall have one (1) parking space per every three hundred (300) square feet of indoor floor area.
7. Bed & Breakfast
8. Public utility transformer stations and switchboards, gas regulator stations and telephone exchange.
9. Churches
10. Libraries

SECTION 6.04 LOT AND BUILDING REQUIREMENTS

R/A 2

1. Minimum Lot Area - Two (2) acres
2. Minimum Frontage Width - One hundred (100) feet
3. Minimum Front Setback - Forty (40) feet
4. Minimum Side Setback - Twenty (20) feet
5. Minimum Rear Setback - Thirty (30) feet
6. Lot Coverage % - Twenty-five (25) percent

R/A 5

1. Minimum Lot Area - Five (5) acres
2. Minimum Frontage Width - Two hundred (200) feet
3. Minimum Front Setback - Forty (40) feet
4. Minimum Side Setback - Twenty (20) feet
5. Minimum Rear Setback - Thirty (30) feet
6. Lot Coverage % - Twenty-five (25) percent

ARTICLE VII: RESIDENTIAL DISTRICT 1 (R-1)

This district is intended to permit single family dwelling units in an area developed for low to medium density residential purposes. This district should provide suitable areas of protected residential character and the physical and social amenities of a healthy living environment, open space, recreational area, and compatibility with other residential land uses.

SECTION 7.01 PERMITTED PRINCIPAL USES

1. Single family dwelling

SECTION 7.02 PERMITTED ACCESSORY USES

1. Any structure customarily incidental to the permitted principal use
2. Signs, as permitted in Article XXVI
3. Home occupation

SECTION 7.03 SPECIAL LAND USES

1. Public and private, elementary, junior and senior high schools, offering general education provided, however, that the net lot upon which located contains at least five hundred (500) square feet of land per pupil.
2. Nursery schools, provided that the net lot area upon which located contains at least two hundred fifty (250) square feet of land per pupil.
3. Cemeteries, provided that the minimum net lot area is five (5) acres, and maximum net lot area of ten (10) acres, and has controlled vehicle access.
4. Nursing homes, provided that they shall have one (1) parking space per every three hundred (300) square feet of indoor floor area.
5. Bed and Breakfast.
6. Public utility transformer stations and switchboards, gas regulator stations and telephone exchange.
7. Libraries
8. Churches

SECTION 7.04 LOT AND BUILDING REQUIREMENTS

1. Minimum Lot Area - Fifteen thousand (15,000) square feet
2. Minimum Lot Width - One hundred (100) feet, except fifty (50) feet within the platted village limits of Cedar
3. Minimum Front Setback - Forty (40) feet except within platted lots in Cedar; Fifteen (15) feet
4. Minimum Side Setback - Ten (10) feet
5. Minimum Rear Setback - Forty (40) feet except within platted lots in Cedar; Fifteen (15) feet
6. Lot Coverage % – Forty (40) percent; Fifty (50) percent in Cedar
7. Neighborhood Clause (in Cedar) – Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location is reviewed by the zoning administrator. The result of the average may be considered by the ZA as long as the intent of the zoning ordinance is considered.

ARTICLE VIII: RESIDENTIAL DISTRICT 2 (R-2)

This district is intended to permit single family and two-family dwelling units in an area developed and reserved for medium density residential purposes. This district should provide suitable areas of protected residential character and the physical and social amenities of a healthy living environment, open space, recreational area and compatibility with other residential land uses.

SECTION 8.01 PERMITTED PRINCIPAL USES

1. Single family dwelling
2. Two-family dwelling

SECTION 8.02 PERMITTED ACCESSORY USES

1. Any structure customarily incidental to the permitted principal use
2. Signs, as permitted in Article XXVI
3. Home occupation

SECTION 8.03 SPECIAL LAND USES

1. Cemeteries, provided that the minimum net lot area is five (5) acres, and a maximum net lot area of ten (10) acres, and has controlled vehicle access.
2. Public and private, elementary, junior and senior high schools offering general education provided, however, that the net lot upon which located contains at least five hundred (500) square feet of land per pupil.
3. Nursery schools, provided that the net lot area upon which located contains at least two hundred fifty (250) square feet of land per pupil.
4. Nursing homes, provided that they shall have one (1) parking space per every three hundred (300) square feet of indoor floor area.
5. Bed and Breakfast.
6. Public utility transformer stations and switchboards, gas regulator stations and telephone exchange.
7. Multi-Family Dwelling
8. Libraries
9. Churches

SECTION 8.04 LOT AND BUILDING REQUIREMENTS

1. Minimum Lot Area - Thirty thousand (30,000) square feet. Multi-family requires one third (1/3) acre for each unit
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Setback - Forty (40) feet
4. Minimum Side Setback - Ten (10) feet
5. Minimum Rear Setback - Forty (40) feet
6. Lot Coverage % - Forty (40) percent

ARTICLE IX: GOVERNMENTAL DISTRICT

This district is intended to allow for and regulate areas in the Township for all public institutions, buildings, and areas under the control of all governmental agencies.

SECTION 9.01 PERMITTED PRINCIPAL USES

Reserved for future use

SECTION 9.02 PERMITTED ACCESSORY USES

1. Any use customarily incidental to a permitted principal use
2. Signs, as permitted in Article XXVI

SECTION 9.03 SPECIAL LAND USES

1. Public buildings.
2. Institutions.
3. Parks. Publicly owned only.
4. Public picnic grounds.
5. Public lookouts.
6. Public campgrounds.
7. Forest preserves.
8. Wildlife management areas.
9. Cemeteries.
10. Public recreation areas.
11. Public beaches.
12. Public Lands.

SECTION 9.04 LOT AND BUILDING REQUIREMENTS

1. Minimum Lot Area - Twenty thousand (20,000) square feet.
2. Minimum Front Setback - Forty (40) feet
3. Minimum Side Setback - Ten (10) feet
4. Minimum Rear Setback - Ten (10) feet
5. Minimum Lot Width - One hundred (100) feet
6. Minimum Distance Between Buildings - Twenty (20) feet
7. Parking Spaces - One (1) for every one hundred fifty (150) square feet of total office space and community rooms

ARTICLE X: RESORT RECREATION DISTRICT (RR)

This district is intended to permit development of recreational facilities and the goods and services usually incidental to such facilities while protecting the rural areas of the Township against premature, inappropriate, and substandard development.

SECTION 10.01 PERMITTED PRINCIPAL USES

1. Single family dwelling
2. Two-family dwellings
4. Home occupation

SECTION 10.02 PERMITTED ACCESSORY USES

1. Any use customarily incidental to the permitted principal use
2. Signs, as permitted in Article XXVI

SECTION 10.03 SPECIAL LAND USES

1. Nursery schools, provided that the net lot area upon which located contains at least two hundred fifty (250) square feet of land per pupil.
2. Churches.
3. Public utility transformer stations and switchboards, gas regulator stations and telephone exchange.
4. Inns, lodges, hotels with or without dining facilities consisting of single or multiple unit dwellings intended for rental, with such necessary and customary accessory buildings as automobile and boat storage garages, utility buildings, recreational facilities, docks, boathouses and bathing houses, all designed and used primarily to serve the regular tenants of same.
5. Motels with or without dining facilities and other similar uses. Customary accessory buildings and recreational facilities may be combined with such motels.
6. Rental cottages.
7. Resort oriented retail sales such as grocery sales, baked goods, deli items, photographic and camera supplies, bait shop, fishing and hunting supplies, and gas and oil stations.
8. Marinas.
9. Miniature golf and horseshoe pits.
10. Private summer camps
11. Campgrounds for travel trailers and tents, provided that each camping site shall not be less than one-half (1/2) acre and has a minimum site width of thirty (30) feet. Two (2) parking spaces shall be provided for each campsite. The campground shall have a one hundred fifty (150) foot setback around the perimeter of the campground which shall be

maintained as a buffer zone. The campground shall have a minimum of two (2) access roads, which shall be located on a public road.

12. Restaurant, drive-in, soda fountain or other eating and/or drinking establishment provided no outside loud speaker systems are utilized.
13. Bed & Breakfast.
14. Libraries

SECTION 10.04 LOT AND BUILDING REQUIREMENTS

1. Minimum Net lot Area - Twenty thousand (20,000) square feet
2. Minimum Net Lot Area Per Dwelling or Rooming Unit (May include access driveways and parking areas for cars and boats) - Eight thousand (8,000) square feet.
3. Minimum Lot Width - Seventy-five (75) feet
4. Minimum Front Setback - Forty (40) feet
5. Minimum Side Setback - Ten (10) feet; fifteen (15) feet when abutting a Residential District.
6. Minimum Rear Setback - Forty (40) feet
7. Maximum Building Coverage Per Lot - Fifty (50) percent of lot exclusive of setbacks. No two separate buildings shall be built closer together than twenty (20) feet. Setbacks may be used for access but shall exclude parking areas.
8. Driveways and Off-Street Parking - Each development permitted in this district shall provide off-street parking for one (1) automobile for each dwelling or rooming unit. If dining facilities are provided in connection with any of the uses permitted in this district, then off-street parking shall be provided for patrons in the amount of one (1) parking space per every one hundred (100) square feet of dining area plus one (1) parking space per every two hundred (200) square feet of non-dining (kitchen and storage, etc.).

ARTICLE XI: BUSINESS DISTRICT 1 (B-I)

This district is designed to provide for local shopping and includes a wide range of convenience stores and personal service establishments which cater to frequently recurring needs. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by excluding local service establishments which tend to break such continuity and to limit uses or characteristics of operation which encourage traffic from outside the immediate neighborhood.

SECTION 11.01 PERMITTED PRINCIPAL USES

Reserved for future use

SECTION 11.02 PERMITTED ACCESSORY USES

1. Any use customarily incidental to a permitted principal use
2. Signs, as permitted in Article XXVI

SECTION 11.03 SPECIAL LAND USES

1. Auto accessory store provided there is no exterior storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.
2. Automobile service station provided operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailers or any type of boats; provided all parts are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets; and provided parking, storage and/or service areas are separated from adjoining residential properties or roadside view by a suitable planting screen, fence, or wall at least six (6) feet in height above finish grade.
3. Contractors office, provided there is no storage of vehicles, equipment, or materials on the premises.
4. Public utility transformer stations and switchboards, gas regulator stations and telephone exchange.
5. Inns, lodges, hotels, motels, and tourist homes with or without dining facilities consisting of single or multiple unit dwellings intended for rental, with such necessary and customary accessory buildings as automobile and boat storage garages, utility buildings, recreational facilities, docks, boat houses, and bathing houses, all designed and used primarily to serve the regular tenants of same.
6. Radio and/or television station.

7. Off-street commercial parking lot.
8. Combination of a residential structure with any use herein permitted provided that all dwelling units are located on the second floor only and have adequate on-site parking access for two vehicles.
9. Automobile and light truck car washing services.
10. Public and private elementary, junior and senior high schools, offering general education provided, however, that the net lot upon which located contains at least five hundred (500) square feet of land per pupil.
11. Nursery schools, provided that the net lot area upon which located contains at least two hundred fifty (250) square feet of land per pupil.
12. Enclosed theaters, provided that the seating capacity of such use does not exceed six hundred (600) seats.
13. On-site consumption sales, provided there is one (1) parking space for every one hundred (100) square feet of floor area exclusive of kitchen and storage areas.
14. Bed & Breakfast
15. Business and professional offices, medical offices and clinics.
16. Retail stores such as grocery, clothing, hardware, appliance stores, bakery, and other type specialty shops.
17. Retail services such as banks, tailors, barber shops, small appliance repair shops and other such public or private service establishments.
18. Private or semi-private club, lodge, union hall, or community / social center.
19. Libraries.
20. Churches.
21. Restaurant, drive-in, soda fountain or other eating and/or drinking establishment provided no outside loud speaker systems are utilized.
22. Meat, fish and/or poultry shop provided that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises.

SECTION 11.04 LOT AND BUILDING REQUIREMENTS

1. Minimum Net Lot Area - Five thousand (5,000) square feet
2. Minimum Lot Width - Fifty (50) feet
3. Minimum Front Setback - Zero (0) feet within the village limits of Cedar
4. Minimum Side Setback - Zero (0) feet, provided the walls meet the minimum fire requirements for common walls, Ten (10) feet side yard setback when abutting residential zoning
5. Minimum Rear Setback - Twenty five (25) feet
6. Maximum Lot Coverage - Seventy-five (75) percent of gross

Any of the above uses placed on property when it adjoins a residential district shall require erection of a screen, wall, fence, or preferably, dense plantings at least six (6) feet in height.

ARTICLE XII: BUSINESS DISTRICT 2 (B-2)

This district is set up to provide areas in the Township to allow for service oriented and light manufacturing businesses in an area located close to major or minor thoroughfares.

SECTION 12.01 PERMITTED PRINCIPAL USES

SECTION 12.02 PERMITTED ACCESSORY USES

1. Any use customarily incidental to a permitted principal use
2. Signs, as permitted in Article XXVI

SECTION 12.03 SPECIAL LAND USES

1. Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.
2. Automobile service station, with operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailers or any type of boats, provided all pumps are set back at least twenty five (25) feet from the right-of-way line of all abutting streets; and provided parking, storage and/or service areas are separated from adjoining residential properties or roadside view by a suitable planting screen, fence, or wall at least six (6) feet in height above finish grade.
3. Mini Storage (warehouse) Facilities provided no storage of goods are to be placed on the exterior of the buildings.
4. Laundry service, provided that any laundering, cleaning or pressing is done on the premises and no exterior storage on the parcel.
5. Lumber yards, primarily for the sale of dimensional lumber and related products, provided the minimum front, rear, side setback is fifty (50) feet and having a minimum lot area of five (5) acres. All exterior storage will be screened as required by the Planning Commission during site plan review.
6. Meat, fish, or poultry shop - any cleaning of fish or poultry necessary for such use may be permitted provided that cleaning activities are conducted within the principal building enclosure on the premises. No storage of any products will be allowed on the exterior of the building.
7. Food and fruit processing plants, provided there is a minimum net lot area of five (5) acres and the maximum coverage per lot does not exceed thirty-five (35) percent. There shall be a minimum rear setback of fifty (50) feet and minimum side setbacks of one

hundred and fifty (150) feet. There shall be a minimum of one (1) off-street parking space for every two (2) employees. Cold storage and brining pits shall be allowed on the premises.

8. Public utility transformer stations and switchboards, gas regulator stations and telephone exchange.
9. Radio and/or television station.
10. Off-street commercial parking lot.
11. Contractors office and storage of vehicles, equipment and materials in enclosed buildings.
12. Printing shop with no exterior storage.
13. Machine shop with no exterior storage.
14. Woodworking shop with no exterior storage.
15. Assembly plant with no exterior storage.
16. Combination of a residential structure with any use herein permitted, provided that all dwelling units have access to an abutting street with no exterior storage.
17. Light vehicle and engine repair shops up to 10,000 pound (ten thousand) gross vehicle weight where all exterior storage is screened by a minimum of a six (6) foot high buffer as determined by the Planning Commission.

SECTION 12.04 LOT SIZE AND BUILDING REQUIREMENTS

1. Minimum Net Lot Area - One (1) acre
2. Minimum Lot Width - One hundred fifty (150) feet
3. Minimum Lot Depth - One hundred fifty (150) feet
4. Minimum Front Setback - Sixty-five (65) feet
5. Minimum Side Setback - Ten (10) feet, fifty (50) feet when abutting residential districts.
6. Minimum Rear Setback - Ten (10) feet, fifty (50) feet when abutting residential districts.
7. Maximum Building Coverage of lot - Fifty (50) percent

Any of the above uses placed on property which adjoins a residential district shall require erection of a screen wall, fence, or preferably, dense plantings at least six (6) feet in height.

ARTICLE XIII: ENVIRONMENTALLY SENSITIVE AREAS

SECTION 13.01 INTENT

It is the intent of these regulations to identify and guard those areas of the township that are considered to be environmentally sensitive to development, due to soil types, drainage, vegetation, wildlife habitats or other factors that are subject to being seriously endangered, damaged, or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the Township are likely linked and related to the natural environment of the area, it is recognized by this area that in order to maintain Environmentally Sensitive Areas in their natural condition for the benefit of mankind, it is necessary to protect such areas from degradation.

All uses allowable in zoning districts of this Ordinance shall comply with the standards set forth in this regulating the development of environmentally sensitive areas. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district, and shall be considered as a separate portion of the zoning application.

SECTION 13.02 ESTABLISHMENT OF ENVIRONMENTALLY SENSITIVE AREAS

Areas which meet any one (1) of the following criteria shall be considered an Environmentally Sensitive Area, subject to the conditions of this section which may be applied to such areas:

1. Wetlands
 - a. Any areas where the percolation rate is slower than one (1) inch per forty-five (45) minutes. This shall include clay mineral soils in addition to organic soils;
 - b. Those areas wholly or largely covered by marsh flora.
2. Steep slopes
 - a. All slopes exceeding thirty-three (33) percent. When the slope on a site is in question, the township may require five (5) to ten (10) foot contour maps at and near any proposed buildings, structures or streets.
3. Shoreline areas (lakes, creeks and streams)
 - a. Shoreline areas shall be defined as those areas lying within one hundred fifty (150) feet of the water's edge, a wetland area or the designated flood plan of these water bodies. For the purposes of this Ordinance, the measurement shall be taken as follows:
 - (1) For any stream or part thereof which is generally less than fifteen (15) feet in width, from the center of the channel;
 - (2) For any stream or part thereof, which is generally greater than fifteen (15) feet in width, and for any pond, lake or wetland; the line of the main high water level, as indicated by eroded streambanks, changes in vegetation, or other reliable indicators.
4. Other sensitive areas
 - a. Other areas may be designated by the Board, upon favorable recommendation of the Planning Commission, as Environmentally Sensitive, including but not limited to:
 - (1) Rare or valuable ecosystems;
 - (2) Significant undeveloped agricultural, grazing or watershed areas;
 - (3) Forests and related land which require long stability for continuing renewal;
 - (4) Such additional areas as may be determined by the State of Michigan or the County.

SECTION 13.03 REQUIREMENTS FOR ENVIRONMENTALLY SENSITIVE AREAS

All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to or as a part of, any other applicable portions of this section, shall:

1. Demonstrate that the proposed development will not adversely affect the environment's quality of the property and the surrounding area, by means of the following:
 - a. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County;
 - b. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Leelanau County Health Department and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from the water's edge.
2. Have as a portion of the application reviewed by the zoning administrator and if recommended, complete a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Commission. The review of the site plan shall be made in such a manner as to:
 - a. Determine whether the regulations of this Ordinance have been observed regarding sewage disposal, and erosion and sedimentation control;
 - b. Determine whether the true intent of State and County regulation, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Commission shall recommend alterations as it deems necessary to minimize such adverse effects.
3. In wetland areas, no septic facilities shall be placed on a lot of less than two (2) acres, or where the conditions do not meet the minimum standards of the Leelanau County Health Department.
4. In shoreline areas, septic facilities shall be regulated as in #3 above, except that the minimum setback of such facilities from the water's edge shall be fifty (50) feet or as required by the health department.

ARTICLE XIV: NON-CONFORMING USES AND STRUCTURES

At the discretion of the owner, the lawful use of any building, structure, lot or premises existing prior to the effective date of this Ordinance, may be continued but no such building or structure or land use shall be enlarged or extended except as provided herein.

SECTION 14.01 APPLICATION FOR EXTENSION OF NON-CONFORMING USE

The extension of any non-conforming use in any existing building or structure or any addition to or alteration of any existing building or structure for the purpose of extending such non-conforming use and the extension of a non-conforming use on a given lot, provided such lot was in common ownership and of public record as of the effective date of this Ordinance, may, be granted by the Zoning Board of Appeals following application for hearing therefore by the owner. The cost of giving notice shall be paid by the applicant. If on such hearing it shall appear that the proposed addition, alteration, or extension of such non-conforming use is contrary to the purpose of the Ordinance or injurious to the neighborhood where situated, the Zoning Board of Appeals shall deny the application. Reference Article XVIII.

SECTION 14.02 CHANGES IN NON-CONFORMING USES

No non-conforming use shall be changed to any other non-conforming use and any nonconforming use changed to a conforming use shall not thereafter revert to any non-conforming use.

SECTION 14.03 DISCONTINUATION OF NON-CONFORMING USES

If the non-conforming use is discontinued for a continuous period of one (1) year, the right to resume such non-conforming use shall terminate and no use shall be made of such building or lot except in conformity with this Ordinance, provided that the Zoning Board of Appeals may hear an application for resumption of such non-conforming use if filed by the owner within ninety (90) days of the one (1) year termination. No hearing shall be held by the Zoning Board of Appeals until after notice of the time and place of such hearing and the purpose thereof has been published in a newspaper of general circulation in the Township at least fifteen (15) days prior to said hearing date. The Zoning Board of Appeals shall give notice by certified mail to the owners of all adjacent property within three hundred (300) feet of outer boundaries of non-conforming property.

SECTION 14.04 REPAIR OF NON-CONFORMING STRUCTURES

Nothing contained in this Ordinance shall bar or prevent the owner from making such repairs and reinforcements in any non-conforming building as may be necessary in the interest of public safety, building safety requirements, or to secure the continued advantageous use of such building, but the right to make repairs shall not constitute a right to alter, enlarge, or extend the said use.

SECTION 14.05 DESTRUCTION OF NON-CONFORMING STRUCTURES

- 1) Non-conforming Structure - In the event that any non-conforming structure shall be damaged by fire, wind, accident, act of God, or other such means or manner, the property owner will be required to initiate/commence all required repairs or replacement within one year of the date of the original event unless extended by the zoning administrator.
- 2) Land Use and Building Permit Required - The above reconstruction or restoration shall require the issuance of a township land use and building permit within one (1) year of the occurrence of such damage or the non-conforming status will terminate and the structure and materials shall be removed from the premises unless the time is extended by the zoning administrator.
- 3) Secured Building Requirement - A damaged structure awaiting reconstruction or restoration shall be properly secured by the owner(s) to prevent trespass, vandalism, and injury to the public.

SECTION 14.06 LAWFUL NON-CONFORMING LOTS OF RECORD

Where the owner of a legal non-conforming lot of record does not own, and cannot reasonably acquire, sufficient additional land to meet the requirements of this Ordinance pertaining to lot area, lot width, or both, the lot of record may be used by the owner as a building site provided that all other requirements of this Ordinance are met.

ARTICLE XV

SECTION 15.01 OBNOXIOUS USES

No building or structure or any part thereof shall be erected, altered, or used, or lot or premises used, in whole or in part, for any of the following uses in any district under this Ordinance; any process or activity resulting in the emission of odor, fumes, dust, smoke, waste, noise or vibration which shall make it destructive to the public interest, health, or welfare.

SECTION 15.02 SPECIFIC PROVISION FOR USE

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

SECTION 15.03 OUTDOOR STORAGE

No lot or parcel in any of the foregoing districts shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, boats, salvage, waste and junk outside of properly authorized storage buildings and if environmental concerns potentially exist, the zoning administrator shall refer the matter to the appropriate regulatory agencies.

1. Exception: As required for the storage of usable farm machinery necessary to the various uses of land, permitted in the Agricultural/Conservation and Residential/Agricultural 5 Districts.

SECTION 15.04 FENCES, WALLS, SCREENS

No fence, wall or structural screen other than plant materials, shall be erected on any residential lot to a height greater than seventy-two (72) inches. Except that a wall or fence placed in the front yard area shall not exceed a height of three (3) feet in the setback areas.

ARTICLE XVI: ADMINISTRATION

SECTION 16.01 ZONING ADMINISTRATOR

An Administrator shall be appointed by and on such terms as shall be determined by the Township Board, provided that the Administrator shall not be a member of the Township Board, the Planning Commission, or the Zoning Board of Appeals.

SECTION 16.02 ELIGIBILITY

To be eligible for appointment, the Zoning Administrator shall be knowledgeable of zoning procedures and generally informed on good building construction, on good practice in fire prevention and the proper installation of safety, health, and sanitary facilities. He/she shall be in good health and physically capable of fulfilling their duties. In case he/she is personally interested in the construction of any building subject to the provisions of this Ordinance, the Township Board shall designate some other person to examine the plans, to inspect such building and to issue the necessary permits, approvals and certificates.

SECTION 16.03 DUTIES

It shall be the duty of the Zoning Administrator to administer this Ordinance and to enforce the provisions contained herein, to receive applications for Land Use Permits, and to issue or deny the same, and to inspect buildings, structures or lots to determine compliance with the Land Use Permit issued.

SECTION 16.04 LAND USE PERMITS

Any individual, corporation, association, officer, department board or bureau of the Federal, State, County or Township planning to erect a building or structure or to alter any building or structure requiring the use of more land area, or to establish a new use for any lot in any Land Use District, shall file a written application with the Zoning Administrator for a Land Use Permit. An application for a Land Use Permit shall be accompanied by a Plot Plan of the proposed use if the Commission requests it. The Site Plan shall establish in the opinion of the Planning Commission or Zoning Administrator that said proposed use will not adversely affect, damage or destroy the natural features of the environmentally sensitive areas or the archeological or historical significance of said lot. Requirements for the contents of said Plot Plan are contained in Section 16.05 hereinafter. The Zoning Administrator shall issue a Land Use Permit if, in his opinion, such planned building, structure or land use is in compliance with the provisions of this Ordinance. The Zoning Administrator shall promptly inform the applicant in writing together with the reason of the denial of a Land Use Permit.

Each Land Use Permit shall be done in duplicate and the copies shall be distributed as follows:

1. To the applicant which he/she is to retain and post until construction is completed;
2. To be retained by the Zoning Administrator as part of the permanent records of the Township;

SECTION 16.05 REQUIREMENTS FOR PLOT PLAN

1. Name(s) and address(es) of the applicant(s).
2. Nature of applicant's interest in the parcel involved.
3. Name(s) and address(es) and professional qualifications of the person(s) responsible for the preparation of the Site Plan.
4. Project description and purpose containing a descriptive explanation of the project, its nature, location and purpose, including ten (10) copies and one (1) reproducible transparency of a schematic development showing:
 - a. General site location of the proposed development;
 - b. Major existing physical and natural features such as water courses, rock outcropping, wetlands, wooded areas, etc.
5. Location of the existing utilities and drainage ways.
6. Location and names of public streets, parks, and railroad and utility rights-of-way within or adjacent to the proposed structures.
7. General location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking and loading areas.
8. General location and approximate dimensions of proposed structures.
9. Major proposed change of land form such as new lakes, terracing and excavating.
10. Approximate existing and proposed contours and drainage patterns, showing; at least five (5) foot contour intervals.
11. Sketches or renderings showing the scale, character and relationship of buildings, streets, and open space.
12. Approximate locations of all types of proposed drainage, water and sewage facilities.
13. Legal description of property.
14. An aerial photo and contour map showing the project site in relation to the surrounding area of the Township.
15. A general narrative, physical description of the site, including its dominant characteristics, its vegetative character, its present use and other relevant information.
16. Signature of property owner and developer.
17. Any other information deemed needed by the Zoning Administrator.

ARTICLE XVII: NUISANCES/PENALTIES

SECTION 17.01 NUISANCE PER SE

Uses of lots, dwellings, buildings, or structures, including tents, mobile homes, and trailer homes used, erected, altered, razed or converted in violation of any provision of this Ordinance or findings of fact of the Planning Commission adopted pursuant hereto are hereby declared to be nuisances per se.

SECTION 17.02 PENALTIES

Any person who shall violate any provision of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto, shall be guilty of a municipal civil infraction.

ARTICLE XVIII: ZONING BOARD OF APPEALS

SECTION 18.01 SEPARABILITY

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

SECTION 18.02 CREATION

A Board of Appeals is hereby established.

SECTION 18.03 MEMBERSHIP

There shall be five (5) members of the Board of Appeals as follows:

- a. A member of the Planning Commission.
- b. A member of the Township Board
- c. Electors residing in the Township which shall be representative of the population distribution and of the various interests present in the Township.

An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Board may not serve as a member or an employee of the Board of Appeals.

SECTION 18.04 TERM OF OFFICE

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.

SECTION 18.05 PER DIEM

Members of the Board of Appeals shall be paid per meeting, plus expenses actually incurred, if appropriation for such payment is made in advance by the Township Board.

SECTION 18.06 PROCEDURES

The Board of Appeals shall appoint one (1) of its members to be Chairman and one (1) to be Secretary, and it shall establish rules and regulations to govern its procedure when acting upon appeals. A majority vote of its members shall be required to reverse any decision or determination of the Administrator or to approve any variation in the application of this Ordinance. The Board of Appeals shall not conduct business unless a majority of its members are present.

SECTION 18.07 MEETINGS

All meetings of the Board of Appeals shall be open to the public with the exception of any closed sessions allowed by the provisions of the Michigan Open Meetings Act, as amended. The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.

SECTION 18.08 POWERS

The Board of Appeals is empowered to act upon the following matters, and upon no others:

1. Questions arising in the administration of this Ordinance, including interpretation of the Zoning Map.
2. All matters which this Ordinance properly refers to the Board of Appeals for determination.
3. Appeals from actions of the Administrator, Planning Commission or Township Board.
4. Cases in which strict application of the provisions of this Ordinance would result in undue hardship; provided, that the purpose of this Ordinance is observed, even though certain restrictions may be waived to provide substantial justice per the Michigan Zoning Enabling Act (as amended).
5. Those powers and duties as may be established and delegated by the Township Board and Michigan statute.

SECTION 18.09 APPEALS

An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board or bureau of this state or the local unit of government. Such appeal shall be made within sixty (60) days and in such a manner as the Board of Appeals shall establish. A notice of the Appeal shall be filed with the Secretary of the Board of Appeals together with a fee as set and published by the Township Board, said fee to cover costs of the appeal and shall be paid to the Clerk before the appeal shall be accepted by the Board of Appeals.

SECTION 18.10 STAY OF PROCEEDINGS

An appeal stays all proceedings in the action appealed.

SECTION 18.11 HEARINGS

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

SECTION 18.12 FURTHER APPEAL

Any decision of the Board of Appeals may be appealed to the Circuit Court pursuant to state law.

ARTICLE XIX: LANDSCAPE STANDARDS

SECTION 19.01 INTENT

SCREENING, GREENBELTS, BUFFERS AND FENCING

The intent of this section is to promote public health, safety, and general welfare by minimizing noise, air and visual defilement of existing conditions; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting the public rights-of-way; protecting and preserving the appearance, character and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion, and promoting soil water absorption. Sizes and amounts of landscaping and plant type shall be dependant upon what is already present in the area and the landscaping needs of the specific site. Generally, landscaping shall at least equal surrounding landscape in newer areas and tend toward upgrading older areas. Landscaping needs will be determined using the standards set forth in this Article, but plantings covering a minimum of twenty (20) percent of any site shall be used as a guideline.

The following standards shall be complied with:

1. Additional landscape features shall be added to retain natural landscape features to reduce the apparent mass and height of buildings, to visually break expanses of paving and reduce visibility of paved areas from adjacent roadways and properties, and to provide an attractive appearance from both within and without the site.
2. Except in urban areas, a grouping of six plant materials shall be varied to help create the impression of a natural landscape. Minimum required plant sizes shall be as follows: evergreen trees, six (6) foot minimum height, deciduous trees, 2 (2) inch caliper minimum; shrubs, two (2) gallon pot, or eighteen to twenty four (18-24) inches, minimum.
3. Ground cover shall be primarily of living material.
4. Areas which are intended to be landscaped shall be provided with a minimum depth of topsoil of four (4) inches and mulched with four (4) inches of hardwood bark chips or equivalent.

ARTICLE XX: SITE PLAN REVIEW

SECTION 20.01: PURPOSE

Land development affects the character and aesthetics of the community and its public health, safety, and general welfare. This Section provides that all land uses shall be subject to development site plan review except the following non-commercial uses: single and two family dwellings. It is the purpose of this article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance.

SECTION 20.02: APPROVAL OF SITE PLAN OR PLOT PLAN REQUIRED

A. Planning Commission Approval for Site Plans: Site plan approval is required by the Planning Commission (PC), prior to the issuance of a Land Use Permit, for the following land uses, including modifications to the location of perimeter walls or outdoor use areas of such existing uses:

1. All Permitted Uses within any Resort Recreation or Business zoning district, excluding single family dwellings.
2. All Permitted Uses within all other zoning districts, excluding single family dwellings, where the use is characterized by unique circumstances which, in the opinion of the Zoning Administrator, requires special review by the Planning Commission and may require a public hearing as determined by them.
3. All special land uses, as specified in each zoning district, including planned unit developments, whether a new development or a change of use, except as otherwise specified by this Ordinance.

Special Land Use: Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

B. Zoning Administrator Approval for Plot Plans: Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Land Use Permit, for all other uses not listed above, including any change of permitted use meeting the minor change criteria. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission and would have the authority to forward any application to the Planning Commission for their review and approval.

Plot Plan: The drawings and documents depicting and explaining all salient features of a proposed development that requires a land use permit.

SECTION 20:03: DATA REQUIREMENTS

A. Plot Plan and Site Plan Data Required

<i>Required Data Description</i>	<u>Plot Plan</u>	<u>Site Plan</u>	<i>Comments</i>
	ZA Approval	PC Approval	
Contact Information for Applicant and Owner (if different)	X	X	
General Information <u>Vicinity sketch</u> showing site relationship to surrounding streets and land uses within 300'	X	X	
PROJECT DESCRIPTION	X	X**	<i>Basic project description can NOT be waived</i>
Description of proposed uses of structures and land	X	X	
Number of dwelling units, sleeping rooms, occupants, employees (by shift), other users	X	X	
Number of square feet, total usable floor area	X	X	
Location, quantity and type of recreation and open space		X	

Outdoor gatherings – description and anticipated participant levels	X	X	
Property Information			
Location, shape, area, dimensions	X		Readable scale drawing
Property survey (including dimensions) and legal description, prepared and sealed by a professional surveyor		X**	<i>Only the survey can be waived or modified</i>
Yard, open space, parking lot and space dimensions, number of parking spaces, and loading areas	X	X	
ROADS, DRIVEWAYS AND EASEMENTS			
Driveways, parking and vehicle stacking areas when required	X	X	
Drainage – county drains and site drainage	X	X	
Easements and deed restrictions for existing public or private rights-of-way	X	X**	<i>Can NOT be waived</i>
Proposed streets and alleys	X	X	
Proposed traffic control measures		X	
UTILITIES			
Location of any well, septic system, drain field, and/or temporary sanitary facilities	X	X	
Storm drainage and storm water management plan, including drains, dry wells, catch basins, retention/detention areas, point of discharge for drain		X	
Location of all utilities		X	
Lighting – location, area of illumination, fixture type and shielding		X	

Required Data Description (cont'd)	<u>Plot Plan</u> ZA Approval	<u>Site Plan</u> PC Approval	Comments
NATURAL RESOURCES AND FEATURES			
Natural features – such as: woodlands, floodplains, lakes, streams, steep slopes (33 percent), high risk erosion areas, critical dunes, sensitive areas, wetlands	X	X	
Creeks, streams, lakes, ponds and wetland areas within 1,500 feet of property	X	X	
Location of any required agricultural buffers	X	X	
MISCELLANEOUS			
Landscaping plan – location of plants to be preserved, proposed plantings, screening, fences and lighting		X	
Storage location, specifications and containment systems for chemicals, salts, or flammable materials, or hazardous materials		X	
Structure Information (existing and proposed)			
Location, dimensions, height, bulk	X	X	
Proposed structure use	X	X	
Location and size of any waterfront structures and docks	X	X	
Existing man-made features – indicate which are to be retained, removed or altered.		X	
Accessory structures including fences and sheds— size, location and use	X	X	
Trash receptacles – size, location and screening		X	
Signs – type, size and location	X	X	

ADDITIONAL INFORMATION			
Fire and safety preplan coordinated with Fire Chief	X	X	<i>Can NOT be waived</i>
List of all other federal, state, and local permits and current status of required approvals		X**	<i>Can NOT be waived</i>
Expected project completion schedule		X**	<i>Can NOT be waived</i>
Other information deemed necessary by PC to determine compliance with this Ordinance		X**	<i>Can NOT be waived</i>

** Sections (or portions thereof) which shall **NOT** be modified or waived

Waiver Notes:

1. Planning Commission approval of a request for waiver and/or modification of data required from the applicant in no way releases the applicant from the requirements contained in this Ordinance.
2. For each request for modification or waiver of data requirements, the applicant shall provide to the Planning Commission, in writing, its rationale using findings requirements listed in Article XX.
3. Prior to submission of an application to the Zoning Administrator, the applicant shall provide a written preliminary project description to the Planning Commission seven (7) days in advance of a scheduled meeting which includes applicant's rationale for requested data modifications or waivers. The applicant shall attend the meeting at which the request is to be considered. The Planning Commission may make a site visit.
4. The Planning Commission will provide the applicant and the Zoning Administrator a list of the approved data requirements which have been waived or modified prior to submission of the application.
5. The Planning Commission is under no obligation to waive or modify any data requirement.

B. Data Waivers

1. The Planning Commission may waive, in whole or in part, or modify any of the above site plan requirements (including the implied requirements embedded in the introductory paragraph), except as specified otherwise, where at least one of the findings given in Section 20.03.B.3 is documented, including the rationale for each finding.
2. The Zoning Administrator may waive, in whole or in part, or modify any of the above plot plan requirements (including the implied requirements embedded in the introductory paragraph) when the application utilizes an existing structure, except project description and fire and safety preplan, where at least one of the findings given in Section 20.03.B.3 is documented, including the rationale for each finding.
3. Findings Requirements
 - a. The requirement is not applicable to the proposed development.

- b. The data will serve no useful purpose and/or no good public purpose will be achieved by requiring strict conformance with the listed requirement.
- c. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted.
- d. Another reasonable circumstance or condition exists.

SECTION 20.04: SITE PLAN REVIEW PROCEDURES

A. Submittal and Distribution of Site Plans: The applicant shall consult with the Zoning Administrator prior to submitting an application to review the process and determine if any additional agencies will need to review the proposed site plan. Prior to submitting an application to the Zoning Administrator, the applicant shall submit a copy of the proposed site plan and relevant supplemental information to each of the following entities for comment:

- 1. Fire Department.
- 2. County Road Commission.
- 3. District Health Department.
- 4. County Drain Commissioner.
- 5. County Building Safety Department.
- 6. Other agencies as may be relevant, including the Department of Natural Resources and the Natural Resources Conservation Service.

Three (3) copies of the application, site plan, and agency comments shall be submitted to the Zoning Administrator. The Zoning Administrator and or designated consultants shall review the application and site plans for completeness, and if they deem such application or plans are not complete, a written notice shall be provided identifying the inadequacies of the plans and any additional information required. Once the application submittal materials are determined to be complete, an additional ten (10) hard copies and one electronic copy of all application materials shall be submitted to the Zoning Administrator.

- B. Review:** The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance.
- C. Action:** After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, together with the reasons, and delivered to the applicant. Decisions by the Planning Commission shall be made within sixty (60) days of the receipt of the completed application, unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
- D. Approved Site Plans:** Three (3) copies of the approved site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission and the applicant for identification of the approved

plans. One (1) copy shall be returned to the applicant. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

SECTION 20.05: SITE PLAN APPROVAL STANDARDS

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts. Landscaping, buffering, and screening shall conform with the requirements of Article XIX Landscaping and Screening.
- C.** Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.
- D.** The site plan shall provide reasonable, visual, and sound privacy for the proposed development, as well as the adjacent properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E.** A fire and safety preplan review shall be required and coordinated by the applicant with the Cedar Area Fire and Rescue chief or his/her designee.
- F.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
- G.** Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.
- H.** Walkways shall be provided, separate from the road system, where feasible.
- I.** Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties, and shall be directed downward so as not to unnecessarily illuminate the night sky. Flashing or intermittent lights shall not be permitted.
- J.** The proposed arrangement of vehicular and pedestrian routes shall respect the pattern of existing or planned streets and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.
- K.** All streets shall be developed in accordance with Leelanau County Road Commission specifications if public, and in accordance with Private Roads, if private.
- L.** All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- M.** Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by

substantial practical difficulties.

- N. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
- O. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.
- P. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:
 - 1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
 - 2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
 - 3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

SECTION 20.06: CONFORMITY TO APPROVED SITE PLANS

Following the approval of a site plan by the Planning Commission, and the issuance of the Land Use Permit by the Zoning Administrator, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

SECTION 20.07: CHANGES AND APPEALS

- A. **Amendment to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures;
 - 1. Major Changes: major changes or amendments to an approved Site Plan involving changes that significantly alter the approved design or layout and/or the intensity or impact due to change is likely to be greater than that which was originally approved. Major changes shall include changes in the location or extent of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls if such changes will impact the original approval standards or conditions or approval, or negatively impact neighboring properties; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval;

- b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this section; and
- c. Such changes shall not result in the reduction of open space area as required herein.

Minor changes to an approved Site Plan upon which the Zoning Administrator defers judgment to the Planning Commission, shall be treated as a major change.

- 2. **Minor Changes:** Minor changes to an approved Site Plan (including a Site Plan associated with a Special Land Use approval) which still meet all Zoning Ordinance requirements and the conditions of the original approval, in addition to not meeting the major change criteria may be approved by the Zoning Administrator. The Zoning Administrator may at his or her discretion request the Planning Commission to review the proposed minor change.
- 3. **Deferred to PC:** Changes to an approved Site Plan, which do not technically meet the requirements for a major change, but which the Zoning Administrator at his or her discretion has deferred to the Planning Commission for review, shall be reviewed under the process for a site plan review for a permitted use.

- B. **Amendments to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved plot plan in accordance with the standards specified in this ordinance. Changes to a plot plan which contain elements which require site plan approval according to this section, shall require that the entire project be processed as a site plan according to the procedures of Article XX.
- C. **Appeals:** With regard to site plan and plot plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner of other administrative decisions. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.
- D. **Circuit Court Review:** Any party aggrieved by an order, determination or decision of the Zoning Board of Appeals may obtain a review both on the facts and the law, in the Circuit Court; provided that the application is made to the Court within thirty (30) days after the delivery of a final decision.

ARTICLE XXI: AG-TOURISM

The intent of this zoning provision is to promote and maintain local farming while allowing flexibility in the ever changing traditional farms' purpose. The activities that are described have become necessary for the sustainability of certain farms in Solon Township. The goals of these provisions are to maintain and promote agriculture and its related activities. Agricultural tourism can preserve open space and farmland, maintain both an agricultural heritage and rural character, and promote community benefits. These benefits include having fresh local produce for sale, working classrooms for school children, and urban residents' education to increase business that contributes to the general economic conditions of the Township.

The purpose of these provisions is to provide a list of permitted activities conducted under an agricultural tourism operation. These activities need a conditional permit to guide and regulate agricultural tourism businesses on agriculturally zoned land. These provisions will provide for a clear understanding of the expectations for agricultural tourism business operators, local residents, along with other businesses and local officials.

A. The goals of these provisions are:

1. To maintain and promote agriculture and related activities.
2. To preserve open space and farmland.
3. To maintain the township's agricultural heritage and rural character.
4. To increase community benefits by having fresh, local agricultural products for sale and working classrooms to educate school children and other residents and tourists.
5. To increase agriculturally related businesses that contribute to the general economic condition of the area and region.

B. The purposes of these provisions are:

1. To provide standard definitions related to agricultural tourism uses.
2. To provide a list of permitted agricultural tourism uses for working farms.
3. To provide a mechanism for allowing creative uses that need a special land use permit to guide and regulate agricultural tourism uses on working farms.
4. To provide for a clear understanding of the expectations for agricultural tourism uses for farm operators, local residents, other businesses and local officials.

C. The limits of these provisions are:

1. Agricultural tourism uses are allowed only on working farms. Working farms are those operations which are providing agricultural products for sale. These sales must contribute to the farm operator's income. The working nature of the farm must be documented including control of the land being farmed and income/expense documentation such as sales receipts, IRS Schedule F, or other documentation that the township agrees is satisfactory.
2. A farm's size must be adequate to accommodate any agricultural tourism use so as not to create a nuisance or a hazard. Issues affected by farm size include, but are not limited to, setbacks for noise abatement, adequate off-road space, and adequate parking areas.
3. Agricultural tourism uses must meet all township zoning ordinances plus all health, building, road, safety and all other applicable local, state and federal regulations and codes.
4. Documentation that an agricultural tourism use is operating within these limits must be made available to the township upon request.

SECTION 21.01 PERMITTED USES: Subject to Public Hearings as required by the Z.A.

1. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products, collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.
2. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator.
3. Direct marketing of produce in a roadside stand no greater than (100) one hundred square feet in building area.
4. Seasonal U-pick fruits and vegetable operations.
5. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
6. Processing any fruits/produce.
7. Uses 3 through 6 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than fifty (50) percent of the gross receipts from the farm.
 - a. Value-added agricultural products or activities such as education tours or processing facilities, etc.
 - b. Bakeries selling baked goods containing produce grown primarily on-site.
 - c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - d. Petting farms, animal display, and pony rides.
 - e. Wagon, sleigh and hayrides.
 - f. Nature trails.
 - g. Open air or covered picnic area with restrooms.
 - h. Educational classes, lectures, seminars.
 - i. Agricultural exhibits.

SECTION 21.02 SPECIAL LAND USES

The following uses are permitted in this district upon Development Site Plan Review approval by the Planning Commission in accordance with Article XX and are subject to a Public Notice and subsequent Public Hearing. The necessary conditions for approval of any of these uses shall be a demonstrated need for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site or the surrounding properties.

1. Bed and Breakfast.
2. Direct marketing of produce, farm retail market, on-farm market or roadside stand if the sales area is greater than one hundred (100) square feet in building area.
3. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses requiring a special use permit.
 - a. Small-scale entertainment (e.g., carshow, art fair).
 - b. Family oriented animated barns (e.g., fun houses, haunted houses, or similar).

- c. Organized meeting space for use by weddings, birthday parties, and corporate events.
- d. Designated, permanent parking for more than 10 vehicles.
- 4. Cider mills, wineries, or distilleries selling product in a tasting room shall be derived from crops grown at least fifty percent (50%) in Leelanau County for at least three (3) of the immediately preceding five (5) years. A temporary waiver may be granted by the Zoning Administrator, or if special circumstances exist, such as frost, drought, or any other unusual conditions which may be deemed appropriate for a waiver by the Zoning Administrator.
- 5. Commercial kitchen facilities, processing/cooking items for sale, including gift shops for the sale of agricultural products and agriculturally related products.

SECTION 21.03 PARKING

- 1. For agricultural tourism and seasonal agriculturally related uses, one space for each (100) one hundred square feet of retail area and one space for every five (5) patrons of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
- 2. For uses permitted by right under the agricultural district, parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, or other visible marking.
- 3. For uses permitted by special use permit, parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.
- 4. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
- 5. Parking areas shall not be located in required side and rear parking setback areas. Parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

SECTION 21.04 SIGNS

Seasonal signs may be erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public. Any sign approved shall comply with the Solon Township Sign Ordinance.

SECTION 21.05 HOURS OF OPERATION

The hours of operation will be determined on a case by case and site by site basis.

SECTION 21.06 ADDITIONAL REQUIREMENTS

All uses within this section of the zoning ordinance are required to meet Article XX (Site Plan Review) and any other relevant sections of the Solon Township Zoning Ordinance.

ARTICLE XXII: PLANNED UNIT DEVELOPMENT

SECTION 22.01 PURPOSE

- A. Planned Unit Development regulations furnish an alternate means for the development of residential site plans within areas designated in the Master Plan for housing. These regulations, while adhering to the underlying densities specified in the Master Plan, allow for greater flexibility in designing and planning the development of land by including the geography, the history and culture, and the ecology of the area as standards and determinants of that design rather than severe and singular enforcement of residential unit densities.
- B. These regulations intend to promote the efficient use of the land while encouraging a diversity of housing types and maintaining a high degree of site control necessary for the preservation of the natural and scenic qualities that are integral to the rural character of the Township.

SECTION 22.02 PERMITTED USES AND CONDITIONAL USES

- A. Planned Unit Developments within zones established by the Township Board. All legal methods of land subdivision may be used in the design of a Planned Unit Development. All pertinent regulations addressed elsewhere in the Ordinance, i.e. Subdivision Regulations and Site Plan or Development Review, shall be complied with. Condominium projects shall be administered and reviewed under this Article.

SECTION 22.03 PROPERTY DEVELOPMENT STANDARDS

- A. General Requirements. The following requirements are minimum unless otherwise stated.
 - 1. Density - Maximum dwelling units per net acre to be based upon density designated in Master Plan on buildable land prior to rezoning.
 - 2. Minimum Parcel Size - Ten (10) acres
 - 3. Front yard setback
 - a. Public road - Forty (40) feet
 - b. Private road - Twenty-five (25) feet
 - 4. Side yard setback - Ten (10) feet. Sufficient passageways must be maintained for emergency vehicles
 - 5. Street side yard setback
 - a. Public road - Twenty-five (25) feet
 - b. Private road - Twenty-five (25) feet
 - 6. Rear yard setback - Twenty-five (25) feet
 - 7. Building height, maximum - Thirty-five (35) feet
 - 8. Site coverage, maximum - Thirty (30) percent
 - 9. Parking spaces per unit - Two (2) spaces per dwelling unit.
- B. Special Requirements. The following special development requirements shall apply to all planned unit developments:
 - 1. The planned unit development may be designed and developed in a manner compatible with and complementary to the existing and potential residential

- development in the immediate vicinity of the project site. Site planning on the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.
2. Where individual lots are desired, there shall be a five thousand (5,000) net square foot minimum area requirement for individual lots or individual dwelling sites.
 3. All public streets within or abutting the proposed planned development shall be dedicated and improved to County Commission specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be irrevocable offered for dedication (but the township or county is not obligated at any time to accept the dedication) and shall be maintained and funded for their intended purposes by the development's homeowners association or other means acceptable to the Township or County. All roads and passageways must be designed to allow emergency vehicle access.
 4. Planned unit developments shall be in harmony with the topography of the site, shall preserve water sources, drainage areas, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be designed to use and retain natural features and amenities to the greatest extent possible.
 5. All utilities within a planned unit development shall be placed underground, with and in its own 10' utility easement.
 6. The designation of building envelopes within which dwellings must be sited, is required to ensure sensitive placement of homes in relation to the geography and ecology of the site as well as in relation to structures on surrounding properties.
 7. A homeowners association shall be formed to hold title to and to manage any land, structures, or improvements to be held in common. Findings of Facts of the PUD approval shall be conveyed by deed restrictions and covenants or within the condominium master plan, whichever is applicable.
 8. The development must meet all the standards and requirements of the various agencies that have jurisdiction over the development area. No PUD shall be approved until all necessary approvals are obtained.
 9. A development schedule shall be submitted indicating planned phases, including construction of roads, utilities, dwellings, amenities - all the major components of the project. A semi-annual revision of the schedule shall be required until the entire development is completed. This semi-annual report shall include, at minimum, the percentage complete to date and forecasted construction for the ensuing year of each component of the project. Approval of subsequent stages of a development shall be based upon adherence to the approved schedule or modifications agreed upon by the Planning Commission.
 10. The Zoning Administrator may modify the information required for submission to the Commission, adding or eliminating items as necessary, to ensure a thorough review of the proposed project.
 11. A performance bond, surety bond or cash bond shall be required by the Planning Commission.

SECTION 22.04 ACCESSORY USES AND STRUCTURES; PUD ZONE

Accessory buildings and structures shall be located as specified on the development plans as approved by the Township. However, accessory structures shall meet all of the setbacks for site development as specified in each zoning district.

SECTION 22.05 SIGNS: PUD ZONE

No sign or outdoor advertising structure shall be permitted except as prescribed in Sign Ordinance – Article XXVI.

SECTION 22.06 APPLICATION FOR PLANNED UNIT DEVELOPMENT ZONING

In addition to the requirements in Section 4.19 (Fees) the applicant shall follow the procedures as outlined in Sections 22.05 - 22.13.

SECTION 22.07 DEVELOPMENT PLAN; APPLICATION REQUIREMENTS: PUD ZONE

Applicants for approval of a planned unit development zone shall submit a complete application for review of a preliminary development plan to the Zoning Administrator at least thirty (30) days prior to review by the Planning Commission. The application shall contain all of the following:

- A. Twelve (12) copies of a preliminary development plan encompassing all phases of the proposed PUD, prepared at a scale not less than one (1) inch equals fifty (50) feet if the property is less than three (3) acres, and one (1) inch equals one hundred (100) feet if three (3) acres or more, containing the following information or as requested by the Planning Commission:
 1. Name of development, applicant name, preparer name, if different, date of preparation, written and graphic scale, north arrow, property lines and dimensions, size of property in acres.
 2. Identify zoning and use of all adjoining properties.
 3. Identify existing natural features of the site, including predominant vegetative cover, major tree stands and existing drainageways.
 4. Identify existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.
 5. Identify existing site elevation contours at five (5) foot intervals, or as requested by the Planning Commission.
 6. If applicable, identify existing shoreline, existing one hundred (100) year flood plain boundary and existing wetlands.
 7. Existing rights-of-way lines, pavement edges and names of public streets; proposed layout of new public streets or private roads.
 8. Layout and typical dimensions of proposed lots, including building envelopes; if the proposed PUD zone includes construction of buildings or other structures, identify proposed footprints and dimensions, proposed number of stories; identify uses proposed within the planned unit development defining the acreage allotted to each use.
 9. Locations of proposed access driveways and parking areas. See Section 23.03 Private Road.
 10. If multi-phase development is proposed, identify areas included in each proposed phase.
 11. A legal description of the land included in the planned unit development zone.

12. A sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five hundred (500) feet of the planned unit development zone.
13. A narrative statement describing the overall objectives of the planned unit development.
14. A completed application on a form supplied by the Township.
15. Payment of a fee which shall be established from time to time by resolution of the Township Board.

SECTION 22.08 PLANNING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLAN

- A. The Planning Commission shall review the preliminary development plan at a meeting. Recommendations made by the Planning Commission shall be based upon its consideration of the standards for approval of a planned unit development zone contained in this Article, and based upon the intent of this Article.

In the course of its review of a preliminary development plan for a planned unit development zone, the Planning Commission shall provide notification to adjoining property owners and opportunity for public comment on the proposed planned unit development zone as it deems appropriate.

SECTION 22.09 FINAL DEVELOPMENT PLAN; APPLICATION REQUIREMENTS

Following receipt of the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit to the Zoning Administrator or Secretary of the Commission an application for review of a final development plan, at least thirty (30) days prior to the public hearing at which the plan will be considered by the Planning Commission. The application shall contain all of the following:

1. Twelve (12) copies of a final development plan, containing all of the information required for a preliminary development plan, and in addition thereto, all of the following:
 - a. Proposed site elevation contours at five (5) foot intervals, superimposed over existing site elevation contours at five (5) foot intervals, or as requested by the Planning Commission.
 - b. Proposed landscaping, including location, size and species of all plant materials to be installed, proposed ground cover, identification of areas to be covered by automatic irrigation, if applicable, and identification of significant existing plant materials to be removed or retained on the site.
 - c. Layout and dimensions of all existing and proposed driveways, sidewalks, curb openings and parking areas; parking areas shall include layout of proposed parking spaces and aisles, with typical dimensions, total number of spaces and method by which required number of spaces was calculated. See Section 23.03 Private Road.
 - d. Existing and proposed lot lines and building envelopes, with bearings and dimensions.
 - e. Size and location of existing and proposed water and sewer lines, hydrants, natural gas, electric, telephone, cable television and any other proposed utility lines.
 - f. Location, height and design of proposed fencing.
 - g. Location, height and style of proposed exterior lighting.
 - h. Proposed signage.

2. If applicable, typical elevation sketches of all sides of each principal building type included in the planned unit development, drawn at a scale of one (1) inch equals ten (10) feet, or as required by the Planning Commission.
3. Legal description of the land included in the planned unit development zone.
4. A small-scale sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five hundred (500) feet of the planned unit development zone.
5. A narrative statement describing the overall objective of the planned unit development.
6. Summary date schedules, where applicable, containing the following:
 - a. Number and sizes of proposed dwelling units
 - b. Number of bedrooms per dwelling unit
 - c. Area and percentage of site covered by buildings
 - d. Area and percentage of site covered by pavement
 - e. Area and percentage of total open space
 - f. List of commercial or ancillary uses, with square footage identified for each use.
7. A copy of all proposed deed restrictions and covenants, including the organization and by-laws of any proposed homeowners association.
8. A completed application on a form supplied by the Township.
9. Payment of a fee which shall be established from time to time by resolution of the Township Board.

SECTION 22.10 NOTICE AND PUBLIC HEARING

- A. Upon receipt of an application for approval of a final development plan for a planned unit development zone, the Zoning Administrator or secretary of the Commission shall cause a public notice to be posted in accordance with the Zoning Ordinance.
- B. Following notice, the Planning Commission shall hold a public hearing on the proposed planned unit development zone for the purpose of receiving public comment on the application.

SECTION 22.11 PLANNING COMMISSION ACTION

- A. Following the public hearing, the Planning Commission shall review the final development plan for the planned unit development zone, and shall recommend approval, denial or approval with conditions, based on consideration of the standards for approval contained in Section 22.12.
- B. The recommendation of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the Findings of Facts and any conditions included in the Findings of Facts. The statement of conclusions shall be transmitted to the Township Attorney.

SECTION 22.12 STANDARDS FOR APPROVAL

The Planning Commission shall approve a planned unit development zone only if it complies with each of the following standards:

1. The proposed planned unit development zone is consistent with and promotes the intent of this Article and Ordinance.

2. The proposed planned unit development zone is compatible with surrounding uses of land and the natural environment and the capacities of public services and facilities affected by the planned unit development zone are sufficient to satisfy proposed demands.
3. The planned unit development is consistent with the public health, safety and welfare of the Township.
4. Safe and efficient ingress and egress has been provided to the property with particular attention given to pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
5. The design and placement of buildings and other structures, parking, lighting, signs, refuse/recycling storage, landscaping and other elements of the proposed planned unit development are compatible with surrounding properties.

SECTION 22.13 CONFORMITY WITH PUD ZONE REQUIRED; PUD ZONE AGREEMENT

- A. Following approval of a planned unit development zone by the Planning Commission, no construction on the land included in the planned unit development shall be undertaken, unless such construction is in conformity with the final development plan for the planned unit development and any conditions imposed in conjunction with the approval of the planned unit development by the Planning Commission. Conformity shall be deemed to include the exact number of floors, stories, dwelling units, garages, lots and horizontal and vertical dimensional compliance.
- B. Prior to issuance of any building permits for construction of any portion of a planned unit development, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the planned unit development. The agreement shall describe all improvements to be constructed as part of the planned unit development, and shall incorporate by reference the final development plan submitted with the planned unit development application, other documents which comprise the planned unit development, and all conditions attached to the approval by the Planning Commission. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the planned unit development, and shall be binding upon all successors in interest to the applicant.

SECTION 22.14 CHANGES TO AN APPROVED PLANNED UNIT DEVELOPMENT

- A. No changes to an approved final development plan for a planned unit development shall be made, except by mutual agreement between the applicant and the Township. Revisions to an approved final development plan or to any conditions imposed on an approval with the exception of minor administrative changes, which do not alter the layout, number of units or other details of the plan by more than five (5) percent, shall be processed in the same manner as an application for approval of a final development plan, as specified in Sections 22.09-22.13.
- B. Minor administrative changes may be made by the Planning Commission or the Commission may delegate this responsibility to the Zoning Administrator.

SECTION 22.15 TIME LIMIT FOR APPROVED PLANNED UNIT DEVELOPMENTS

- A. Construction of an approved planned unit development, shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the planned unit development by the Planning Commission.
- B. The owner or applicant of the planned unit development may apply to the Planning Commission for one (1) extension of the original approval for an additional term of one (1) year. The Planning Commission may, in its discretion, authorize this extension. In considering such authorization, the Planning Commission shall use the following standards:
 - 1. The planned unit development has encountered unforeseen difficulties beyond the reasonable control of the owner/applicant.
 - 2. The planned unit development is likely to commence and to be completed.
- C. If the planned unit development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or the one (1) permitted extension thereof, then the planned unit development approval may automatically become invalid and void.

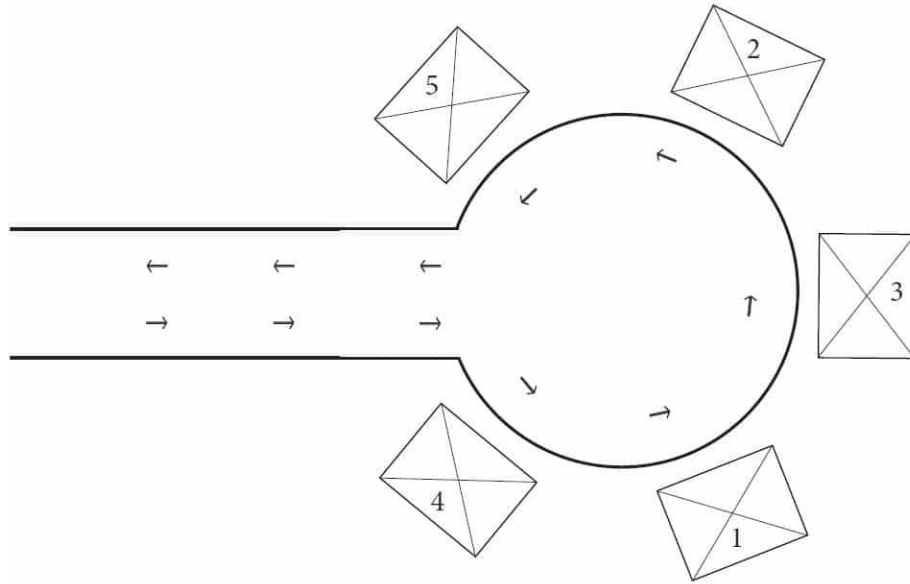
ARTICLE XXIII: ROAD AND STREET ORDINANCE

SECTION 23.01 INTENT AND PURPOSE

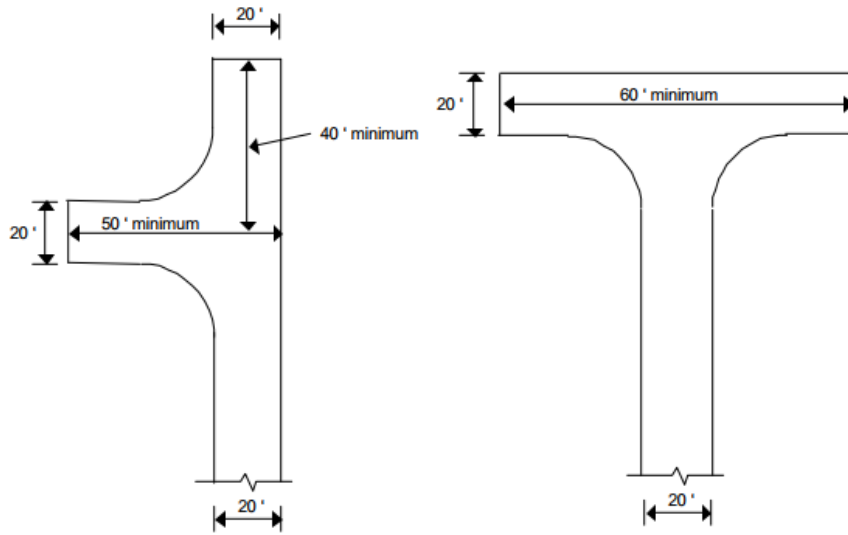
- A. The Planning Act, amended through 2012, authorizes planning which includes the general location, character and extent of streets, roads, highways, and recommendations for implementing any of its proposals. Once a basic plan has been adopted, no road shall be constructed or authorized in the Township until the locations, character and extent thereof have been submitted to and approved by the Planning Commission.
- B. The intent of this ordinance is to provide a minimum standard for the design and construction for roads and streets in subdivisions, PUD's and any other private road [as defined in split ordinance] serving more than one single family dwelling that are not being constructed under the specifications of the Leelanau County Road Commission or higher standards. Subdivision plats are those recorded with the Register of Deeds under the Subdivision Control Act P.A. 288 of 1967, MCLA 560.101 et seq. The division/splitting/partitioning of any existing lot without providing for road access under the provisions of this ordinance will be prohibited. This ordinance shall also apply to any roads which are improved after the enactment date of the ordinance.
- C. This ordinance is not intended to cover single family residences, driveways, farm lanes or logging access roads.

SECTION 23.02 PERMITTING PROCEDURE

- A. Construction of any road subject to this ordinance shall not begin until a permit has been received from the Township Zoning Administrator. Application for the permit shall be made on a form promulgated by the Planning Commission, which may be obtained from the Zoning Administrator. In addition, the applicant shall provide the Zoning Administrator a topographical plan with a minimum of five foot contours, which standards may vary depending on the nature of the proposed road and topography of the land or as requested by the Planning Commission.
- B. If the Zoning Administrator determines that it is necessary to have a registered engineer review any application (including plans, specifications, and/or construction practices) made under this ordinance, he or she may employ a registered engineer for that purpose, at applicant's expense. No permit shall be issued until such expense has been paid by the Applicant.
- C. The application fee shall be determined by the Township Board.
- D. A copy of the permit application may be given to the Cedar Area Fire and Rescue Chief, and no permit may be issued without approval from the Fire Chief. The Zoning Administrator may also ask the Leelanau County Road Commission and/or the Leelanau County Drain Commissioner to review any application
- E. Any person applying for a road permit may provide documentation and/or other assurances satisfactory to the Zoning Administrator insuring that maintenance and/or liability for any private road does not become the responsibility of the Township or the County. The Zoning Administrator may consult with the Township Attorney to be sure this requirement is fulfilled.



Cul-de-sac Example



ALTERNATE A

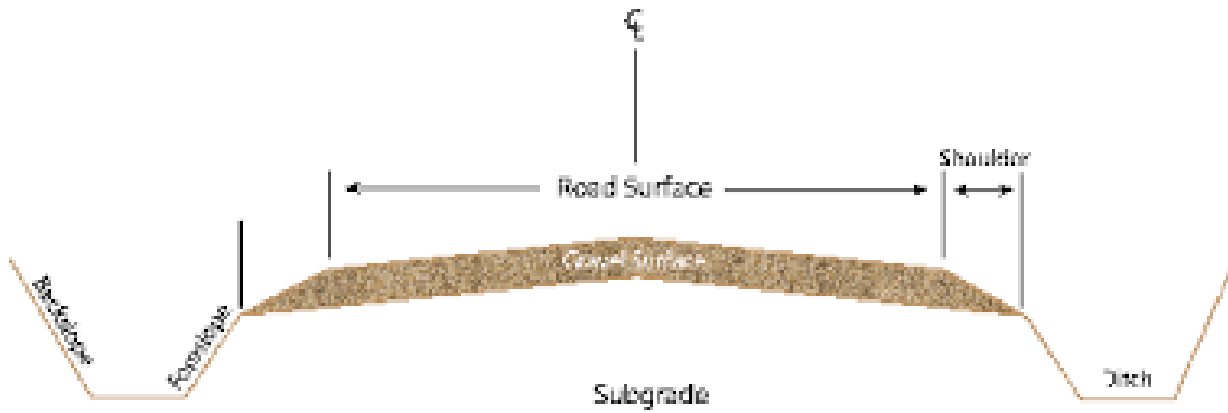
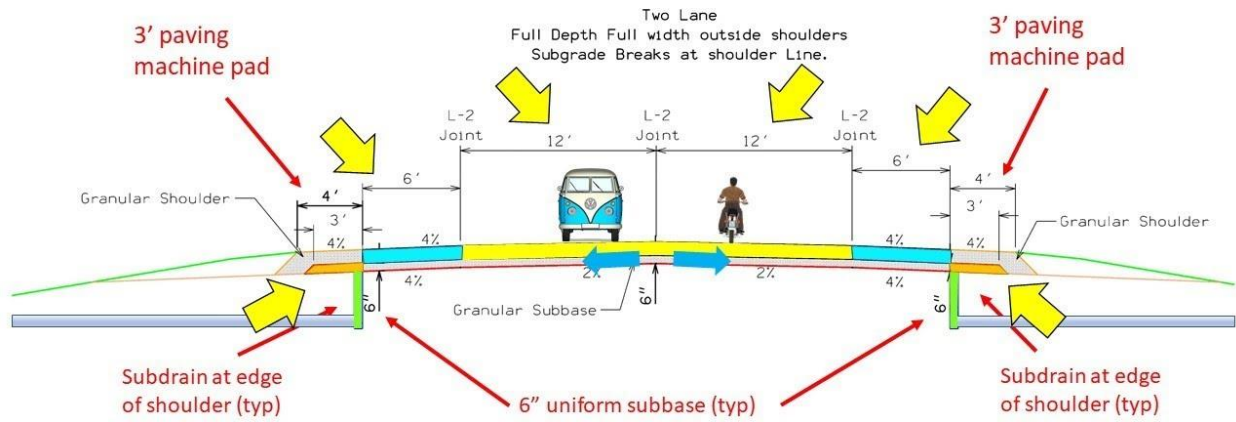
ALTERNATE B

HAMMERHEAD TURN-AROUND

Hammerhead Turnaround Examples

Dimensions are for Illustrative Purposes Only – Final Dimensional Approval at Discretion of Fire Chief

Typical Rural Cross-section



Road Cross-section Examples
 Dimensions are for Illustrative
 Purposes Only – Final Dimensional
 Approval at Discretion of Fire Chief
 and LCRC

- F. Construction of any road accessing a county road shall have a Construction permit from the Leelanau County Road Commission. Permits shall also be required from the Leelanau County Soil Conservation District if required under the Soil Erosion and Sedimentation Control Act P.A. 347 of 1974.
- G. No construction shall begin on any dwelling accessed by a road covered by this Ordinance until the road has been completed in a manner satisfactory to the Zoning Administrator and Fire Chief. The Zoning Administrator may, in his or her discretion, require a performance bond from an applicant if the class of roadway is from Group 2, 3, 4 or 5 in a form and amount reasonably required to ensure completion of a road project subject to this ordinance.
- H. In the event that an applicant wishes to appeal any decision of the Zoning Administrator, such appeal may be made to the Zoning Board of Appeals, which shall review the decision at a properly noticed public hearing. The fee for such appeal shall be determined by the Township Board.

SECTION 23.03 STANDARDS FOR PRIVATE ROADS

- A. All private roads constructed or reconstructed in Solon Township shall be constructed in a good and workmanlike manner. All materials and construction practices shall be in accordance with current Michigan Department of Transportation (MDOT) Standard Specifications for Construction. All roads shall be constructed on a permanent right-of-way easement recorded with the Leelanau County Register of Deeds. Prior to construction/reconstruction of any road, plans shall be prepared showing an elevation of the proposed road and a cross section of the roadway and side ditches to accommodate drainage. In addition, all road plans shall include an overall draining plan submitted on a topographic map and shall indicate the area drained by the surface drainage and manner in which this drainage shall enter the local drainage system. Such outflow shall not enter into any public or private drain or ditch without appropriate easements or permits being obtained. Such plans shall be sealed by an engineer registered in the State of Michigan.
- B. All private roads constructed require a road name according to the Leelanau County Address Ordinance. This is true for all private roads that will service five (5) or more residences, and may also be needed for roads in a planned development. Appropriate signage of all roads shall be provided as required by the Leelanau County Address Ordinance.
- C. Existing roads and streets will be approved for the number of existing homes or home sites at the time of approval of this ordinance. The construction of residences in a subdivision shall be deemed to be in conformance when the new residences are built on existing lots. Additions of new lots to existing subdivisions or PUDs shall require that all those roads serving that subdivision or PUD shall be upgraded to meet the standard for that road group as defined in Section 23.04.

SECTION 23.04 MINIMUM DESIGN STANDARDS

The following are minimum standards for private roads under the provisions of this ordinance.

A. CLASS OF ROADWAY

Class	Criteria	Function of Roadway
Group 1	3 to 5 Residences	Residential Lane or Court
Group 2	6 to 12 Residences	Residential Street
Group 3	13 to 24 Residences	Residential Roadway
Group 4	25 to 39 Residences	Residence or light commercial, Commercial Subcollector
Group 5	40 or more Residences	Collector light commercial

B. RIGHT-OF-WAY EASEMENT

Class of Road	Minimum Right of Way (FT)
Group 1	30 FT
Group 2	40 FT
Group 3	50 FT
Group 4	50 FT
Group 5	66 FT

This is a minimum and may need to be exceeded in areas of cut or fill of where ditching may cause the Right-of-Way (ROW) to exceed the minimum as noted. Drainage and utilities may be located in the ROW and their placement, by itself, inside the ROW will not increase nor decrease the ROW required.

C. TRAVELED ROADWAY, SURFACE AND WIDTH

Class of Surface	Width of Roadway	Width of Surface	Type of Surface
Group 1	24'	18'	Gravel (1)
Group 2	26'	20'	Gravel (1)
Group 3	26'	20'	Seal Coat (Bituminous)
Group 4	26'	22'*	Bituminous (2)
Group 5	28'*	26'	Bituminous (2)

All groups of roads shall be over an adequate subbase.

* To prevent slope erosion Group 3, 4, and 5 roads with grades greater than 7% (seven percent) shall be surfaced with bituminous. Group 4 and 5 roads with grades in excess of 7% (seven percent) shall have a curb with cobble ditch drainage outlets.

D. ADDITIONAL REQUIREMENTS

1. Gravel shall mean a minimum of 6 (six) inches of compacted 22A aggregate as defined by MDOT. Shoulder = Clear width – Width of paved surface. All shoulders shall be surfaced with a minimum of 6 (six) inches of gravel.
2. Bituminous for Group 5 shall be a 2 (two) course pavement of 275 (two hundred seventy-five) #/sq. yd. or greater, base course 165 (one hundred sixty-five) #/sq. yd., surface course 110 (one hundred ten) #/sq. yd. Bituminous pavement for Group 4 or less may be laid in 1 (one) course. All paving methods and materials shall be in accordance with current MDOT construction specifications. All Group 4 and 5 roads shall construct a paved, 2 (two) foot wide bike/pedestrian lane at each side of the paved roadway surface.

3. The subbase shall be not less than 15 (fifteen) inches thick and shall be a well drained granular soil. All muck, peat or organic topsoil shall be removed prior to placing subbase. Bituminous pavement shall be placed on an aggregate base not less than 6 (six) inches thick. The subbase shall be compacted to 95 % (ninety-five percent) density prior to placement of base. The aggregate base under bituminous shall be compacted to 95 % (ninety-five percent) density.
4. Side slopes shall be 1:2 (one foot vertical to two feet horizontal). Where the depth of fill exceeds 5 (five) feet adequate guardrail protection shall be provided.
5. Bridges for roadways shall be designed to not less than HS-20 American Association of State Highway and Transportation Officials (AASHTO) loading.
6. Grades shall not exceed 10 % (ten percent), subject to approval by Fire Chief and Zoning Administrator.
7. Cul-de-sacs and hammerhead turn-arounds or loops will be required at the end of road segments as determined by the Fire Chief. Cul-de-sacs and hammerhead turn arounds or loops will be designed to meet the requirements of the Fire Chief.
8. Cross culverts shall be required at all drives where the natural slope is greater than 2 % (two percent) or where a ditch section is adjacent to the roadway. All culverts shall be a minimum of 12 (twelve) inches in diameter.
9. Shoulders may be grassed or sodded up to the paved surface in Group 4 and 5 roads.

ARTICLE XXIV: TOWERS AND ANTENNAS, EXCLUDING WIND ENERGY SYSTEMS

SECTION 24.01 INTENT AND PURPOSE

- A. The intent and purpose of this section is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to:
1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 2. Encourage the location of towers in non-residential areas;
 3. Minimize the total number of towers throughout the community;
 4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, citing, landscape screening, and innovative camouflaging techniques;
 7. Enhance the ability of the providers of services to provide such services to the community quickly, effectively, and efficiently; consider the public health and safety of towers and planning.
- B. Solon Township shall give due consideration to the zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

SECTION 24.02 TOWER/ANTENNA DEFINITIONS

As used in this section, the following terms shall have the meanings set forth below:

ALTERNATIVE TOWER STRUCTURE - Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA - Any exterior transmitting or receiving device mounted on a tower building or structure that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

BACKHAUL NETWORK - The lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA - The Federal Aviation Administration.

FCC - The Federal Communications Commission.

HEIGHT - When referring to a tower or other structure, the distance measured from the natural grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS - Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers, or poles. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers,

alternative tower structures, and the like. The term includes the structure and any support thereto.

SECTION 24.03 APPLICABILITY

- A. New Towers and Antennas. All new towers or antennas in Solon Township shall be subject to these regulations except as provided in Section 24.03, Tower and Antenna definitions B. through D.
- B. Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under sixty (60) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- C. Pre-existing Towers or Antennas. Pre-existing towers and pre-existing antennas which were legally established or grandfathered shall not be required to meet the requirements of this zoning ordinance, other than the requirements of Section 3, Tower and Antenna Definitions, provided they are not improved in a way which raises their pre-existing height.
- D. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

SECTION 24.04 GENERAL REQUIREMENTS

- A. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot may not preclude the installation of an antenna or tower on such lot.
- B. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Solon Township or within six miles of the border thereof, including specific information about the coverage area, location, height, and design of each tower. The Zoning Administrator shall share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Solon Township, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- D. Aesthetics. Towers and antennas shall meet the following requirements:
 - 1. Towers will be monotube and unguyed. There will be no lattice work towers allowed. The tower height will be limited to one hundred ninety-nine (199) feet.
 - 2. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

3. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the natural setting and surrounding buildings.
 4. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- E. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority.
 - F. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within one (1) year of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - G. Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If Solon Township Board's designee or the Leelanau County Building Safety Department concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - H. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Solon Township irrespective of municipal and county jurisdictional boundaries.
 - I. Non-Essential Services. Towers and antennas shall be regulated and permitted pursuant to this section of the zoning ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities. Personal wireless services are specifically determined not to be essential services nor to be public utilities as such terms are used in the Solon Township Zoning Ordinance, Section 4.02 (Essential Public Services).
 - J. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law, for the construction and/or operation of a wireless communication system in Solon Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
 - K. Public Notice. For purposes of this section of the zoning ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 24.04 General Requirements P.2., Table 1, in addition to any notice otherwise required by the Zoning Ordinance.
 - L. Signs. No signs or advertising shall be allowed on an antenna or tower, except safety related signs.

- M. Buildings and Support/Storage Equipment. Buildings and support equipment associated with antennas or towers shall comply with the following requirements:
1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
 - a) The cabinet or structure shall not contain more than sixteen (16) square feet of gross floor area or be more than six (6) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over sixteen (16) square feet of gross floor area or six (6) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - b) Equipment storage buildings or cabinets shall comply with all applicable building codes.
 2. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
 - a) In the residential/resort/recreational/agricultural districts, the equipment cabinet or structure may be located:
 - (1) In a front or side yard provided the cabinet or structure is no greater than four (4) feet in height or sixteen (16) square feet of gross-floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42-48) inches and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.
 - (2) In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixteen (16) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty six (36) inches, with eighty-five (85) percent opacity throughout the year.
 - b) In business and government districts the equipment cabinet or structure shall be no greater than twelve (12) feet in height or one hundred (100) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.
 3. Antennas Located on Towers. The related unmanned equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than six (6) feet in height, unless authorized by the Planning Commission, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
 4. Modification of Building Size Requirements. In the case of administratively approved uses, the requirements of Sections 30.04, M1-3 may be modified by the Zoning Administrator or referred to the Planning Commission. In the case of uses permitted by Special Use those matters shall be referred to the Planning Commission.
- N. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that this is an essential service and that no existing tower, structures or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Zoning Administrator/Planning Commission

related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 6. The applicant demonstrates that an alternative technology exists that does not require the use of towers or structures.
- O. Setbacks. The following setback requirements shall apply to all towers; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
1. Towers must be set back a distance of one half times the height of the tower from any adjoining lot line, or whichever is greater.
 2. Accessory buildings must satisfy the minimum zoning district setback requirements.
- P. Separation. The following separation requirements shall apply to all towers and antennas; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
1. Separation from off-site uses/designated areas. A tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 2. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-site Use/Designated Area	Separation Distance one hundred (100) feet or one hundred ten (110) percent height of tower, whichever is greater. Separation measured from base of tower to closest building setback line.
Residential/Commercial/Agricultural Districts	Separation Distance one hundred (100) feet or one hundred ten (110) percent height of tower, whichever is greater. Separation measured from base of tower to closest building setback line.
Vacant single-family or duplex res/com/ag zoned land of which is either platted or has preliminary subdivision/site condominium plan approval which is not expired	Separation Distance one hundred (100) feet or one hundred ten (110) percent height of tower, whichever is greater. Separation measured from base of tower to closest building setback line.

3. Separation Distances Between Towers. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2: Existing Towers/Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole 75 Ft in Height or Less
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 FtD in Height or Greater	1,500	1,500	1,500	750
Monopole 75 Ft in Height or Less	750	750	750	750

The above requirements may be modified or waived by the Planning Commission depending on-site conditions or site terrain.

- Q. Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; however, the Planning Commission may waive such requirements, as it deems appropriate.
- R. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.
1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers cited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

SECTION 24.05 ADMINISTRATIVELY APPROVED USES

- A. The following provisions shall govern the issuance of the Zoning Administrator's administrative approvals for towers and antennas.
1. The Zoning Administrator may administratively approve the uses listed in this sub section.
 2. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Sections 4 and 5 of this zoning ordinance and a non-refundable fee as established by resolution of Solon Township Board, Solon Township Ordinance Fees for Processing Zoning and Land Use Requests as amended, to reimburse Solon Township for the costs of reviewing the application and construction inspection.
 3. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with sub-section 24.04, in its entirety.
 4. The Zoning Administrator shall respond to each such complete application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
 5. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 24.08 to filing any appeal that may be additionally available under the requirements of this Zoning Ordinance.
- B. List of Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:
1. Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below.
 - a. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Staff Planner as an accessory use to any agricultural structure, provided:
 - (1). The antenna does not extend more than thirty (30) feet above the highest point of the structure or a height of sixty (60) feet, whichever is less;
 - (2). The antenna complies with all applicable FCC and FAA regulations; and
 - (3). The antenna complies with all applicable building codes.
 - b. Co-location of antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers (see Section 24.04, N.), provided such collocation is accomplished in a manner consistent with the following:
 - (1). A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
 - (2). Height
 - (a). An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height or one hundred ninety nine (199) feet total height, whichever is shorter, to accommodate the collocation of an additional antenna.
 - (b). The height change referred to in subsection 2. (a) (1) may only occur one time per tower.

(c). The additional height referred to in subsection 2. (a) (1) shall not require an additional distance separation as set forth in Section 24.04 P. The tower's premodification height shall be used to calculate such distance separations.

(3). On-site location

(a). A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within fifty (50) feet of its existing location, provided setback and distance separation minimums are maintained.

(b). After the tower is rebuilt to accommodate collocation, only the rebuilt tower may remain on-site.

(c). A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 24.04 P. The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 24.04 p.

(d). The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 24.04 P. shall only be permitted when approved by the Staff Planner.

SECTION 24.06 SPECIAL LAND USE PERMITS

- A. If the tower or antenna is not an exempted use under Section 6 of this zoning ordinance or permitted to be approved administratively pursuant to Section 7 of this zoning ordinance, then a special land use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- B. In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- C. Each applicant for special land use permit approval shall apply to the Planning Commission, through the Zoning Administrator providing the information set forth in this Ordinance and a non-refundable fee as established by resolution of Solon Township Board, Solon Township Ordinance Fees for Processing: Zoning and Land Use Requests and to reimburse Solon Township for the costs of reviewing the application, along with the required signed and notarized "ACKNOWLEDGMENT OF RECEIPT & AGREEMENT OF COMPLIANCE" form.
- D. Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Article XI of this Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this zoning ordinance are better served thereby:
 - 1. Height of the proposed tower;
 - 2. Proximity of the tower to residential structures and residential district boundaries;
 - 3. Nature of uses on adjacent and nearby properties;
 - 4. Surrounding topography;
 - 5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 24.04 N of this zoning ordinance.

SECTION 24.07 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

- A. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of such antenna or tower or property owner shall remove the same within ninety (90) days of receipt of notice from the Solon Township Zoning Administrator notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- B. An annual report must be sent to the Zoning Administrator regarding the function and ownership of the operating towers.
- C. If abandoned, owners need to notify the Zoning Administrator thirty (30) days prior to abandonment and must remove the unused towers.
- D. If the tower is sold, the township must be notified of the transaction and of the new owners.

SECTION 24.08 NONCONFORMING TOWER USES

- A. Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. Pre-existing towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance.
- C. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 24.07, bona fide nonconforming towers or antennas that are damaged by natural causes or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 24.04 P. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 24.07.

ARTICLE XXV: BED AND BREAKFAST ORDINANCE

SECTION 25.01 INTENT AND PURPOSE

The intent and purpose of this ordinance is to provide general guidelines for approval and control of Bed and Breakfast units.

SECTION 25.02 STANDARDS FOR ISSUANCE OF SPECIAL USE PERMIT

1. Bed and Breakfast establishment:
 - a. Location Requirements: Bed and Breakfast establishments are permitted by Special Use Permit in all districts, except that no such use shall be permitted on any property where there exists more than one (1) other bed and breakfast use within one hundred (100) feet, measured between closest lot lines.
2. Site Requirements
 - a. One (1) parking space per room to be rented shall be provided on-site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
 - b. The parcel on which the establishment is to be operated must meet or exceed the minimum lot area requirements of the zoning district.
3. Performance Standards:
 - a. The primary use of a bed and breakfast establishment must be as a residence occupied by the owner, who operates and occupies said structure. The total bed and breakfast facility may have up to four (4) bedrooms used for transient guests for compensation and by prearrangement. A Continental or American breakfast may be served to overnight guests only. A breakfast that includes more than coffee, juice and a commercially prepared roll may require a permit from the Michigan Department of Public Health,
 - b. The applicant shall provide a scaled floor plan of the premise as part of the Special Use Permit application.
 - c. The exterior appearance of the structure shall not be altered from its residential district character.
 - d. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
 - e. Each sleeping room shall have a separate smoke alarm as required in the building code.
 - f. A fire escape plan shall be developed and graphically displayed in each guest room.
 - g. A minimum of 1 (one) fire extinguisher in proper working order shall be located on each floor.
 - h. The establishment shall contain at least two exits to the outdoors.
 - j. Rooms utilized for sleeping must be part of the primary structure. The minimum size for sleeping exclusive of bathroom must be one hundred twenty (120) square feet.
 - k. No guest rooms shall be located in a basement or cellar unless egress is of a direct, same level walkout type.
 - l. No transient occupant shall reside on the premises for more than thirty (30) days and not for more than sixty (60) days in one (1) year.
 - m. Lavatories and bathing facilities shall be available to all persons using the residence.
 - n. No separate or additional kitchen facilities shall be provided for the guests.
 - o. Retail sales are not permitted beyond those activities serving overnight patrons.

- p. Meals shall not be served to the public at large but only to guests.
- q. Exterior solid waste facilities beyond what might normally be expected for a residential structure shall be prohibited.
- r. Parking spaces and street entry shall be well maintained.

SECTION 25.03 GRANTING OF PERMIT

Permit is granted as “special use permit” by the Planning Commission to be reviewed and renewed annually. The planning commission shall review the renewal application and subject to conditions in the ordinance, and the applicant’s compliance with same, issue a renewal or denial with reason. The guest register shall be available for review by the Zoning Administrator or the Township Supervisor.

ARTICLE XXVI: SIGNS

SECTION 26.01 DEFINITIONS

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

GROUND SIGN means a permanent sign mounted on the ground to a foundation flush with the surface of the ground.

MOUNTED SIGN means a temporary sign or permanent sign mounted on the ground by means of posts, wire, plastic, or other means pushed or stuck in the ground and which are not fastened to a foundation.

OFF PREMISE SIGN means a sign located on a parcel which is not owned by the owner of the sign or not associated with the land use on the same parcel as the sign.

POLE SIGN means a permanent sign mounted on one or two post(s) or pole(s) fixed to a foundation.

POSTED SIGN means a sign tacked or otherwise fastened to a fence post, tree, or fence which is smaller than 1.25 square feet.

PORTABLE SIGN means a temporary sign, or sign board, placed on the ground which is portable and not anchored or secured to a building, ground, or anything else, or carried around by a human or animal.

ROOFTOP SIGN means a permanent sign mounted above the roof of a building.

WALL SIGN means a permanent sign mounted on or otherwise displayed on the surface of a wall or building.

SECTION 26.02 SIGNS

- A. Purpose: The number and size of signs may be distracting to motorists and pedestrians, and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to avoid these problems.
- B. The intent is for sign regulations to be content neutral. A maximum amount of sign area is allowed per parcel. Different sign areas are allowed in different zoning districts and additional regulations.
- C. Sign Regulation Table

Zoning District		Maximum Number of Signs	Total Sign Area Allowed	Maximum Height of Signs	Structure Type
Special area districts	Agriculture Conservation District	One	6 square feet	6' above adjacent ground	Mounted Posted Wall
Rural and Working Lands District	Residential Agriculture 2 Residential Agriculture 5	One	12 square feet	6' above adjacent ground	Mounted Ground Wall Posted For Ag Use
Residential Districts	Residential 1 Residential 2	One	6 square feet	6' above adjacent ground	Mounted Ground Wall

Commercial Districts	Business 1	One	32 square feet	6' above adjacent ground	Mounted Ground Pole Wall Portable Illuminated
Industrial Districts	Business 2	One	32 square feet	6' above adjacent ground	Mounted Ground Wall Illuminated
Recreational Districts	Resort/Recreational Governmental	One	32 square feet	6' above adjacent ground	Mounted Ground Wall Illuminated

- D. Sign Removal: Once the purpose of the sign has ended, ceases to exist, or is over, the sign(s) shall be removed within 30 calendar days. Anything formerly used to support or provide a structure for a sign, and not in use for any other purpose, shall be removed.
- E. Illumination: Except as provided for here, signs shall not be internally illuminated. Illuminated signs shall be lit by use of a light shining downward onto the sign. The source of the light shall be baffled so it is not visible to automobiles or pedestrians on any road, alley, water body, public lands, adjacent parcels, or in the air above the illumination.
- F. Signs Not Regulated: This section of the Ordinance does not apply to any signs which are:
1. Less than 1.25 square feet in size and located on the perimeter of the property (along the parcel boundary);
 2. Not visible to the public in any way, to motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels;
 3. That is a required sign which shall be located within the parcel, under authority of this ordinance site plan approval;
 4. That is a required sign, under authority of any statute or ordinance, which is located along any county, city, village road, state and federal highway, and private road;
 5. Legal postings as required by law.

ARTICLE XXVII: CONDOMINIUM SUBDIVISIONS

SECTION 27.01 INTENT AND PURPOSE

It is recognized that the Michigan statutes provide for the implementation of developments consisting of single-family detached residential dwelling units and sites through procedures other than those enabled by the Subdivision Control Act (Act 288 of 1967, as amended). The intent of this section is to provide procedures for residential subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended), and to ensure that such developments are consistent and compatible with conventional one-family platted subdivisions and promote the orderly development of the adjacent areas. It is not intended that commercial or industrial condominium projects will be reviewed or approved under this section of the ordinance. See instead Article XXIV.

SECTION 27.02 GENERAL PROVISIONS

For the purpose of this section, a Condominium Subdivision shall include any residential development in a residential or agricultural zoning district proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended), consisting of two (2) or more single family detached residential structures on a parent parcel. Two-family and multiple-family housing shall only be constructed in and be consistent with the additional requirements of the zoning areas which allow them. (See Article VIII, Residential District 2 and Article IX, Residential District 3.)

SECTION 27.03 REQUIRED PLANS AND CONDITIONS

- A. CONDOMINIUM LOTS. The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear, and side condominium lot lines allocated to each condominium dwelling unit which shall meet the conditions of the zoning area in which they are located. For the purpose of this section and to ensure compliance with the provision herein, these parcels shall be referred to as condominium lots. The description, size, location, and arrangement of the lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units.
- B. Each condominium dwelling unit shall be located within the condominium lot.
 - 1. The minimum size condominium lot per dwelling unit, maximum dwelling unit height, minimum yard setbacks, minimum elevation width of the principle structure and maximum percentage of condominium lot area covered by all structures shall conform with the requirements of the zoning district in which located and Section 4.10 (Maximum Height) of the Solon Township Zoning Ordinance.
 - 2. The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.
 - 3. Side condominium lot size shall be essentially at right angles to straight roads and radial to curved roads.
 - 4. Narrow, deep condominium lots shall be avoided. The depth of a condominium lot shall not exceed four times the width as measured at the building line.
 - 5. Corner condominium lots shall have extra width to permit appropriate building setback from both roads or orientation to both roads.

6. Condominium lots extending through a block and having frontage on two local roads shall be prohibited.
 7. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads. Condominium lots along M-72 and other county primary roads shall not front but shall back up to such roads.
 8. All condominium lots shall front upon a public road, private road or frontage drive.
- C. **STREETS** - If a condominium subdivision is proposed to have private streets, they shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of Article XXIII (Road and Street Ordinance) for private roads. All public streets within a condominium subdivision shall be constructed as required by the Leelanau County Road Commission.
- D. **WATER AND SEWAGE** - Water supply and sewage disposal systems shall comply with the requirements of the designated County Health Department/EGLE and such ordinances of Solon Township as may apply.
- E. **TREES** - There shall be a minimum of two (2) trees per condominium lot. At least three (3) trees shall be provided for a corner condominium lot. The tree species shall comply with Soil Conservation District recommendations for urban forest use.
- F. **WETLAND AND FLOODPLAIN RESTRICTIONS** - There shall be no development or modification of any kind within a wetland or floodplain area without there first having been issued a wetlands permit by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and/or an Earth Change permit as appropriate. Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be used for residential purposes, or for uses that may in the judgement of the Planning Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium subdivision shall be set aside for other uses, such as parks or other open spaces.
- G. **REMOVAL OF FRUIT TREES** - When an area having existing fruit producing trees, vines or shrubs, is approved for a condominium subdivision, the proper care of these must be provided for in the Condominium Bylaws or the owner of the property shall remove and destroy all such trees, shrubs and vines before final approval of the condominium subdivision plan.
- H. **EROSION AND SEDIMENTATION CONTROL PLANS** - In the event that any developer shall intend to make changes in the contour of any land proposed to be developed, or changes in use by grading, excavating or the removal or destruction of the natural topsoil, trees or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Planning Commission for approval of a plan for erosion and sedimentation controls. Such plans shall contain adequate measures for control of erosion and siltation where necessary, using the following guidelines and policies contained herein and the standards and specifications of the Leelanau Conservation District. The Planning Commission shall review these plans as submitted and shall take necessary steps, including the hiring of a soil erosion control specialist to review the plans and ensure compliance by the developer with these plans as finally approved. In circumstances where soil erosion comes under the jurisdiction of Act 347 of P.A. 1972, (Acre or more), the developer shall submit a set of plans approved by the Soil Erosion Control Officer. Developer and/or landowner shall pay all cost for the Soil Erosion Specialist hired by Solon Township.

SECTION 27.04 PLAN APPLICATION - DATA AND INFORMATION REQUIRED

The proprietor shall submit written application to the Solon Township Zoning Administrator for approval of the Condominium Subdivision Plan and also the fee established by the Township Board for review of such plans.

- A. CONDOMINIUM PLAN, PROTECTIVE COVENANTS AND DEED RESTRICTIONS - The condominium developer shall submit to the Township Zoning Administrator twelve copies of the condominium subdivision plan and proposed protective covenants and deed restrictions to meet the requirements of Section 112(1) and 113 to 119 of the Subdivision Control Act.
1. SIZE AND SCALE - The condominium subdivision plan may be on paper and shall be not less than twenty four (24) inches by thirty six (36) inches, at a scale of at least one (1) inch to thirty (30) feet showing the date and north arrow.
 2. INFORMATION REQUIRED - The following shall be shown on the condominium subdivision plan or subdivision plan or be submitted with it:
 - a. The name of the proposed condominium subdivision.
 - b. Names, addresses and telephone numbers of the proprietor and surveyor/engineer preparing the plan.
 - c. Location of the condominium subdivision, giving the name of the township and county.
 - d. Legal description of the property
 - e. The names of property owners, zoning and use of abutting lands.
 - f. Statement of intended use of the proposed condominium, such as; residential single family, two-family and multiple family housing. Also, site proposed for parks, playgrounds, and open space.
 - g. A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.
 - h. A location map showing the relationship of the proposed plan to the surrounding area.
 - i. The land use and existing zoning of the proposed condominium subdivision.
 - j. Location, type, dimensions and proposed use of all existing structures.
 - k. Condominium lot lines and total number of condominium lots.
 - l. Contours shall be shown on the subdivision plan at five (5) foot intervals where the slope is greater than ten percent (10%) and two (2) foot intervals where the slope is ten percent (10%) or less.
 - m. A site report as described in the rules of the State Department of Public Health. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.
 - n. Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicated alternative methods.
 - o. Right-of-way easements, showing location, width and purpose.
 - p. The location and types of all significant existing vegetation, water sources and bodies, flood plains and water retention areas, and soil types.
 - q. In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by Michigan Department Environment, Great Lakes, and Energy (EGLE) as to existence of any wetlands on the property.

- r. A statement of deed restrictions and bylaws as applicable.
- B. PRELIMINARY ENGINEERING PLANS – The proprietor shall submit fifteen (15) sets of preliminary engineering plans for streets, water, sewers, and other required public improvements. The engineering plans shall contain enough information and details to enable the Planning Commission to make a determination as to conformance of the proposed improvements to applicable township standards.
- C. LIGHTING STANDARDS - Where the developer determines the street lighting is to be provided within the development, the lighting shall be designed, constructed and maintained as to minimize light pollution and shall conform to the following standards:
 - 1. All lighting shall be shielded and directed downward. Light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the development.
 - 2. Light poles and fixtures shall be located as low as practical. A greater number of low area lights are favored over high lights.

SECTION 27.05 REVIEW PROCEDURES

- A. DISTRIBUTION TO AUTHORITIES - The Zoning Administrator shall deliver the proposed condominium plan to the Planning Commission and Township Board for review. The Zoning Administrator shall retain one (1) copy and send one (1) copy to the Solon Township Planner/Consultant for review.
- B. STAFF REVIEW - The Township Planner/Consultant shall send recommendations to the Planning Commission at least ten (10) days prior to Planning Commission review.
- C. PLANNING COMMISSION
 - 1. The Planning Commission shall review the condominium subdivision plan and the reports of the Leelanau County Road Commission, the County Drain Commission/Soil Erosion Officer, County Health Department, Fire Chief, and the Township Planner/Consultant, and any other applicable agencies.
 - 2. The Planning Commission shall hold a public hearing on the proposed condominium subdivision plan within sixty (60) days of when the application has been deemed complete.
 - 3. If, following the review and public hearings prescribed above, the Planning Commission determines that the proposed plan meets all requirements of the ordinance, the Planning Commission shall send notice of action with comments to the Township Board.
 - 4. If the condominium subdivision plan does not meet all requirements, the Planning Commission shall recommend disapproval of the plan to the Township Board. It shall state its reasons in its official minutes and forward same to the Township Board, and recommend that the Township Board disapprove the condominium subdivision plan until the objections causing disapproval have been changed to meet the approval of the Planning Commission.
 - 5. A performance bond, surety bond or cash bond shall be required by the Planning Commission
- D. TOWNSHIP BOARD –
 - 1. The Township Board shall not review, approve or reject a condominium subdivision plan until it has received from the Planning Commission its report and recommendations.
 - 2. The Township Board shall consider the condominium subdivision plan within thirty (30) days after receipt of the recommendations of the Planning

Commission. The Township Board shall hold a public hearing on the proposed condominium subdivision plan.

3. The Township Board shall either approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes of the plan to make it acceptable to the Board.

SECTION 27.06 CONDITIONS AND DURATIONS OF APPROVAL

- A. **CONDITIONS** - The approval of the Township Board will indicate that the proposed condominium subdivision plan meets the provisions of section 141 (1) of the Condominium Act relating to ordinances and regulations of Solon Township, but does not cover additional permits that may be required after the master deed has been recorded.
- B. **DURATION** - Approval of the condominium subdivision by the Township Board shall be for a period of one (1) year from the date of its approval by the Township Board. Within that year, construction of the common elements and infrastructure shall be completed. The Township Board may extend the one (1) year period if applied for and granted in writing but only concerning its own requirements.
- C. **CONDOMINIUM SUBDIVISION PLAN APPROVAL CONTRACT** –
 1. If the Township Board approves the condominium subdivision 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 the Township and the petitioner prior to issuance of a land use permit for any construction in accordance with the approved condominium plan. All reasonable costs, as established by the Township Board, related to preparation of said contract shall be paid by the petitioner to the Township Treasurer prior to the issuance of any land use permits.
 2. As a condition of the approval of the condominium subdivision plan by the Township Board, the petitioner shall furnish a cash bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in the amount of the cost plus an additional fifteen percent (15%) of the cost of the proposed improvements to common land, as estimated by the Township Planner/Consultant guaranteeing the completion of such improvement within a time set by the Township Board.