

ZONING ORDINANCE

CHANDLER TOWNSHIP Charlevoix County, Michigan

2006 UPDATE

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Article I - Short Title and Purpose

1.1 Title

This ordinance shall be known and may be cited as the "Chandler Township Zoning Ordinance."

1.2 Legal Basis

This ordinance was adopted pursuant to the provisions of the Township Zoning Act (P.A. 184 of 1943, as amended).

1.3 Effective Date

This ordinance became effective eight days after publication of a Board of Trustees notice of adoption.

1.4 Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by any court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

1.5 Purpose

The purpose of this ordinance is to promote and preserve the health, safety, security, and general welfare; to provide for the orderly development of the township; to encourage the use of the lands and resources in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to create and maintain safe and favorable conditions for living, economic activity, and recreational activities; to reduce hazards to life and property; to provide, in the interests of health and safety, standards under which certain buildings and structures may be erected and used; to stabilize and enhance property values; to provide for safety in vehicular traffic on public roadways and in public and private parking areas; to establish minimum standards and regulations applicable to open spaces, lot and parcel size, the location and use of buildings and structures, and the development of land for residential, commercial, recreational, industrial, institutional, public and other purposes; to facilitate the development of adequate systems of transportation, fire protection, education, recreation, sewage disposal, safe and adequate water supplies, and other public requirements; to conserve life, property and natural resources, and the use of public funds for public services and improvements conform with the most advantageous use of land, resources and properties; and to provide

standards and regulations intended to assist with implementation of the Chandler Township Land Use Plan.

1.6 Interpretation

This ordinance is not intended to repeal, annul or impair existing provisions of other laws or ordinances, or any private restrictions placed upon property by covenant, deed or other private agreement.

When this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings and structures, or on lot coverage, or where this ordinance requires greater lot areas or larger yards or other open spaces than required by other laws, ordinances or private restrictions, the provisions of this ordinance shall prevail.

1.7 Repeal of Previous Zoning Ordinance

This ordinance repeals and replaces any previous Chandler Township Zoning Ordinance in its entirety.

Article II -Definitions

2.1 General Interpretation

1. For the purpose of this Ordinance, words used in the present tense include the future tense, words used in the singular include the plural, and words in the plural include the singular.
2. The term "shall" is always mandatory and not discretionary. The term, "the Township" shall mean Chandler Township in Charlevoix County, Michigan.
3. Any word or term not defined shall be defined by common or standard usage.
4. The word "structure" includes the word "building." The word "lot" includes the words "tract" and "parcel."
5. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
6. The term "adjoining lots and parcels" is intended to include lots and parcels separated by highways, roads, streets, rivers, public utilities, and easements.
7. The word "person" includes any individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.

2.2 Definitions

Accessory Use

A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located.

Accessory Building

A **freestanding** building that is located on a lot and that is devoted to and occupied by a use that is customarily incidental and subordinate to the principal building or use, or incidental and subordinate to principal uses allowed in the district. Examples of accessory buildings include, but are not limited to, detached residential garages and sheds, boat houses, and guard or gate houses.

Accessory Structure

A freestanding structure, **excluding any building**, that is

located on a lot and that is customarily incidental and subordinate to the principal use or building, or incidental and subordinate to principal uses allowed in the district. Examples of accessory structures include, but are not limited to fences and walls, freestanding lighting fixtures, signs, swimming pools, and the anchors for guy wires.

Agriculture

The use of land or tilling of the soil, raising of trees or field Crops or animal husbandry for economic gain. Agriculture is synonymous with "farm". See also the definition of farm.

Animal Equivalent

Animal equivalents, as used in the definitions of Intensive Livestock Operation, shall be defined as the average mature weight of the animal divided by 1,000 pounds.

Bed and Breakfast Establishment

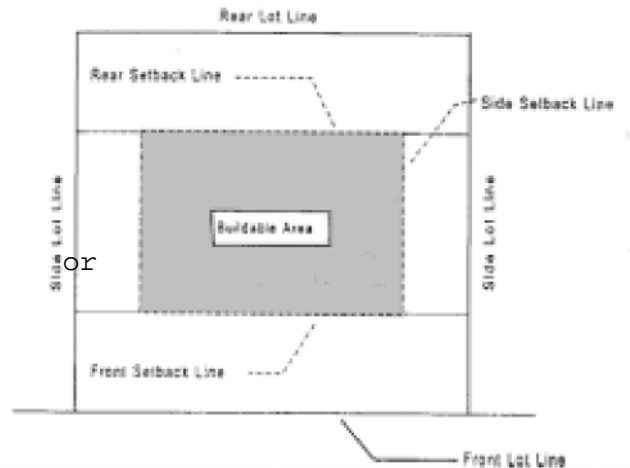
A private residence that offers sleeping accommodations to the traveling public in six (6) or fewer bedrooms located within the residence, and that offers breakfasts to its lodgers.

Buildable Area

That portion of a lot excluding required yards and open space areas.

Building

A structure, either temporary permanent, having a roof supported by columns, walls, or other supports, which is for the purpose of housing, storing, enclosing or sheltering persons, animals, chattels or personal property, or for conducting business activities or other similar uses.



Building Height

The vertical distance from grade along the lowest exposed portion of outside walls of a building and the highest point of a building's roof.

Building, The Principal or Main

A building in which is conducted the principal or main use of the lot on which it located.

Campground

A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more tents, travel trailers, motor homes, or other types of recreational vehicles. Provided, however, a campground shall not include park model recreational vehicles. Temporary group camping events shall not be considered a campground.

Condominium Project

Land developed and owned under the provisions of the Condominium Act (P.A. 59 of 1978, as amended).

Condominium Unit

That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Condominium Subdivision

A division of land, on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act (P.A. 591 of 1996, as amended).

Development / Develop

The act of establishing a new land use, or of constructing a new building or buildings, or creating building sites or lots, or relocating an existing building or buildings, or of constructing a new structure or structures on a previously undeveloped lot.

Driveway, Residential

A driveway providing access from a public or private road to not more than two (2) single family dwellings.

Driveway, Commercial

A driveway providing access from a public or private road to any business enterprise, development, resort, public or private recreational facility, governmental or institutional facility, a multi-family residential structure or for three (3) or more single family dwelling units.

Driveway, Field

A driveway providing access from a public or private road to a farmyard, cultivated or uncultivated farm field, or woodlot.

Dwelling

A building designed, occupied, or used by one or more families. Accessory buildings, tents, automobiles, school busses, and recreational vehicles are not considered to be dwellings under the meaning of this definition. Dwelling is synonymous with

"dwelling Unit" see also the definition of dwelling unit.

Dwelling, Single family

A dwelling designed, occupied, and used by one (1) family.

Dwelling, Two Family (Duplex)

A building designed, occupied, and used by two (2) families living independently of each other in separate dwelling units.

Dwelling, Multiple Family

A building designed, occupied, and used by three(3) or more families living independently of each other in separate dwelling units.

Dwelling Unit

One or more rooms designed and used as a self-contained, independent housekeeping unit for one family, including kitchen, sleeping, and sanitary facilities.

Essential Services

The erection, construction, alteration, or maintenance by public utilities, as regulated by Michigan Public Service Commission as defined herein, or by municipal departments, boards, or commissions of underground, surface, or overhead natural gas, electrical, steam, or water transmission or distribution systems; collection, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, electric substations, telephone exchange buildings, natural gas regulator stations, fire stations, and other similar equipment and accessories in connection therewith, including buildings necessary to house the foregoing, and reasonably necessary for the furnishing of service by such public utilities or municipal departments, boards, or commissions, or reasonably necessary for the protection of the public health, safety, or general welfare. Telecommunication towers or facilities, alternative tower structures and wireless communication antenna are not included within this definition.

Family

An individual, or (2) or more persons related by blood, marriage, or adoption, or a group of persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.

Farm

All the contiguous neighboring or associated land operated as a single unit on which agriculture is carried on directly by

the owner-operator or by his agent or by a tenant farmer by his own labor or with the assistance of members of his household or hired employees. For the purpose of this Ordinance, farms may be considered as including establishments operated as green houses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, and other similar activities.

Farm Building

Any building or structure other than a dwelling that is located on a farm and that is essential to and customarily used on farms of that type for the purposes of their farming activities, devoted to the use as an integral part of the farm operation.

Flood Plain

That area of land adjoining the channel of a river, stream, watercourse, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected as a result of a 100-year storm event for that region.

Floor Area

The area of all floors computed by measuring the dimensions of the outside walls of a building excluding porches, patios, terraces, breezeways, carports, verandas, attached garages, accessory buildings, basements and attics having headroom of less than seven (7) feet. Habitable living space in basements may be included provide that the space meets all building code requirements at the time of construction.

Garage, Private

A detached accessory building or portion of a dwelling used primarily for the storage of passenger vehicles by the occupants of the premises.

Garage, Public

Any building that is not a private garage that is used for storing, repairing, servicing, cleaning, caring for, refinishing, reconditioning, renting, equipping, or selling of any vehicle.

Greenbelt of Buffer

A natural or landscaped area located along the perimeter of a building, parking area, storage area, or other improvement that is maintained to eliminate or mitigate land use or other conflicts between adjoining properties or incompatible land uses.

Home Business

A profession, occupation, or trade conducted within a dwelling or residential accessory building that is accessory to a principal residential use.

Hotel (See Motel)

Intensive Livestock Operations

The concentrated feeding of five hundred (500) or more animal equivalents within a confined area for more than forty five (45) days, continuously or intermittently, in any twelve (12) month period (see Animal Equivalent definition).

Junk Yard or Salvage Yard

A lot where junk, waste, discarded, salvaged, or salvageable Materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to wrecked motor vehicles, used motor vehicles, used building materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

Lawful Lot of Record

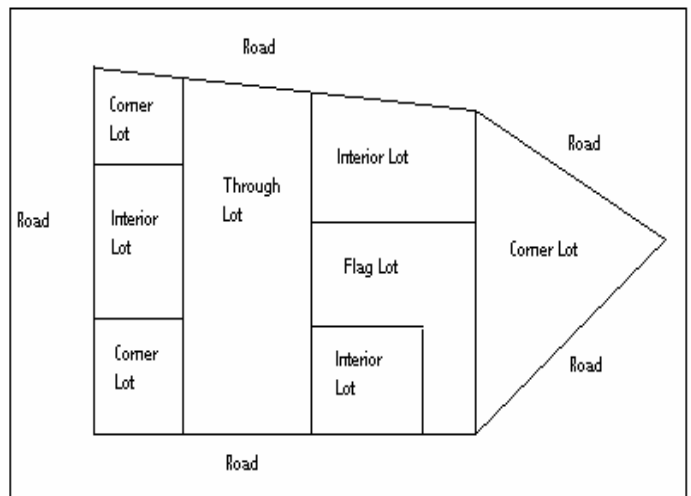
A lawful lot which was recorded in the Office of the Register of Deeds before the effective date of this ordinance.

Lot

A measured portion of land That is described and fixed in a platted subdivision, a condominium unit in a condominium project, or a parcel of land described by metes and bounds

Lot, Corner

A lot having frontage on two intersecting public or private roadways or which has frontage on a curving roadway provided that such frontage has an interior angle at the curve of less than 135 degrees.



Lot, Double Frontage

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

Lot, Flag

A lot having minimal frontage on a public or private street right-of-way, and having access to such street along a narrow strip of land owned by the owner of the flag lot.

Lot, Through

A lot other than a corner lot having frontage on two non-intersecting public or private roadways.

Lot, Waterfront

A lot having frontage on a lake, pond, or stream.

Lot Coverage

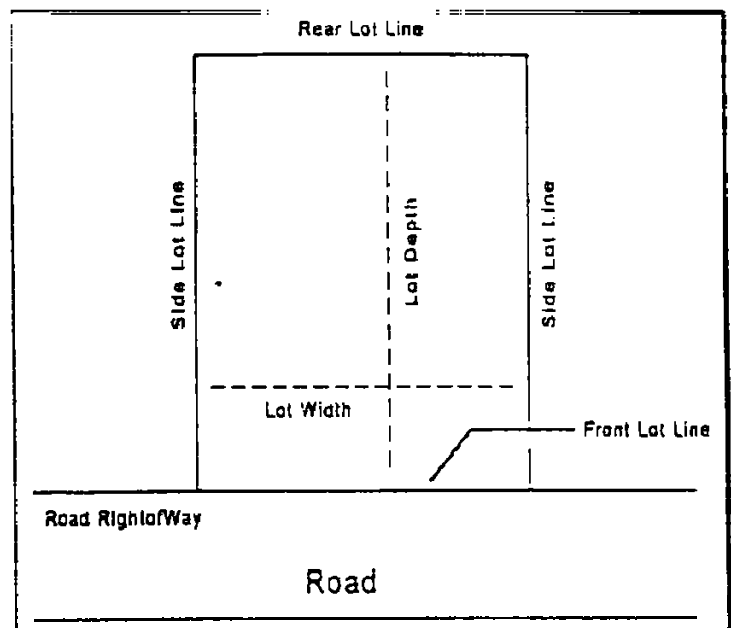
The portion of a lot covered by buildings, structures, parking areas, porches, breezeways, and patios, but not including fences, walls, hedges used as fences, or swimming pools.

Lot Lines

The property lines bounding the lot

Lot Line, Front

In the case of an interior Lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street in the plat. In the case of a lot having frontage upon a lake, river, or stream, the waterfrontage shall be considered the front lot line.



Lot Line, Rear

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

Lot Line, Side

That property line that is neither a front or rear lot line.

Mobile Home

A single family dwelling unit of a type and quality conforming with the United States Department of Housing and Urban Development mobile home construction and safety standards, which is transportable in one or more sections and designed to be used as a dwelling with or without a permanent foundation. A mobile home is not a recreational vehicle.

Mobile Home Park

A parcel or tract of land on which three (3) or more mobile homes are located on a continual basis, regardless of whether for a fee or free of charge, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

Motel

A business establishment providing lodging for the traveling public with parking facilities contiguous to the building. A motel may or may not provide foodservice or restaurant facilities. For the purpose of this ordinance, "motel" and "hotel" are synonymous.

Nonconforming Structure, Illegal: An existing structure that was built and/or located in violation of the applicable zoning at the time of establishment.

Nonconforming Use, Illegal: An existing use of land that was established in violation of the applicable zoning at the time of establishment.

Nonconforming Structure, Legal: A building, structure or portion thereof which lawfully existed before the effective date of this ordinance, which the use does not meet the floor area, setback, parking or other dimensional regulations for the applicable zoning district where the structure is located.

Nonconforming Use, Legal: A use of land which lawfully existed before the effective date of this ordinance, which the use does not conform to the uses regulations for the applicable zoning district where the use is located.

Owner

Any person, group of persons, association, corporation, estate, partnership, or trust holding ownership interest in land.

Parking Area

An on-premise parking lot, together with entrance drives, access drives, and circulation aisles.

Park Model Recreational Vehicle

A recreational vehicle that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the set-up mode, and that is certified by the manufacturer as complying with the American National Standards Institute Standards A119.5.

Person

See owner.

Parcel or Tract

A Lot

Parent Parcel

A lot from which other lots are split or created.

Planning Commission

The Chandler Township Planning Commission

Principal Use

The main use to which a lot or building is devoted.

Public Institutions: Buildings, land, and uses on property owned or leased by the Township, which are beneficial to the general public with respect to health, safety, recreation, and/or operation of the government entity or institution.

Recreational Vehicle

A motorized or non-motorized vehicle or prefabricated portable structure designed and intended for use as temporary living quarters for recreational, camping, or travel use including travel trailers, pop-up camper trailers, motor homes, and truck-mounted campers which can be lawfully operated or towed on the highways of the State of Michigan by virtue of having a current and valid registration and attached license plate as required by the Michigan Motor Vehicle Code.

Resort

A business establishment that provides temporary lodging accommodations, with or without meals and other services, for the traveling public. Resorts can provide lodging accommodations in a single building having several separate lodging accommodations, or in separate buildings, each providing an individual lodging accommodation.

Road, Private

Any road or thoroughfare for vehicular traffic that is privately owned and maintained, and that provides the principal means of access to abutting properties.

Road, Public

Any road, street, or thoroughfare for vehicular traffic that is publicly owned and maintained, and that provides the principal means of access to abutting properties.

Roadside Stand

A farm building or structure used for the display or sale of agricultural products grown or produced on the farm on which the stand is located.

Rustic Cabin

A hard-sided tent or shelter that is 225 square feet or less in area, is constructed on skids designed to facilitate relocation from time to time, and does not have direct connection to a source of water or a source of electricity. (Note: Rustic cabins are allowed as part of a campground, see Section 3.23)

Setback

The minimum distance required by this Ordinance from a lot line within which no buildings or structures can be located, except as otherwise provided by this Ordinance.

Sign

Any structure or wall used for the display of any message.

Special 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.

Split

The act of dividing or partitioning a lot or parcel for the purpose of sale, development, or lease of more than one (1) year.

Structure

Anything constructed or erected, the use or placement of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground including buildings, signs, billboards, and light and utility poles located on private property, radio and television antennas, swimming pools, gazebos, sheds, and storage bins, excluding fences, sidewalks, driveways and roads.

Tavern

Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises.

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

Temporary Group Camping Event: An organized short-term gathering of people camping on-site in tents and recreational vehicles.

Yard

An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

Yard, Front

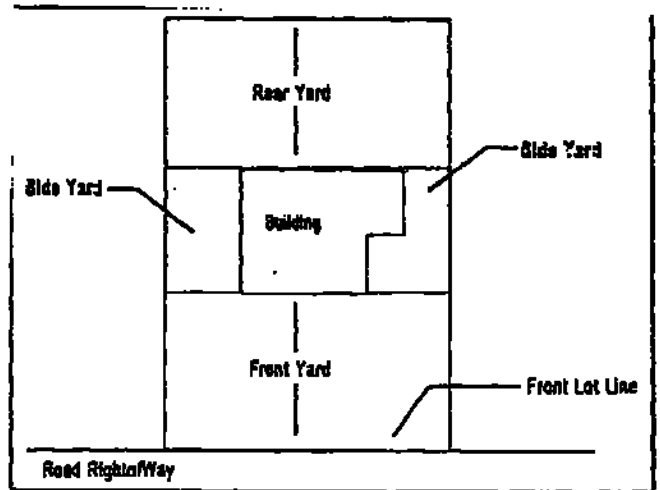
A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or highway right-of-way line as the case may be.

Yard, Rear

A yard extending across the full width of the lot from the rear line of the building to the rear lot line.

Yard, Side

A yard between the side lot line and the nearest side line of



the building and extending from the rear line of the building to the front line of the building.

Zoning Administrator

The Chandler Township Zoning Administrator.

Zoning Permit

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

Article III - General Provisions

3.1 Extent of These Regulations

The regulations contained in this Article shall apply to all zoning districts and all uses, except as otherwise noted.

3.2 Effect

Except as otherwise noted, no building, structure, or lot shall be developed, used, or occupied, and no building or structure shall be built, moved, reconstructed, extended, enlarged, or altered except in compliance with the provisions of this ordinance.

No lot, yard, parking area, or other required space shall be divided, altered, reduced, or diminished as to an area or dimension less than the minimum area or dimension required by this Ordinance, except where such reduction may be necessitated by the expansion or acquisition of public right-of-ways for a street, road, or highway.

If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

3.3 Unlawful Uses Not Authorized

Nothing in this ordinance shall be construed as authorization for, nor approval of, the continuance of the unlawful use of a building, structure, or land existing on the effective date of this ordinance or any amendment thereto.

3.4 Frontage on Public or Private Street Required

No building shall be erected unless the premises upon which it is to be constructed shall abut upon a public street or upon a private street which has received the approval of the Planning Commission. This regulation also applies to site condominium and planned unit development projects, and platted and unplatted lots.

3.5 Principal Use of Property

Except as permitted elsewhere in this ordinance, no more than one principal use shall be established on any single lot.

3.6 Accessory Buildings as Dwellings

Accessory buildings shall not be used for dwelling purposes on a temporary or permanent basis.

3.7 Moving of Buildings

This Ordinance considers the act of moving a building to a different lot, or to a different location on a lot an act of

building a new building, and all provisions applicable to the construction of new buildings shall apply.

3.8 Yard Encroachments

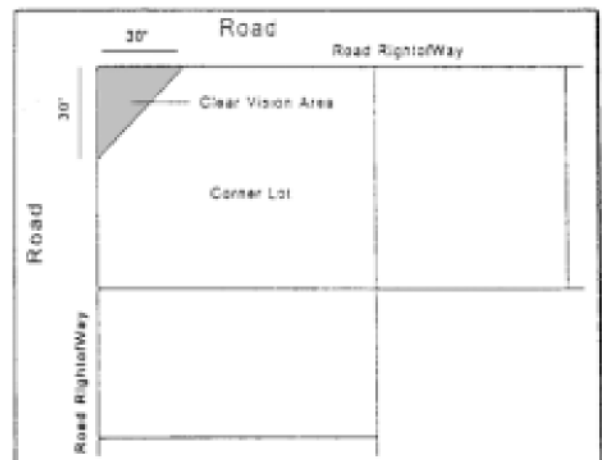
Terraces, patios, and similar structures may project into a yard as required herein, provided that such structure be unroofed and without walls or other continuous enclosures; except that porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.

Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into any required yard a maximum of twenty-four (24) inches.

Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required yard a maximum of five (5) feet.

3.9 Intersection Visibility

On corner lots, no structure, fence, or planting in excess of 30 inches in height shall be allowed within a triangle formed by the point of intersection of road right-of-ways, and the points on both road right-of-ways located 30 feet from the point of intersection.



3.10 Essential Services

Essential services are permitted in any zoning district subject to Site Plan Review by the Planning Commission.

3.11 Required Water Supply and Sewage Disposal Facilities

All buildings shall provide water supply and sewage disposal facilities, as appropriate to their use, as required by the Charlevoix County Sanitary Code.

3.12 Regulations Applicable to Dwelling

The following regulations apply to all dwellings located outside of licensed mobile home parks.

1. All dwellings shall provide a minimum habitable floor area of 960 square feet, or as may be required by applicable zoning district regulations.
2. All dwellings shall have a minimum width across any front,

side, or rear elevation of 14 feet at the time of manufacture or construction.

3. All dwellings shall comply with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of Act 230 of P.A. of 1972, as amended, including minimum heights for habitable rooms. In the event a dwelling is a mobile home, it shall meet or exceed mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, as amended.
4. All dwellings shall be placed upon and anchored to a foundation complying with the state construction code. In the event that the dwelling is a mobile home, it shall be placed upon a foundation complying with the state construction code, and shall be anchored to such foundation pursuant to the manufacturer's setup instructions.
5. Dwellings shall have no exposed towing mechanisms, undercarriage, or chassis.
6. All dwellings shall be connected to water supply and sewage disposal systems as meeting the Charlevoix County Sanitary Code.
7. All dwellings shall provide a storage area, either within the dwelling or in a separate structure of standard construction equal to or of better quality than the dwelling. This storage area shall be equal to 10% of the habitable floor area of the dwelling or 100 square feet, whichever is less.

3.13 Mobile Homes & Recreational Vehicles as Temporary Living Quarters

A property owner may place and occupy a mobile home or recreational vehicle on the same lot on which a permanent dwelling is being constructed or on which an existing dwelling is being repaired following a fire, storm, or similar event that temporarily rendered the dwelling dangerous and unsafe for occupancy subject to the following conditions:

1. A mobile home or recreational vehicle shall be placed or occupied under the provisions of this Section only after a Temporary Permit has been issued by the Zoning Administrator.
2. Temporary permits shall not be issued by the Zoning Administrator unless and until a building permit authorizing construction of the permanent dwelling or

repair or reconstruction of a damaged, dangerous, and unsafe existing dwelling has been secured by the lot owner (or the lot owner's building contractor) from the Charlevoix County Building Department.

3. Temporary permits shall be valid for a period of one year from the date of issue by the Zoning Administrator. The Zoning Administrator is authorized to grant a six (6) month extension for just cause.
4. Mobile homes and recreational vehicles shall be vacated, disconnected from utility, water supply, and sanitary sewer systems, and shall be removed from an authorized premises on the date on which the permit expires. One sixty-day grace period can be granted at the discretion of the Zoning Administrator.
5. Mobile homes and recreational vehicles placed and occupied under the provisions of this section shall comply with applicable setback and lot coverage regulations of the zoning district in which the lot is located.

3.14 Short Term and Seasonal Use of Recreational Vehicles as Temporary Recreational Living Quarters

Recreational vehicles may be placed as temporary living quarters for not more than ninety (90) days during any calendar year on a vacant parcel lot or on a lot by existing single family dwellings subject to the following standards and regulations:

1. No more than one (1) recreational vehicle may be placed on a vacant lot;
2. No accessory building or structure shall be built or constructed on any vacant lot on which a recreational vehicle has been placed under the provisions of this Section;
3. Recreational vehicles placed on vacant lots shall comply with applicable setback and lot coverage regulations of the zoning district in which the lot is located;
4. All recreational vehicles placed and occupied under the provisions of this Section shall comply with all Charlevoix County Sanitary Code rules and regulations applicable to the use and occupancy of recreational vehicles outside of licensed campgrounds.
5. Recreational vehicles placed under the provisions of this Section shall be legally operable on the highways of the State of Michigan by virtue of having a current and valid registration and license plate as required by the Michigan

Vehicle Code.

3.15 Use of Basements & Partially Completed Buildings as Living Quarters

The use of basements and partially completed dwellings for living quarters shall be prohibited, except as may be permitted by the County Building Code.

3.16 Stream Bank Protection Strip

No building or structure, except docks or launch ramps, shall be erected closer than fifty (50) feet from the shoreline at normal high water level of any stream or creek within the township. In addition, a strip of land thirty-five (35) feet wide from normal high water level bordering the body of water shall be maintained in trees and shrubs in their natural state. Trees and shrubs may be pruned, however, to afford a view of the water.

3.17 Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the County Building Inspector.

3.18 Home Business

1. Home Businesses are permitted in all zoning districts in which single family dwellings are permitted as a matter of right.
2. Home Businesses shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
3. Home Businesses shall be operated either within the dwelling or within **an** accessory building and shall occupy no more than 2400 square feet of area. Attached and detached residential garages may be used for incidental storage.
4. The outdoor storage of goods and/or materials of any kind are prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.
5. Home business shall be conducted by the person or persons residing on the premises. No more than three non-resident additional employees or assistants shall be allowed.

6. Additions to a dwelling for the purpose of conducting a Home Business shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the Home Business is discontinued and must meet normal residential zoning regulations.
7. Home Businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Business shall not generate noise, vibration, radiation, odor, glare, smoke, steam or other condition not associated with the use of the dwelling for residential purposes.
8. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
9. There shall be no parking permitted within any setback areas.
10. No process, chemicals or materials shall be used which are contrary to an applicable State or Federal laws.
11. There shall be no exterior evidence of the Home Business other than an unlighted sign not to exceed twelve (12) square feet in area.

3.19 Sign Regulations

The regulations set forth herein shall apply to and govern signs in all zoning districts. No sign shall hereafter be erected, moved, or structurally altered unless it is in conformity with the provisions of this Ordinance. Notwithstanding any part of this Ordinance to the contrary, the following regulations shall apply to the erection of all signs. If any provisions of any other ordinance, statute, or law of Charlevoix County or the State of Michigan impose greater restrictions than herein set forth then the provisions of such ordinance or statute shall control.

1. No sign shall project over a public right-of-way.
2. No sign shall be erected upon the inside of the curve of a street, which may cause any interference to sight distance as determined by the Zoning Administrator.
3. No sign shall be so placed as to interfere with visibility or effectiveness of any official traffic sign or signal or with driver vision at any access point or intersection.
4. No sign shall contain, include, or be illuminated by a

flashing light. Illuminated signs shall not have the source of light visible beyond the property lines of the parcel upon which the sign is located. Lights shall be shielded so as to eliminate any possibility of illuminating the sky above the sign.

5. One (1) on-premise sign advertising businesses or activities conducted, an area or interest, or a service available on the premises. Such signs shall not exceed twelve (12) square feet, per side and there shall be no more than one (1) sign for each street upon which the property faces. Such signs shall convey only identification of the permitted uses on the property on which the sign is located. Such a sign is allowed in any zone unless other signs are specifically listed and provided for. No permit is required.
6. The following temporary signs shall be allowed in any district, in addition to sign specified in Section 3.19.5 above:
 - a. One (1) non-illuminated sign advertising the sale or lease of the lot or building on which the sign is placed. Such sign shall not exceed eight (8) square feet in area, and no more than one (1) such sign per lot or building is permitted.
 - b. Signs not over twelve (12) square feet in area with a maximum height of eight (8) feet which denotes the person, firm, architect, engineer, contractor, or agency where construction work is being performed. Such sign shall be removed by the owner or agent within ten (10) calendar days after completion of the project.
 - c. Temporary non-illuminating sign advertising sales, bazaars, and other events. Such signs shall not exceed eight (8) square feet and shall be removed after a period not to exceed ten (10) days.
 - d. Nameplates not to exceed two (2) square feet identifying owners of property.

3.20 Parking & Loading Provisions

1. Parking Space Requirements

- a. A parking space is defined as a 10 ft by 20 ft space per vehicle.

Except as provided elsewhere in this Ordinance, each dwelling, business, commercial, industrial, or similar building hereafter erected or altered in the township and including buildings or structures used principally as a place of public assembly shall provide and maintain off-street parking facilities in accordance

with the following schedule:

Residential - Two (2) spaces per dwelling unit.

Home Business - Two for the dwelling unit plus one for each non-resident on-site employee.

Commercial, Service, and Office Uses - parking and loading requirements to be determined during the Site Plan Review process. References to be used by the Planning Commission in such parking determination may include Parking Generation (current edition) or Off-Street Parking Requirements published by the American Planning Association.

3.21 Telecommunication tower or alternative tower structure.

1. Application Requirements. The following information shall be provided in support of an application to construct a wireless telecommunication tower:
 - a. Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse.
 - b. A map depicting the existing and known proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures, within 2.5 miles of the proposed tower location or within the proposed service area radius.
 - c. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the tower owner.
 - d. A statement which indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity.

Evidentiary Requirements. The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted

to demonstrate that no existing tower, alternate tower structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- e. No existing towers or alternative tower structures are located within the geographic area which meet applicant's engineering requirements.
 - f. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
 - g. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - h. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
 - i. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - j. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - k. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required.
- a. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

- b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
3. Security fencing. Towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.
4. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required.
 - a. 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 feet (4') wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. 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 sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
5. State or Federal Requirements. The applicant must demonstrate that any proposed tower meets or exceeds 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 six (6) months 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.
6. Aesthetics. Towers and antennas shall meet the following requirements:
 - a. 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.

- b. 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 them into the natural setting and surrounding buildings.
 - c. 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.
 - d. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
7. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
 8. Tower Height. Towers shall be no taller than one hundred ninety-nine feet (199') from the base of the tower to the tallest point on the tower structure, including the tallest point of any antenna located on said tower.
 9. Compliance with Codes. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
 10. Interference with Residential Reception. Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
 11. Signs. No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed

on an antenna or tower.

12. Spacing - Towers. Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.
13. Spacing - Residences. A tower shall not be located within two hundred feet (200') or three hundred percent (300%) of the height of the tower, whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.
14. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. 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 or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special use permit given pursuant to this section.

3.22 Intensive Livestock Operations (ILO)

1. Lot Area: The minimum lot area for an ILO shall be eighty acres.
2. Setbacks: Farm buildings, structures, confinement areas and other ILO operations shall be shown on the site plan and comply with the following minimum setback requirements:
 - a. Setback from road right-of-way: 133 feet

- b. Setback from existing residences, not owned by the ILO owner: 500 feet
 - c. Setback from existing churches, school, business, recreation area, or public buildings: 1,000 feet.
 - d. Setback from any property zoned RR: 1,000 feet.
2. Animal Waste:
- a. The manure storage and treatment systems must meet Natural Resources Conservation Service or Midwest Plan Service specifications and be approved by an agricultural engineer.
 - b. Confined Animal Feeding Operations shall be maintained in Agricultural and Management Practices (GAAMPS) for Manure Management and Utilization as adopted by the Michigan Commission on Agriculture.
 - c. Water from wells at the concentrated animal feeding operation shall be tested annually.

3.23 Campgrounds

Campgrounds shall comply with all of the following requirements:

- 1. The lot on which the proposed campground will be located shall be no less than twenty (20) acres in size.
- 2. Each proposed campground shall provide direct vehicular access to a public road and shall comply with all applicable standards and requirements of the Charlevoix County Road Commission.
- 3. Each proposed campground shall provide an adequate stacking or parking area that will allow vehicles to be off the public road while campers are checking into the campground.
- 4. Each proposed campground shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual and noise impacts of the campground would be minimal.
 - a. The perimeter of the lot on which the proposed campground will be located shall be landscaped with a buffer of plant materials that effectively screens the view of the campground from the public and private roads and from adjacent property used for

residential purposes. The standard buffer shall consist of a landscaped strip no less than four feet (4') wide.

- b. Existing natural land forms on the site which effectively screen the campground from public and private roads and from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
5. Campsites within a proposed campground shall be located so that they comply with the applicable setback requirements of the zoning district in which the campground is located.
6. There shall be no storage of an unoccupied recreational vehicles on any campsite.
7. A proposed campground may include a separate area for the storage of recreational vehicles and other vehicles that are accessory to the use of the land as a campground, provided that all of the following requirements are met:
 - a. The storage area shall be no larger in area than ten percent (10%) of the total area of the lot on which the campground will be located.
 - b. Unless the Planning Commission reduces or waives the landscaping requirements provided herein upon a finding that such requirements are unnecessary because of the remote location of the storage area, the storage area shall be landscaped with a buffer of plant materials that effectively screens the view of the storage area from public and private roads and from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip no less than four feet (4') wide.
8. A proposed campground may include a separate area for rustic cabins, provided that all of the following requirements are met:
 - a. The number of rustic cabin sites shall be no more than ten percent (10%) of the total number of campsites within the proposed campground.
 - b. Unless the Planning Commission reduces or waives the landscaping requirements provided herein upon a finding that such requirements are unnecessary because of the remote location of the rustic cabin area, the rustic cabin area shall be landscaped with

a buffer of plant materials that effectively screens the view of the rustic cabin area from public and private roads and from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip no less than four feet (4') wide.

9. Exterior lighting within a proposed campground shall be installed in such a manner that it does not impede the vision of traffic along adjacent roads.
10. Each proposed campground shall be operated in such a manner as to have only minimal detrimental impacts on surrounding property, particularly in regards to traffic, noise, vibrations, dust, fumes, smoke, flashing lights, glare or disposal of waste.
11. Each proposed campground shall provide no less than one (1) public telephone.
12. Each proposed campground shall be in full compliance with the Michigan Public Health Code, Act 368 of the Public Acts of 1978, as amended, the administrative rules promulgated under the Public Health Code, and any other applicable state and local rules and regulations.
13. No commercial or retail business shall be conducted on the lot on which the proposed campground will be located, except for a seasonal, accessory camp store providing goods and services incidental to camping to campground patrons and their guests during times the campground is open.

3.24 Temporary Group Camping Events

Temporary group camping events shall be permitted without a zoning permit provided they are in compliance with all of the following requirements:

1. Temporary Group Camping Events shall not be a for-profit commercial operation.
2. Temporary Group Camping Events shall not exceed a period of ten consecutive days and not more than thirty (30) days in a calendar year.
3. All tents, recreational vehicles and other associated facilities shall comply with the applicable district setbacks.
4. Temporary Group Camping Events must be operated in compliance with applicable health department requirements.
5. Temporary Group Camping Events must be operated in compliance with applicable Township Mass Gathering requirements.

3.25 Governmental Use of Property

Public institutions shall be a use by right in all zoning districts.

3.26 Medical Marijuana

The medical use of marijuana by both qualifying patients and primary caregivers, as those terms are defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423, shall be a use by right in all zoning districts. Because of the confidential nature of the medical use of marijuana, no zoning permit shall be required.

Article IV - Zoning District Regulations

For the purpose of this Ordinance, Chandler Township is divided into the following zoning districts:

- A** - Agricultural District
- FR** - Forest Recreational District
- RR** - Rural Residential District
- PUD** - Planned Unit Development District

4.1 Zoning Map

1. The locations and boundaries of these districts are shown on the Chandler Township Zoning Map which is part of this Ordinance as is any other Article, Section, or regulation herein.
2. The official zoning map shall be the final authority as to the current zoning status of property in the Township. The official zoning map shall be displayed at the Township Office and shall be identified by the signature of the Township Clerk.
3. In the case of amendments to the zoning map, such amendments shall be noted on the map, and the date of such amendments shall be noted and accompanied by the signature of the Township Clerk.

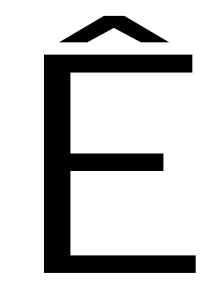
4.2 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately the same as street or highway centerlines or right-of-way lines, platted lot lines, section lines, quarter section lines, or other survey lines, such lines shall be construed to be said boundaries;
2. Where district boundaries are indicated as approximately parallel to street or highway centerlines or right-of-way lines, or to section lines, quarter-section lines or other survey lines, such boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning District Map, and;
3. Where the boundary of a district follows the shoreline of a stream, lake, or other body of water, the boundary line shall be interpreted as following such shoreline and in the event of change in shoreline shall be construed as moving with said shoreline.




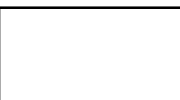
SPRINGVALE TOWNSHIP, EMMET COUNTY

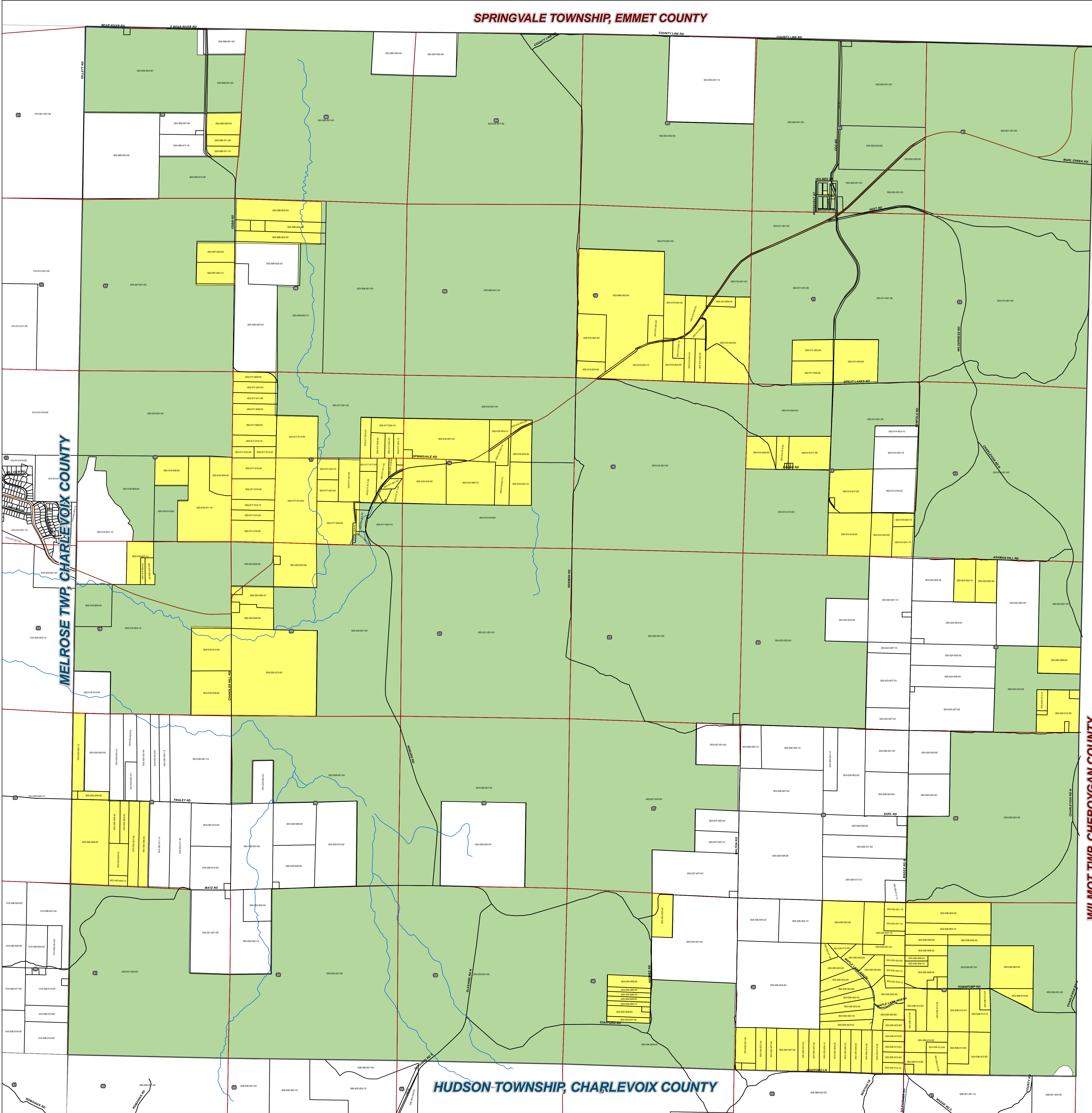
CHANDLER TWP.
CHARLEVOIX, COUNTY



Legend

ZONING CODE

-  A: AGRICULTURAL DISTRICT
-  FR: FOREST RECREATION DISTRICT
-  RR: RURAL RESIDENTIAL DISTRICT
-  2007 PARCEL LAYER



Article V - A - Agricultural District

5.1 Purpose

This zoning district is intended for large tracts used for farming or which are idle. It is intended for agricultural and low density, single-family residential use and other specialized rural uses requiring large tracts of land.

5.2 Permitted Uses

Land and/or buildings in the Agriculture district may be used for the following purposes only:

1. Farms for both general and specialized farming together with farm dwellings, buildings, and other installations useful to such farms.
2. Single family dwellings.
3. Non-Commercial Landing strips and their associated facilities.
4. Non-intensive recreation facilities such as snowmobile trails, temporary group camping events (subject to Section 3.24), archery and rifle, skeet or gun range, and hunting and fishing preserves or clubs. Activities such as bars, hotel and/or lodging accommodations, retail stores and service establishments are not permitted.

5.3 Special Uses

1. Junkyards, salvage yards, provided that all applicable regulations of the State of Michigan are complied with.
2. Commercial mineral resource extraction or relocation operations, but specifically exempting cases where land grades are changed in connection with the erection or construction of any roads and other land improvements in which case such operations shall be permitted without a special use permit.
3. Telecommunication tower or alternative tower structure.
4. Intensive Livestock Operations
5. Campgrounds, subject to the requirements of Section 3.23 of this Ordinance.

5.4 Area & Height Regulations

See Table of Area and Height Regulations (Article VIII).

Article VI - RR - Rural Residential Zoning District

6.1 Purpose

To establish and maintain an alternate residential environment in accessible rural areas in moderately low densities.

6.2 Permitted Uses

1. Single-family dwellings
2. All Agricultural zoning district permitted uses (Section 5.2), not Special Uses(Section 5.3)

6.3 Area & Height Regulations

See Table of Area and Height Regulations (Article VIII).

Article VII - FR - Forest Recreation District

7.1 Purpose

The purpose of this district and its regulations is to preserve state and county public parks, forest, and recreation areas, and to provide for the use and development of such land in cases where it is transferred from public to private ownership.

7.2 Use Regulations

Land and (or) buildings in this district may be used for the following purposes only:

1. Parks, forests, open space, and recreation areas owned by a governmental agency.
2. Docks, launch ramps, and associated parking areas.
3. Single family (Residential) dwellings.
4. Uses similar to the proceeding which tend to preserve in substance the scenic character of the area.

7.3 Area & Height Regulations

See Table of Area Regulations (Article VIII)

Article VIII - Table of Area and Height Regulations

Zoning District	Minimum Lot Size	Lot Width	Setbacks			Max. Height (c)
			Front (a)	Side (b)	Rear (b)	
A - Agricultural	10 Acres	330'	133'	50'	50'	35 feet
FR - Forest Recreational	20 Acres	300'	133'	50'	50'	35 feet
RR - Rural Residential	5 Acres	300'	133'	50'	50'	35 feet
PUD Overlay	See Article IX for general and specific requirements. Forty (40) acre minimum lot size is required for PUD zoning.					
(a) Measured from the center of the existing road.						
(b) Accessory buildings shall comply with applicable district regulations; however accessory structures shall be exempt from district setback requirements.						
(c) Agricultural buildings and structures, Towers and Wind Turbine are exempt from the district height limitations.						

Article IX - Planned Unit Development (PUD) District

9.1 Purpose

The purpose of the Planned Unit Development is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Chandler Township Planning Commission is to be the judge of whether or not the design contains sufficient public benefits and safeguards as to make the effects of the development compatible with the Chandler Township Planning Commission Master Plan. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

9.2 Criteria

A Planned Unit Development shall be judged against the criteria outlined below. The discretionary judgmental process shall follow, first the procedures specified in this Article and second other conditions specified in this Ordinance, such as under the General Provisions and Site Plan Review requirements.

1. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state, and /or national basis.
2. Reducing to a significant extent the non-conformity of a non- conforming use or structure, i.e., modification of a non-conforming use or structures so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.
3. Size: Minimum area lot area eligible for Planned Unit Development zoning is forty (40) acres.
4. Internal Design Standards:
 - a. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the Planned Unit Development regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice

of such transfer is given immediately to the Chandler Township Clerk.

- b. A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with light, air, privacy, circulation patterns, park areas, and public services equal to or greater than those required of the same uses in any zoning district where they are permitted.
- c. The required dedicated open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the dedicated open space will be developed according to the site plan and never changed to another use. Such conveyance shall:
 - 1) Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
 - 2) Provide maintenance standards and a maintenance schedule.
 - 3) Provide for assessment of the private property owners by Chandler Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
- d. Ingress and egress openings for the development shall be limited to one (1) per two hundred (200) feet of frontage on a public or private road. The nearest edge of any entrance or exit drive shall be located no close than one hundred (100) feet from any street or road intersection (measured from the nearest intersection right-of-way line). All roads or drives within the development shall be designed to easily accommodate emergency service vehicles.
- e. All utilities serving a Planned Unit Development, including electric, telephone, and cable television lines shall be placed underground, wherever feasible.
- f. A pedestrian circulation system shall be provided that is isolated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks, and bicycle pathways in the vicinity of the site.
- g. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation, or 20 feet minimum, whichever is greater. All exterior walls for clustered structures shall have a minimum fire rating of two (2) hours.

- h. All sensitive natural features such as drainage ways and streams, wetlands, land within the 100 year flood plains, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by any principal or accessory buildings and structures.
 - i. Drainage ways and streams shall be protected by a twenty five (25) foot natural vegetation strip measured from the ordinary high water mark of such drainage ways or streams.
 - j. Planted or landscaped buffer areas of thirty five (35) feet depth are required wherever feasible along the length of all exterior boundaries of the property to be developed.
 - k. The maximum allowable impervious surface coverage is 20% of the entire project area.
 - l. A minimum of 50% of the project area shall be protected under a conservation easement or an equivalent recorded legal instrument acceptable to the Township. The full extent of common open space areas dedicated for the use by residents in the development, or the public, shall be shown on the Site Plan. The development consolidates and maximizes usable open space.
 - m. For residential developments, the maximum allowable residential units shall be based on a density of one lot or unit per four (4) acres of land area, excluding land areas in, dedicated to, improved for, or occupied by any of the following:
 - 1) Surface water, wetlands, or floodplains.
 - 2) Public or private road rights-of-ways
 - 3) Utility and storm drainage easements
 - 4) Parking areas
 - 5) Outdoor common, public or quasi-public recreational facilities
 - 6) All buildings other than single or two-family dwellings.
- Lots and condominium units may vary in size though they shall not consume, on average less than 30,000 square feet of land, not more than two (2) acres of land per dwelling unit.
- n. Recognizing that individual sites lend themselves to different design solutions with different space utilization requirements and that the Planned Unit Development process implies that the Planning Commission may exercise discretionary powers, densities in excess of those specified above in this section, may be permitted with up to fifteen (15) percent more dwelling units for proposals of superior

design quality and proposals that would significantly advance the policies and objectives of the Land Use Plan and enhance the general safety and welfare provided that all other requirements of this Article are met. In no case shall increased density result in lot coverage of more than forty (40) percent, or open space less than sixty (60) percent. Evaluation criteria shall include but not be limited to:

1) Continuous Sliding Scale Bonus

Percent Dedicated Open	Percent Dwelling Unit Bonus
60%	5% more dwelling units
70%	10% more dwelling units
80%	15% more dwelling units

Projects must provide a minimum of sixty (60) percent dedicated open space to be considered for bonus dwelling units.

- 2) The dedication of usable open space shall be to a public entity or nonprofit land or nature conservancy, or space for other public use that clearly addresses a need in the community.
- 3) Increasing or enhancing the public use and enjoyment of scenic areas, waterfronts, natural areas, or other significant environmental areas.
- 4) Design solutions that result in the preservation of significantly more natural area than would be the case if normal restrictions applied.
- 5) Design solutions and land title instruments that will preserve natural areas in perpetuity.

5. External Effects

A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.

Every Planned Unit Development shall conform with all county and state regulations including but not limited to soil erosion and sedimentation control, sedimentation management, access, waste disposal and water supply.

9.3 Approval Procedures

1. Pre-Application Meeting: The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant, Township Planning Commission designee, and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Planning Commission or Zoning Administrator may request or recommend the applicant request representatives from Township or County agencies (department of public works, fire department, road commission, health department and other agencies) to attend such informal conferences.

Pre-application meetings are intended to allow applicants to present PUD concepts to the Planning Commission or representatives thereof and allow the Planning Commission to inform the applicants of the township's land use policies and any specific areas of concern. Statements made by the applicants or the Planning Commission at the pre-application conference are not legally binding.

2. Application: Following the Pre-application Conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Planned Unit Development Plan for the subject property. The applicant shall submit 8 copies of Planned Unit Development review application materials, at least 30 days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled.

The Planned Unit Development Application materials shall at a minimum include:

- a. Completed PUD Review Application form.
- b. Application fee.
- c. Site Plan as per Article X and including the information specified in Section 9.2(4) of this Section.
- d. Statement of Proposed Uses: Including area to be occupied by residential and non-residential uses, number and area of lots or building sites, number, type and floor area, dwelling units, and the number, type and floor area of all other buildings.

The applicant shall provide an existing condition map separate from the site plan. The existing conditions map shall include a property location map, property dimensions and boundaries, major tree stands, water bodies (streams, rivers, lakes, ponds), rock outcrops, both regulated and unregulated wetlands, drainage courses, topography including identification of steep slopes (>18%), generalized

soil conditions, and other natural features. Also, existing human made features including roads within and bordering the project, buildings, easements and utilities shall be shown on the existing conditions map. This plan shall be prepared to the same scale as the site plan and shall be sealed by a registered engineer, architect, landscape architect or surveyor who prepared the plan.

3. Review Procedure

- a. Application Administrative Review: Following the submittal of the application and payment of any associated application fees, the Zoning Administrator shall review the application to be sure the application is complete and provides all the required information.
- b. Planning Commission reviews the PUD application, site plan, supporting documentation and sets the date for public hearing in accordance with the public hearing requirements set forth in Section 9.4.
- c. Planning Commission Recommendation: Following the public hearing, the Planning Commission shall recommend approval, disapproval or approval subject to specified conditions / revisions to the proposed Planned Unit Development. If the required conditions or revisions are, in the opinion of the Planning Commission, substantive in nature, a second public hearing shall be held.
- d. Transmittal of the Planning Commission Recommendation: The Planning Commission's recommendation must be transmitted to the Charlevoix County Planning Commission for review and comment as is required for the rezoning of any property in the Township.
- e. If the County Planning Commission's response has not been received by the Township within 30 days, it shall be presumed that the County waived its right to review.
- f. Recommendation to Township Board: The Township Planning Commission shall consider the County Planning Commission's recommendation, if received, and forwarded to the Township Board with the Township Planning Commission's recommendation regarding the Township Board's action on the PUD.
- g. Township Board Action: The Township Board may take any of the following actions:
 - 1) Conduct additional public hearing, if so desired. If so, notification of such hearings shall be published as required.

- 2) Refer the Planning Commission recommendation back to the Planning Commission for further deliberation if the Board considers amendments, changes, additions or departures advisable.
 - 3) Approve or reject the PUD as recommended by the Planning Commission.
- h. Publication of Approval: If approved, the zoning change and notice of the nature and extent of PUD must be published in a newspaper within 15 days of the date of approval by the Township Board.

9.4 Public Hearing Requirements

1. At least one (1) public hearing shall be conducted on applications for PUD's. The date and time of the public hearing shall be set by the Planning Commission to review procedure step and as described above. Notification of the public hearing shall be published and delivered as described below.
2. The notice of the public hearing shall contain the following information:
 - a. Describe the nature of the PUD.
 - b. A description of the property on which the proposed planned unit development will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
 - c. The time, date and place the proposed planned unit development request will be considered.
 - d. Indicate when and where the application, site plan, and other materials may be inspected by the public, and
 - e. The address where and the deadline when written comments will be received concerning the proposed planned unit development request.
3. Notice shall be published in a newspaper of general circulation within the Township not less 15 days before the scheduled public hearing.
4. The notice shall be sent by first class mail or personal delivery to the owners of the property or properties on which the proposed planned unit development will be located not less than 15 days before the scheduled public hearing.

5. The notice shall also be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed planned unit development will be located and to the occupants of all structures within 300 feet of the property on which the proposed planned unit development will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

9.5 Performance Bonds

To ensure compliance with the approved final plan, the Township may require a deposit, (cash, certified check, irrevocable bank letter or credit, or security bond acceptable to the Township), to cover the estimated cost of improvements. The performance guarantee shall be deposited, with the Township Clerk, at the time of the issuance of the permit authorizing the activities or project. The Township may not require the deposit of performance guarantee before the Township is prepared to issue the permit. The Township shall rebate or release any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

9.6 Modification of an Approved PUD

1. Minor Modifications: Minor modifications to a PUD may be approved by the Planning Commission, if authorized by the Township Board, by mutual agreement between the applicants or successors in interest as follows:
 - a. Reorientation of buildings provided no such structure is moved more than twenty five (25) feet from the original plan location, the move is determined to be necessary based on site conditions not previously known, the intent, concept, and objectives of the PUD are not circumvented, and no greater impact is exerted on adjacent properties.
 - b. Redistribution of the dwelling units among the proposed structures, provided building heights are not increased, and density of dwelling units is not increased.
 - c. Minor realignment of roads, pedestrian ways, parking areas based on the need to respect site features (topography, soils, bedrock, vegetation), or to accommodate minor reorientation of buildings.

Minor modifications include all modifications not meeting the definition of major modification below.

2. Major Modifications: Major modifications to an approved an approved PUD shall be subject to review and approval under a

new application for PUD zoning. Major modifications include, but are not limited to, increases in floor area of any building in excess of one hundred twenty square feet, increases in land area occupied by non-residential uses, or the addition of other buildings structures, uses and improvements not originally included in the final PUD plan as approved.

9.7 PUD Plan Expiration and Renewal

The expiration, repeal, and renewal of a PUD site plan shall be in accord with the following standards:

1. Plan Expiration PUD approval shall automatically expire after 24 months, following the effective approval date, if one or more of the following apply:
 - a. In cases where no excavation or construction activities are in evidence, and no valid construction permits are in effect.
 - b. The project appears to be abandoned, there is no apparent interest in continuing the PUD as established, and no applications for renewal have been received.
 - c. No apparent effort is being made to market the PUD project, or to operate it as an active development.
2. To forestall automatic expiration, the PUD owner shall request renewal of the PUD prior to the expiration date. Requests for renewals shall be filed at least seven (7) days prior to the scheduled meeting date of the Planning Commission, but no formal public hearing is required. Renewals approved by the Planning Commission shall be for periods not to exceed 12 months, and only two renewals shall be permitted.

9.8 Statement of Compliance

All buildings, structures and improvements within an approved PUD zoning district shall be established in strict compliance with the approved site plan and any conditions of approval. All buildings and improvements shall be constructed as illustrated on the approved final site plan.

Following completion of construction buildings, structures, and improvements, the applicant shall provide a statement, prepared by an independent professional (a licensed surveyor, professional engineer, registered landscape architect) certifying that all buildings, structures, and improvements have been constructed in compliance with approval granted.

9.9 Recorded Affidavit Required

An affidavit in a form acceptable to the Township Attorney, containing the information outlined in this Section, shall be recorded with the Charlevoix County Register of Deeds within a reasonable period of time following approval of a PUD and prior to making site improvements or commencing any construction activities. The information to be included is:

1. Date of approval of the PUD by the Planning Commission (in the case of single-use PUD's) or Township Board (in the case of mixed-use PUD's).
2. Legal description of the property, and
3. A statement by the applicant(s) certifying that the property will be developed in accordance with:
 - a. The site plan and other information approved by the Township and;
 - b. All conditions associated with approval of the PUD.

This statement shall specifically indicate that no modifications shall be made to the PUD as approved, nor to the site plan or other information provided by the applicant, nor to any conditions associated with approval of the PUD, unless approved under the modification provisions outlined below in Section 9.6

Three original affidavits shall be provided to the Zoning Administrator. One copy shall be attached to his or her copy of the signed site plan. One copy shall be placed in the Planning Commission's record of proceedings on the PUD. One copy shall be provided to the Township Clerk for inclusions in the Township Board's record of proceedings on the PUD

Article X - Site Plan Review

10.1 Purpose

Site plans give the Planning commission an opportunity to review development proposals in a concise and consistent manner. These regulations provide for a review and approval process intended to assure that land uses comply with zoning district regulations, other regulations and standards outlined in this ordinance and applicable county, state, and federal statutes.

10.2 Circumstances Requiring a Site Plan

Site plans are required for the following uses:

1. All new uses except one-family residential unit, two-family residential units, or agricultural buildings associated with agricultural operations permitted by right in the Agricultural zoning district.
2. Expansion or renovation of an existing use, other than one-family or two-family residential use, which increases the existing floor space more than twenty five (25) percent.
3. Changes of use for an existing structure or lot.
4. Other uses as required by this Ordinance.

10.3 Site Plan Data Required

1. Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission.
 - a. The date of original submittal and last revision, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
 - b. Vicinity map.
 - c. The boundary lines of the property, to include all dimensions, legal description, and acreage of subject property.
 - d. The zoning classifications of the subject parcel and adjoining parcels, including those parcels which are adjoining but are separated from the subject property by a road right-of-way;
 - e. The location of proposed and/or existing lot

lines and dimensions of same;

- f. Building setbacks;
- g. Grading plan showing finished contours at a minimum interval of two feet and correlated with existing contours so as to clearly indicate cut and fill required (all finished contour lines are to be connected to existing contour lines at or before the lot lines);
- h. A detailed description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations. This description shall include the location of proposed retaining walls, dimension, and materials of same, fill materials, typical vertical section, and plans for restoration of adjacent properties, where applicable;
- i. The location and type of groundcover, stands of vegetation, and individual trees six inches and larger in diameter at breast height;
- j. The location and elevations of existing water courses and the water bodies including county drains, man-made surface drainage ways, 100-year flood plains, and wetlands;
- k. The location of existing and proposed buildings, as well as the length, width, height, and area (in square feet) of each building;
- l. The location of all existing buildings or structures within 50 feet of the subject property;
- m. The proposed location of accessory structures, buildings, and uses including, but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators, and similar equipment (details of the method of screening, where applicable, shall be included);
- n. The name, location, dimensions, and associated right-of-way of all existing and proposed streets (public or private), and typical cross section of same (Cross section shall show surface, base, and sub-base materials; location and typical details of curbs; location, dimensions, and details of all passing lanes and deceleration/acceleration tapers or lanes; and the location, width, surface elevations, radii, and grade of all access points to the site.);
- o. All driveways located within 100 feet of the site;
- p. The location and design of parking areas and number of parking spaces and unloading areas including information on proposed curbing, barrier-free access,

and dimensions of parking spaces, circulation aisles, and unloading spaces;

- q. The design and dimensions for all exterior lighting fixtures and features relative to shielding spillover from such fixtures onto adjacent properties and roadways;
- r. The location and design of all sidewalks, walkways, bicycle paths, and areas for public use;
- s. The location, design, sizing, and easements related to all existing and proposed utility systems to be located on the site including, but not limited to:
 - 1) Water lines and fire hydrants;
 - 2) Storm water management/detention/retention systems (see also item bb. below);
 - 3) Sanitary sewer lines, if applicable;
 - 4) Septic systems, if applicable, and;
- t. The location, size, and specifications of all signs (freestanding and signs placed on or attached to buildings);
- u. The location and specifications for all fences, walls, and other screening features with cross-sections;
- v. The location and specifications for perimeter and internal landscaping and buffering. The proposed size of new landscaping materials at the time of planting must be indicated. The location, typical size, or range of sizes of all vegetation to be retained on site must also be indicated;
- w. The location, size, and specification for screening of all waste receptacles and outdoor storage areas and facilities;
- x. The number of employees on largest shift (indicate the number of employees for the largest two shifts which overlap);
- y. The location and size of interior and exterior areas and structures to be used for the storage, use, loading, unloading, recycling, or disposal of hazardous substances;
- z. The location and proposed use of all above and below ground storage tanks, and;
- aa. The location of exterior drains, drywells, catch basins, retention and detention areas, sumps,

swales, and other facilities designed to collect, store, or transport storm water. Points of discharge must be clearly illustrated.

- bb. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable units of hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
 - cc. The Planning Commission may waive or modify any or all of the above site plan requirements when it finds those requirements are not applicable to the proposed development. The Planning Commission shall document for the record the reasons for waiving or modifying specific provisions.
2. The Zoning Administrator or Planning Commission may require that applicants distribute copies of the site plan to any or all of the following agencies for review and comment:
- a. The Charlevoix County Soil Erosion and Sedimentation Control Officer;
 - b. The Charlevoix County Drain Commissioner;
 - c. The designated enforcement officer for the Charlevoix County Storm Water Management Ordinance.
 - d. The Charlevoix County Road Commission and, if appropriate, the Michigan Department of Transportation;
 - e. The Northwest Michigan Community Health Agency;
 - f. Chandler Township fire and ambulance service providers;
 - g. The Michigan Department of Environmental Quality and/or Michigan Department of Natural Resources;
 - h. The Charlevoix County Planning Department, and/or;
 - i. Other agencies as may be relevant.
3. In the event reviewing agencies have no comments or concerns, agency representatives may indicate same on their copies of the site plan with the notation "No comments" and a signature.
4. In the event such agencies have comments, the Zoning Administrator or Planning Commission may return the site plan to the applicant for revisions, as may be required for compliance with agency comments. In such cases, the Planning Commission has the option of taking no further action until the revised site plan is made available by the applicant.

10.4 Prohibitions on Excavation and Construction Activities Before Site Plan Approval is Granted

No grading, removal of vegetation, filling of land, nor construction of buildings, building foundations, driveways, roadways, walkways, parking areas, or other improvements of any kind is permitted until a site plan has been approved by the Planning Commission in accordance with the provisions of this Article.

10.5 Submittal and Approval Procedures:

1. Eight (8) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least fourteen (14) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
2. The Planning Commission shall have the responsibility and authorization to approve, disapprove or approve with modifications, the Site Plan in accordance with requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:
 - a. The sewage disposal and water systems meet the applicable health and sanitary codes and ordinances.
 - b. The location and nature of the use will not be in conflict with any principal permitted use of the district or neighborhood.
 - c. The use will not create any major traffic problem or hazard.
 - d. The use will not be any more objectionable to adjacent and nearby properties than would be any permitted principal use of the district by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste and sewage.
 - e. The use will not discourage or hinder the appropriate development and use of adjacent premises and the neighborhood.
3. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

10.6 Site Plan Amendments

An approved Site Plan may be submitted for minor amendment to the

Zoning Administrator for review and signature by the Planning Commission Chair.

If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the Site Plan amendment is major, the provisions of Section 10.5 "Submittal and Approval Procedures" shall be followed.

10.7 Administrative Fees

Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board of Trustees as per Section 14.4. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advise regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be paid by the applicant.

10.8 Expiration of Approval

1. Unless a zoning permit has been issued within one calendar year (365 consecutive days) of the date of site plan approval, approval shall expire and be of no effect unless the applicant and Planning Commission have mutually agreed to a six-month extension of approval. The Planning Commission may, by mutual consent with the applicant, grant additional six month extensions at its discretion.
2. If an approved site plan has expired and an extension of approval has not been obtained as set forth above, no zoning or building permits for the development or use of the subject property shall be issued until a new application for site plan review has been filed and approved by the Planning Commission, as is required for any application for site plan review.

10.9 Inspection and Certification Requirements

1. The applicant shall be responsible for requesting the necessary inspections. All inspection requests shall be first directed to the Zoning Administrator. The Zoning Administrator shall obtain inspection assistance from the appropriate Township official or consulting professional.
2. In the event improvements were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement prepared by the architect or engineer certifying that all improvements have been constructed in compliance with approval as granted.
3. The Planning Commission may, as a condition of approval, assign such inspection duties to the township's own independent professionals. In such cases, the cost for such inspections shall be born by the applicant.

4. The Planning Commission may, at its discretion, also assign inspection responsibilities to the Zoning Administrator.
5. All sub-grade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved by appropriate agencies prior to covering.
6. The Zoning Administrator shall notify the Planning Commission in writing when a development for which a final Site Plan is approved has passed inspection with respect to the approved site plan.
7. The Zoning Administrator shall notify the Planning Commission in writing of any development which does not pass inspection.

Additionally, the Zoning Administrator shall advise the Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.

10.10 Performance Guarantees

1. A performance guarantee equal to 1.25 times the cost of constructing improvements as determined by the applicant and verified by the Planning Commission or its consultant may be required to ensure completion of improvements subject to approval under this Article.
2. When a performance guarantee is required, it shall be deposited with the Township Clerk prior to the issuance of a zoning permit authorizing construction of approved buildings and improvements or prior to issuance of an occupancy permit in those cases where the guarantee is being required for improvements delayed due to weather conditions. The Township shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an account bearing interest to the applicant.
3. If a performance guarantee is in the form of a cash deposit, it shall be rebated periodically by the Township on application by the applicant in reasonable proportion to the ratio of work completed on the required improvements.

Article XI - Special Uses

11.1 Purpose

In addition to the uses permitted by right in each zoning district, this Ordinance allows the establishment of special land uses subject to the procedures, standards, and regulations described in this Article. Applications for special use permits may be filed by any person owning or having an interest in the property subject to the application.

11.2 Application Procedures

Applications for special use permits shall be submitted to the Zoning Administrator no less than twenty (20) days prior to the meeting at which the Planning Commission will consider the application. Applications submitted less than twenty (20) days prior to such meetings shall not be accepted for consideration.

Applications must be accompanied by the materials and information described below:

1. A completed application form and application fee;
2. Ten (10) copies of a site plan described in Article X, and;
3. A typewritten statement, with supporting evidence, demonstrating how the proposed special use will comply with the general standards for special use approval listed under Section 11.6 below.

11.3 Publication and Delivery of Public Notices

1. A public hearing shall be held for all special approval requests. Notification of the public hearing shall be published and delivered as described below.
2. The notice of the public hearing shall contain the following information:
 - a. A description of the nature of the proposed special use or planned unit development request.
 - b. A description of the property on which the proposed special use or planned unit development will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however do not need to be created and listed if no addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.

- c. The time, date and place of the proposed special use request will be considered.
 - d. When and where the application, site plan, and other materials may be inspected by the public, and;
 - e. The addresses where and the deadline when written comments will be received concerning the proposed special use request.
3. The notice shall be published in a newspaper of general circulation within the township not less than 15 days before the scheduled public hearing.
 4. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
 5. The notice shall also be sent first class mail or personal delivery to all persons to whom real property is assessed within 300feet of the property on which the proposed special use will be located and to the occupants of all structures within 300 feet of the property on which the proposed special use will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

11.4 Public Hearing & Review Procedures

1. The Planning Commission shall hold the public hearing on the proposed special use and shall review the site plan and other materials submitted with the application.
2. Following the public hearing, the Planning Commission shall determine whether or not the proposed special use is consistent with the specific standards applicable to the special use, as well as the general standards outlined by Section 11.6.
3. If the Planning Commission finds that the proposed special use is consistent with these standards, the proposed special use must be approved.
4. If the Planning Commission finds that the proposed special use is not consistent with these standards, then the use may be approved with conditions or denied altogether. At any point during its review of an application, the Planning Commission may request that the applicant modify the site plan, or present additional information deemed necessary before approval of the proposed special use is granted. In such cases, the Planning Commission may table consideration of the application until the amended site plan or additional information is made available by the applicant.

5. The Planning Commission shall take action within 120 days of receiving an administratively complete special use permit request. The Planning Commission shall table a special use permit for a maximum of 120 days pending submission of information necessary to render a decision. If the end of the 120 day time period information has not been provided to the Planning Commission, the request may be denied. The applicant shall have the right to resubmit as a new application.

11.5 Appeal of PC's Decision on Application to the Zoning Board of Appeals

The Planning Commission's decision on applications for proposed special uses may not be appealed to the Zoning Board of Appeals.

11.6 General Standards for Approval of Special Uses

The following standards will be used by the Planning Commission to determine if a special use complies with the provisions of this Article.

1. The property subject to the application is located in a zoning district in which the proposed special use is allowed.
2. The special use, as proposed, complies with the specific standards applicable to that special use as listed under its zoning district regulations.
3. The proposed special use will be consistent with the intent and purpose of the township's Land Use Plan, as well as the intent and purpose of the zoning district in which it will be located.
4. The proposed special use will not result in a material burden on police and fire services nor on other public services or facilities.
5. The proposed special use will not diminish the opportunity for surrounding properties to be used and developed as zoned.
6. The proposed special use will be designed, constructed, operated, and maintained so as not to negatively impact the character of land uses in the surrounding area.
7. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap materials.

11.7 Basis for Determination

In rendering its decision on a proposed special use, the Planning Commission shall make specific reference to the

standards outlined above, as well as the basis in fact for any conditions associated with an affirmative decision.

11.8 Performance Guarantee

1. The Planning Commission may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with an approved special use to assure compliance with approval as granted.
2. If required as a condition of approval, a performance guarantee shall be provided by the applicant at the time approval is granted by the Planning Commission. If the performance guarantee is a cash deposit, it shall be deposited in an account bearing interest to the applicant, and shall be rebated periodically by the Township Board on application by the applicant in reasonable proportion to the ratio of the work completed on the required improvements.

11.9 Compliance With Conditions of Approval Required

An approved special use shall be developed, constructed, maintained, and operated in strict compliance with the approved site plan and any conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and as approved by the Planning Commission. In the event functional elements or improvements associated with the special use were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement, prepared by his or her architect or engineer certifying that all improvements have been constructed in compliance with approval as granted.

Article XII - Zoning Board of Appeals

12.1 Membership

The Zoning Board of Appeals (ZBA) shall consist of three regular members and two alternate members.

1. The first member shall be a member of the Township Planning Commission.
2. The remaining two members must be selected from electors of the Township residing outside of incorporated cities and villages. One member may be a member of the Township Board provided that an elected officer cannot serve as chairman of the ZBA.
3. The two alternate members shall be selected and appointed in the same manner and for the same term of office as regular members. An alternate member may be called to serve in the absence of a regular member if the regular member is absent from or will be unable to attend two or more consecutive meetings of the ZBA, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days.

An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member has the same voting rights as a regular member of the ZBA.

4. An employee or contractor of the Township cannot serve as a member or employee of the ZBA.
5. Members of the ZBA shall be removable by the Township Board for non-performance of duty or for misconduct in office upon written charges and after public hearing by the Township Board.

12.2 Meetings

The ZBA shall not conduct business unless a majority of its members are present. All meetings shall be open to the public and shall be held at the call of the Chairman at such times as ZBA's rules of procedure may specify. The ZBA shall adopt rules of procedure and shall maintain a written record of its proceedings including all findings and other official actions, all of which shall be filed in the office of the Township Clerk and shall be made available to the public in accordance with Section 9 of the Open Meetings Act (PA 267 of 1976, as amended).

12.3 Majority Vote of Membership Required

A decision on any matter before the ZBA can be made only by a majority of its members.

12.4 Appeals

1. Appeals shall be filed within sixty days of the decision of the Zoning Administrator from which the appellant seeks relief.
2. The ZBA may hear appeals made by and grant variances to any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
3. In rendering a decision, the ZBA may, by a concurring vote of a majority of its members, reverse or affirm in whole or in part a decision or determination made by the Zoning Administrator or may grant a variance from the Ordinance provision(s) from which the appeal was sought.
4. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

12.5 Limitations on Authority

The ZBA has no authority to overrule a Planning Commission decision on applications for Site Plan Review, Special Uses, or Planned Unit Developments.

12.6 Notice of Hearing

Notice for all public hearings before the zoning board of appeals concerning appeals, interpretations, and variances shall comply with all of the following applicable provisions:

- A. For an appeal or a request for an interpretation, the notice shall comply with all of the following:
 1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the appeal or interpretation request.
 - b. If the appeal or interpretation request involves a specific parcel, then the notice shall describe the property involved. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel

identification numbers or including a map showing location of the property.

- c. The time, date and place the appeal or interpretation request will be considered.
 - d. The address where and the deadline when written comments will be received concerning the appeal or interpretation request.
2. The notice shall be published in a newspaper of general circulation within the township not less than 15 days before the scheduled public hearing.
 3. The notice shall be sent by first-class mail or personal delivery to the person filing the appeal or requesting the interpretation and, if the appeal or interpretation request involves a specific parcel, to the owners of the property involved not less than 15 days before the scheduled public hearing.
 4. If the appeal or interpretation request involves a specific parcel, then the notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property involved and too the occupants of all structures within 300 feet of the property involved not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- B. For a variance request, the notice shall comply with all of the following:
1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the variance request.
 - b. A description of the property on which the requested variance will apply. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no street addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
 - c. the time, date and place the variance request will be considered.
 - d. The address where and the deadline when written comments will be received concerning the

variance request.

- e. the notice shall be published in a newspaper of general circulation within the township not less than 15 days before the scheduled public hearing.
- f. The notice shall be sent by first-class mail or personal delivery to the owners of the property seeking the variance not less than 15 days before the scheduled public hearing.
- g. The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the requested variance will apply and to the occupants of all structures within 300 feet of the property to which the requested variance will apply not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

12.7 Variances

1. Dimensional Variances

The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty.

To establish practical difficulty, the applicant must establish all of the following:

- a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
- b. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- d. Whether granting the requested variance would do

substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.

- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

2 Use Variances

The ZBA may grant use variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in unnecessary hardship. To establish unnecessary hardship, the applicant must establish all of the following:

- a. The building, structure or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.
- b. The need for the requested variance is due to unique circumstances peculiar to the applicant's property and not to general neighborhood conditions.
- c. The proposed use of applicant's property will not alter the essential character of the neighborhood.
- d. The need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

12.8 Zoning Board of Appeals Approval

The ZBA may require an appellant to submit surveys, plans, or other information deemed reasonably necessary to making an informed decision on his or her appeal. The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to comply with the spirit and purpose of this Ordinance.

12.9 Filing Fee

Applications for hearings before the ZBA shall be accompanied by a fee as established by the Township Board

Article XIII - Amendments

The zoning amendment procedure is initiated when a property owner, the community, or township officials seek a change in the provisions, rules, or requirements of the Zoning Ordinance (text change) or a change in the mapping of zoning district boundaries (rezoning).

13.1 General Procedures

The general procedural steps for text amendments and rezonings are as follows:

1. Applicant
 - a. Inquires of the Zoning Administrator how one must proceed and obtains the application form(s), and;
 - b. Completes and files the application form(s) with the appropriate application fee.
2. Planning Commission
 - a. Reviews proposed amendment based on established planning and zoning criteria as set forth in the Chandler Township Master Plan, and applicable provisions of this Ordinance, and;
 - b. Schedules a public hearing on the request.
 - c. Opportunity for Public Comments - Public Hearing Requirements

The notices for all public hearings before the planning commission or township board concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:

- 1) For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:
 - a) The content of the notice shall include all of the following information:
 - (1) A description of the nature of the proposed zoning ordinance amendment.
 - (2) The time, date and place the proposed zoning ordinance will be considered.
 - (3) The places and time at which the proposed zoning ordinance amendment may be examined.

- (4) The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
 - b) The notice shall be published in a newspaper of general circulation within the township not less than 15 days before the scheduled public hearing.
 - c) The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each tele-communication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.
- 2) For a proposed zoning ordinance amendment rezoning an individual property or 10 or fewer adjacent properties, the notice shall comply with the following:
- a) The content of the notice shall include all of the following information:
 - (1) A description of the nature of the proposed zoning ordinance amendment.
 - (2) A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not have to be created and listed if no addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - (3) The time, date and place the proposed zoning ordinance will be considered.

- (4) The place and time at which the proposed zoning ordinance amendment may be examined.
 - (5) The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
- b) The notice shall be published in a newspaper of general circulation within the township not less than 15 days before the scheduled public hearing.
 - c) The notice shall be sent first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
 - d) The notice shall also be sent by first-class mail or personal delivery to the persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - e) The notice shall be given by first-class mail to each electric, gas and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.
- 3) For a proposed zoning ordinance amendment rezoning 11 or more adjacent properties, the notice shall comply with all of the following:

a) The content of the notice shall include all of the following information.

- (1) A description of the nature of the proposed zoning ordinance amendment.
- (2) The time, date and place the proposed zoning ordinance amendment will be considered.
- (3) The place and time at which the proposed zoning ordinance amendment may be examined.
- (4) The address where and the deadline when written comments can be sent concerning the proposed zoning amendment.

b) The notice shall be published in a general circulation within the township not less than 15 days before the scheduled public hearing.

c) The notice shall be sent first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.

d) The notice shall be given by first-class mail to each electric, gas and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.

d. The Planning Commission conducts the public hearing, and public input is considered and evaluated.

e. Planning Commission Action Following the Public Comment Process:

1) Following the public comment process, the Planning Commission approves, rejects, or approve with changes, the proposed text amendment or rezoning.

2) The Planning Commission refers its recommendation on the text amendment or rezoning petition to the County Planning Commission. The County Planning Commission conducts an independent review and makes advisory recommendations to the Township Planning Commission. The County has 30 days within which

to respond. If the County does not respond within 30 days, then its approval may be presumed.

- 3) The Township Planning Commission reviews the County Planning Commission comments, and transmits the application and its recommendation to the Township Board.

3. Township Board Action

Following receipt of Township Planning Commission's recommendation the Township Board may:

- a. Adopt the amendment;
- b. Reject the amendment;
- c. Hold additional public hearings on the proposed amendment at its own initiative or if requested by property owner or resident who requests a hearing. Notice of such hearings shall meet the notice requirements as noted in paragraph 13.1 (2) above, or:
- d. If changes to the proposed amendment are desirable, the Township Board may refer the proposed amendment back to the Planning Commission for further recommendation within a specified time. Thereafter, the Township Board may either adopt the amendments with or without changes, or reject it. If substantial changes are recommended by the Board, the Planning Commission shall advertise a new public hearing a new public hearing on the request.

13.2 Guidelines for Decisions on Text Amendments and Rezoning Requests

In order for the Planning Commission and Township Board to objectively determine whether a proposed amendment is appropriate, the following should be considered:

1. For proposed text amendments that will add additional land uses to a zoning district, it is appropriate to consider the following questions:
 - a. Is the proposed land use already provided for elsewhere in the Ordinance?
 - b. Is the proposed land use compatible with uses already permitted by right and by special land use permit in that district?
 - c. Does the proposed land use relate well to the Township Master Plan?
 - d. Does the proposed use meet the spirit and intent of the Ordinance and the objectives of the zoning

district?

- e. Would the proposed use be appropriate anywhere in the district?
 - f. Is the proposed use more appropriate in the district if permitted by special land use permit?
 - g. Is there a need to add the proposed use at all?
2. For text amendments that would change or add regulations or standards, it is appropriate to consider the following questions:
- a. Does the proposed rule, change, or addition help reinforce the Township Master Plan?
 - b. Is the proposed rule, change, or addition consistent with the spirit and intent of the Ordinance and with the objectives of valid public purposes?
 - c. What is the problem or issue the amendment is intended to address? Can this be accomplished in another, more appropriate fashion? Is the problem or issue not addressed in the Zoning Ordinance?
 - d. Is the proposed text change enforceable?
3. For proposed rezonings that will change, create, extend, or reduce a mapped zoning district, it is appropriate to consider the following questions:
- a. Are there substantial reasons why the property cannot be reasonably used as currently zoned?
 - b. Is the use desired to be established in the new district more appropriately handled as a special land use in the existing district or another district?
 - c. If a zone change is proposed, is it supported by the Township Master Plan?
 - d. Would a change of present district boundaries be compatible with existing land uses in the area? Will it adversely affect property values?
 - e. Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?
 - f. Would the rezoning constitute a spot zone granting a special privilege to one landowner not available to others?
 - g. Was there a mistake in the original zoning classification?
 - h. Has there been a change of conditions in the area of the land subject to the proposed rezoning?

- i. Would the change severely impact traffic, public facilities, and the natural characteristics of the area or significantly change population density? Is the change consistent with the purposes for which the zoning ordinance was adopted?
 - j. Is the proposed change out of scale with the needs of the community?
 - k. Will the rezoning stimulate other similar rezoning requests? If so, would rezoning the property have a negative impact on community plans and public services?
 - l. Is the proposed change precedent setting?
 - m. Is the proposed boundary appropriate?
4. As a general rule, basic Township concerns regarding a shall be embodied in the question "is that an appropriate location for all the uses which are permitted under the requested district or zone?"

Article XIV - Administration

14.1 Zoning Administrator

A Zoning Administrator, who shall be appointed by the Chandler Township Board of Trustees for such a term and subject to such conditions as the Board deems desirable to carry out the provisions of this Ordinance, shall administer the provisions of this Ordinance. He/She shall hold office at the pleasure of the Township Board and receive such compensation as shall be determined by the Board. The Board may also appoint a Deputy Administrator under such conditions, and for such compensation as the Board may deem desirable, to work under and assist the Zoning Administrator in the discharge of the duties of his/her office.

14.2 Duties and Power of the Zoning Administrator

The Zoning Administrator shall enforce this Ordinance, and shall:

1. Approve all zoning permits and certificates of compliance.
2. Conduct inspection of all buildings and structures and the use of all lands subject to the provisions of this ordinance to determine compliance.
3. Maintain permanent and correct records of this ordinance including, but not limited to zoning permits, exceptions, variances and appeals.
4. Provide and maintain a public information office relative to all matters arising out of the administration of the ordinance.
5. Investigate all applications for uses subject to special approval and variances addressed to the Township Planning Commission and Board of Appeals, and report his/her findings to the Commission and Board.
6. Initiate appropriate action for proceedings to prevent, restrain, correct or abate any illegal act in violation of this Ordinance.

14.3 Zoning Permits

No building or structure subject to the provisions of this ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, this applies to all buildings or structures in all Zoning districts. No Zoning Permit shall be required for any lawful use of any building or

structure in existence as of the adoption date of this Ordinance.

Applications for zoning permits shall be filed in writing with the Zoning Administrator. Applications shall be accompanied by evidence of ownership of the property subject to the application and evidence that health department and other county or state agency permits or approvals have been obtained. Applications for the construction of single and two-family dwellings must be submitted with two copies of a plot plan illustrating:

1. Dimensions of the property subject to the application;
2. Dimensions of the building or structure subject to the application, and;
3. Proposed use of the building and/or structure.

Zoning permits shall be displayed face out within twenty-four hours of issuance by placing same in a conspicuous place on the premises facing the nearest street and shall be continuously displayed until all activities authorized by the permit are completed.

14.4 Fees

1. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
 - a. Zoning permits.
 - b. Special use permits.
 - c. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - d. Classification of unlisted property uses.
 - e. Requests to change a nonconforming use to another nonconforming use.
 - f. Requests for variances from the Zoning Board of Appeals.
 - g. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - h. Site plan reviews.
 - i. Requests for a planned unit development (PUD).
 - j. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Article XV - Nonconforming Uses

15.1 Continuance of Use

The lawful use of any premises existing at the time of the adoption of this ordinance may be continued. If such nonconforming use is legally abandoned as provided by Section 15.4, the future use of said premises shall be in conformity with the provisions of this ordinance.

1. If a structure or use is nonconforming because of height, floor area, parking, or loading space, it may be altered to comply with these provisions.
2. An existing nonconforming structure may be altered or remodeled within its interior dimensions of the building, provided no exterior structural alterations are made except those required by the applicable Construction Code.

15.2 Restoration and Repair

1. Nothing in this Ordinance shall prevent the repair, improvement or modernization of a structure to correct deterioration, obsolescence, depreciation and wear, provided the structure's spatial envelope (building footprint and vertical profile) remains the same.
2. In the event any nonconforming structure is damaged or removed for any reason, the structure shall be permitted to be rebuilt provided it does not exceed the same footprint and same spatial envelope.

15.3 Change of Nonconforming Use or Structure

Whenever a zoning district is changed, any existing legally nonconforming use may be continued, provided all other regulations governing the use are met. Whenever a nonconforming use of a structure or premises has been changed to a conforming use such use shall not thereafter be changed to a nonconforming use.

1. No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.
2. A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not increase the degree or extent of the nonconformity of such structure.

15.4 Abandonment of Nonconforming Use or Structure

If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

1. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

15.5 Lawful Lots of Record

Lawful lots of record that do not comply with the lot area and width requirements of this ordinance are considered buildable provided that all setback requirements can be met. In cases where setback requirements cannot be met, variances may be granted by the Zoning Board of Appeals provided that potable water supply and safe sewage disposal facilities can be provided.

Article XVI - Violations & Penalties

16.1 Violations are a Nuisance Per Se

Any building or structure which is erected, constructed, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained, or used, or any use of a lot which is established, maintained, or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance per se.

16.2 Penalties - Municipal Civil Infractions

1. Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
2. Any person, partnership, corporation, or association who created or maintains a nuisance per se as defined in Subsection 1 above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
3. The Township Zoning Administrator is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
4. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.