

HAMLIN TOWNSHIP

Zoning Ordinance
Ordinance No. 45

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HAMLIN TOWNSHIP
ZONING ORDINANCE NO. 45

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Hamlin Township Planning Commission

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Project No. 51870106

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ARTICLE 1
TITLE

1.01 TITLE

This ordinance shall be known and cited as the Hamlin Township Zoning Ordinance.

ARTICLE 2

PREAMBLE AND PURPOSE

2.01 PREAMBLE

Our zoning ordinance should serve to protect, maintain, and enhance the health, safety, quality of life, and general welfare of the people of Hamlin Township. It should reflect our desire to preserve the open space, natural beauty, and aesthetics of our township. It should conserve, protect, and defend from waste our natural resources, our shorelines, air, soil and minerals, our forests, waters, and wildlife.

2.02 PURPOSE

An ordinance for the establishment of zoning districts in the unincorporated portions of Hamlin Township, within such districts the use of land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated, or prohibited and for the adoption of such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings; buildings; and structures that may hereafter be erected or altered, including tents and recreational vehicles, may hereafter be erected or altered and for the regulation of the area of yards, courts, and other open spaces and the sanitary, safety, and protective measures that shall be required for such dwellings, building, and structures, including tents and recreation vehicles, and for the designation of the maximum number of families that may be housed in buildings, dwellings, and structures, including tents and recreational vehicles, hereafter erected or altered.

ARTICLE 3 DEFINITIONS

3.01 RULES APPLYING TO THE TEXT

For the purpose of this ordinance, certain terms and words are herewith defined as follows:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural number, and words in the plural number include the singular number.
- C. The word "building" includes the word "structure."
- D. The word "shall" is mandatory, not directory.
- E. Any words not herein defined shall be construed as defined in the State Building Code of Michigan and amendments thereto.

3.02 DEFINITIONS OF TERMS:

ACCESSORY BUILDING

A building, including shipping containers, on-site ground based solar panels; building mounted solar collectors and metal carports, subordinate to and located on the same lot with a main building or to the use of the land that is not attached by any part of a common wall or common roof to the main building.

ACCESSORY USE

A use of a building, lot, or portion thereof among other things the term Accessory Use includes the storage or parking of vehicles, equipment, or machinery that is customarily incidental and subordinate to the principal use of the main building or lot.

AGRICULTURAL LAND

Substantially undeveloped land devoted to the production of plants and animals useful to human, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

AFTER THE FACT LAND USE (ZONING PERMIT)

Any required permit that was not obtained prior to any work commencing as stated in Article 4, Section 4.01 "General Regulations."

ANIMALS

- A. Household Pets: Dogs, cats.
- B. Mid-Size Animals (up to 50 lbs. adult weight): Pygmy goats (excludes billy goats), pot belly pigs (excludes boars), miniature horses (excludes stallions), and alpacas.
- C. Poultry, Fowl, Rabbits: Chickens, turkeys, ducks, geese, guinea fowl, pigeons, pheasants, rabbits. Excludes roosters in R-1, R-2 and Commercial
- D. Recreational Animals: Horses (excludes stallions), donkeys (excludes stallions), mules, llamas.

AUTOMOBILE BODIES

Any motor vehicle which is unable to be driven upon the highway under its own power and/or which lacks all of the necessary component parts to make it operative, serviceable, and/or licensed as a motor vehicle.

AUTOMOBILES/TRAILERS SALES AREA

Any space used for display, sale or rental of motor vehicles or trailers, in new or used operable condition and no repair work is done.

BAIT SHOP

A building or part of a building or structure where live and dead bait and fishing tackle are sold at retail to the public as a principal or incidental operation.

BARN

An outlying farm building of the storing of grain or animal feed and the housing of farm or recreational animals.

BASE (net) DENSITY

The number of single family detached dwellings used that would be permitted in a given zoning district when Master Parcel is developed under the conditions spelled out in the Zoning Ordinance.

BASEMENT

A portion of a building or a portion of a room located partly below and partly above grade in which the vertical distance from grade to the floor below is greater than the vertical distance from grade to the ceiling.

BED AND BREAKFAST

A private residence that offers sleeping accommodations to transient tenants in 14 or fewer rooms for rent, is the innkeepers' residence in which the innkeeper resides while renting rooms to transient tenants, and serves breakfast.

BOARDING OR LODGING HOUSE

A use that is subordinate to the principal use of a dwelling as a single-family dwelling unit in which persons reside for more than 7 days at a time on a non-transient basis in return for payment, excluding bed and breakfast establishments.

BOAT LIVERY

A boathouse or dock on a lake or other body of water, where boats are let for hire usually on an hourly, daily or weekly basis. Boats may be powered, sail craft, personal watercraft or human powered (rowboats, paddleboats, canoes or inflatable boats). The primary use of the boats is recreational.

BOATHOUSE

A residential accessory building that is located entirely or partially upon a body of water and used primarily for the housing or storage on one (1) or more boats and other items of personal property used for boating, fishing and/or swimming purposes. Such structures shall not be used for guest or sleeping quarters, saunas or dwelling purposes.

BUILDING

A structure erected on site, a mobile home or mobile structure, or a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface.

CAMP

A collection of buildings, huts, RV'S or tents in which people stay temporarily for a certain purpose.

COMMERCIAL RECREATION ESTABLISHMENT

Commercial establishments related to recreational activities, such as but not limited to billiard or pool halls, indoor theaters, bowling alleys, miniature golf courses, driving ranges, skating rinks, and video arcades.

CONSERVATION EASEMENT

Term as defined in Section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

CRITICAL DUNES

Sand dune areas designated on the Department of Natural Resource's Atlas of Critical Dunes.

DAY CARE HOME

In accordance with state and federal regulations and requirements;

- a. ADULT A private residence with the approved capacity to received six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult day care home licensee must be a member of the household and an occupant of the residence.
- b. FAMILY A private home in which more than one (1) but less than seven (7) minor children are received for day care and supervision or periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- c. GROUP A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

DENSITY

The number of single family detached dwellings that are permitted per acre in a given zoning district.

DOG KENNEL

In accordance with the Dog Law of 1919 287.270 Section 10 & restrictions & inspections set up by the board at the time of Dog Kennel approval in 83 and in accordance with regulations No. 129 of Michigan Department of Agriculture and in conformity with Section 10 of Act No. 339 of Public Acts of 1939 as last amended.

DWELLING:

a. MULTIFAMILY

A building designed for and containing three or more dwelling units.

b. SINGLE-FAMILY

A building designed for and containing one dwelling unit.

c. TWO-FAMILY

A building designed for and containing two separate dwelling units.

d. UNIT

A building or a part of a building having a separate entrance and having separate living, kitchen and bath areas.

EARTHBOUND HOME

A dwelling unit that is designed to be energy-efficient with sides partially or completely below grade.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or Hamlin Township departments or commissions of underground or overhead, gas, electrical, steam, or water transmission or distribution systems; collections; communications; supply or disposal systems, including poles, wires, mains, drain, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electrical substation buildings, and other similar equipment and accessories in connection therewith, but not including any buildings except those expressly preferred to herein, reasonably necessary for the furnishing of adequate service by such public utilities or Hamlin Township departments or commissions and for the public health, safety, or general welfare. Excluding communication towers (including transmission towers for radio, television, cellular, personal communication services, or similar communication towers).

FAMILY

One or more persons living together as a single, nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, association, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

FAMILY CHILD CARE HOME AND GROUP CHILD CARE HOME

Terms as defined in Section 1 of the 1973 PA 116, MCL 722.11, and only apply to the bona fide private residence of the operator of the family or group child care home.

FARMING

All of the unplatted, contiguous, neighboring, or associated land operated as a single unit on which agricultural operations are conducted by the owner-operator, manager, or tenant farmer by his or her own labor or with the assistance of members of his or her household or hired employees, however, provided further that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms, and similar specialized agricultural enterprises may be considered as farms; establishments keeping or operating fur-bearing animals, but game fish hatcheries, dog kennels, stock yards, slaughterhouses, stone quarries, or gravel or sand pits shall not be considered farms or bona fide farm operations on the same continuous tract of land. Also, premises operated as fertilizer works; bone yards; piggeries; animal matter reduction operations; or operations for the disposal of garbage, sewage, rubbish, offal, or junk shall not constitute a farm hereunder.

FENCE

A structure that serves as a barrier or screen.

FLOOR AREA

The area of the ground floor computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breeze ways, carports, verandas, garages, unfinished attics, attic floor areas with less than a 5-foot vertical distance from the floor to the finished ceiling, basements, and mobile home extenders and decks.

GARAGE

Any building designed for the housing of vehicles.

GEOGRAPHIC INFORMATION SYSTEM (GIS)

A method of inventorying special information for analysis and mapped display.

GRADE

That surface of finished earth material located adjacent to a building or structure or the degree of inclination of a road or slope.

GREENHOUSE

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for cultivation of delicate or out-of-season plants for personal enjoyment. Any greenhouse that is 200 sq. ft or less shall be considered a shed. If a shed is present then it will be considered an accessory building if it's not removed by end of season. Any greenhouse up to 960 sq.ft. shall be considered an accessory building if it's not considered a shed or not removed by end of season.

GREENWAY

A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other for recreation and conservation purposes.

GROSS DENSITY

Density figured on a mathematical basis with no regard to topography and/or natural features, which may make portions of the land unbuildable.

HABITABLE DWELLING

A building containing a dwelling unit that has been issued a Certificate of Occupancy by the Mason County Building Inspector and which is safe, closed against the weather, fit for its intended use as a residence and served by running water, sanitary sewer facilities, heating and electricity.

HOME OCCUPATION

A gainful occupation or profession that is traditionally or customarily carried on by an inhabitant of a dwelling unit as a use that is clearly incidental to the use of the dwelling unit for residential purposes and, therefore, not involving the conduct of a manufacturing business of any kind on the premises.

IMPROVEMENTS

Features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

JUNK

Used articles or used pieces of iron; scrap metal; automobile bodies; parts of machinery; junked or discarded machinery; used lumber; ashes; garbage; industrial byproducts or waste; empty cans, food containers, or bottles; crockery; utensils of all kind; boxes; barrels; and all other articles customarily considered trash or junk and that are not housed in a building.

JUNK VEHICLE

Any unlicensed vehicle or vessel that is inoperable for a period in excess of six months.

KENNEL

1. **Kennel** A place of business or facility housing 5 or more dogs that have permanent canine teeth, in which;
 - i. Dogs owned by persons other than the business or facility are given training, boarding or groomed for compensation;
 - ii. Is maintained by public or private funds which serve as a temporary shelter for holding lost, stray or abandoned dogs;
 - iii. Dogs are trained as guides for visually, physically or hearing impaired;
 - iv. Is maintained and operated as a business for breeding, buying, selling or bartering of dogs for profit or compensation.
2. **Personal Kennel**: An accessory to an occupied residence on which up to seven (7) dogs four months old or older are kept in a kennel for purposes of show, hunting, stock raising, sledding or other personal uses.

LANDSCAPE

Landscape consists of two (2) elements – hardscape and softscape.

1. **Hardscape** refers to the solid, hard elements in landscape design that stay the same for years. Some examples of hardscape are rocks, walkways, retaining walls, paver patios, water features, deck and driveways.
2. **Softscape** is unlike hardscaping in that it doesn't have that long-term or permanent quality. It is the living animated part of a landscape. Softscape comprises the other elements such and soil, plants, shrubs, trees, flowers, vegetables, vines, turf and color schemes.

LEGISLATIVE BODY

County Board of Commissioners of a county, the board of trustees of a township, or the council or other similar elected governing body of a city or village.

LIGHT, FULL CUT OFF

A light fixture which cuts off all upward transmission of light.

LOCAL UNIT OF GOVERNMENT

County, Township or Village.

LOT;

- **AREA**
The total horizontal area included within lot lines, excluding road rights-of-way.
- **CORNER**
A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any

two chords of which form an angle of 135 degrees or less, as measured on the lot side.

- **COVERAGE**

The land covered by all buildings or any other structures on a lot, including all projections. The first 24 inches of roof eaves and overhangs are not included in building coverage. The area of any wooden, concrete or masonry deck, porch or patio area that is at ground level or not over eighteen (18) inches from ground level shall not so be included provided such structure is not covered by a roof.

- **DEPTH**

The mean horizontal distance from the road right-of-way to the rear line.

- **PARCEL**

Land occupied or to be occupied by a principal use and its accessory buildings having the required frontage on a street. Lot area shall not include any part of a public right-of-way. Two parcels separated by a road can, by affidavit recorded in Mason County, be considered abutted for zoning purposes only. In the case of a site condominium, the units must meet the requirements of a lot under the ordinance and shall then be considered to be the equivalent of a lot.

- **WIDTH**

The mean horizontal distance from the side lot lines, measured at the required front setback line.

MINERAL EXTRACTION OPERATION

The extraction and/or excavation of sand, gravel, topsoil, clay, earth, marl, peat, or any other nonrenewable earth material not regulated in the Mine Reclamation Act, Act 92 of the Public Acts of 1970, as amended, in a regular commercial operation by excavating directly from such resources lying exposed in their natural state or by removing any overburden lying above such resources.

MOBILE HOME

A structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. "Mobile home" does not include a recreational vehicle.

MOBILE HOME PARK

A parcel or tract of land upon which three or more mobile homes are located on a continuous, non recreational basis that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for the occupancy of a mobile home.

MOTEL/HOTEL

A building or structure, or group of buildings or structures, consisting of three (3) or more sleeping units, for rent on a temporary basis as lodging, with or without food service.

NONCONFORMING BUILDING, USE, OR LOT

A building, use, or lot that was lawful under the terms of the ordinance in effect at the time of its construction or origination but that, under the terms of this ordinance as enacted or amended, is no longer permissible because of requirements regarding the height, yards, size, area, coverage, orientation, or other characteristics.

NURSERY

Building(s) or structure (s) and lands associated with/for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools, implements and/or supplies which are

sold at retail or wholesale.

OFFICE

A room, suite of rooms, or building in which desks; chairs; tables; couches; bookcases; or accounting, filing, recording, communications, and/or stenographic equipment are located for current use in the office business and in which personnel engaged in executive, administrative, professional, political, informative, research, and/or clerical duties and in which other similar, related, or incidental furniture, equipment, or personnel connected or concerned with the performance of a personal service.

ORDINARY HIGH WATER MARK

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where the water returns to its natural level as a result of the permanent removal or abandonment of a dam, it means the natural, ordinary high water mark.

OUTDOOR LIVING AREA

An outdoor area with permanent or built-in indoor living features. Features may include: and area rug, stone, tile or wood, marking a distinct edge (area). The area may or may not be covered or partially covered. The area which is not attached to the primary residence may be marked by walls, barriers, or other forms of containment which defines the borders. Border walls may not exceed 7 feet in height. Features may include furniture allowing relaxation and/or entertainment items and beverages. The area may include grills, refrigerators, sinks and countertops with bar stools. They may also include patio heaters and fireplaces. One (1) outdoor living area may be permitted in all zoning districts except Commercial and Industrial. The outdoor living area will not be used as a primary living area. The outdoor living area shall be counted as an accessory building for purposes of determining the maximum size of all accessory buildings under Section 4.06. (Eff. 1/26/19)

PERSON

An individual, partnership, corporation, association, governmental entity, or other legal entity.

POND

Any body of water 5 acres or less not meeting the definition of swimming pool or water garden shall be termed a pond.

POPULATION

Population according to the most recent federal decennial census or according to a special census conducted under Section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the most recent.

PRIMARY RESIDENTIAL STRUCTURE

A primary residential structure is that residential structure with the highest assessed value.

PRINCIPAL BUILDING

The building or structure for which the primary approved or principal use takes place.

PRINCIPAL USE

The primary intended or approved use.

PUBLIC OR INSTITUTIONAL USE

Churches; accredited public, parochial, or private schools; trade schools or colleges; hospitals and elderly-care facilities; parks and nonprofit recreational uses; libraries; government-owned facilities; cemeteries; and fire stations or similar uses providing service necessary to the community.

PUBLIC STORAGE FACILITY

A privately owned warehouse, rented or leased, for storage of the public's private possessions.

RECREATIONAL VEHICLE

A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers.

RENTAL CABIN

Any building or structure that is maintained, offered, or used for overnight sleeping quarters or for temporary occupancy by transients.

RESORT

Any site, lot, field, tract, or parcel of land on which two or more rental cabins or a lodge are located for recreational purposes.

SETBACK **

The minimum horizontal distance a building or structure or any portion thereof is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

****Also interpreted as 'the farthest point protruding from the structure', i.e., overhang, gutters, etc., by the Zoning Board of Appeals on 03/24/2014.**

SHORT TERM RENTALS

Any short term dwelling unit or portions thereof, in which the owner does not reside, that are available for use for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days. Resorts, motels and certified bed and breakfast establishments are not included. See Article 28 for standards.

SIGN

Any structure, device, material, or thing that displays numerals, letters, words, trademarks, or other representation used for direction or designation of any person, firm, organization, place, product, service, business, or industry that is located upon any land or any building in or upon a window or indoors in such a manner as to attract attention from outside the building.

- A. **Billboard:** Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment that is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed, or fabricated on such land.
- B. **Business Sign:** A sign that advertises goods or services offered on the premises of a permitted commercial or industrial business operation.
- C. **Directional Sign:** Any structure on the same premises it identifies that serves;
 - only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution;
 - only to tell the name or address of a multifamily development, subdivision, or mobile home park; or
 - only to inform the public as to the use of a parking area.

- D. Nameplate: A structure affixed flat against the wall of a building that serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- E. Real Estate Sign: Any temporary structure used only to advertise with pertinent information on the sale, rental, or leasing of the premises upon which it is located.
- F. Subdivision Sign: A sign that advertises the entrance to a residential development, including subdivisions, site condominium developments, mobile home parks, and multifamily dwellings.

SIGN AREA

The surface of a sign used to convey the message, exclusive of necessary supports or any appurtenances required by the building code. The area of open sign structures consisting of letters or symbols without a solid surface in between shall be calculated as the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double-faced sign that is constructed back-to-back as a single unit shall be calculated according to the surface area of one side only.

SITE PLAN

Documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

SOLAR PANELS

A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.

- 1. On-Site Ground Based Solar Panels

A solar collector with a base or foundation directly attached to the ground.

- 2. Building Mounted Solar Collection Panels

Any solar collector mounted on roof or side walls of a main or accessory building.

STAND

A structure designed for the purpose of selling locally produced products.

STATE LICENSED RESIDENTIAL FACILITY

A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

STORY

That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds 5 feet, the basement or cellar constituting the story partially below grade shall be counted as a story.

STORY, HALF

A story that is situated within a sloping roof, the area of which, at a height of 4 feet above the floor, does not exceed two-thirds of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in the story below.

STRUCTURE

Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on the ground. This term shall include tanks, towers, advertising

devices, bins, or other support used for business or living purposes. The word 'structure' shall not apply to wires and their supporting poles, to frames of electrical or telephone utilities, to service utilities located below the ground, to fences, lawn ornaments or landscaping decorations.

SWIMMING POOL

A water filled structure in or above ground, with a continuous circulatory system with an average depth of over two feet, the primary use being for swimming.

TOWERS

Any free standing, commercial structure over 28 feet in height; the purpose of which is to support communication and/or data gathering equipment or instrumentation.

TRAVEL TRAILER

A vehicular portable unit built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation, not exceeding eight(8) feet in width, or 35 ft. in length and including folding campers and truck mounted campers. Vehicle shall be road worthy and street legal.

WATER GARDEN

A water- confining decorative landscape structure in or above ground with a continuous water circulation system with a maximum depth of two (2) feet in any one place.

WETLAND

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal conditions does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WIND TURBINES "WIND ENERGY CONVERSION SYSTEM" (WECS)

Any installation including all accessory and equipment used to convert wind energy to electrical energy.

YARD

A required open space unoccupied and unobstructed by any structure or building or portion thereof from 18*inches above the general ground level of the lot upward, provided, however, that fences, walls, poles, posts, sandboxes, children's play equipment, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

- Front Yard: A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the nearest point of the principal building, as measured by a perpendicular straight line drawn along the shortest distance between the right-of-way line and the nearest point of the principal building.
- Rear Yard: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest point of the principal building, as measured by a perpendicular straight line drawn along the shortest distance between the rear lot line and the nearest point of the principal building.
- Side Yard: A yard between a principal building and the side lot line extending from the front of the main building to the rear of the principal building, as measured from the nearest point of the side lot line to the nearest part of the principal building or that part of the yard not included within the front or rear yard.

YARD SALE / GARAGE / ESTATE / MOVING / PORCH / BASEMENT

Sales open to the public held on private property for purpose of disposing of unneeded/unwanted items.

ZONING COMMISSION

Zoning commission as described under Section 301.

ZONING JURISDICTION

Area encompassed by the legal boundaries of a city or village or the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to a township zoning ordinance.

DEFINITION NOTE

All other definitions refer to the Michigan Zoning Enabling Act PA 110 of 2006, as amended, MCL 125.3101, et seq (effective 1-1-2006); Current as of Public Act 12 of 2008.

**ARTICLE 4
GENERAL PROVISIONS**

4.01 GENERAL REGULATIONS

No building, fence, or structure shall be erected nor shall any existing building be altered, enlarged, moved, or rebuilt without the issuance of a zoning permit. Also, no open space surrounding any building shall be encroached upon or reduced in any manner except in conformance with the yard, lot, area, and building location regulations hereinafter designated for the zone in which such building or open space is located except as otherwise specifically provided. No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as a yard or open space for any other building. The zoning permit shall be valid for a period of 1 year. A zoning permit issued for which all construction has not been completed within one year shall expire automatically and all work on the project shall cease until the zoning permit is renewed. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable annually for a fee as set by the Township Board of Trustees.

4.02 WATERFRONT BUILDING OR STRUCTURE

Any building or structure, except boathouses, docks, piers, retaining walls, and erosion control devices, constructed by a lake, pond, stream, or river shall be set back at least 35 feet from the waterline established by the Michigan Department of Natural Resources (MDNR). No waterfront structure or building shall exceed 28 feet in height.

4.03 BOATHOUSES

Boathouses shall have a 4-foot sideline setback and shall not exceed 16 feet in height or have an area greater than (768) seven hundred sixty eight square feet. A boathouse shall be counted as an accessory building for purposes of determining the maximum size of all accessory buildings under Section 4.06.

4.04 ACCESSORY BUILDINGS IN LIEU OF BOATHOUSES

- A. If a lot owner wishes to construct an accessory building in lieu of constructing a boathouse, or removes an existing boathouse along with any piling or associated items (but not necessarily including the removal of a dock) an accessory building not exceeding (100) one hundred square feet with a maximum of (7) seven-foot side walls may be erected. Setbacks shall be (18) eighteen feet from the water's edge or (6) six feet from the landward side of an existing slip with a minimum side yard setback of (4) four feet from any side lot line. Such accessory building shall be included for the purposes of determining the maximum square footage of all accessory buildings under Section 4.05. Such accessory buildings shall meet all other requirements for accessory buildings. Where an accessory building is constructed in lieu of a boathouse, no boathouse shall thereafter be constructed upon the lot or parcel unless such accessory building is removed.
- B. Storage of hazardous materials. Hazardous materials will be limited to (6) six gallons of fuel mixture in addition to the fuel tanks from the boats. Care shall be exercised to eliminate spillage.

4.05 RECREATIONAL ANIMALS, POULTRY, OR RABBITS MID SIZE ANIMALS (UNDER 50 LBS ADULT WEIGHT)

- A. No building or structure to be used for the purpose of housing Recreational Animals, or Mid Size Animals (under 50 lbs. adult weight) shall be erected within 100 feet of any dwelling including any residence upon the premises where the animals are kept. (All zones except AG.)
- B. Owner or care giver of animals must live on property. (All zones.)
- C. Housing of animals must be clean and dry with adequate ventilation for appropriate climate. (All zones.)
- D. Setbacks:
 - Recreational Animals: 100 feet from all property lines and residences (including own) and one (1) acre minimum fenced in area. (All zones except AG.)
 - Rabbits, Poultry, or Mid Size Animals (under 50 lbs. adult weight): 50 feet from all property lines. (All zones except AG.)
- E. Manure to be handled in such a manner that an odor problem does not occur. (All zones.)
- F. Fencing appropriate for animal containment in accordance with Hamlin Township Zoning Ordinance 45, Article 4 page 4-5 Section 4.07. (All zones.)
- G. Appropriate fly control. (All zones.)
- H. Sufficient water year round. (All zones.)
- I. No breeding of animals for commercial use. (All zones except AG.)
- J. No slaughtering on premises. (All zones except AG.)
- K. No product from animal to be sold on premises; i.e., eggs. (All zones except AG.)
- L. Splits: “Special Land Uses” goes with the parent parcel and splits cannot make parent parcel out of compliance with ordinance. (All zones.) **Note:** Animals/ Acres in Permitted & Special Land Use sections. (All zones.)
- M. All animals will be restricted to the side or rear yard, with the exception of waterfront lots. All animals on waterfront lots shall be restricted to the area between the road right of way and the principal dwelling or side. (All zones except AG.)
- N. Limits defined are ADULT animals.
- O. Equidae shall have an annual Coggins Test.
- P. Up to two (2) horses shall require a minimum of one (1) acre fenced land for containment. Each additional horse will require an additional one (1) acre of fenced land.

4.06 ACCESSORY BUILDINGS AND STRUCTURES

- A. Garages: A lot or parcel that contains a principal building or structure may have one garage not exceeding (960) nine hundred sixty square feet, whether such a garage is attached or unattached.
- B. Accessory Buildings: In addition to a garage allowed under Subsection A above, each lot or parcel may have accessory building(s) totaling not more than the following maximum square footage for all accessory building(s) combined other than the garage as provided in Subsection A.

Acres	Maximum Square Footage
Less than 1 Acre	960

1.0 - 2.99	1200	
3.0 - 4.99	1600	
5.0 - 7.99	2300	
8.0 - 9.99	2700	
10 and up	3200	(approved 9-2003)

Agricultural buildings in agricultural zoned areas are exempt from the above accessory building.

1. Splitting of Parcels: No parcel may be split or divided in such a way as would result in accessory buildings exceeding the above limitation or that would result in accessory buildings on parcels for which no principal building or principal use is located for which such accessory building or buildings would be permissible. For lots or parcels greater than (1) one acre, where the maximum square footage of all accessory buildings exceeds (960) nine hundred sixty square feet, an Affidavit shall be recorded with the Register of Deeds describing the lot or parcel and indicating that the property owner must check with the Hamlin Township Zoning Administrator to make sure that a division or split of the parcel does not result in a violation of the Hamlin Township Zoning Ordinance.
 2. Exterior Lighting: Exterior lighting affixed to accessory buildings shall be of full cut off type and adjusted to minimize light trespass and glare.
- C. No accessory building, structure or use shall be permitted on any parcel within the township that does not contain a principal building or structure. All splits and/or divisions must comply with Section 4.06 (B) (1) of this Ordinance.

4.07 FENCES AND WALLS

Fences and walls shall be permitted, subject to the following conditions:

A. All Districts:

1. All fences shall be erected with fence posts and supports on the interior side except for the purpose of fencing farm animals and livestock, in which case posts and supports may be on the exterior side but within the property line.
2. Under no circumstances shall a fence be constructed of used or discarded materials, including but not limited to pallets, tree trunks, trash, tires, junk, or other similar items. A fence or wall shall be built with a customary building component such as wood, brick, concrete block, wrought iron, decorative metal, chain link, composite fencing, or other product specifically manufactured for fences and walls. All fences and walls must be maintained so that they remain substantially vertical and in good repair.
3. Fences may be located on the property line but may not extend into any road, utility, and railroad right-of-way or onto adjacent property.
4. Fence heights shall be measured from the surface of the ground immediately below the location of the fence.
5. Fences for swimming pools shall be permitted as required in Section 4.12.
6. Fences shall not be located within 17 feet of the normal high-water mark of a lake or stream.
7. All fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.

8. Retaining walls are exempt from these fence and wall provisions.
- B. Agricultural Districts: Fences on lots having a lot area in excess of 5 acres and not included in the boundaries of a recorded plat or a site condominium subdivision shall only be required to meet the provisions in Paragraph A., above, provided that any fence located within 30 feet of a road right-of-way shall meet the following conditions:
1. Fences not more than 4 feet in height are permitted if they are not more than 25 percent solid.
 2. Fences not more than 3 feet in height are permitted if they are more than 25 percent solid.
- C. Residential Districts:
1. Fences not greater than 6 feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure or the required building setback, whichever is furthest from the road right-of-way
 2. Fences up to 4 feet in height are permitted in the front yard if they are not more than 25 percent solid.
 3. Fences up to 3 feet in height are permitted in the front yard if they are more than 25 percent solid.
 4. Fences shall not contain barbed wire, razor wire, spikes, or electric current. Electric fence may be used in conjunction with a containment fence for recreational animals, provided the electrical fence is installed on the interior of the containment fence. An electrical fence may not be used alone as a containment fence. Warning signs are required. This excludes agricultural district.
- D. Commercial and Industrial Districts:
1. A chain-link, protective fence not in excess of 6 feet in height is permitted in all yards.
 2. Fences in "C" Districts shall not contain barbed wire, razor wire, or electric current. Electric fence may be used in conjunction with a containment fence for recreational animals, provided the electrical fence is installed on the interior of the containment fence. An electrical fence may not be used alone as a containment fence. Warning signs are required. This excludes agricultural district.

4.08 HEALTH, SANITATION, AND WELFARE REGULATIONS

- A. No building or structure, except earthbound homes, the major portion of which consists of a basement, shall be occupied by a person for living or sleeping purposes.
- B. No open ditch, drain, pond, basin, or other similar device shall be used or maintained by any person, firm, association, or corporation of the township that shall be a menace to or endanger the health, comfort, and well-being of the residents of the said township, the public, or surrounding territory. No sewage or contaminating material shall be used or maintained by any person, firm, association, or corporation that shall harbor mosquitoes, larva, or disease-carrying insects or that shall emanate

obnoxious odors.

- C. No public dumping, except as approved by the township and/or licensed by the State of Michigan, shall be created or maintained within said township; and no person, firm, association, or corporation shall dump, deposit, leave, or abandon any scrap or waste material of whatsoever nature any place within the township.
- D. The accumulation of debris, junk, junk vehicles, or other refuse on any premises in any zoning classification is prohibited and deemed to be a violation of this ordinance.
- E. Camping, including the residential use of tents, trailers, tent campers, motor homes, or similar camping accommodations, is prohibited within the township except under the following conditions:
 - 1. Camping is allowed in licensed campgrounds within the township that are authorized under this ordinance and approved by the county health department.
 - 2. Temporary camping is allowed by a property owner and his or her immediate family members for no more than ninety (90) days in any calendar year upon land within the township that is owned and occupied by the property owner and which a habitable dwelling exists, provided that separate water (well and pump or public water service) and sanitary sewer (septic tank, dry well, and tile field or public sewer) facilities approved by the county health department are available on the property for their use. Such water and sanitary sewer facilities must be separate from and in addition to the water and sanitary sewer facilities serving the habitable dwelling. Under no circumstances shall more than one (1) camper, trailer, tent, tent camper, motor home or similar camping accommodation be used for temporary camping on the property under this subsection.
 - 3. No more than one (1) camper, tent, trailer or recreational vehicle may be allowed for temporary occupancy purposes pursuant to Section 4.08 (F) during the construction of an on-site principal dwelling, but only in strict accordance with the regulations set forth in Section 4.08 (F)
- F. No building, recreational vehicle, tent, garage, cellar, basement, or other structure that does not conform to the provisions of the ordinance relative to dwellings shall be erected, altered, or moved upon any premises and used for dwelling purposes except under the following applicable limitations for temporary occupancy:

Such use of any such building, recreational vehicle, tent, garage, basement, or other structure shall not be inimical to the health, safety, or public welfare. Septic tanks and wells shall be constructed and maintained in accordance with all state and county regulations.

 - 1. The location of each such building, garage, cellar, basement, or other structure shall conform to the regulations governing the yard requirements for dwellings or similar conformable structures in the district in which the building is situated.
 - 2. Such use of any building, recreational vehicle, tent, garage, cellar, basement, or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period of construction on the site of a dwelling conforming to the provisions of this ordinance; provided, however, that such a period shall not exceed 12 months, beginning with the date of issuance of the permit. Furthermore, no such temporary occupancy or temporary use shall be allowed unless a building permit has been issued. Construction of the permanent residence must commence within 30 days of temporary occupancy. The permit may be renewed after 1 year, providing satisfactory

progress has been achieved as reviewed by the zoning administrator.

4.09 STORMWATER MANAGEMENT

Special attention shall be given to proper site drainage so that runoff of storm water will not adversely affect neighboring properties or the surface water quality of the township's lakes and streams. The following criteria will be taken into consideration:

- A. Where there is existing development or where adjacent lands have been subdivided, the grades about the new development or construction shall follow the grades of existing structures or lots.
- B. Construction shall incorporate existing grades, natural features, wetlands, and watercourses on the site to the maximum extent feasible.
- C. Drainage shall be planned with the following consideration in mind;
 - 1. Limitation of land disturbance and grading.
 - 2. Maintenance of vegetative buffers and natural vegetation.
 - 3. Minimization of impervious surfaces.
 - 4. Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales, water gardens, or other water containment processes.
 - 5. Use of infiltration devices.
- D. Where the grade on a site is in any way to be increased above existing grades of the adjacent properties, the owner of the property shall, upon application for a Zoning Permit, submit a certification signed and sealed by a Registered Land Surveyor or a Civil Engineer stating the existing and proposed grades changes will not adversely affect adjoining properties or watercourses.
- E. Storm water management practices shall comply fully with the published standards of the Mason County Drain Commission. The Mason County Drain Commission shall conduct a site inspection and request a Site Plan Review if needed.

4.10 EASEMENT AND DRAINAGE SETBACKS

All principal and accessory structures shall be set back at least 10 feet from all public and private easements and the upland edge of all drainage ditches.

4.11 ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or governmental units, boards, or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith that are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission for the public health, safety, or general welfare is permitted in any zoning district.

4.12 SWIMMING POOLS AND WATER GARDEN

Swimming pools and water gardens may be installed in any district as an accessory use to any principal permitted use if the following conditions are met:

A. Swimming Pools:

1. There shall be erected and maintained a good quality fence not less than 4 feet in height, with posts embedded in concrete at intervals of not more than 8 feet, enclosing the entire portion of the premises upon which such pools shall be installed or entirely surrounding an area in which such pool is located.
2. Pools may be installed only in the side and rear yards of lots in residential districts.
3. Pools shall not be erected closer than 12 feet from the side lot line, 25 feet from the rear property line, and 25 feet from the road right-of-way.
4. Pools may be installed in the front or the rear yard of lots occupied by motels or hotels.

B. Water Gardens:

1. A decorative landscape structure in or above ground with a continuous water circulation system from May 1st to September 30th.
2. Not closer than 25 feet from road right-of-way, 12 feet from the side lot line and 12 feet from the rear property line.
3. Less than 300 square feet total surface area including channels.
4. 2 feet (or less) deep at any one spot.
5. Nuisance species, as defined by the federal and state governments, will not be allowed. Including but not limited to the following: Purple Loosestrife, Eurasian Milfoil, Tilapia, White Amur, and Piranha.
6. Any structure not meeting the definition of swimming pool or water garden shall be termed a pond and will be treated as a Special Land Use.

4.13 STANDS

A structure designed for the purpose of selling locally produced products.

- A. Such displays or stands are to be temporary and will not be located for more than 30 consecutive days in any 1 year.
- B. Such displays or stands are located at least 25 feet from the highway right-of-way line.
- C. Parking areas are available off the road right-of-way for perspective customers.

4.14 YARD SALES

Sale of unneeded or unwanted items on private property open to the general public.

- A. Restrictions:
 1. Such displays are located at least 25 feet from the highway, right of way line.
 2. Parking areas are available off the road right-of-way for prospective customers.
 3. Goods purchased for resale are not allowed.
 4. Three consecutive days limited to three times per year.
 5. All tables and merchandise must be removed at the end of each three day sale.

4.15 HOME OCCUPATIONS AND REGULATIONS

- A. The use of the dwelling unit or related structure for a home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation shall not occupy more than 20 percent of the above-ground floor area of the dwelling unit or 300 square feet, whichever is greater. This requirement shall apply whether the home occupation is contained wholly within the dwelling or utilizes a garage.

- B. There shall be no change in the outside appearance of any building or premises, or other visible evidence of the conduct of such home occupation, excluding signs. Signs are permitted under Article 3; Section 3.58.
- C. Pre-final product materials and the final product of the home occupation shall meet the minimum dimensional regulations as required pursuant to the district in which the home occupation is to be located.
- D. The dwelling unit, or related structure, housing the home occupation shall meet the minimum dimensional regulations as required pursuant to the district in which the home occupation is to be located.
- E. There shall be no sale, rental or leasing of products or services except those that are produced on the premises by such operation. This does not preclude the storage of products not produced on the premises provided that such storage does not exceed the above-stated floor area requirement or constitute a reasonably foreseeable hazard to the occupants or others.
- F. Adequate off-street parking shall be provided on the premises of the home occupation.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of the premises. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- H. Any hazardous waste stored or created by the home occupation must be disposed of properly.

4.16 GEOGRAPHIC INFORMATION SYSTEM (GIS)

Hamlin Township's GIS shows the generalized location of designated critical sand dune areas, wetlands, water resources, property lines, and a variety of other land features. The GIS makes it possible to identify, in advance, certain land and water features on a parcel-by-parcel basis. Thus, these features can be evaluated as part of the development approval process. The GIS will be used as a tool to guide the township in determining whether certain provisions of this ordinance apply. The use of the township's GIS to identify the generalized location of environmental features shall not obviate the need to conduct all field surveys or evaluations that may be required to comply with provisions of this ordinance.

4.17 WETLANDS

Pursuant to provisions of Wetland Protection, Part 303 of the Natural Resources and Environmental Act (P.A. 451 of 1994), wetlands within Hamlin Township which meet any of the following criteria are regulated by the Michigan Department of Environmental Quality:

- A. Wetlands which have direct physical contact or a permanent or intermittent surface water connection to a lake, pond, river, or stream.
- B. Wetlands which are located partially or entirely within 500 feet of a lake, pond, river, or stream or are within 1,000 feet of Lake Michigan.
- C. Whenever there is the presence of wetland on a proposed development site, the property owner or his/her agent shall contact the Michigan Department of Environmental Quality (MDEQ) regarding possible permit requirements. All of the following activities shall be prohibited unless a wetland permit or other written approval authorizing the activity has been obtained from the MDEQ.
 1. Depositing or permitting the placement of fill material in a wetland.

2. Dredging, removing, or permitting the removal of soil or minerals from a wetland.
3. Constructing, operating, or maintaining any use or development in a wetland.
4. Draining surface water from a wetland.

The generalized location of wetlands within Hamlin Township is shown on the Township's geographic information system.

4.18 CRITICAL SAND DUNE AREAS

Critical dune areas are afforded special protection pursuant to provisions of Sand Dunes Protection and Management, Part 353 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994). Construction and other activities within designated critical dune areas are regulated by the Michigan Department of Environmental Quality.

Whenever development is proposed within a critical sand dune area as designated on the Department of Natural Resources Atlas of Critical Dunes, the property owner or his/her agent shall contact the Michigan Department of Environmental Quality (MDEQ) regarding possible permit requirements. Development activities within designated critical sand dune areas shall be prohibited unless the appropriate permit or other written approval authorizing the activity have been obtained from the MDEQ.

The generalized location of designated critical dune areas within Hamlin Township is shown on the Township's geographic information system. \\

4.19 .NOTICES, PUBLICATIONS, MAIL OR PERSONAL DELIVERY REQUIREMENTS

Refer to the Michigan Zoning Enabling Act, as amended, (Current as of Public Act 12 of 2008);

Section 125.3103 (Section 103)

Sub-Section 125.3202 – Number 2 and 3; Section 202.

Sub-Section 125.3401 – (Section 401) Number 4.

Sub-Section 125.3402 – (Section 402)

4.20 HAMLIN TOWNSHIP MEDICAL MARIJUANA DESIGN STANDARDS.

- A. A primary caregiver special occupation is the only primary caregiver activity permitted. All other medical marijuana operations, businesses, and establishments, including without limitation dispensaries, storefronts, cooperatives, bars, clubs and similar operations for the combined cultivation, processing, transference, storing, dispensing, delivery, consumption and/or use of medical marijuana by two or more primary caregivers and/or qualifying patients are prohibited.
- B. Not more than one (1) primary caregiver shall be permitted to service qualifying patients per dwelling unit.
- C. A primary caregiver special occupation shall be permitted in a single-family dwelling, which may include a structurally attached or detached garage, provided that such activity is conducted in accordance with the Michigan Medical Marijuana Act (MMMA) and the provision of this ordinance.
- D. All medical marijuana must be grown and contained within an enclosed, locked facility, as provided by the MMMA.
- E. The dwelling in which a primary caregiver special occupation takes place shall not be located within 1,000 feet of the property line of a school or library to insure community compliance the Federal "Drug-Free School Zone" requirements.
- F. The dwelling in which primary caregiver special occupation takes place shall not be within 1,000 feet of the nearest property line of a church, daycare facility, or public park.
- G. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, or harvesting of marijuana are located.
- H. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11 pm and 7 am shall employ shielding methods, without alternation to the exterior of the residence, that prevent ambient light spillage.
- I. A primary caregiver home occupation shall not bear on the premise any singe, emblem, display, or other mark indicating the presence of the activity or the special occupation.
- J. This primary caregiver home occupation shall allow an individual to operate a as registered primary caregiver only as defined by and in compliance with the rules of the Michigan Medical Marijuana Act (MMMA) and the rules of this ordinance. Nothing in this ordinance is intended to grant, not shall they be construed as granting, immunity from criminal prosecution under Federal Law.
- K. Property owner must submit an application to the Zoning Administrator detailing the scope. Application will be kept CONFIDENTIAL BY THE ZONING ADMINISTRATOR.

ARTICLE 4A DANGEROUS STRUCTURES

4A.01 PURPOSE AND INTENT

In order to protect the safety and health of the residents of Hamlin Township and to ensure that buildings within all zoning districts are maintained in a safe and orderly condition, the township board of trustees finds it necessary to eliminate dangerous structures within all zoning districts, to compel property owners to repair, remediate, or remove dangerous structures existing within the township, and to establish legal remedies for the removal or remediation of dangerous structures.

4A.02 DEFINITION OF “DANGEROUS STRUCTURE”

As used in this Article, the term “dangerous structure” means any building or structure situated within the township that is in one or more of the following defective conditions:

- A. The building or structure, or a portion of the building or structure, has been damaged by fire, windstorm, ice, precipitation, fallen trees or debris, lightning strike, flood, insect or rodent infestation, erosion, subsurface settling, deterioration, decay, rot, infiltration by roots, vegetation growth, or other cause, and the building or structure, or any portion thereof, is likely to fall, cave in, fully or partially collapse, become detached or dislodged, or give way.
- B. The building or structure, or a portion of the building or structure, has been damaged by fire, windstorm, ice, precipitation, fallen trees or debris, lightning strike, flood, insect or rodent infestation, erosion, subsurface settling, deterioration, decay, rot, infiltration by roots, vegetation growth, or other cause, and the building or structure is uninhabited or vacant and no steps have been taken to repair the damage.
- C. The building or structure, or a portion of the building or structure, is likely to fall, collapse, or give way as a result of faulty construction, decay, removal or weakening of the substructure, settling or erosion of underlying or adjacent soil or ground, or deterioration of any foundation or other component part.
- D. The building or structure has been damaged by fire, windstorm, ice, precipitation, fallen trees or debris, lightning strike, flood, insect infestation, erosion, subsurface settling, deterioration, decay, or other casualty, and has become an attractive nuisance to children who could be injured playing in, upon, or near the building or structure.
- E. The building or structure is a dwelling or a partially completed dwelling, is situated within a residential zoning district, and has been determined by the zoning administrator, county building inspector, local health officer, or a local health department official to be unfit for human habitation or unsanitary because of the presence of garbage or filth, dangerous wiring, improper ventilation, lack of running water, lack of sewer or septic facilities, insect or rodent infestation, dangerous mold or fungus growth, diseased or dead animals, accumulation of human or animal waste, or other unhealthy condition likely to cause sickness, disease, or injury.
- F. The building or structure is unoccupied and open to the elements by reason of a missing or partially missing roof or foundation or one or more missing, partially missing, or broken doors, windows, or walls, leaving the interior of the structure exposed to the elements and accessible by trespassers or animals.

- G. The building or structure is unfinished and open to the elements, and the land use permit and building permit for the project have lapsed or expired.

4A.03 DANGEROUS STRUCTURES PROHIBITED

It is unlawful for the owner of any property within this township to keep, possess, own, or maintain any building or structure, or any part thereof, which is a dangerous structure as defined in this Article. Subject to the procedures set forth herein, a property owner who is notified of the existence of a dangerous structure on his or her property must repair, remediate, or remove the dangerous structure.

4A.04 DETERMINATION BY TOWNSHIP OFFICIAL OR APPOINTEE

The determination whether a building or structure located within the township constitutes a dangerous structure shall be made by the township supervisor, zoning administrator, or some other proper officer appointed to make such determinations by the township board of trustees. A determination under this section is not discretionary. If a building or structure is in one or more of the defective conditions described in Section 4A.02(A) through (G), then the official or officer designated hereunder shall determine that the building or structure a dangerous structure.

4A.05 NOTICE

Upon determination that a building or structure within the township constitutes a dangerous structure as defined herein, the zoning administrator or his or her designee shall send written notice informing the property owner that a dangerous structure exists on his or her property and that he or she has 90 days from the date the notice was mailed to make substantial progress toward repairing, remediating, or removing the dangerous structure. The written notice shall be sent to the property owner by first-class mail, postage fully prepaid, addressed to his or her last known address. The notice shall also be posted in a conspicuous place on the dangerous structure, or, if it is not safe or feasible to post the notice on the dangerous structure, as near the dangerous structure as possible.

4A.06 VIOLATION AND REMEDIES

- A. If a property owner who is notified under Section 4A.05 does not make substantial progress toward repairing, remediating, or removing the dangerous structure within 90 days following the mailing of the notice, or initially makes substantial progress toward repairing, remediating, or removing the dangerous structure within 90 days following the mailing of the notice but thereafter fails to complete the work necessary to resolve the defective condition or conditions that gave rise to the determination under Section 4A.04, said property owner shall be responsible for a municipal civil infraction and for maintaining a nuisance *per se* in violation of this ordinance, and the township shall have the right to proceed against the property owner at law or in equity in any manner provided for the enforcement of violations of this ordinance under Article 25 hereof or in accordance with Hamlin Township Ordinance No. 36.
- B. In addition to any other remedies authorized under Article 25 of this ordinance and Hamlin Township Ordinance No. 36, the township supervisor and attorney may initiate proceedings to abate the nuisance *per se* in accordance with Section 2940 of the Revised Judicature Act, 1961 P.A. 236, as amended, and Section 407 of the Michigan Zoning Enabling Act, 2006 P.A. 110, as amended. The township supervisor and attorney are authorized to seek injunctive relief staying or removing the nuisance including the issuance of a warrant or judgment authorizing abatement of the nuisance by a proper officer at the property owner's expense.

4A.07 “SUBSTANTIAL PROGRESS” DEFINED

For purposes of this Article, a property owner makes “substantial progress” toward repairing, remediating, or removing a dangerous structure on his or her property if he or she does either of the following:

- A. The property owner (i) contacts the zoning administrator, (ii) applies for and obtains all necessary permits to repair, fix, upgrade, remediate, remove, or tear down the building or structure, or the dangerous part(s) thereof, in such a way that the building or structure will no longer constitute a dangerous structure following completion of the work, and (iii) actually begins to perform the work; or
- B. The property owner (i) submits a comprehensive written statement acceptable to the zoning administrator describing in detail his or her plan to repair, fix, upgrade, remediate, or remove the building or structure, or the dangerous part(s) thereof, in such a way that the building or structure will no longer constitute a dangerous structure following completion of the work, (ii) provides a written timeframe for obtaining all necessary permits and for completing the work, and (iii) submits proof of funds or financing to pay for the work.

4A.08 EXEMPTION FOR FARM STRUCTURES

This Article shall not apply to any nonresidential building or structure which is actively and regularly used or maintained in conjunction with a bona fide farming operation protected by the Michigan Right to Farm Act.

Public Hearing **08/08/2022**

Published **08/23/2022**

Effective **09/22/2022**

ARTICLE 5 ZONING DISTRICT

5.01 ZONING DISTRICTS

The township shall be divided into zoning districts as hereinafter described, within which districts uses, structures, or buildings not specifically permitted are prohibited.

- "A" Agricultural, Rural, and Open Space District
- "R-1" Low-Density Residential District
- "R-2" Medium-Density Residential District
- "R-3" Residential Mobile Home Park District¹
- "PR" Public Recreational and Open Space District²
- "C" Commercial District
- "I" Industrial District
- Water Overlay District- See Article 14
- Adult Business District See Article 15
- Mobilehome Overlay District- See Article 16
- Historic Property Overlay District – See Design standards Article 19; Section 19.02

PRINCIPAL USE – No lot or parcel shall contain more than (1) main building or one (1) principal use.

5.02 SCHEDULE OF DISTRICT REGULATIONS

All principal buildings located in "A," "R-1," "R-2," "C," and "I" Districts shall meet the lot area, lot width, setback, height, floor area, dwelling width, and lot coverage regulations of the following table:

¹ Refer to Article 10 for requirements.

² Refer to Article 11 for requirements

ZONING DISTRICTS	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	** MIN. FRONT YARD (FT)	** MIN. SIDE YARD (FT)	** MIN. REAR YARD (FT)	MAX. HEIGHT (FT)	MIN. FLOOR AREA/ UNIT (SF)	MIN. DWELLING WIDTH *(FT)	MAX. PERCENT OF LOT COVERAGE
"A" Agricultural, Rural, and Open Space	1 Acre	165	25 (1)	12	25	35 (2)	900	20	25
"R-1" Low-Density Residential	15,000	100	25 (1)	12	25	35 (2)	900	20	25
"R-2" Medium-Density Residential Single-Family Two-Family	15,000 20,000	100	25 (1)	12	25	35 (2)	900 per unit	20	25
"C" Commercial	10,000	80	25 (1)	12	25	35 (2)	N/A	20	25
Residential in Commercial	15,000	100	25 (1)	12	25	35 (2)	900	20	25
"I" Industrial	1 Acre	200	25 (1)	25	25	35 (2)	N/A	20	25

Water Overlay District See Article 14
Adult Business District See Article 15
Mobilehome Overlay District See Article 16
Historical Property Overlay District See Article 14B

REFERENCE NOTES

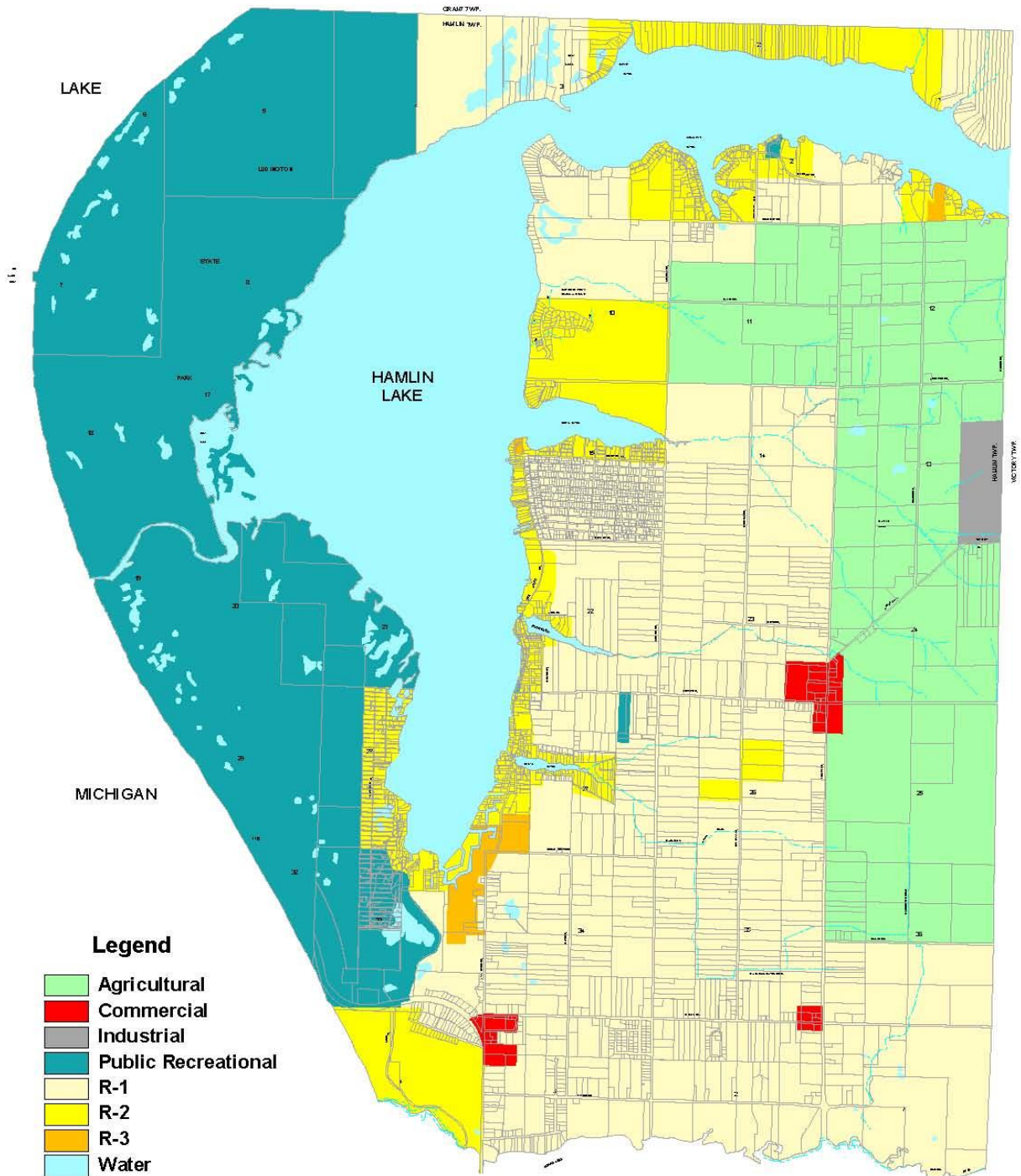
- (1) Front yard setbacks shall be 35 feet for all lots fronting on M-116, Jebavy Drive, and Angling Road.
 - (2) Dwelling units between 28 feet and 35 feet in height must have a minimum pitch of 6/12. Non-dwelling units shall not exceed 28 feet. (Approved by P.C. 11/18/2019)
 - (3) Any structure or accessory building excluding boathouses must be constructed on that portion of a lot which has a minimum width of 100 feet.
 - (4) Every dwelling or other structure shall be set back at least 25 feet from any road right-of-way.
 - (5) Minimum floor area/unit square feet requires the 900 square feet to be measured by ground floor, excluding multilevel homes which must have a minimum combined floor area of 1,300 square feet.
- * Minimum dwelling width of 20 feet at any given point.

** See setback definition (3.57) for interpretation

ARTICLE 6
DISTRICT BOUNDARIES

6.01 DISTRICT BOUNDARIES

- A. The location and boundaries of the zones established in Hamlin Township shall be shown on a map entitled "The Zoning Map of the Township of Hamlin, Mason County, Michigan." Said map, section, or portion thereof, together with all notations, dimensions, and other data shown thereon, is hereby made a part of this ordinance by incorporation herein to the same extent as if the information set forth on said map were fully described and incorporated herein.
- B. The official copy of the zoning map, properly attested, shall be in the custody of the township clerk.
- C. Such zoning map may be amended, from time to time, to reflect changes in zones and the rezoning of property shown thereon in the same manner as amendments may be made to the text of this zoning ordinance. Such changes shall be recorded to scale on duplicate copies of the original official zoning map and shall be accomplished by written legal descriptions in appropriate amending ordinance.
- D. Where uncertainty exists as to the boundaries of any of the districts or zones, as shown on the zoning map, the following rules shall apply:
 - 1. Zoning boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.
 - 2. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
 - 3. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant wherefrom, such lot lines shall be such boundaries.
 - 4. In property that is not subdivided or where a zone boundary divides a lot, the location or any such boundary, unless the same is indicated by dimensions shown on such maps or as described in the text of the ordinance, shall be determined by the use of the map scale shown thereon and scaled to the nearest foot.
 - 5. If all or any portion of public streets, alleys, rights-of-way, easements, or land that is not included in any zone shall ever revert or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations that apply within the zone immediately adjacent thereto or within the most restricted of the immediately adjacent zones if there be more than one.
 - 6. The board of appeals shall have the power to interpret said map in conformance with the purpose and intentions of this ordinance where any controversy arises, and its determination shall be final.



THE ZONING MAP OF HAMLIN TOWNSHIP MASON COUNTY, MICHIGAN

007-027-034-00	R-2
007-027-035-00	R-2
007-024-013-65	Commercial
007-360-019-10	Commercial
007-360-021-00	Commercial

ProgressiveAE
 1011 4 Mile Road, N.E.
 Grand Rapids, Michigan 49508-2442
 V. © 2001-2004 P. 616951-1483

ARTICLE 7

"A" AGRICULTURAL, RURAL, AND OPEN SPACE DISTRICT

7.01 DESCRIPTION OF DISTRICT

This district is comprised of land in outlying areas intended for agricultural, rural, and open space uses. Such land is zoned for agricultural use with the intent that agriculture will be the principal land use within the foreseeable future. The regulations for this district are designed to protect the character of the district without unduly restricting its use to that of agriculture. This district is also comprised of residential areas and some business areas where development has occurred or appears likely to occur. These other uses are limited so as not be detrimental to future development.

7.02 PERMITTED USES

The following uses of land and buildings shall be permitted by right:

- A. Farming.
- B. Single-family dwellings.
- C. Public or institutional uses.
- D. Licensed Family Child-Care Homes.
- E. State-licensed residential facilities.
- F. Home occupations.
- G. Adults businesses.
- H. ~~Mobile home overlay district.~~
- I. Household pets:
 - 1. 4.99 acres or less: 2 dogs.
 - 2. 5.00 acres to 19.9 acres: 3 dogs.
 - 3. 20 or more acres: Up to 4 dogs
- J. Mineral Extraction Operation
- K. Medical Marijuana – See Article 4; General Provision – Section 4.20
- L. Building Mounted Solar Collection Systems
 - 1. Collector shall be mounted and remain within the perimeter of the building structure.
 - 2. Collector shall be of same make and model for continuity of looks.
 - 3. All collectors must comply with all building and electrical codes and other applicable codes.
 - 4. Wiring and plumbing shall be place underground where possible.

5. All solar related equipment shall be removed within 12 months of the date use discontinues.
6. At the request of the township the owner shall provide proof that solar collection systems are still operational.

M. On-Site Ground-Based Solar Panels

1. Ground-mounted solar energy systems are only permitted in the side and rear yards.
2. Ground-mounted solar energy systems may not extend into the side yard or rear yard setback when oriented at any designed tilt angle.
3. Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
4. The total area of ground-mounted solar energy collectors shall be included in the calculations to determine lot coverage and shall not exceed the maximum lot coverage.
5. All collectors must comply with all building and electrical codes and other applicable codes.
6. Wiring and plumbing shall be placed underground where possible.
7. All solar related equipment shall be removed within 12 months of the date use discontinues.
8. At the request of the township the owner shall provide proof that the solar collection system is operational.
9. Screening should be provided for back and/or side of collectors if located within 200 feet of other residences.

N. Veterinary Hospitals

7.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining approval as a special land use pursuant to the procedures and requirements of Article 19:

- A. Golf courses, including clubhouse and pro shop.
- B. Personal Kennel
- C. Group Child-care homes.
- D. Ponds.
- E. Planned unit developments (PUDs).
- F. Communication Towers and Towers used to collect atmospheric data shall be a permitted use only if the following criteria are met ³ :
 1. Lot Size: The tower must be placed at a location so that the distance to any boundary is equal to or greater than 1-1/2 times the height of the tower, with a minimum of 1

acre.

2. Aesthetics:

- a) Materials used must not be likely to rust or become unsightly.
- b) Screening: The tower base, building, and fence shall be screened from ground level public view.
- c) Lighting limited to that required by FAA, or by law, except when necessary to repair.
- d) Set back for the tower is at least the distance 1-1/2 times the height.
- e) Signs limited to the identification of the company.
- f) Height: Limited to that necessary to provide service.
- g) Fencing: 6 foot chain link fence surrounding the tower.
- h) Alternative to Towers: Planning Commission reserves the right to require an alternative to towers.
- i) The applicant must show that they have made reasonable efforts to locate tower space on an existing tower or that the need to locate the tower at this particular location is necessary to service specific areas which would not be serviced from other areas.
- j) Separation: The Planning Commission will consider the proximity of other towers in granting or denying the request.
- k) Buildings: Only one accessory building per site which the size will not exceed 300 square feet and no more than 10 feet tall at peak.
- l) If the antennae or tower is not used for a period of twelve (12) months or more the owner shall remove it (the tower) and all accessories associated with it. The site will be restored to its original condition as it was prior to construction of the facility. A bond shall be required prior to construction in an amount equal to the cost of site restoration plus 10%. The bond amount shall be set by the Site Plan Review Committee.
- m) The tower and related facilities shall not create a circumstance, which is dangerous for neighboring persons or property.
- n) Towers will not be permitted on buildings.
- o) All efforts will be made to protect wildlife and the environment.

³ Subject to Federal Aviation Administration Regulations in accordance with the Mason County Zoning Ordinance Article 15, amended, Overlay District.

G. Household pets:

- 1. 4.99 acres or less: More than 2 dogs, up to 4 dogs.
- 2. 5.00 acres to 19.99 acres: More than 3 dogs up to 4 dogs.

- H. OSD
- I. WECS
- J. Historic Property Overlay District

7.04 ACCESSORY USES AND BUILDINGS

- A. Accessory uses incidental to a permitted principal use are permitted when located on the same lot.
- B. Accessory buildings and structures shall meet the provisions of Article 4.
- C. Agricultural buildings in agricultural zoned areas are exempt from the accessory building chart listed in Section 4.06.

7.05 HEIGHT AND AREA REGULATIONS

The use of land and buildings within this district shall meet the Schedule of District Regulations in Article 5.

7.06 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Article 17.

7.07 SIGN REGULATIONS

Signs shall be permitted only in accordance with Article 18.

7.08 GENERAL PROVISIONS

All applicable provisions in Article 4 shall be met.

ARTICLE 8

"R-1" LOW-DENSITY RESIDENTIAL DISTRICT

8.01 DESCRIPTION OF DISTRICT

This district is comprised of certain land in areas where residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and encourage a suitable and safe residential environment. To these ends, development is restricted to low- and medium-density residential use consistent with rural-type facilities and services.

8.02 PERMITTED USES

The following uses of land and buildings shall be permitted by right:

- A. Licensed Family Child-Care Homes.
- B. Single-family dwellings.
- C. Public or institutional uses.
- D. State-licensed residential facilities.
- E. Home occupations.
- F. Animals:
 - 1. Household pets:
 - a) 4.99 acres or less: 2 dogs.
 - b) 5 acres to 19.99 acres: 3 dogs.
 - c) 20 or more acres: Up to 4 dogs.
 - 2. Mid-Size Animals (Under 50 lbs adult weight):
 - a) 5.00 acres or more: 3, in any combination.
 - 3. Poultry, Fowl, Rabbits: (Excludes Roosters)
 - a) 1 to 2.99 acres 6, in any combination.
 - b) 3.00 or more acres, 12 in any combination
- G. Mineral Extraction Operation.
- H. Medical Marijuana – See Article 4; General Provision – Section 4.20
- I. Short Term Rentals - See Article 28
- J. Building Mounted Solar Collection Systems
 - 1. Collector shall be mounted and remain within the perimeter of the building structure.
 - 2. Collector shall be of same make and model or close on surface for continuity of looks.
 - 3. All collectors must comply with all building and electrical codes and other applicable codes.
 - 4. Wiring and plumbing shall be place underground where possible.
 - 5. All solar related equipment shall be removed within 12 months of the date use discontinues.

6. At the request of the township the owner shall provide proof that solar collection systems are still operational.
- K. On Site Ground-Based Solar Panels - For the R-1 and R-2 Zoning Districts ground-mounted solar energy collectors requiring lot coverage of 10 percent or less shall be considered an accessory building/use.
1. Ground-mounted solar energy systems are only permitted in the side and rear yards.
 2. Ground-mounted solar energy systems may not extend into the side yard or rear yard setback when oriented at any designed tilt angle.
 3. Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
 4. The total area of ground-mounted solar energy collectors shall be included in the calculations to determine lot coverage and shall not exceed the maximum lot coverage.
 5. All collectors must comply with all building and electrical codes and other applicable codes.
 6. Wiring and plumbing shall be placed underground where possible.
 7. All solar related equipment shall be removed within 12 months of the date use discontinues.
 8. At the request of the township the owner shall provide proof that the solar collection system is operational.
 9. Screening should be provided for back and/or side of collectors if located within 200 feet of other residences.

8.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining approval as a special land use pursuant to the procedures and requirements of Article 19:

- A. Golf course, including clubhouse and pro shop.
- B. Nurseries and greenhouses.
- C. Group Child-care homes.
- D. Bed and breakfasts.
- E. Ponds.
- F. Planned unit developments (PUDs).
- G. Communication Towers and Towers used to collect atmospheric data shall be a permitted use only if the following criteria are met ⁴ :
 1. Lot Size: The tower must be placed at a location so that the distance to any boundary is equal to or greater than 1-1/2 times the height of the tower, with a minimum of 1 acre.
 2. Aesthetics:

- a) Materials used must not be likely to rust or become unsightly.
- b) Screening: The tower base, building, and fence shall be screened from ground level public view.
- c) Lighting limited to that required by FAA, or by law, except when necessary to repair.
- d) Set back for the tower is at least the distance 1-1/2 times the height.
- e) Signs limited to the identification of the company.
- f) Height: Limited to that necessary to provide service.
- g) Fencing: 6 foot chain link fence surrounding the tower.
- h) Alternative to Towers: Planning Commission reserves the right to require an alternative to towers.
- i) The applicant must show that they have made reasonable efforts to locate tower space on an existing tower or that the need to locate the tower at this particular location is necessary to service specific areas which would not be serviced from other areas.
- j) Separation: The Planning Commission will consider the proximity of other towers in granting or denying the request.
- k) Buildings: Only one accessory building per site which the size will not exceed 300 square feet and no more than 10 feet tall at peak.
- l) If the antennae or tower is not used for a period of twelve (12) months or more the owner shall remove it (the tower) and all accessories associated with it. The site will be restored to its original condition as it was prior to construction of the facility. A bond shall be required prior to construction in an amount equal to the cost of site restoration plus 10%. The bond amount shall be set by the Site Plan Review Committee.
- m) The tower and related facilities shall not create a circumstance, which is dangerous for neighboring persons or property.
- n) Towers will not be permitted on buildings.
- o) All efforts will be made to protect wildlife and the environment.

⁴Subject to Federal Aviation Administration Regulations in accordance with the Mason County Zoning Ordinance Article 15, as amended, Overlay Zone.

H. Animals:

- 1. Household pets:
 - a) 4.99 acres or less: More than 2 dogs, up to 4 dogs.
 - b) 5 acres to 19.99 acres: More than 3 dogs, up to 4 dogs.
- 2. Poultry, Fowl, Rabbits:
 - a) 2.99 acres or less: Up to 12, in any combination. (Excludes Roosters)

- 3. Recreational animals:
 - a) 5.00 acres or more if General Provisions are met (note setbacks).
- I. OSD
- J. WECS
- K. Historic Property Overlay District
- L. On-Site Ground Based Solar Panels if ground-mounted solar energy collectors will cover over ten (10) percent of the lot. (Side or Rear yard only)
- M. Personal Kennel

8.04 ACCESSORY USES AND BUILDINGS

- A. Accessory uses incidental to a permitted principal use are permitted when located on the same lot.
- B. Accessory buildings and structures shall meet the provisions of Article 4.
- C. Outdoor Living Area

8.05 HEIGHT AND AREA REGULATIONS

The use of land and buildings within this district shall meet the Schedule of District Regulations in Article 5.

8.06 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Article 17.

8.07 SIGN REGULATIONS

Signs shall be permitted only in accordance with Article 18.

8.08 GENERAL PROVISIONS

All applicable provisions in Article 4 shall be met.

ARTICLE 9

"R-2" MEDIUM-DENSITY RESIDENTIAL DISTRICT

9.01 DESCRIPTION OF DISTRICT

This district is comprised of certain land in areas where medium-density residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the characteristics of these areas and to promote and encourage a suitable and safe environment for residential living.

9.02 PERMITTED USES

The following uses of land and buildings shall be permitted by right:

- A. All uses permitted by right in the "R-1" District.
- B. Two-family dwellings.
- C. Bait Shops

9.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining approval as a special land use pursuant to the procedures and requirements of Article 19:

- A. All special land uses permitted in the "R-1" District.
- B. Multifamily dwellings provided that sewage is approved by the Mason County Health Department.
- C. Elderly-care facilities for not more than three patients.
- D. Boarding and lodging houses having not more than three paying residents.
- E. Resorts, providing that there are not more than five rental units and further providing that there is no commercial use or retail business on the premises that is open to persons who are not staying at the resort.
- F. Hotels or motels provided that sewage is approved by the Mason County Health Department.
- G. Private clubs, fraternities, and lodges.
- H. Restaurants, excluding drive-in restaurants.
- I. Grocery stores and gift shops
- J. Camps. (Minimum lot size of 10 acres – See Article 19 for Design Standards)
- K. Laundries.
- L. Planned unit developments (PUDs).
- M. Communication Towers and Towers used to collect atmospheric data shall be permitted use only if the following criteria are met⁵ :
 - 1. Lot Size: The tower must be placed at a location so that the distance to any boundary is equal to or greater than 1-1/2 times the height of the tower, with a minimum of 1

acre.

2. Aesthetics:

- a) Materials used must not be likely to rust or become unsightly.
- b) Screening: The tower base, building, and fence shall be screened from ground level public view.
- c) Lighting limited to that required by FAA, or by law, except when necessary to repair.
- d) Set back for the tower is at least the distance 1-1/2 times the height.
- e) Signs limited to the identification of the company.
- f) Height: Limited to that necessary to provide service.
- g) Fencing: 6 foot chain link fence surrounding the tower.
- h) Alternative to Towers: Planning Commission reserves the right to require an alternative to towers.
- i) The applicant must show that they have made reasonable efforts to locate tower space on an existing tower or that the need to locate the tower at this particular location is necessary to service specific areas which would not be serviced from other areas. The site will be restored to its original condition as it was prior to construction of the facility. A bond shall be required prior to construction in an amount equal to the cost of site restoration plus 10%. The bond amount shall be set by the Site Plan Review Committee.
- j) Separation: The Planning Commission will consider the proximity of other towers in granting or denying the request.
- k) Buildings: Only one accessory building per site which the size will not exceed 300 square feet and no more than 10 feet tall at peak.
- l) If the antennae or tower is not used for a period of twelve (12) months or more the owner shall remove it (the tower) and all accessories associated with it.
- m) The tower and related facilities shall not create a circumstance, which is dangerous for neighboring persons or property.
- n) Towers will not be permitted on buildings.
- o) All efforts will be made to protect wildlife and the environment.

⁵ Subject to Federal Aviation Administration Regulations in accordance with the Mason County Zoning Ordinance Article 15, as amended, Overlay Zone.

N. OSD

O. WECS

P. Historic Property Overlay District

Q. On-Site Ground Based Solar Panels if ground-mounted solar energy collectors will cover over ten (10) percent of the lot. (Side or Rear yard only)

9.04 ACCESSORY USES AND BUILDINGS

- A. Accessory uses incidental to a permitted principal use are permitted when located on the same lot.
- B. Accessory buildings and structures shall meet the provisions of Article 4.
- C. Outdoor Living Area

9.05 HEIGHT AND AREA REGULATIONS

The use of land and buildings within this district shall meet the Schedule of District Regulations in Article 5.

9.06 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Article 17.

9.07 SIGN REGULATIONS

Signs shall be permitted only in accordance with Article 18.

9.08 GENERAL PROVISIONS

All applicable provisions in Article 4 shall be met.

ARTICLE 10

"R-3" RESIDENTIAL MOBILE HOME PARK DISTRICT

10.01 DESCRIPTION AND PURPOSE

This district is intended to accommodate the particular needs of mobile homes situated in mobile home parks. It is recognized that properly located mobile home parks can provide important alternate and affordable housing opportunities for township residents.

10.02 PERMITTED LAND USES

The following uses of land and buildings are permitted by right:

- A. Mobile home parks.
- B. Licensed Family Child-Care Homes.
- C. Home Occupations.
- D. Animals:
 - 1. Household pets:
 - a.) 4.99 acres or less: 2 dogs.
 - b.) 5.00 acres to 19.99 acres: 3 dogs.
 - c.) 20 or more acres: Up to 4 dogs.

10.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining approval as a special land use pursuant to the procedures and requirements of Article 19:

- A. Elderly-care facilities for not more than 3 adults.
- B. Public or institutional uses.
- C. Communication Towers and Towers used to collect atmospheric data shall be a permitted use only if the following criteria are met ⁶:
 - 1. Lot Size: The tower must be placed at a location so that the distance to any boundary is equal to or greater than 1-1/2 times the height of the tower, with a minimum of 1 acre.
 - 2. Aesthetics:
 - a) Materials used must not be likely to rust or become unsightly.
 - b) Screening: The tower base, building, and fence shall be screened from ground level public view.
 - c) Lighting limited to that required by FAA, or by law, except when necessary to repair.
 - d) Set back for the tower is at least the distance 1-1/2 times the height.
 - e) Signs limited to the identification of the company.
 - f) Height: Limited to that necessary to provide service.
 - g) Fencing: 6 foot chain link fence surrounding the tower.

- h) Alternative to Towers: Planning Commission reserves the right to require an alternative to towers.
- i) The applicant must show that they have made reasonable efforts to locate tower space on an existing tower or that the need to locate the tower at this particular location is necessary to service specific areas which would not be serviced from other areas.
- j) Separation: The Planning Commission will consider the proximity of other towers in granting or denying the request.
- k) Buildings: Only one accessory building per site which the size will not exceed 300 square feet and no more than 10 feet tall at peak.
- l) If the antennae or tower is not used for a period of twelve (12) months or more the owner shall remove it (the tower) and all accessories associated with it. The site will be restored to its original condition as it was prior to construction of the facility. A bond shall be required prior to construction in an amount equal to the cost of site restoration plus 10%.
- m) The tower and related facilities shall not create a circumstance, which is dangerous for neighboring persons or property.
- n) Towers will not be permitted on buildings.
- o) All efforts will be made to protect wildlife and the environment.

⁶ Subject to Federal Aviation Administration Regulations in accordance with the Mason County Zoning Ordinance Article 15, as amended, Overlay Zone.

D. Animals:

1. Household pets:

- a) 4.99 acres or less: More than 2 dogs, up to 4 dogs.
- b) 5.00 acres to 19.99 acres: More than 3 dogs, up to 4 dogs.

E. OSD

F. WECS

G. Historic Property Overlay District

H. On-Site Ground Based Solar Panels if ground-mounted solar energy collectors will cover over ten (10) percent of the lot. (Side or Rear yard only)

10.04 ACCESSORY USES AND BUILDINGS

Accessory uses incidental to the mobile home park are permitted, provided that they are intended for use only by the residents of the mobile home park.

10.05 SITE DEVELOPMENT REQUIREMENTS

- A. All mobile home parks shall conform to the standards specified in Act 96 of the Public Acts of 1987, as amended; the Mobile Home Commission Rules, March 1987, as amended; and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, May 26, 1984, as amended.
- B. All mobile homes shall be skirted within 90 days of placement within the mobile home park

and must meet the standards of Act 96 of the Public Acts of 1987, as amended.

- C. All mobile homes shall be anchored, when installed in a mobile home park, with only those systems that are approved by Act 96 of the Public Acts of 1987, as amended.
- D. Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line. If said structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line, except that if the boundary line runs through the center of the public road, the 50 feet shall be measured from the road right-of-way.
- E. Mobile home parks shall be screened from view as follows:
 - 1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - 2. If the park abuts a nonresidential development, the park need not provide screening.
 - 3. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
- F. The screening shall consist of evergreen trees or shrubs of a minimum 5 feet in height that are spaced so that they provide a continuous screen upon maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.
- G. The sales of new or used mobile homes are only permitted within the mobile home park on sites approved for permanent occupancy and accessory to the use of the park for dwelling purposes.
- H. All public and private utilities shall be stored underground.

10.06 APPROVAL PROCESS

- A. Four copies of a preliminary plan shall be submitted to the planning commission for preliminary approval. The preliminary plan shall include the location, layout, general design, and a general description of the project in sufficient detail for the township to determine compliance with this ordinance and other applicable laws or regulations.
- B. Approval of the preliminary plan shall be given if it conforms to applicable laws and ordinances not in conflict with Act 96 of 1987, as amended.
- C. The township shall return the preliminary plan to the developer, either approved, modified, or disapproved, within 60 days after it receives the preliminary plans; otherwise, the preliminary plan shall be considered approved.
- D. The final plans shall be reviewed and approved by the Department of Commerce or its successor agency.

10.07 GENERAL PROVISIONS

All applicable provisions in Article 4 shall be met.

10.08 HEIGHT AND AREA REGULATIONS

The use of land and buildings within this district shall meet the schedule of district regulations in Article 5 with respect to R-2.

ARTICLE 11
"PR" PUBLIC RECREATIONAL AND OPEN SPACE DISTRICT

11.01 DESCRIPTION OF DISTRICT

This district shall be comprised entirely of lands owned by the public, including the federal government, the State of Michigan, the County of Mason, and the Township of Hamlin. It is the intent of this district that these public lands shall be used for outdoor recreational and conservation purposes, including the preservation of open space and encouraging land to remain in its natural state.

11.02 PERMITTED USES

The following uses of land and buildings shall be permitted by right:

- A. Public parks, playgrounds, and public outdoor sports and recreational areas.
- B. Public golf courses.
- C. Public picnic areas.
- D. Public campgrounds (for temporary, seasonal use).
- E. Natural preserves, arboretums, and open space preserves owned by the public.
- F. Essential services serving these public uses.
- G. Incidental service facilities, including convenience stores, rental cabins, lodges, shops, and eating places, that are owned by the public or that are leased as a concession by a public body and that serve persons using the public facilities described above.
- H. Animals:
 - 1. Household pets:
 - a) 4.99 acres or less: 2 dogs.
 - b) 5.00 acres to 19.99 acres: 3 dogs.
 - c) 20 or more acres: Up to 4 dogs.
 - 2. Mid-size animals (up to 50 lbs. adult weight):
 - a) 5.00 acres or more: 3, in any combination.
 - 3. Poultry, Fowl, Rabbits:
 - a) 1 – 2.99 acres: 6, in any combination
 - b.) 3.00 acres or more: 12, in any combination.

11.03 HEIGHT AND AREA REGULATIONS

The use of land and buildings within this district shall meet the schedule of district regulations in Article 5 with respect to R-2.

11.04 SPECIAL LAND USES

A. Communication Towers and Towers used to collect atmospheric data shall be a permitted use only if the following criteria are met⁷:

1. Lot Size: The tower must be placed at a location so that the distance to any boundary is equal to or greater than 1-1/2 times the height of the tower, with a minimum of 1 acre.
2. Aesthetics:
 - a) Materials used must not be likely to rust or become unsightly.
 - b) Screening: The tower base, building, and fence shall be screened from ground level public view.
 - c) Lighting limited to that required by FAA, or by law, except when necessary to repair.
 - d) Set back for the tower is at least the distance 1-1/2 times the height.
 - e) Signs limited to the identification of the company.
 - f) Height: Limited to that necessary to provide service.
 - g) Fencing: 6 foot chain link fence surrounding the tower.
 - h) Alternative to Towers: Planning Commission reserves the right to require an alternative to towers.
 - i) The applicant must show that they have made reasonable efforts to locate tower space on an existing tower or that the need to locate the tower at this particular location is necessary to service specific areas which would not be serviced from other areas.
 - j) Separation: The Planning Commission will consider the proximity of other towers in granting or denying the request.
 - k) If the antennae or tower is not used for a period of twelve (12) months or more the owner shall remove it (the tower) and all accessories associated with it. The site will be restored to its original condition as it was prior to construction of the facility. A bond shall be required prior to construction in an amount equal to the cost of site restoration plus 10%.
 - l) The tower and related facilities shall not create a circumstance, which is dangerous for neighboring persons or property.
 - m) Towers will not be permitted on buildings.
 - n) All efforts will be made to protect wildlife and the environment.

⁷ Subject to Federal Aviation Administration Regulations in accordance with the Mason County Zoning Ordinance Article 15, as amended, Overlay Zone.

B. Animals:

1. Household pets:
 - a) 4.99 acres or less: More than 2 dogs, up to 4 dogs.
 - b) 5.00 acres to 19.99 acres: More than 3 dogs, up to 4 dogs.

2. Poultry, Fowl, Rabbits:
 - a) 2.99 acres or less: Up to 12, in any combination.
3. Recreational Animals:
 - a) 5.00 acres or more if General Provisions are met (note setbacks).

C. OSD

D. WECS

E. Historic Property Overlay District

F. On-Site Ground Based Solar Panels if ground-mounted solar energy collectors will cover over ten (10) percent of the lot. (Side or Rear yard only)

ARTICLE 12

"C" COMMERCIAL DISTRICT

12.01 DESCRIPTION OF DISTRICT

This district is designed for the convenience and shopping of persons residing in or in the surrounding residential neighborhood. The regulations are designed to permit commercial retail and service development compatible with residential property.

12.02 PERMITTED USES

The following uses of land and buildings shall be permitted by right:

- A. Retail stores and establishments under 1,500 square feet. All items, with the exception of items such as firewood, bedding plants, fruits and vegetables shall be conducted within a completely enclosed structure.
- B. Vehicle repair garages, excluding body shops.
- C. Single-family dwellings.
- D. Service establishments, including laundries, banks, funeral homes, barber shops, beauty parlors, medical clinics, medical offices, home repair shops, electronic repair shops, computer repair shops, and appliance repair shops.
- E. Greenhouses
- F. Motels or hotels 20 units or under.
- G. Boarding or lodging houses ten rooms and under.
- H. Offices and private schools.
- I. Restaurants with seating capacity 80 and under with no drive-through excluding liquor sales.
- J. Theaters, excluding drive-in theaters.
- K. Public storage facilities
- N. Adult businesses
- M. New and/or used vehicle, trailer, or watercraft sales, rental or leasing, but not to exceed eight (8) motor vehicles, trailers or watercraft.
- O. Public or institutional uses
- P. Animals:
 - 1. Household pets:
 - a) 4.99 acres or less: 2 dogs.
 - b) 5.00 acres to 19.99 acres: 3 dogs.
 - c) 20 or more acres: Up to 4 dogs.
 - 2. Mid-size animals (up to 50 lbs. adult weight):

- a) 5.00 acres or more: 3, in any combination.
- 3. Poultry, Fowl, Rabbits:
 - a) 3.00 acres or more: 12, in any combination.

- Q. Mineral Extraction Operation.
- R. Medical Marijuana – See Article 4; General Provision – Section 4.20
- S. Veterinary Hospitals
- T. Boat Liveries

12.03 SPECIAL LAND USES

The following uses of land and buildings may be permitted upon obtaining approval as a special land use pursuant to the procedures and requirements of Article 19:

- A. Bars, taverns, and nightclubs, and restaurants that serve liquor.
- B. Boarding or lodging houses over ten rooms.
- C. Body shops.
- D. Commercial recreation establishments.
- E. Fish-cleaning facilities.
- F. Gasoline and/or service stations where no major repairs are performed.
- G. Manufacturing, compounding, assembling, or treating of articles of merchandise.
- H. Motels or hotels over 20 units.
- I. Restaurants with seating capacity over 80 with no drive-through.
- J. Retail stores and establishments over 1,500 square feet. All items, with the exception of items such as firewood, bedding plants, fruits and vegetables shall be conducted within a completely enclosed structure.
- K. Warehouses.
- L. All other commercial uses that are not covered by permitted uses.
- M. Communication Towers and Towers used to collect atmospheric data shall be a permitted use only if the following criteria are met⁸ :
 - 1. Lot Size: The tower must be placed at a location so that the distance to any boundary is equal to or greater than 1-1/2 times the height of the tower, with a minimum of 1 acre.
 - 2. Aesthetics:
 - a) Materials used must not be likely to rust or become unsightly.
 - b) Screening: The tower base, building, and fence shall be screened from ground level public view.
 - c) Lighting limited to that required by the FAA, or by law, except when necessary to repair.
 - d) Set back for the tower is at least the distance 1-1/2 times the height.
 - e) Signs limited to the identification of the company.
 - f) Height: Limited to that necessary to provide service.

- g) Fencing: 6 foot chain link fence surrounding the tower.
- h) Alternative to Towers: Planning Commission reserves the right to require an alternative to towers.
- i) The applicant must show that they have made reasonable efforts to locate tower space on an existing tower or that the need to locate the tower at this particular location is necessary to service specific areas which would not be serviced from other areas.
- j) Separation: The Planning Commission will consider the proximity of other towers in granting or denying the request.
- k) Buildings: Only one accessory building per site which the size will not exceed 300 square feet and no more than 10 feet tall at peak.
- l) If the antennae or tower is not used for a period of twelve (12) months or more the owner shall remove it (the tower) and all accessories associated with it. The site will be restored to its original condition as it was prior to construction of the facility. A bond shall be required prior to construction in an amount equal to the cost of site restoration plus 10%. The bond amount shall be set by the Site Plan Review Committee.
- m) The tower and related facilities shall not create a circumstance, which is dangerous for neighboring persons or property.
- n) Towers will not be permitted on buildings.
- o) All efforts will be made to protect wildlife and the environment.

⁸ Subject to Federal Aviation Administration Regulations in accordance with the Mason County Zoning Ordinance Article 15, as amended, Overlay Zone.

- N. Animal:
 - 1. Household pets:
 - a) 4.99 acres or less: More than 2 dogs, up to 4 dogs.
 - b) 5.00 acres to 19.99 acres: More than 3 dogs, up to 4 dogs.
 - 2. Poultry, Fowl, Rabbits:
 - a) 2.00 acres: Up to 12, in any combination.
 - 3. Recreational Animals:
 - a) 5.00 acres or more if General Provisions are met (note setbacks).
- O. Ponds:

Any body of water 5A or less/not meeting the definition of swimming pool or water garden shall be termed a pond.
- P. OSD
- Q. WECS
- R. Historic Property Overlay District
- S. On-Site Ground Based Solar Panels if ground-mounted solar energy collectors will cover over ten (10) percent of the lot. (Side or Rear yard only)
- T. Nurseries
- U. Kennels

12.04 ACCESSORY USES AND BUILDINGS

- A. Accessory uses incidental to a permitted principal use are permitted when located on the same

lot.

B. Accessory buildings and structures shall meet the provisions of Article 4.

12.05 HEIGHT AND AREA REGULATIONS

The use of land and buildings within this district shall meet the Schedule of District Regulations in Article 5, with the exception of single-family dwellings which will meet the Schedule of District Regulations in Article 5 for Residential Areas R-1 and R-2 Single-Family Dwellings. Fences for single family dwellings will meet requirements described in 4.07C.

12.06 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Article 17.

12.07 SIGN REGULATIONS

Signs shall be permitted only in accordance with Article 18.

12.08 GENERAL PROVISIONS

All applicable provisions in Article 4 shall be met.

12.09 SITE PLAN REVIEW

All proposed uses and structures shall be subject to the review and approval of a site plan in accordance with Article 21.

ARTICLE 13 "I" INDUSTRIAL DISTRICT

13.01 DESCRIPTION AND PURPOSE

This zone permits most industrial and manufacturing uses, including the compounding, assembling, or treating of articles or materials, with the exception of heavy manufacturing and processing of raw materials. This district also permits commercial uses.

13.02 PERMITTED USES

All permitted uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid, non-combustible wall with the exception of G, I, and J.

The following uses of land and buildings shall be permitted by right:

- A. The manufacturing, compounding, processing, packing, or treating of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
- B. The manufacturing, compounding, assembling, treating, or testing of products from previously prepared materials, such as aluminum, bone, brass, cellophane, canvas, cloth, copper, cork, feathers, felt, fibers, fur, glass, hair, horns, leather, paint, paper, plastics, precious or semiprecious metals or stones, shells, rubber, tin, iron, steel, tobacco, wood, and yarn.
- C. Warehousing or wholesaling.
- D. The manufacturing, only by electricity or gas, of pottery figurines or other ceramic products, using only previously pulverized clay.
- E. Petroleum storage located at least 500 feet from any residentially zoned property.
- F. Machine shop.
- G. All permitted uses in commercial are allowed in industrial.
- H. Adult businesses.
- I. Mobile home overlay district.
- J. Communications Towers and Towers used to collect atmospheric data shall be a permitted use only if the following criteria are met :
 - 1. Lot Size: The tower must be placed at a location so that the distance to any boundary is equal to or greater than 1-1/2 times the height of the tower, with a minimum of 1 acre.
 - 2. Aesthetics:
 - a) Materials used must not be likely to rust or become unsightly.
 - b) Screening: The tower base, building, and fence shall be screened from ground level public view.
 - c) Lighting limited to that required by FAA, or by law, except when necessary to repair.
 - d) Set back for the tower is at least the distance 1-1/2 times the height.

- e) Signs limited to the identification of the company.
- f) Height: Limited to that necessary to provide service.
- g) Fencing: 6 foot chain link fence surrounding the tower.
- h) Alternative to Towers: Planning Commission reserves the right to require an alternative to towers.
- i) The applicant must show that they have made reasonable efforts to locate tower space on an existing tower or that the need to locate the tower at this particular location is necessary to service specific areas which would not be serviced from other areas.
- j) Separation: The Planning Commission will consider the proximity of other towers in granting or denying the request.
- k) Buildings: Only one accessory building per site which the size will not exceed 300 square feet and no more than 10 feet tall at peak.
- l) If the antennae or tower is not used for a period of twelve (12) months or more the owner shall remove it (the tower) and all accessories associated with it. The site will be restored to its original condition as it was prior to construction of the facility. A bond shall be required prior to construction in the amount equal to the cost of the site restoration plus 10%.
- c) The tower and related facilities shall not create a circumstance, which is dangerous for neighboring persons or property.
- n) Towers will not be permitted on buildings.
- o) All efforts will be made to protect wildlife and the environment.

⁹ Subject to Federal Aviation Administration Regulations in accordance with the Mason County Zoning Ordinance Article 15, as amended, Overlay Zone.

- K. Medical Marijuana – See Article 4; General Provision – Section 4.20
- L. Veterinary Hospitals

13.03 SPECIAL LAND USES

- A. Special land uses are the same as commercial. All special land uses in commercial would be allowed in industrial.

13.04 ACCESSORY USES AND BUILDINGS

- A. Accessory uses incidental to a permitted principal use are permitted when located on the same lot.
- B. Accessory buildings and structures shall meet the provisions of Article 4.

13.05 HEIGHT AND AREA REGULATIONS

The use of land and buildings within this district shall meet the Schedule of District Regulations in Article 5, with the exception of "C" Single-Family Dwelling which will meet the Schedule of District Regulations in Article 5 for Residential Areas R-1 and R-2 Single-Family Dwellings.

13.06 PARKING REQUIREMENTS

All uses permitted in this district shall meet the off-street parking requirements of Article 17.

13.07 SIGN REGULATIONS

Signs shall be permitted only in accordance with Article 18.

13.08 GENERAL PROVISIONS

All applicable provisions in Article 4 shall be met.

13.09 SITE PLAN REVIEW

All proposed uses and structures shall be subject to the review and approval of a site plan in accordance with Article 21.

13.10 PERFORMANCE STANDARDS

It shall be unlawful to carry on or permit to be carried on any activity or operation or use of any land, building, or equipment dangerous to human life or health or that produces irritants to the sensory perception greater than the measurers herein established that are hereby determined to be the maximum permissible hazards to humans or human activities.

- A. Sound: The emission of measurable noises from the premises shall not exceed 70 decibels, as measured at all lot lines, except that, where normal street traffic noises exceed such level, the measurable noise emanating from the premises may be equal to but may not exceed such traffic noise.
- B. Vibration: All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 root-mean square of 1 inch r.m.s. measured at any lot line of its source.
- C. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of 1 volume of odorous air to 4 or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.
- D. Toxic Gases: The escape of or emission of any gas that is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated except as required in the provisions of essential services.
- E. Glare and Heat: Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.
- F. Light: All lighting shall be arranged to reflect light away from adjoining properties in residential districts. There shall be no direct or sky-reflected glare exceeding 1-1/2 footcandles or that would be damaging to the human eye, measured at the property line of the lot occupied by such use (except that the regulation provided by this sentence shall not apply to lights used at the entrance or exit or service drives leading to a parking lot).
- G. Electromagnetic Radiation: The rules and regulations of the Federal Communications Commission as of the date of the adoption of this ordinance, with respect to the propagation and dissemination of electromagnetic radiation, are hereby made a part of this ordinance and shall be on file in the office of the zoning administrator.
- H. Smoke, Dust, Dirt, and Fly Ash: It shall be unlawful to discharge, into the atmosphere, from any single source of emission whatsoever, any air contaminator for a period or periods aggregating more than 2 minutes in any 1/2 hour that is:
 - 1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby

made a part of this ordinance, shall be the standard.

However, the Umbrascope readings of smoke densities may be used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the zoning administrator.

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Section 13.09, Paragraph H., No. 1, above, except when the emission consists only of water vapor.

The quantity of gas-borne or airborne solids shall not exceed 0.2 of a grain per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

- I. Drifted and Blown Material: The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.
- J. Radioactive Materials: Radioactive materials shall not be emitted so as to be unsafe to human health or life.

ARTICLE 14

WATERFRONT OVERLAY DISTRICT

14.01 PURPOSE

The purpose of this article is to recognize the unique physical, environment, economic, and social attributes of lake, river, shoreline, and watershed properties and to ensure that the structures and uses in the District are compatible with and protect these unique attributes. The protection of the township's surface water features is deemed a public purpose in order to preserve important environmental, historical, residential, recreational, cultural, scenic, and economic attributes of Hamlin Township and the region.

More specifically, the purpose of this article is to protect the public health, safety, and welfare; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird, and other wildlife habitat; to protect buildings and lands from accelerated erosion; to protect wetlands; to control building sites, placement of structures, and land uses; to conserve shore cover; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shore land areas.

14.02 OVERLAY DISTRICT

The Waterfront Overlay District is a supplemental District which applies to certain designated lands, as described in this Section and illustrated on the Hamlin Township Zoning Map, simultaneously with any of the other Zoning Districts established in this Ordinance, herein referred to as the "underlying" Zoning District. The Shore Land Overlay District includes all lands located within five hundred (500) feet of the ordinary high-water mark of Hamlin Lake and its bayous, Lincoln Lake, and the Lincoln River.

In cases where a parcel is partially inside and partially outside of the Waterfront Overlay District, only those portions located within the Overlay District are required to comply with the requirements of this district.

All other requirements, including parking, signs and other similar provisions shall be as required by the underlying zoning district, except that where specific requirements of the Waterfront Overlay District vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.

14.03 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply.

- A. Lot Coverage - The part or percent of a lot occupied by impervious surfaces, including, but not limited to, buildings or structures, paving, drives, patios, and decks.
- B. Natural Vegetative Cover - Natural vegetation, including bushes, wildflowers shrubs, ground cover, and trees, on a lot. Lawn shall not qualify as natural vegetative cover.
- C. Shoreline - The ordinary high water mark on a lot or parcel of land.
- D. Shoreline Vegetative Buffer - The area along the shoreline maintained in natural or

planted vegetation.

- E. Structure - Includes anything constructed or erected, which requires permanent location on the ground or attachment to something having such location. The term “building” shall mean the same thing.

14.04 DEVELOPMENT REQUIREMENTS

- A. Permitted Uses

With the exception of uses and activities prohibited herein, the following uses of land and structures shall be permitted in the Waterfront Overlay District: Permitted Uses and Special Land Uses permitted in the underlying District, provided that Special Land Uses meet the requirements of Article 19 (Special Land Uses Article)

- B. Prohibited Uses

1. Confined feedlots
2. Slaughterhouses
3. Gas stations
4. Auto repair shops
5. Auto washes
6. Oil-change establishments
7. Industrial uses involved in the manufacturing, compounding, processing or treating of products
8. Dog kennels
9. Livestock
10. Hazardous waste facilities
11. Petroleum storage facilities
12. Landfills, salvage, junkyards
13. The construction of a canal, channel, or other artificial waterway.
14. Any other use not specifically permitted in the underlying Districts.

- C. Lot Area, Width, Yard, Building Area, Height, Setback and Dockage Requirements

Minimum lot size, lot width, setback, and height requirements, of the underlying zoning district shall be met unless this article specifically states otherwise.

The following additional requirements shall apply:

- 1) As of the effective date of this Ordinance, all dwellings or other main buildings or accessory buildings shall be set back a minimum of thirty-five (35) feet from the ordinary high water mark* (***Interpretation; 35' from the high water mark excluding any man made indentations. ZBA 5/20/2015**)
- 2) All lots with frontage on Hamlin Lake, Lincoln Lake, Lincoln River, and their bayous shall have a minimum of 100 feet of riparian frontage measured by a straight line between the points of intersection of the side lot lines with the lake shore.
- 3) No portion of any lot within 200 feet of Hamlin Lake, Lincoln Lake, Lincoln River or their bayous shall be narrower than 60 feet.

- 4) Within thirty-five feet (35) of the ordinary high-water mark, a maximum of 400 square feet of land shall be covered by impervious surfaces, including all structures and paving for each 100 linear feet of water frontage.
- 5) No unsightly, offensive, or potentially polluting material, including but not limited to lawn clippings, leaves, garbage, trash, refuse, junk vehicles, junk, appliances or toxic materials, may be dumped or stored within 35 feet of the ordinary high-water mark.
- 6) Not more than one dock space for each 50 feet of lake frontage shall be provided for the mooring and docking of water craft. Not more than two water craft shall be permitted per 50 feet of lake frontage. Water craft mooring facilities shall be located with due respect to swimming beaches and docks on adjoining properties.

D. Shoreline Vegetative Buffer

- 1.) A vegetative buffer bordering the lakes of the Township shall be maintained along the shoreline. Lawn shall not qualify as natural vegetative buffer under this section. The minimum depth of the buffer, as measured from the shoreline, shall be thirty five (35).
- 2.) Within the shoreline vegetative buffer, no more an aggregate of twenty (25) feet width for each one hundred (100) feet of shoreline may be cleared to afford lake access, provided that the clearing does not create a clear-cult opening greater than 25 feet wide for every 100 feet of shoreline and does not cause erosion or sedimentation. Since the intent of the vegetative buffer is water quality protection, the lake access area must be covered with a vegetative ground cover. A mowed lawn shall not qualify as a desirable vegetative buffer adjacent to the shoreline. Impervious materials such as asphalt or concrete shall not be used within the shoreline buffer area.
- 3.) The Zoning Administrator may allow limited clearing of the vegetative buffer when required for construction of a permitted building or structure outside the vegetative buffer, provided that the land cleared is returned to a vegetative state of approximately the same quality as that which existed prior to clearing and is equally effective in retarding runoff, preventing erosion, and preserving natural beauty, and the functionality of the vegetative buffer.
- 4.) Native plants, shrubbery, and trees are encouraged when new vegetation is planted.
- 5.) Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer.
- 6.) These provisions shall not apply to the removal of exotic, noxious, dead, diseased, or dying vegetation or trees that are in danger of falling and causing damage to dwellings or other structures.
- 7.) The shoreline vegetative buffer shall not be used for any motorized vehicular traffic, parking, or for storage of any kind, including junk, wastes, or garbage, or for any other use not otherwise authorized by this Ordinance.

E. Coverage and Natural Vegetative Cover

- 1.) Lot coverage by impermeable materials shall not exceed twenty-five percent (25%).
- 2.) At a minimum, lots shall maintain a minimum of thirty percent (30%) of the entire lot area in natural vegetative cover. To the extent practical, natural vegetative areas shall be maintained along lot lines, the shoreline, natural drainage courses, wetlands, and

steep slopes. On lots bordering lakes, the Shoreline Vegetative Buffer required by this provision may be included as part of the Natural Vegetative Cover.

- 3.) In the case of planned unit developments, site condominiums, and open space developments, each individual lot need not meet the requirements of this Section, provided that the total project or an individual phase of a project meets the requirement of this Section.

F. General Design and Development Standards:

The purpose of the design requirements of this section is to slow the rate of storm water runoff, to reduce erosion and sedimentation, to protect water quality, to keep nutrients from entering lakes and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve aesthetic and scenic values of the watershed environment.

For all new development, including additions or extensions to existing buildings, in the Waterfront Overlay District, the following design and construction standards shall be followed:

- 1.) Natural vegetation shall be maintained wherever possible.
- 2.) Existing mature trees shall be maintained on site where feasible.
- 3.) To the extent feasible, natural drainage areas should be protected from grading activity.
- 4.) Grading shall be conducted to minimize undue compaction of site soils.
- 5.) Buildings and structures shall be clustered as much as possible to retain open space and surrounding tree cover, and to minimize changes in topography.
- 6.) The smallest practical area may be exposed at any time during construction.
- 7.) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- 8.) Appropriate measures shall be taken to ensure storm water draining will not adversely affect neighboring properties or the quality of area water resources. Where feasible, steps shall be taken to retain and infiltrate storm water on site via bio retention facilities such as rain gardens, infiltration trenches, rain barrels, and other low impact development approaches.
- 9.) No dwelling shall be constructed or placed on lands which are subject to flooding.

G. Drainage of Surface Water

Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary Manistee storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.

H. Hazardous Liquid Containment

Secondary containment structures shall be required to protect the environment from accidental spills of all hazardous liquids. Hazardous liquids shall include all “hazardous wastes” as defined by Act 64 of 1979, that are in liquid form.

Secondary containment structures shall include structures such as, but not limited to: dikes and berms surrounding transfer and storage areas, enclosed structures, and interior storage rooms with sills and no floor drains. All secondary containment structures shall be at least large enough to hold the capacity of the largest drum or tank in the transfer or storage area.

No floor drains shall be permitted in any areas involving the transfer or disposal of hazardous liquids unless all hazardous liquids are collected and properly treated or disposed of off-site.

14.05 BOATHOUSES

Boathouses shall have a (4) four foot sideline set back and shall not exceed (16) sixteen feet in height or have an area greater than (768) seven hundred sixty eight square feet. A boathouse shall be counted as an accessory building for purposes of determining the maximum size of all accessory buildings under Section 4.06

14.06 ACCESSORY BUILDING IN LIEU OF BOATHOUSES

If a lot owner wishes to construct an accessory building in lieu of constructing a boathouse, or removes an existing boathouse along with any piling or associated items (but not necessarily including the removal of a dock) an accessory building not exceeding (100) one hundred square feet with a maximum of (7) seven foot side walls may be erected. Setbacks shall be (18) eighteen feet from the water’s edge or (6) six feet from the landward side of an existing slip with a minimum side yard setback of (4) four feet from any side line. Such an accessory building shall be included for the purposes of determining the maximum square footage of all accessory buildings under Section 4.05. Such accessory buildings shall meet all other requirements for accessory buildings. Where an accessory building is constructed in lieu of a boathouse, no boathouse shall thereafter be constructed upon the lot or parcel unless such accessory building is removed.

Hazardous materials will be limited to (6) gallons of fuel mixture in addition to the fuel tanks from the boats. Care shall be taken to eliminate spillage.

14.07 APPROVALS

- A. Site plan approval, in accordance with the requirements of the Site Plan Review provisions of this Ordinance, shall be obtained for the following uses or buildings (including additions or extensions to these uses or buildings) that are located wholly or partially within the Waterfront Overlay District.
1. Any new or expanded commercial establishment
 2. Any new or expanded Industrial establishment
 3. Multiple Family Residential Dwellings
 4. For all development, including single-family residential development, a site plan must show existing natural features such as trees, wetlands, existing vegetation, steep slopes; the ordinary high water mark (if applicable); the placement of proposed structures;

grading limits, existing structures on the proposed property and abutting parcels; and low impact development storm water controls proposed to be used on the site.

5. Photographs of the existing conditions shall be required so as to document the appearance of the property before construction begins.
-
- B. Development within the Waterfront Overlay District must conform with all applicable County, State, Federal, and Township statutes and ordinances including but not limited to Part 91, Soil Erosion and Sedimentation Control, of Michigan Act 451 of 1994.
 - C, A building permit shall not be issued in the Waterfront Overlay District unless a copy of the soil erosion control permit required pursuant to Part 91 has been submitted to the Zoning Administrator.

ARTICLE 14A FUNNELING PROVISIONS

14A.01 PURPOSE

The purpose of this section is to regulate the use of lakefront property for lake access by owners of property located away from the lake. The purpose of these regulations is to protect natural resources, to guide the proper development of shoreline areas, to prevent the overcrowding of land and the lake, to minimize pollution and degradation of public waters, to protect life and property by reducing the risk of boating accidents, to preserve the recreational use of the lake and lake environment, to protect property values, and to protect the public health, safety, and general welfare.

14A.02 DEFINITIONS

- A. Common Lakefront Lot: shall mean the parcel or land through which lake access is provided to owners of property located away from the lake.
- B. Dwelling unit: means, for purposes of this section, a dwelling designed for use by one family or occupant, a unit in a two or multiple family dwelling, a site in a mobile home park, or similar unit intended for permanent occupancy by a family. In the case of a common lakefront lot not associated with an identified development or properties, the term “dwelling unit” shall mean each individual or members of an immediate family who have rights to use the common lakefront lot.
- C. Wetland: shall include land characterized by the presence of water at a frequency and duration sufficient to support, and which under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh. The generalized location of wetlands is shown on the township’s wetland map.
- D. Ordinary High-Water Mark: shall mean the line between upland and bottomland, which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.
- E. Watercraft shall include, but not be limited to, motor boats, sailboats, row boats, personal watercraft, canoes, sail boards, and paddle boats.

14A.03 FUNNELING STANDARDS

- A. Within the Waterfront Overlay district, no development of single family, two-family, multiple-family dwellings, mobile homes, apartments, condominiums, or condominium units that share a common lakefront lot shall permit more than one dwelling unit access to the lake per 50 feet of lake frontage in such common lakefront lot, as measured at the ordinary high-water mark. In addition, a minimum common lakefront lot area of 2,500 square feet is required per each 50 feet of lake frontage. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single-fee ownership, or lease.
- B. Frontage along man-made canals and channels shall not be included in the calculation of lake frontage.

- C. Not more than one dock space for each 50 feet of lake frontage shall be provided for the mooring and docking of watercraft. Not more than two watercraft shall be permitted per 50 feet of lake frontage. Watercraft mooring facilities shall be located with due respect to swimming beaches and docks on adjoining properties. No facilities for launching watercraft from the common lakefront lot will be permitted.
- D. Wetlands shall not be utilized to calculate lake frontage or the lot area of a common lakefront lot.
- E. On common lakefront lots with lake frontage greater than 300 feet, vegetative buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.
- F. Overnight vehicle parking and the usage of camping tents, motor homes, and trailers shall not be permitted within the boundaries of the common lakefront lot.
- G. Recreational areas such as parks, beaches, camping facilities, and parkways owned and operated by any federal, state, or local governmental agencies, division, or authority thereof and located in lakefront property with riparian rights are not subject to the standards set forth in this section provided they are intended for the use of the general public.
- H. As a condition for approval of new plats or subdivisions, deed restrictions or other appropriate restrictions shall be recorded in the office of the Mason County Register of Deeds which identify the properties entitled to use the common lakefront lot, and which specifically prohibit the occupants of lots not entitled to use of the common lakefront site from entering the site.

14A.04 SECTION 2 REPEAL

Any ordinance or any provision of any ordinance inconsistent with the terms hereof shall be and is hereby repealed.

**ARTICLE 14B
HISTORIC PROPERTY OVERLAY DISTRICT**

14B.01 PURPOSE

The purpose of this overlay district is to give property owners an opportunity to earn income through capitalizing on their property's historic and/or natural features by opening the property for limited public use. This adaptive reuse will allow the property owner to raise funds which can be used to maintain and preserve the property.

14B.02 DEFINITIONS

Historic Property: land, structures, and undeveloped ecosystems which reflect early settlers, their lifestyles and the environmental conditions which predominated during previous years in Hamlin Township.

14B.03 APPLICATION

The property owner must apply for a special use permit. The application shall include:

1. A detailed description of the physical nature of the property.
2. A description of who has owned the property and how it has been used since the creation of Hamlin Township.
3. Photographs and descriptions of existing building and noteworthy natural features.
4. Descriptions of architectural features or structures that are deemed historic.
5. A detailed description of how the property will be used as a historic attraction.
6. Any modifications that will be needed to open the property for public use.
7. A statement describing who will be in residence at the property.
8. Any conditions of the underlining zoning apply which will need to be specifically exempted.
9. Any exterior modifications which are anticipated.

14B.04 HEALTH AND SAFETY CONSIDERATIONS

1. The septic and well system shall be evaluated by the proper authority to assure that it has the capacity to handle anticipated usage.
2. The electrical system shall be evaluated by the proper authority to assure that it has the capacity to handle anticipated usage.
3. The property and structures should be evaluated by the property authority to determine fire safety.
4. If food preparation is to be part of the operation, necessary documentation fo safe practices shall be obtained from the health department.

14B.05 RESIDENTIAL NEIGHBORHOOD COMPATIBILITY

1. Provisions must be made for off street parking which is large enough to accommodate all who use the property at any given time whether they be owners or members of the visiting public.
2. All exterior lighting shall be full cutoff style so as to prevent shy-glow and light trespass on neighboring properties.
3. Any activity which includes outside amplified sound shall end at sundown. Indoor activities may continue after sundown so long as the sound does not prove to be a nuisance to neighboring properties.
4. Retail sales shall be limited to locally produced product which support the theme of the historic property.

14B.06 EXAMPLES OF USAGE

1. Art gallery, small sales venue
2. Artist in residence programs
3. Classes to teach arts, crafts, music, drama, nature lore, traditional home arts
4. Powwows and/or drum circles
5. Non-motorized nature activities such as hiking, bicycling, skiing, snow shoeing, dog walking, bird watching, equestrian activities
6. Weddings, receptions, and other private events
7. Gift shops and small scale retail operations related to historic or natural products
8. Property tours open to local residents and tourists

14B.07 CONTINUATION OF HISTORIC PROPERTY STATUS

1. Major exterior remodeling or the addition of structures may void historic property status. Modifications must be kept within the historic nature of the property.
2. If the property is sold, the new owners will need to reapply to maintain the historic property status.

Adopted: December 13, 2012
Effective: January 21, 2013

ARTICLE 15 ADULT BUSINESSES

15.01 PURPOSE

The purpose of this article is to provide for the particular needs of adult entertainment, while protecting children from the adverse impact of such uses.

15.02 LOCATION

Adult entertainment establishments may be located only in the following districts:

- A. Agricultural District.
- B. Industrial District -- one parcel/80 acres; one owner; poor access from Meyer Road; is the only parcel able to meet requirements at this time as of May 1997.
- C. Commercial District--cannot meet the setback requirements at this time as of May 1997.

15.03 PERMITTED USES

- A. Adult bookstore.
- B. Adult cabaret.
- C. Adult personal service establishment.
- D. Adult motion picture theater.
- E. Massage parlor.

15.04 LOCATION RESTRICTIONS

- A. No adult entertainment establishment may be established, operated, or maintained within 500 feet of a PR, R-1, R-2, or R-3 residential zoning district and PR district and 1,000 feet of an existing residence. The establishment must be located with a minimum 300 foot setback from the front or any road, and a minimum 100 foot setback from the property line on either side and rear.
- B. No adult entertainment establishments may be established, operated, or maintained within 1,000 feet of a church, state licensed day care facility, public library, public park, public educational facilities serving persons age seventeen (17) or younger, an elementary school, or high school. The establishment must be located with a minimum 300 foot setback from the front and any road, and a minimum 100 foot setback from the property line on either side and rear.
- C. No adult entertainment establishments may be established, operated, or maintained within 1,000 feet of any other adult entertainment establishments.

- D. Distance limitations shall be measured in a straight line from the parcel or lot lines of both the subject parcel and parcels zoned residential or occupied by the uses specified above.
- E. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any areas where they can be viewed from a public street or sidewalk adjacent to the establishment.

15.05 DEFINITIONS

- A. Adult Bookstore: An establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, films, movies, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
 - 2. Instruments, devices or paraphernalia designed for use as part of, or in connection with, specified sexual activities.
- B. Adult Cabaret: A nightclub, bar, restaurant, lounge, dance hall, or similar establishment where, for any form of consideration, employees and/or entertainers provide patrons, guests, or members with exposure to specified anatomical areas or specified sexual activities, on a regular, irregular, or special event basis.
- C. Adult Personal Service Establishment: An establishment or business having as a substantial portion of its activities, one or more persons who for any form of consideration, while nude or partially nude, provide personal services for one or more other persons in a closed room consisting of actual or simulated specified sexual activities, or erotic modeling, rubs, body painting, wrestling, or theatrical performances which are characterized by, or include emphasis on, the display of specified anatomical areas.
- D. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, videos, slides, or other photographic reproductions are shown and in which a substantial portion of the total presentation is devoted to the showing of material characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.
- E. Massage Parlor: An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands or other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient.
- F. Substantial Portion: Substantial portion means a use or activity accounting for more than five percent (5%) of any one or more of the following:
 - 1. Stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.
- G. Specified Anatomical Areas: Specified anatomical areas means and includes any one or more of the following:

1. Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

H. Specified Sexual Activities: Specified sexual activities means and includes any one or more of the following:

1. The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy.
3. Human masturbation, actual, or simulated.
4. Human excretory functions as part of, or as related to any of the activities described above.
5. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to any of the activities described above.

**ARTICLE 16
MOBILE HOME OVERLAY DISTRICT**

Article 16 Removed	
Public Hearing	08/08/2022
Published	08/23/2022
Effective	09/22/2022

16.01 PURPOSE

The purpose of this district is to provide an area for mobile homes to exist outside of a mobile park.

16.02 OVERLAY DISTRICT

- A. East of Jebavy Drive, north side of Dewey Road, east of the commercial area on Dewey Road to the township line, 1/4 mile deep (zoned agricultural).
- B. Industrial District.

16.03 PERMITTED USES

- A. Mobile homes.
- B. All uses permitted by right or by special land use permit in the underlying zoning district shall be permitted.

16.04 REGULATIONS

- A. Mobile homes shall be installed pursuant to the manufacturers set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Home Commission.
- B. It shall be installed with the wheels removed and no dwelling shall have any exposed towing mechanism, under carriage, or chassis.
- C. It shall be connected to a public sewer and water supply when available or if not available to private facilities approved by the local health department.
- D. All construction, all roof snow load and strength requirements, and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (HUD), being 24CR3280 and as from time to time such standards may be amended.
- E. Shall be placed upon a slab of cement upon the property in such a way that its appearance shall be compatible with single family dwellings constructed on site within said district.

- F. Additions to mobile homes must be constructed on site and conform to the principal dwelling in design and color or be manufactured specifically for the purpose of a mobile home addition. Said mobile home should be completely enclosed with a skirt consisting of metal, masonry, vinyl or other permanent material. The material used for enclosing the base must be maintained at all times and will be secured top and bottom. No straw, rolled felt paper, tar paper, or material of this type or nature will be permitted on any mobile home. This skirting will be completed within thirty (30) days of placement of the mobile home.
- G. The use of land and buildings within this district shall meet the Schedule of District Regulations in Article 5, Page 5-2. In the event that a dwelling is a mobile home, the minimum mobile home width will be fourteen (14) feet wide at any given point, with a minimum floor area of 600 square feet. No addition will be allowed solely to bring the area to 600 square feet.
- H. No mobile home will be allowed for purposes other than permanent or temporary dwelling (as under Section 4.08, A, of the Hamlin Township Zoning Ordinance). Mobile homes will not be allowed as storage buildings or any accessory use to the principal dwelling, nor will two mobile homes be allowed to be placed together for use as one single family dwelling unit.
- I. No person shall occupy any mobile home as a dwelling within the township until a certificate of approval shall be issued by the building official or zoning administrator, which permit shall indicate satisfactory compliance with all requirements of the township zoning ordinance.
- J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or other wise specifically required in this ordinance.
- K. No mobile home that is dilapidated or in a state of disrepair may be placed upon any property.

ARTICLE 17
PARKING AND LOADING REQUIREMENTS

17.01 SCOPE

In all zoning districts, off-street parking and loading facilities for the parking of vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this ordinance shall be provided as herein prescribed.

17.02 MEASUREMENT UNITS

For the purpose of determining the off-street parking and loading facilities required as accessory to a use, definitions and standards are established as follows:

- A. "Off-street parking area" shall mean an open or enclosed area directly accessible from a public or private street for parking of automobiles of owners, occupants, employees, customers, or tenants of the main use. Each space shall be directly accessible from a drive or aisle.
- B. "Usable floor area" shall mean the total area of all the floors of the building used by the principal activities, measured from the exterior faces of the building. The areas used for storage, mechanical equipment, stairwells, or otherwise not occupied by people shall be excluded from the usable floor area calculation.
- C. "Gross floor area" shall mean the total floor area used for the main and accessory activities and storage areas of the building served.
- D. The number of employees shall be based on the number of employees working at the largest shift.

17.03 SCHEDULE OF PARKING REQUIREMENTS

- A. The zoning administrator shall determine the minimum number of spaces required for accessory off-street parking by applying the "Schedule of Parking Requirements" and any other applicable provisions of this ordinance. Where the computation results in a fractional space, it shall be counted as one additional space required.
- B. If an existing permitted land use is changed to another permitted land use that requires additional parking according to the "Schedule of Parking Requirements," such additional parking shall be required.

- C. Expansion of existing parking areas may require site plan review by the planning commission (see Article 21).

SCHEDULE OF		PARKING REQUIREMENTS	
Use		Minimum Parking Spaces Required	
C	Single-Family, Two-Family, and Multiple-Family Dwellings	2 For Each Dwelling Unit	
C	Day-Care Homes and Day-Care Centers	1 For the First 12 Adults/Children, Plus 1 for Each Additional 6 Adults/Children	
C	Churches or Temples	1 For Each 3 Seats or 6 Feet of Pews in the Main Unit of Worship	
C	Hospitals	1 For Each 1 Bed	
C	Elderly-Care Facilities	1 For Each 4 Beds	
C	Offices of Doctors, Dentists, or Similar Professions	1 For Each 15 Square Feet of Usable Floor Area in Waiting Rooms and 1 For Each Examining Room, Dental Chair, or Similar Use Area	
C	Banks	1 For Each 100 Square Feet of Usable Floor Area	
C	Business and Professional Offices and Buildings	1 For Each 200 Square Feet of Usable Floor Area	
C	Motels and Hotels	1 For Each Sleeping Room	
C	Restaurants, with Indoor Seating or Eating	1 For Each 50 Square Feet of Usable Floor Area or 1 For Each 2 Seats, Whichever is Greater, Plus 1 For Each Employee	
C	Restaurants, Drive-Through	5 Stacking Spaces, Plus 1 For Each Employee	
C	Places of Outdoor Assembly	1 For Each 3 Seats or 6 Feet of Benches	
C	Theaters and Auditoriums	1 For Each 3 Seats, Plus 1 For Each 2 Employees	
C	Indoor Entertainment Halls Without Fixed Seats	1 For Each 2 Persons Allowed Within the Maximum Occupancy Load as Established by the Township Fire Code	
C	Miniature Golf Courses	3 For Each 1 Hole, Plus 1 For Each 1 Employee	
C	Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses	1 For Each 2 Member Families or Individuals, Plus Spaces Required For Each Accessory Use, Such as a Restaurant or Bar	
C	Golf Courses Open to the General Public, Except Miniature Courses	6 For Each 1 Golf Hole and 1 For Each 1 Employee, Plus Spaces Required For Each Accessory Use, Such as a Restaurant or Bar	
C	Bowling Alleys	5 For Each 1 Bowling Lane, Plus Accessory Uses	
C	Auto Washes	3 Stacking Spaces, Plus 1 For Each Employee	

C Oil Change Establishments	3 For Each Stall, Plus 1 For Each Employee
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SCHEDULE OF PARK	ING REQUIREMENTS (Continued)
C Service Stations	2 For Each Service Stall, Plus 1 For Each Gasoline Pump
C Vehicle Sales and Service Establishments	1 For Each 200 Square Feet of Usable Floor Area of Sales Room and/or 3 For Each 1 Auto Service Stall in the Service Room
C Public Storage Facilities	1 For Each 4 Storage Units
C Beauty Parlors or Barber Shops	3 For Each 2 Chairs
C Retail Stores, Video Rentals, Supermarkets, Department Stores, and Personal Service Shops	1 For Each 150 Square Feet of Usable Floor Area
C Furniture, Appliance, and Household Equipment Repair Shops and Showrooms	1 For Each 800 Square Feet of Usable Floor Area, Plus 1 For Each Employee
C Coin-Operated Laundromats and Dry Cleaners	1 For Each 2 Washing and Dry-Cleaning Machines
C Mortuary Establishments	1 For Each 50 Square Feet of Usable Floor Area in Assembly Rooms and Parlors
C Manufacturing, Processing, or Fabricating Businesses	1 For Each Employee
C Warehousing and Storage Buildings	1 For Each Employee or 1 For Each 1,700 Square Feet of Gross Floor Area, Whichever is Greater

17.04 SIZE OF PARKING SPACE

Each off-street parking space shall have the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>
0° (Parallel Parking)	12'	8'0"	23'
30° to 53°	12'	8'6"	20'
54° to 74°	15'	8'6"	20'
75° to 90°	20'	9'0"	20'

17.05 REQUIREMENTS OF PARKING AREAS

Every parking area containing six or more spaces shall require site plan review in accordance with Article 21 and shall be developed and maintained in accordance with the following requirements:

- A. The parking area and its driveway shall be:
 - 1. Designed to provide adequate drainage.
 - 2. Surfaced with concrete, asphalt, gravel, or pavement. Parking areas for outdoor recreational uses may be graveled.
 - 3. Maintained in good condition and free of dust, trash, and debris.
- B. The parking area shall be provided with entrances and exits so located as to minimize traffic congestion.
- C. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- D. No part of any parking area shall be closer than 10 feet to the street right-of-way or closer than 5 feet to a lot line in any residential district.
- E. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited, except in the case of one-family dwellings.
- F. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- G. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- H. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- I. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet from adjacent property located in any single-family residential district.

17.06 OFF-STREET LOADING SPACES

- A. For every building or addition to an existing building requiring the receipt or distribution in vehicles of materials or merchandise, an area adequate for maneuvering and ingress and egress for delivery vehicles and off-street loading spaces as follows shall be provided and maintained on the same lot:
 - 1. From 0 to 1,400 Square Feet of Floor Area: None.
 - 2. From 1,401 to 20,000 Square Feet of Gross Floor Area: One space.
 - 3. From 20,001 to 50,000 Square Feet of Gross Floor Area: Two spaces.
 - 4. One additional space for each additional 50,000 square feet of gross floor area or fraction thereof.
- B. Each such loading space shall be at least 10 feet in width, 35 feet in length, and 14 feet in height.
- C. No such space shall be located within the front setback area or closer than 25 feet to a lot line in any residential district.

ARTICLE 18 SIGNS AND BILLBOARDS

18.01 SIGN REGULATIONS FOR ALL DISTRICTS

- A. Signs shall in no way constitute a traffic hazard and must be maintained in a neat and attractive manner.
- B. Signs shall not contain neon or intermittent lighting or other bright or glaring lighting that would create any electrical disturbance.
- C. If signs project from a building or are located over a sidewalk or passway, they shall not be less than 12 feet above such sidewalk or passway.

18.02 PERMITTED SIGNS IN "R-1" DISTRICTS

The following signs may be permitted in the "R-1" Districts:

- A. Nameplates: Not exceeding 2 square feet in area.
- B. Real Estate Signs: Not exceeding 8 square feet in area.
- C. Directional Signs: Not exceeding 8 square feet in area, provided that they set back at least 10 feet from all lot lines and that they are located on the business's premises.
- D. Subdivision Signs: Not exceeding 16 square feet in area, provided they set back at least 10 feet from all lot lines.
- E. Temporary Sale, Lease, or Rent Signs, Provided That:
 - 1. Not more than two signs per parcel are displayed.
 - 2. Such signs are located on the premises or structure that is for sale, lease, or rent.
 - 3. Such signs do not contain an area of more than 12 square feet.
 - 4. Such signs are removed following the sale, rental, or leasing of the property.
- F. Yard Sale Signs: Provided that they shall not exceed 12 square feet and that they shall be limited to two signs per parcel.
- G. Political Election Signs, Provided That:
 - 1. Such signs are located at least 10 feet from the highway right-of-way.
 - 2. Such signs do not obstruct the view of the traffic from the sidewalks, roadways, driveways, or exits and adjoining property.
 - 3. Such signs will be removed by the responsible person or party within 10 days after the election for which they were placed.

18.03 PERMITTED SIGNS IN "A," "R-2," "R-3," AND "PR" DISTRICTS

The following signs may be permitted in the "A," "R-2," "R-3," and "PR" Districts:

- A. Nameplates: Not exceeding 2 square feet in area.
- B. Real Estate Signs: Not exceeding 8 square feet in area.
- C. Directional Signs: Not exceeding 8 square feet in area, provided they set back at least 10 feet from all lot lines.
- D. Subdivision Signs: Not exceeding 16 square feet in area, provided they set back at least 10 feet from all lot lines.
- E. Business Signs: Not exceeding 18 square feet in area, provided that they are located not less than one-half the required building setback distance from the street right-of-way line and that they are located on the business's premises and are no more than 20 feet above ground level.
- F. Political Election Signs, Provided That:
 - 1. Such signs are located at least 10 feet from the highway right-of-way.
 - 2. Such signs do not obstruct the view of the traffic from the sidewalks, roadways, driveways, or exits and adjoining property.
 - 3. Such signs will be removed by the responsible person or party within 10 days after the election for which they were placed.
- G. Yard Sale Signs: Provided that they shall not exceed 12 square feet and that they shall be limited to two sign per parcel.
- H. All permitted signs in the R-1 district are permitted in A, R-2, R-3, and PR districts.

18.04 PERMITTED SIGNS IN "C" AND "I" DISTRICTS

The following signs may be permitted in the "C" and "I" Districts:

Two business signs, not to exceed a total of 48 square feet, provided they are located not less than 10 feet from the sideline of the property nor less than one-half the required building setback distance from the abutting street right-of-way line and are no more than 20 feet above ground level.

All permitted signs in the R-1, A, R-2, R-3, and PR District are permitted in the commercial and industrial districts.

18.05 BILLBOARDS

Billboards may only be erected in "C" and "I" Districts, provided that they do not exceed 100 square feet in area and that they are set back not less than 75 feet from any abutting street right-of-way line.

18.06 SIGN PERMIT

All business signs and billboards shall require a sign permit from the zoning administrator. No sign permit shall be issued until the zoning administrator is satisfied that the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy, and durable manner with proper bracing, anchorage, and foundation.

ARTICLE 19 SPECIAL LAND USES

19.01 SPECIAL LAND USE PROCEDURE

- A. Among the data that shall be supplied by the applicant and that shall constitute the application package, the following shall be included:
 - 1. The names and addresses of the applicant or applicants.
 - 2. The location, shape, area, and dimensions of the lot and of the proposed structure or improvement (shown on the site plan).
 - 3. The description of the proposed use and of the building (dwelling, structure, barn, garage, etc.) or improvements.
 - 4. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
 - 5. The yard, open space, and location of parking spaces (as shown on the site plan).
 - 6. A required site plan that must be approved before any granting of a special land use permit.

- B. Reasonable conditions may be required with the approval of a special land use permit by the planning commission.
 - 1. Reasonable conditions may be required with the approval of a special land use by the planning commission. The conditions may include but are not limited to conditions necessary to ensure that public service and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - a) They shall be designed to protect the natural resources; the health, safety, and welfare; and the social and economic wellbeing of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b) They shall be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 - c) They shall be necessary to meet the intent and purpose of the zoning ordinance, shall be related to the standards established in the ordinance for the land use or activity under consideration, and shall be necessary to ensure compliance with those standards.

 - 2. The conditions imposed with respect to the approval of a special land use shall be

recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the planning commission and the landowner. The planning commission shall maintain a record of conditions that are changed.

- C. Before granting a special land use permit in addition to finding that it meets all of the previously stated requirements, the planning commission must find that:
 - 1. The proposed use will not have significant adverse effects on existing, adjacent uses within 500 feet.
 - 2. There will be no significant adverse effects upon the public health, safety, or general welfare and that it will not impair the intent of the ordinance.
- D. After such hearing, said commission shall either grant or deny a permit or such special land use and shall state its reasons for its decisions in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said commission in its decision and shall be filed with the township zoning administrator.
- E. The plot plan and specifications and all conditions, limitations, and requirements imposed by the planning commission shall be incorporated as a part of the special land use permit. Violations of any of these, at any time, will cause revocations of said permit; and said special land use shall cease to be a lawful use.
- F. Any property that is the subject of a special land use permit that has not been used for a period of 6 months (without just cause being shown, which is beyond the control of the owner and which is acceptable to the planning commission) for the purposes for which such special land use permit was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification; and the permit for such special land use shall thereupon terminate.
- G. The decision to deny, approve, or approve with conditions shall be incorporated in a written statement of conclusions relative to the special land use under consideration, which specifies the basis for the decision and any conditions imposed. The following standards shall be observed;
 - 1. The use, location, size of use, and nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole or be in conflict with or discourage the principal permitted uses of adjacent or neighboring lands and buildings.
 - 2. The use shall not diminish the value of land, buildings, or structures in the neighborhood nor shall it increase hazards from fire or other dangers to either the property or adjacent properties.
 - 3. The use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the use shall be furnished by either existing roads or highways or proposed highways.
 - 4. The water supply and sewage disposal system shall be adequate for the proposed use.
 - 5. The use, location, and size of use shall not unnecessarily diminish land used to meet the needs of the state's citizens for food, fiber, energy, and the use of other natural resources.
 - 6. Uses by special permit shall not be more objectionable to nearby properties by

reason of traffic, noise, vibrations, dust, fumes, smoke, glare, flashing lights, or disposal of waste than the operation of any principal permitted use.

7. The use shall not impair the purpose or intent of this ordinance or the purpose of the district in which it is located.
- H. It will be a condition for granting any special land use or any amendments to special land use that the property owner enter into an agreement to comply with the conditions or stipulations of the special land use. Such agreement shall be signed by the Chairman of the Planning Commission on behalf of the Planning Commission.

19.02 DESIGN STANDARDS

The following uses shall only be permitted if the district in which they are located specifically lists such use as a special land use. The following design standards shall be required in addition to the requirements of the district in which they are located:

- A. Bars, Taverns, and Nightclubs:
 1. Such use shall not be located within 500 feet of a church, library, playground, park, cemetery, school, hospital, elderly-care facility, or day-care home or center.
 2. Such use will not adversely affect the use and enjoyment of adjoining or nearby residential properties.
- B. Bed and Breakfasts (Amended Effective 2/17/2002):
 1. Bed and Breakfasts must follow state guidelines. Refer to ENROLLED HOUSE BILL NO. 5638, Section 1, Section 12901 of Act No. 368 of the Public Acts of 1978, as amended by Act No. 102 of the Public Acts of 1995, being Section 333.12901 of the Michigan Compiled Laws, which reads as follows:

Sec. 12901 (1) as used in this part:

 - a) "Bed and breakfast" means a private residence that offers sleeping accommodations to transient tenants in 14 or fewer rooms for rent, is the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, serves breakfasts and, in the case of a bed and breakfast described in subdivision (c)(ix), at no extra cost to its transient tenants, has a smoke detector in proper working order in each room, and a fire extinguisher in proper working order on each floor.
- C. Boarding and Lodging.
- D. Boat Liveries and Bait Shops.
- E. Body Shops:
 1. The outdoor storage of any junk vehicles or parts overnight is prohibited.
 2. All work must be conducted entirely within an enclosed building.
 3. Not more than two automobiles awaiting repairs performed upon the premises shall be parked outside overnight for each indoor repair stall located within the

body shop.

4. The planning commission shall have the authority to limit the hours of operation and the services and operations performed at the body shop in order to protect the health, safety, and general welfare of the adjoining residents and property owners as a condition to the granting of such special land use.

E2. Camps

Camps must be licensed as a camp by the State of Michigan, Department of Treasury/Licensing and Regulatory Affairs and that a copy of the licensed be filed with the Township Zoning Administrator when applying for a Special Land Use.

Submitted with the Land Use Application will be the inspection reports from the Health Department, Fire Department and Marine Sheriff (if applicable).

1. Minimum parcel size - 10 Acres
2. Term of stay by campers- 90 Days

Site Plan must include all of the following:

- Type of structures (cabin, tent, lean-to)
- Septic and waste removal/treatment
- Distance from other properties/setbacks
- Distance between buildings/campsites
- Emergency access
- First aid station
- Adequate off-street parking
- Security of property when not in use

F. Commercial Recreation Establishments.

G. Elderly-Care Facilities.

H. Fish-Cleaning Facilities:

1. Fish cleaning must be done entirely within a fully enclosed structure unless same is done more than 150 feet from any existing residence; if more than 150 feet from any existing residence, fish cleaning may be done with an attractive, solid material at least 4 feet in height.
2. The screening shall be at least 2 feet higher than the top of the fish-cleaning table or counter.
3. The table or counter must be watertight with a 2-inch lip with strainer and a 4-inch plastic pipe drain connecting into a holding tank having a minimum capacity of 800 gallons. The holding tank shall be connected to a series of at least three dry wells meeting the county's health department regulations.
4. The building or screened area for fish cleaning shall have a concrete floor.
5. There shall be an adequate number of tightly covered containers that are dumped when necessary (at least once each day that fish cleaning is performed). The same must be dumped at the time of closing of operations each day; and, at that time, each container shall be washed with a suitable chemical.

6. Each facility shall have running water.

I. Gasoline and/or Service Stations:

1. No major repairs shall be performed.
2. No entrance or exit shall be located within 200 feet of a public library, school, playground, park, cemetery, church, hospital, day-care home or center, or elderly-care facility.
3. No traffic hazard shall be created by the location of such use.
4. Not more than two automobiles awaiting repairs performed upon the premises shall be parked outside overnight for each indoor repair stall located within the gasoline or service station building.
5. Such use shall be necessary for the safety, convenience, and servicing of the motoring public who cannot otherwise adequately and safely be served in such neighborhood.
6. The planning commission shall have the authority to limit the hours of operation and the service and operations performed at the station in order to protect the health, safety, and general welfare of adjoining residents and property owners as a condition to the granting of such special land use.

J. Golf Courses, Including Clubhouse and Pro Shop:

1. The principal uses shall be outdoor activities compatible with the other principal uses permitted in the particular zoning classification.
2. The area to be developed must contain a minimum of 20 acres.
3. Concession stands; pro shops; clubhouses; equipment repair facilities; and other incidental, commercial-type uses shall be permitted, provided that they are located where they would not be a nuisance or annoyance to adjoining residential property owners and are operated for the purpose of serving patrons of the principal use and not the adjoining community for transient motorists.
4. Adequate public rest rooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.
5. Off-street parking shall be required on the site in areas that will not constitute a nuisance or annoyance to adjoining property owners and that will satisfy peak periods of use.
6. Adequate gates and fencing shall be provided to ensure that the area is closed off from adjoining residential lands or zones.
7. The placement of any motorized vehicular raceways or trails, roads, runs, or obstacle courses shall be in such locations as to have a minimum adverse effect upon adjoining residents and shall, where necessary, be screened with evergreen growth to dissipate noise emanating therefrom.
8. Equipment storage buildings and other such buildings of a commercial nature shall be adequately screened from adjoining residential properties.
9. The planning commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety, and welfare of the adjoining residential property and to ensure that any noise, odors, traffic, or other activities incidental thereto have a minimum impact upon the neighborhood in which the same is located.
10. The application for a special land use permit must contain a plan for ensuring

adequate supervision of a recreational area and all activities therein.

K. Grocery Stores and Gift Shops.

L. Group Day-Care Homes.

M. Motels and Hotels

1. Where the front yard is used to provide access, the front twenty-five (25) feet of the lot shall be landscaped buffer zone, unpaved and shall not be used for off-street parking, except for drive opening.
2. Ingress and egress to the motel/hotel shall be only from a hard-surfaced road or from an approved shared access drive to such a road.
3. Each guest unit shall contain a minimum of two-hundred fifty square feet of gross floor area.
4. A minimum lot area of forty thousand (40,000) square feet is required together with a minimum lot width of one-hundred fifty (150) feet, plus there shall be an additional four hundred (400) square feet of lot area for each guest unit.
5. There shall be at least eight hundred (800) square feet of lot area for each guest.
6. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the area within the lot lines of land developed at any time.
7. Trash dumpsters shall be screened from adjacent properties by vegetation, landscaping, or fences.
8. No guest shall establish permanent residence at the motel/hotel.
9. Where adjoining a residential use or residential district, the planning commission may require a solid wall, fence or similar vegetative buffer along the lot line having a maximum height of six (6) feet

N. Laundries.

O. Manufacturing, Compounding, Assembling, or Treating:

1. All work shall be carried on within an enclosed building of not more than 5,000 square feet.
2. All activities shall be conducted in such a manner so as to adequately protect adjoining or nearby property owners and residents from noise or pollution, and the buildings and grounds shall be maintained in a neat and attractive manner.
3. All truck parking and loading shall be performed in the rear of the building.
4. Adequate screening, as determined by the planning commission, plus other conditions and limitations as the planning commission deems necessary, shall be provided and complied with so as to adequately protect the health, safety, welfare, and adjoining property values.

P. Mineral Extraction Operations:

1. Plans that disclose the limits of the area proposed for the operation, the maximum depth of any excavation, the proposed finished grade, and the manner in which the land may properly be developed following the termination of the operations so that the same will not remain devastated beyond any reasonable use.
2. No finished slopes or slopes located within 600 feet of adjoining residential

properties or residential zones shall, at any time, exceed 33-1/3 percent.

3. No excavations, other than those that are incidental to building, structure, or public utility construction shall be permitted below the grade of any adjoining public street of abutting property under different ownership within 600 feet.
4. No dust, dirt, or debris emanating from the operation shall, at any time, be permitted to be deposited upon adjoining premises to such an extent as to be a nuisance or annoyance to the occupants thereof.
5. No operations shall be permitted at any time prior to 7 a.m. or subsequent to 6:30 p.m. daily.
6. All topsoil shall be stockpiled upon the premises and shall be promptly used to resurface areas where operations have been terminated or substantially discontinued for any period in excess of 1 year. Such areas shall then be seeded and planted to lessen erosion and to encourage proper growth within 1 year of termination of all excavation activity in the area.
7. No natural drainage shall be changed or altered in any manner that would adversely affect adjoining premises. Any dangerous excavations, pits, pond areas, banks, or slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or others and shall be eliminated as expeditiously as possible.
8. Special land uses granted hereunder may be limited in time, subject to renewal for a further limited time by the planning commission, if said board is satisfied that all conditions of the operations are not a nuisance or annoyance to adjoining property owners or occupants by reason of noise, smoke, dust, dirt, unreasonable truck traffic, or hazardous conditions.
9. No excavating, mining, or quarrying covered by this ordinance shall be commenced or shall hereafter continue until a performance bond has been filed with the township clerk in the amount of not less than \$2,000 per acre contained in that portion of the plan required to be filed with the township under No. 1. hereof, proposed to be excavated, mined, or quarried within the ensuing 12-month period, guaranteeing the satisfactory performance of all the regulations herein contained. Such bond shall not, at any time, be less than \$2,000 in amount. No performance bond filed with the township shall be released until all ordinance regulations are in full compliance.

Q. Multifamily Dwellings:

1. All buildings shall be no more than 2-1/2 stories in height.
2. All buildings shall be set back from rear lot lines at least 35 feet.
3. All buildings shall be compatible in appearance with the surrounding residential area and shall be landscaped and maintained in an attractive and neat manner.
4. No more than 25 percent of the lot area shall be occupied by a building or buildings.
5. All buildings shall be set back a minimum distance of 15 feet from each other.
6. A paved driveway of at least 15 feet in width shall be constructed with adequate drainage and paved sidewalks to the entrance or entrances of each building.

R. Nurseries

1. Site Plan must include bathroom or port-a-john facilities;
2. Storage area for fertilizers, pesticides and chemicals must be enclosed with cement floor seventy five (75) feet from the well head;

3. Must have safe fuel storage area for heated buildings.
- S. Planned Unit Developments (PUDs): Refer to Article 20 for all procedures, requirements, and design standards for all PUDs.
- T. Ponds.
- U. Private Clubs.
- V. Public or Institutional Uses.
- W. Resorts.
- X. Restaurants.
- Y. State-Licensed Residential Facilities.
- Z. Summer Camps
- AA. Veterinary Hospitals and Dog Kennels
 - Veterinary hospitals and kennels shall be 100 feet from all lot lines.

Kennel

1. A kennel shall be on a lot with a minimum lot size of five (5) acres for the first eleven (11) animals and an additional one-third (1/3) acre for each animal thereafter.
 2. Accessory building where animals are kept, runs and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential lot line.
 3. All kennels shall be operated in conformance with all applicable county, state and federal regulation.
 4. All buildings used to house animals shall be insulated in such a manner that animal noises are minimized to 55 decibels at the lot lines.
 5. Yards where training or exercise is provided shall not be used between the hours of 10:00 pm and 7:00 am.
 6. During the hours of 7:00 am and 10:00 pm animals shall be permitted in outdoor runs or pens. Animals must be confined and not allowed to roam the property unsupervised.
 7. All kennel assets shall be located in the rear yard only.
 8. Kennel area shall be screened from view by appropriate screening as determined by the Planning Commission.
 9. The outside perimeter of the run and/or exercise area of a kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top having to prohibit the escape of the animals.
 10. All animals must be licensed and maintained in a healthful manner.
 11. Outdoor runs and breeding areas in a kennel shall have concrete surfaces, suitable for cleaning by high pressure water, and shall be provided with adequate septic system.
 12. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease and offensive odor. Odor shall not be detectable beyond the lot lines of the property. Dust and drainage from the kennel enclosure shall not create nuisance or hazard to adjoining properties
- AB. WAREHOUSES

- AC. OSD
- AD. WECS (Wind Energy Conversion Systems)

- I. Intent and Purpose

Although WECS have the potential for becoming a source of nonpolluting power, they also have the potential for having a negative impact on an area where they are located unless they are sited very carefully.

Hamlin Township is one of the more densely populated areas of Mason County. For more than a hundred years it has attracted people for seasonal and year round residency because of its beautiful natural environment. Although it is generally rural in character, the parts of the township adjoining Hamlin Lake tend to have an unusually high density compared to the remainder of the township. Property values are high and have appreciated steadily over the years because of the scenic nature and quiet ambiance of the area.

Very little industrial and/or commercially zoned property exists within the township. The 87 acres within the township, which is zoned for commercial operations, is used primarily for resorts and facilities, which support marine or residential activities on Hamlin Lake (Land Use Plan, 1994 p.2-7). The continued success of those businesses is directly related to the quality of the natural environment that surrounds them. The 120 acres of industrial property has mainly been used for mineral extraction. Zoning regulations have been carefully written to preserve the quality of life currently found in the township (Land Use Plan, 1994 p. 1-4, 1-5).

“New commercial development will be closely reviewed and only those uses determined to be compatible with the predominant residential character and similar to the types of uses that are currently or customarily and typically found in a lake/resort environment will be permitted” (Land Use Plan, 1994, p. 6-6).

“It is important that proper site planning be implemented to ensure that industrial development is made compatible with adjacent, lower density land use” (Land Use Plan, 1994 p. 6-9).

WECS are provided herein by special land use permits in order to allow for the development of alternative power generation, and operation that may be industrial in its scope, in a generally residential area, which thrives because of its natural beauty.

- II. WIND ENERGY CONVERSION SYSTEMS

- A. A WECS shall require a Special Land Use permit with site plan approval by the site plan review committee and must be in

accordance with all standards, procedures and provisions set forth in Article 19 for Special Land Use approval. In the event that there is a discrepancy between the provisions of Article 19 or any other part of the Hamlin Township Zoning Ordinance and this specific article pertaining to WECS, the WECS article shall take precedence.

- B. A WECS may be constructed in any zoning district providing it meets the following criteria;
 - 1. In 'R-1', 'R-2', 'R-3', 'C', 'PR' districts, the power may only be generated for non-commercial purposes with a rated capacity of 300 kilowatts or less.
 - 2. In 'A' and 'I' districts power may be commercial in nature.
 - 3. Power generation in all districts is subject to the following setback and noise restrictions;
 - a.) Setbacks must, at a minimum, be twice the height of the total structure (tower and blade combined) on all sides of the site boundary. The site boundary is defined as the boundary of the parcel the WECS is proposed to be located on if on an individual parcel, or the outer boundary of the pooled parcels if contiguous parcels are pooled for site purposes.
 - b.) Noise generated shall be limited to a maximum of 40 DB on the A weighted scale as measured at all sides of the site boundary
 - c.) The generated noise of any WECS shall be no more than 5DB above the ambient noise at the site of any neighboring dwelling.
 - 4. Clear cutting of trees for the express purpose of operating a WECS shall be discouraged.
- C. Non-Commercial WECS shall be governed by the requirements listed above.
- D. Commercial WECS, in addition to the requirements above, shall also be governed by the following requirements;
 - 1. All tower parts and related transmission lines shall be removed if the turbine has been inoperable for a period of one year. Regularly provided documentation, which indicates attempts to service or sell the operations, may be used to extend the one-year period as long as a good faith effort is being made to maintain a viable operation. The site shall be returned to its original condition upon removal of all equipment.

2. Transmission Lines
The electrical transmission line connecting all commercial wind tower generators to the public utility distribution system shall be located underground.
3. Tower Structure and Style
Each commercial wind turbine generator shall be of monopole or monotube style construction (as distinguished from a lattice style). WECS shall be surfaced in a uniform neutral, non-reflective color to minimize visibility. If the tower is 'climbable', appropriate measures shall be taken to prevent public access.
4. Lighting
Lighting for commercial towers shall be limited to that which is required by the FAA or by law. It shall be shielded to prevent glare or ground visibility to the extent possible and allowable by the FAA.
5. Commercial WECS Signage
Due to the potential public hazards, a sign displaying the toll free telephone number for emergency calls and information shall be posted. The sign shall also include a unique identifier and GPS location of the tower. Additional signage shall warn of high voltage and other dangers. Posted signs shall be maintained in a legible fashion.
6. .Electromagnetic Interference
Any commercial wind turbine generator shall be designed, constructed, and operated so as not to cause radio, television, microwave, cellular or navigational reception or transmission interferences to neighboring areas. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident, emergency communication organization, or property owner affected.
- 7, Rotor or Blade Safety
Each WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the rotor.
8. Commercial wind energy facilities must adhere to the guidelines set forth by the U.S. Fish and Wildlife Service "Guideline to Avoid and Minimize Wildlife Impacts from Wind Turbines".
Federal Register: July 10, 2003 (Volume 68, Number 132)

- E. An application for a commercial WECS shall be made, in writing, to the Hamlin Township Zoning Administrator. The permit application shall include, but is not limited to, the following:
1. Name and address of the applicant.
 2. Identification of all owner/operators of the applying entity.
 3. Legal description of property and the leased portion of the property, if applicable, together with a copy of the applicant's deed or lease pertaining to the said parcel. All active easements and other similar agreements that affect the title to the property shall be noted.
 4. A scaled plan showing the location, type, and height of all proposed buildings, roads (public and private), structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS. It should also include on-site land use and zoning and adjacent uses (including buildings and structures thereon) within ½ mile of the exterior boundaries of the parcel, regardless of municipality. It should include the proposed removal of any existing vegetation. It should include a topographic map with a ten (10) foot contour interval based on 7 ½ minute USGS (United States Geological Survey) topographic sheets.
 5. Copy of written notification, by registered letter, to and any responses from all individuals within ½ mile of property owners of the proposed WECS.
 6. Supporting data shall be submitted from a year-long data gathering process that demonstrates sufficient wind to sustain electrical production for 365 consecutive days.
 7. Written notification to and any response from the local utility stating the feasibility of interconnection.
 8. A copy of written notification, by registered letter, to and any response from the Federal Aviation Administration and the Mason County Airport Authority regarding the intent to construct WECS.
 9. A copy of written notification, by registered letter, to and any response from the Federal Communications Commission regarding the intent to construct WECS.
 10. A copy of written notification, by registered letter, to and any response from any microwave communications link operation located within two (2) miles of the WECS.

11. A written formal complaint process to address any and all complaints by area residents.
12. Copies of the construction plan will be provided. All information of an engineering nature submitted by the applicant and/or required by this ordinance, whether civil, mechanical or electrical, shall be certified by a licensed engineer. The engineer shall certify, in writing, that the WECS will be structurally sound and will comply with all applicable building and code requirements.
13. The developer shall supply current data showing migratory routes, avian nesting sites, feeding areas of protected species, and sensitive areas. The developer shall submit an inventory of threatened and/or endangered species or species of concern in the vicinity of the proposed site. Vicinity shall be based on the species.
14. A plan shall be submitted which includes the estimated cost of removal and restoration of the site to its original condition. A bond shall be required equal to 110% of the estimated removal and restoration cost.

AE. HISTORICAL PROPERTY OVERLAY DISTRICT

A. PURPOSE

The purpose of this overlay district is to give property owners an opportunity to earn income through capitalizing on their property's historic and/or natural features by opening the property for limited public use. This adaptive reuse will allow the property owner to raise funds which can be used to maintain and preserve the property.

B. DEFINITIONS

Historic Property - Land, structures, and undeveloped ecosystems which reflect early settlers, their lifestyles and the environmental conditions which predominated during previous years in Hamlin Township.

C. APPLICATION

The property owner must apply for a special use permit. The application shall include:

- a. A detailed description of the physical nature of the property.
- b. A description of who has owned the property and how it has been used.
- c. Photographs and descriptions of existing building and noteworthy natural features.
- d. Descriptions of architectural features or structures that are deemed historic.
- e. A detailed description of how the property will be used as a historic attraction.
- f. Any modifications that will be needed to open the property for public use.
- g. A statement describing who will be in residence at the property.
- h. Any conditions of the underlining zoning apply which will need to be specifically exempted.

- i. Any exterior modifications which are anticipated.

D. HEALTH AND SAFETY CONSIDERATIONS

1. The septic and well system shall be evaluated by the proper authority to assure that it has the capacity to handle anticipated usage.
2. The electrical system shall be evaluated by the proper authority to assure that it has the capacity to handle anticipated usage.
3. The property and structures should be evaluated by the property authority to determine fire safety.
4. If food preparation is to be part of the operation, necessary documentation for safe practices shall be obtained from the health department.

E. RESIDENTIAL NEIGHBORHOOD COMPATIBILITY

1. Provisions must be made for off street parking which is large enough to accommodate all who use the property at any given time whether they be owners or members of the visiting public.
2. All exterior lighting shall be full cutoff style so as to prevent shy-glow and light trespass on neighboring properties.
3. Any activity which includes outside amplified sound shall end at sundown. Indoor activities may continue after sundown so long as the sound does not prove to be a nuisance to neighboring properties.
4. Retail sales shall be limited to locally produced products which support the theme of the historic property.

G. EXAMPLES OF USAGE

1. Art gallery, small sales venue.
2. Artist in residence programs.
3. Classes to teach arts, crafts, music, drama, nature lore, traditional home arts.
4. Powwows and/or drum circles.
5. Non-motorized nature activities such as hiking, bicycling, skiing, snow shoeing, dog walking, bird watching, equestrian activities.
6. Weddings, receptions, and other private events.
7. Gift shops and small scale retail operations related to historic or natural products.
8. Property tours open to local residents and tourists.

H. CONTINUATION OF HISTORIC PROPERTY STATUS

1. Major exterior remodeling or the addition of structures may void historic property status. Modifications must be kept within the historic nature of the property.
2. If the property is sold, the new owners will need to reapply to maintain the historic property status.

AF. ON-SITE GROUND-BASED SOLAR PANELS

1. Ground-mounted solar energy systems are only permitted in the side and rear yards.
2. Ground-mounted solar energy systems may not extend into the side yard or rear yard setback when oriented at any designed tilt angle.
3. Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
4. The total area of ground-mounted solar energy collectors shall be included in the calculations to determine lot coverage and shall not exceed the maximum lot coverage.
5. All collectors must comply with all building and electrical codes and other applicable codes.
6. Wiring and plumbing shall be placed underground where possible.
7. All solar related equipment shall be removed within 12 months of the date use discontinues.
8. At the request of the township the owner shall provide proof that the solar collection system is operational.
9. Screening should be provided for back and/or side of collectors if located within 200 feet of other residences.

ARTICLE 20 PLANNED UNIT DEVELOPMENTS (PUDS)

20.01 INTENT AND PURPOSE

Planned unit developments (PUDs) are provided herein by special land use permits in order to allow for some degree of flexibility and innovation in the design of developing areas as well as to allow for the economic usage of land and the conservation of sensitive, physical, and environmental features in a visible way.

The site plan review committee may review and permit, with conditions, a modification in bulk requirements in order to allow certain forms of development that contain both privately owned sites and common property planned collectively as a single unit.

20.02 PLANNED UNIT DEVELOPMENT

- A. A PUD shall require a special land use permit with site plan approval by the site plan review committee and must be in accordance with all standards, procedures, and provisions set forth in Article 19 for special land use approval.
- B. The minimum area necessary to qualify as a PUD shall not be less than 10 contiguous acres of land. However, an owner of land less than the minimum required area may apply for PUD if the subject land is adjacent to a lawfully approved or constructed PUD that is similar in character to the one proposed.
- C. As a planned single unit, a PUD may be constructed in any combination of residential uses and structures, provided that:
 - 1. The PUD shall not exceed a net residential density greater than the maximum number of units allowed per acre under conventional, single-family lot sizes as shown in Article 5 for the particular district in which the PUD is proposed. The number of dwelling units shall be rounded to the nearest whole number.
 - 2. At least 25 percent of the total area shall be reserved for open space. Open space is defined as an area that may consist of land included as part of the required yard setbacks, buffer areas, greenbelt areas, drainage easements, open space, or any outdoor recreational amenity but shall not include any area used for structures or off-street parking and loading.
 - 3. Full compliance with the provisions of this article and the tables contained herein shall be met, unless granted variances by the board of appeals.
- D. Bonuses in net residential density for PUD developments are permitted by the planning commission, provided that additional land is reserved and dedicated for open space (as defined in Paragraph C., No. 2. above).

BULK TABLE

<u>IF</u>	<u>Then the density multiplier for determining the maximum number of units allowed per acre shall be after the deduction of open space</u>
25 percent of total area reserved for open space,	1.5 x conventional single-family density
30 percent of total area is reserved for open space,	2.0 x conventional single-family density
40 percent of total area is reserved for open space	2.5 x conventional single-family density
45 percent of total area is reserved for open space	3.0 x conventional single-family density

20.03 PREAPPLICATION CONFERENCE WITH ZONING ADMINISTRATOR FOR CONCEPT REVIEW

Prior to formal application submission for a special use permit for a proposed planned development, the developer/applicant shall be required to make a presentation to the zoning administrator in order to discuss initial design concepts and the application of said concepts to the land in question. The zoning administrator may seek the advice of any agency or individual having expertise in the fields connected with the development of a PUD.

20.04 STANDARDS AND CONSIDERATIONS

In addition to complying with the standards for special land use permits, the following special standards for a PUD must be met:

- A. The tract of land shall be owned or controlled by a single person, partnership, corporation, cooperative association, or association of individual owners (condominium). An application may be filed by the owner; jointly by the owners of all property to be included; or by a person, persons, corporation, or corporations.
- B. PUDs shall have on-site utilities that must be approved by all legal state, county, and local agencies (health, conservation, etc.) that are in authority and have jurisdiction.
- C. Preliminary well and septic approval must be granted by the Mason County Health Department.

D. The following are eligible for inclusion in a PUD application:

- 1 Principal Uses: All uses permitted by right and by special land use in the underlying zoning district.
- 2 Accessory Uses and Buildings:

Maximum Percentage of
Total Land
Coverage Permitted

- | | | |
|----|---|--|
| a) | Open Space Developed | See Section 20.02, and Undeveloped:
Paragraphs C. and D. |
| b) | Indoor Recreation Facilities: | 10 Percent |
| c) | Outdoor Recreation Facilities: | No Limit |
| d) | Carports | Not to Exceed
968Square Feet Times the
Number of Units |
| e) | Community Buildings and
Meeting Halls: | 10 Percent |
| f) | On-Premise Laundry Facilities: | 5 Percent if Detached |
| g) | Small Scale
"Neighborhood Retail"
to Serve PUD Premises Only: | 10 percent |

E. Unless modified within the minimum standards by the planning commission at the time of application approval, compliance with the following design standards is required to be shown on the site plan:

1. Minimum yard requirements and building setbacks from all exterior property lines shall be 30 feet.
2. Maximum building height of 2-1/2 stories or 35 feet (excluding antennas, steeples, spires, etc.).
3. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
4. Access and egress opening from the development onto a public and private road shall be limited to one per 500 feet.
5. Planted and maintained landscaped buffer areas are required along all exterior boundaries of the property to be developed that are consistent with the surrounding land uses.
6. Drainage ways and streams shall be protected by a public easement.

- F. Common property is a parcel or parcels of land or a privately owned road or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service parking, and recreational area.
- G. When common property exists in private ownership, the owners shall grant easements over, under, and through such property as may be required for public purposes.
- H. After approval of a PUD, the site plan may be revised only upon approval of the site plan review committee.
- I. All sensitive natural features, such as drainage ways, streams, wetlands, land within the 100-year floodplains, land on slopes of 12 percent or greater, and stream or river banks (that, by virtue of soil and slope, may create highly erodible hazards to the public health and safety), shall remain unencumbered by all buildings and structures.

ARTICLE 20A OPEN SPACE DEVELOPMENT (OSD)

20A.01 DESCRIPTION AND PURPOSE

The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard district regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, critical dunes, wetlands, forest lands or agricultural land that would otherwise be developed but will be preserved as a result of the OSD. The OSD will be a Special Land Use in all districts.

The OSD provisions are not intended as a device for ignoring the requirements of Hamlin Township ordinances. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

20A.02 QUALIFYING CONDITIONS

- A. The tract of land for which an OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
- B. The size of proposed parcel must be large enough or environmentally significant enough to substantially support the intent of OSD regulations. Its development should not have a negative impact on surrounding properties.
- C. The applicant will use the Michigan Natural Features Inventory (MNFI), the townships Geographical Information System (GIS), and the Soil Survey of Mason County, Michigan, and other similar tools to demonstrate that the property proposed for the OSD contains site conditions worth preserving.

20A.03 REVIEW PROCEDURES

- A. Preliminary OSD Plan Approval
 - 1. To be considered as an OSD, the applicant shall be required to first receive approval of a preliminary OSD plan in accordance with requirements of this article.
 - 2. Applications for preliminary plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.

3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from property owner indicating permission to file such application.
 - b. The applicant shall prepare two (2) plans based on the MNFI, GIS, Soil Survey and other similar tools. Both plans shall show the locations of lakes, streams, wetlands, steep slopes, critical dunes, flood plains and soils unsuitable for septic systems.
 - The first plan shall be known as the traditional plan or parallel plan. It will show how the parcel would have been developed prior to the adoption of the OSD article. This plan will be used to develop the base density of the site. Portions of the parcel which have historically and/or realistically (without significant alteration, i.e. filling, dredging or reconfiguration) been considered to be 'unbuildable' due to the presence of lakes, streams, drainage patterns, wetlands, steep slopes, flood plains or soils unsuitable for septic systems may not be used in calculating the base density of the parcel.
 - The second plan shall be known as the OSD plan. It shall give a clear and detailed explanation of the proposed project. In this plan the number of housing units determined to be the base density by the parallel plan, may be clustered so as to preserve at least 50% of the buildable land. Variations in individual lot area, width, depth and location of dwelling units within individual lots shall be permitted to facilitate creative utilization of the particular site. All lots must be laid out so as to provide adequate allocations for septic and water unless the parcel has access to municipal or community water and sewer facilities.
 - c. Written documentation that the proposal meets the standards of Section 06.
 - d. If a phased development is proposed, identify the areas included in each phase. The density, lot area, and setbacks of proposed housing units within each phase and for the total OSD shall be indicated.
 - e. Arrangement and area calculations for open space, including upland and wetland open space areas.

- f. A completed application form, supplied by the Zoning Administrator, and application fee.
 - g. Ten (10) copies of all documents.
4. The Planning Commission shall review the preliminary OSD plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the preliminary OSD plan.

B Final OSD Site Plan Approval

1. After receiving approval of a preliminary OSD plan from the Planning Commission, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
2. The final site plan may be for either the entire project or for one (1) or more phases.
3. Applications for the final site plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary.
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 06.
 - c. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - d. Arrangements and area calculations for open space, including upland and wetland open space areas.
 - e. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - f. Ten (10) copies of a final site plan for the phase for which approval is requested, meeting the requirements of Section 05.
5. Failure to submit a final site plan for approval within the one (1) year period shall void the previous preliminary OSD plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
6. The Planning Commission shall conduct a public hearing prior to considering the proposed final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for special land uses.

7. The Planning Commission shall review the final plan in accordance with the requirements of this Article and deny, approve, or approve with conditions, the OSD.
8. Major changes in the final site plan shall be submitted to the Township pursuant to the above procedures applicable to the original application.

20A.04 PERMITTED USES

The following uses may be permitted either singly or in combination in accordance with the applicable OSD requirements;

1. Single family attached, detached, or clustered dwellings.
2. Uses permitted under existing zoning of the proposed OSD site.
3. Private open space and recreational facilities for use by the residents of the OSD.
4. Other uses as may be approved by the Planning Commission.

20A.05 SITE DEVELOPMENT REQUIREMENTS

- A. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be evaluated by the Planning Commission as part of the review process for the OSD. Minimum floor area, and height regulations for dwelling units shall conform to the Hamlin Township Residential District requirements.
- B. Buildable land not proposed for development, but used for the calculations of overall density shall be considered open space and subject to the requirements of Section 05,
- C. Development Density

Parallel or Traditional Plan:

The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may historically and realistically be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

1. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or

dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.

2. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main buildings, required driveways, streets, or other means of permitted access, and septic and well systems where no municipal or community sanitary sewer or water system is to be used.
3. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included to establish a minimum lot size for zoning purposes.

D. Density Bonus: In order to preserve the maximum amount of open space, an OSD may permit an increase in the number of dwelling units above the base density established in the parallel plan.

1. The OSD may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided	Density Bonus
55% Open Space	10%
60% Open space	20%
65% Open Space	30%
Community or Public Sanitary Sewer Service	30%
Community or Public Water Service	20%
Community or Public Sanitary Sewer and Water Service	60%

2. For the purposes of Section 05, community sanitary sewer shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the OSD, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.
3. Community water service shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the OSD from a central location or water source.

- D. Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:
1. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space. Efforts should be made to design open space that is contiguous.
 2. The OSD shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have a minimum width of fifty (50) feet.
 3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 4. Open space may be provided where significant natural features may be preserved and /or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
 5. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s), be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
 6. All open space shall be in the joint ownership of the property owners within the OSD. A property owners association shall be formed which shall take responsibility for the maintenance and use of the open space.
- F. Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, protecting ground and surface water, and other design objectives intended to foster an improved living environment. To this end, the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.
1. Open space should be provided where significant natural features may be preserved, active agricultural land may be maintained, and/or may be used for passive or active recreation.

2. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than 8-10 units per cluster for smaller developments and 15-20 units for larger developments.
3. The Open Space Development shall be designed with due regard for view from roadways as well as lots.
3. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and should be kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.
4. The overall design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

20A.06 REVIEW STANDARDS

The following review standards will be used by the Planning Commission in its consideration of an OSD. Before such developments may be approved, the Planning Commission shall find:

- A. The OSD meets the stated purposes of Section 01.
- B. The OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
- C. The location of the buildings of the OSD do not unduly impact other established uses in the vicinity of the proposed development.
- D. The OSD preserves, in perpetuity, unique site conditions, such as significant natural features, wetlands, surface and groundwater, large open space areas, or active agricultural land.
- E. The OSD can accommodate adequate and safe disposal of sanitary sewer and/or septic systems and can provide an adequate assured source of water for domestic use that does not unduly impact neighboring properties.

- F. The Planning Commission shall require evidence from the applicant that surface and groundwater sources will be protected and that other environmental concerns are met. Approval of the County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard. To evaluate this review standard, the Planning Commission may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence, which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.
- G. Stormwater Management: Stormwater management systems and drainage facilities shall be designed so as to:
1. Protect or enhance the natural environment, including wetlands, water bodies, watercourses, flood plains, groundwater, and soils;
 2. Retain or enhance the natural retention and storage capacity of any wetland, water body, or watercourse, and not increase flooding or the possibility of polluting surface water or groundwater, on-site or off-site;
 3. Incorporate and/or use natural drainage systems existing on the site to promote the natural infiltration of stormwater on site where appropriate.
- H. The lighting of streets, roadways, and yards shall be of the full cutoff type.
- I. The roadways must accommodate emergency vehicles (wide enough for two abreast with space available for easy turn around).
- J. The cuts into public roadways will be kept to a minimum.

ARTICLE 21

SITE PLAN REVIEW

21.01 PURPOSE

This article establishes standards and requirements for the review and approval, by the site plan review committee, of site plans. As used in this article, "site plan" includes the documents and drawings, as specified by this article, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable local ordinances and state statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.

The standards and requirements provided by this article shall be in addition to those required elsewhere in this ordinance that are applicable to the use or activity under consideration.

The Site Plan Review Committee which will be a three (3) member board shall consist of the supervisor, zoning administrator, and the chairperson of the planning commission.

21.02 USES REQUIRING SITE PLAN APPROVAL

The construction, reconstruction, extension, enlargement, or movement of the following buildings, structures, and uses shall require site plan approval by the site plan review committee:

- A. Industrial buildings/structures/uses.
- B. Commercial buildings/structures/uses.
- C. Multifamily dwellings.
- D. Planned unit developments (PUDs).
- E. Site condominium/subdivision.
- F. Special land uses.

21.03 SITE PLAN REQUIREMENTS

Each site plan submitted shall contain the following information, unless specifically waived by the site plan review committee, in whole or in part:

- A. The date, north arrow, and scale. The scale shall be not less than 1 inch = 20 feet for property under 3 acres and at least 1 inch = 100 feet for those properties that are 3 acres or more.
- B. All lot and/or property lines, including building setback lines on corner lots, are to be shown and dimensioned.
- C. The location and height of all existing and proposed structures on and within 100 feet of the subject property's boundary.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas, and areas to be conveyed for public

use and purpose.

- E. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
- F. The name and address of the individual or firm responsible for the preparation of the site plan.
- G. The name and address of the property owner or petitioner.
- H. A locational sketch drawn to scale.
- I. The respective zoning abutting the subject property.
- J. The location, height, and types of fences, walls, and landscaping. Landscaping shall include the extent of existing vegetative groundcover that is proposed to remain in a natural state.
- K. All existing and proposed utilities, including proposed connections to sewer or water systems.
- L. All existing and proposed surface water drainage facilities.
- M. The distance to groundwater, as requested by the site plan review committee.
- N. For multiple-family developments and parking areas with six or more spaces, contour intervals shall be shown (2-foot intervals for average slopes 10 percent and under and 5-foot intervals for slopes over 10 percent). Topography, however, may be required on all site plans at the discretion of the site plan review committee.
- O. The location of wetlands, critical sand dune areas, watercourses, waterbodies, steeply sloped areas, floodplain areas, and other environmental features. The use of Hamlin Township's geographic information system to identify the generalized location of environmental features shall not obviate the need for the applicant to conduct all onsite field surveys or evaluations required to comply with provisions of this article.

21.04 REVIEW PROCEDURE

- A. The proposed site plan shall be submitted in two copies to the zoning administrator, who shall keep one copy of the proposed site plan and deliver one copy of the proposed site plan to the secretary of the site plan review committee.
- B. Within 60 days of its submittal to the zoning administrator, the site plan review committee shall review the site plan and shall either approve, approve with conditions, or disapprove the proposed site plan in accordance with this article and applicable provisions of this ordinance. The basis for the decision and any conditions imposed relating to an affirmative decision shall be specified in the resolution of the site plan review committee approving or denying the site plan. If approved or approved with conditions, the site plan, as approved, shall become a part of the record of approval.
- C. Upon approval of a site plan, at least two copies of the site plan, as finally approved, shall be signed and dated by the secretary of the site plan review committee. One copy of the signed site plan shall be kept on file with the zoning administrator, and the other shall be returned to the applicant.

21.05 STANDARDS FOR SITE PLAN REVIEW

The site plan review committee shall review the site plan based on the purposes, objectives, and requirements of this ordinance and on the standards provided by this section. As a part of its review,

the site plan review committee may distribute copies of the plan to other governmental departments or officials for their review and comment on matters related to the plan that would fall under the jurisdiction or that would involve the discharge of duties of those other departments or officials. Further, the site plan review committee may adopt procedures to encourage preliminary, informal review of proposed site plans with the applicant. The preliminary review shall not, however, affect the applicability of the standards and requirements for formal approval of site plans as required by this article. In reviewing the site plan, the site plan review committee shall specifically consider the following standards, as applicable:

- A. Dimensional Requirements: The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this ordinance.
- B. Building Arrangement: The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.
- C. Drainage of Surface Water: Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system and shall comply fully with the published standards of the Mason County Drain Commissioner. If practical, stormwater shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of stormwater runoff from the site shall not increase as a result of the proposed development, and temporary on-site storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
- D. Public Services and Utilities: The location, availability, and compatibility of sewer, water, and storm drainage facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
- E. Vehicular Access and Parking: The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.
- F. Exterior Lighting: All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
- G. Signs: The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to avoid creating distraction or clutter.
- H. Special Features: Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at

least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.

- I. Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking lots.
- J. External Effects (General): Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not adversely affect adjacent and neighboring properties or uses.
- K. Compliance With All Applicable Laws: The site plan review committee shall not approve a site plan that violates or that is inconsistent with local, state, or federal laws or regulations.

21.06 CONDITIONS OF APPROVAL

The site plan review committee may impose reasonable conditions upon the approval of a site plan. The conditions may include but are not limited to conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources and the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, or the community as a whole.
- B. Be related to the valid exercise of the police power.
- C. Be necessary to meet the intent and purpose of the zoning ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

21.07 REGULATIONS

The following regulations shall apply to all land uses requiring site plan approval:

- A. The secretary of the site plan review committee shall not sign the approved site plan until the applicant has submitted copies of all permits that may be required by the county or the state for the construction or use of the development including, but not limited to permits for on-site wastewater disposal and permits required pursuant to Inland Lakes and Streams , Part 301 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994); Soil Erosion and Sedimentation Control, Part 91 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994); Wetland Protection, Part 303 of the Natural Resources and Environmental Protection (P.A. 451 of 1994); and Sand Dune Protection and Management, Part 353 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994).

- B. The construction of improvements shall not commence for any development that requires a site plan approval until an approved site plan has been signed by the secretary of the site plan review committee.
- C. The zoning administrator shall not issue a zoning permit for any use requiring site plan approval until an approved site plan has been signed by the secretary of the site plan review committee.
- D. The building inspector shall not issue a building permit for any use requiring site plan approval until an approved site plan has been signed by the secretary of the site plan review committee.

21.08 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the provisions of this ordinance and any conditions imposed under this ordinance may be required by the site plan review committee at the time of approval of a site plan as authorized under Michigan Zoning Enabling Act, as amended, Section 125.3505; Section 5.05

21.09 ENFORCEMENT

A site plan, approved by the site plan review committee, in connection with a use or activity, shall have the full force and effect of the zoning ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the township to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the township. In addition, a violation of any approved site plan or failure to comply with any requirements of this section, including conditions of approval, shall be considered a violation of this ordinance.

ARTICLE 22 NONCONFORMING USES, STRUCTURES, AND LOTS

22.01 NONCONFORMING USES AND STRUCTURES

The following regulations shall control lawful nonconforming uses and nonconforming structures in existence at the time of passage of this ordinance:

- A. Lawful nonconforming uses or structures in existence at the time of passage of this ordinance may be continued but shall not be extended, added to, or altered unless such extension,

alteration, or addition, is in conformance with the provisions of this ordinance.

- B. If the cost of repair or replacement of a nonconforming use or structure that has been destroyed by reason of windstorm, fire, explosion, or any act of God or the public enemy, exceeds 50 percent of the total replacement cost of the use or structure, such use shall not be continued or rebuilt except in conformance with the provisions of this ordinance.

This subsection shall not apply to nonconforming structures where the nonconformance is by reason of a side yard setback of between 8 and 12 feet unless the cost of repair or replacement would equal or exceed 100 percent of the replacement cost of the structure.

The following regulations shall apply:

1. Documentation from the Mason County Health Department shall be provided which states that the minimum isolation requirements for well and septic service can be met.
2. A site plan shall be provided which shows the proposed new structure, all existing structures, the location of the well and septic field, and the relationship of the proposed new structure to structures, wells, and septic systems on all adjoining properties.
3. Replacement of the structure shall commence within one (1) year of the date when the property has been released for rebuilding by the insurance company. During this period the damaged building shall be cleaned up, secured, and maintained so as not to present a neighborhood eyesore or potential danger. Failure to complete replacement or diligently work toward completion shall result in the loss of the rebuilding option unless "good cause" for the delay is accepted by the Zoning Board of Appeals.

4. Procedures for Replacing the Original Primary Residential Structure

- a. Applicant must provide Health Department approval documentation. Documentation may also be required from other governmental authorities.
- b. Applicant must provide a site plan to the Zoning Administrator.
- c. The new structure which replaces the original structure must be identical to the original structure in regard to footprint, square footage of useable floor area, location of exterior walls, height, and any other physical element, which the Zoning Administrator determines is an element of the original structure. The homeowner will provide pictures of each side of the original structure. In the event that no pictures are available of the structure before it was damaged, pictures may be taken of the damaged building before it is demolished. The location of the structure on the lot can be changed if it will result in setbacks which are in greater compliance with those required by the zoning district.

5. Procedures for Reestablishing a Primary Residential Structure with Modifications

- a. Applicant must provide Health Department approval documentation. Documentation may also be required from other governmental authorities.
 - b. Modifications will be considered through a Special Land Use permit process. Both general standards and specific design standards of Article 19 and 21 will apply.
 - c. Any alteration or enlargement of the original structure must decrease the extent of nonconformity of the original structure with all applicable regulations, and in no case will the alteration or enlargement continue or increase the degree of nonconformity of the original structure. Changes will be evaluated with regard to such considerations but not limited to improved setbacks, off street parking, access for emergency vehicles, and the % of property covered by impermeable material.
- C. If the nonconforming use of any land or structure shall terminate for a continuous period of time exceeding 1 year, such use shall not be reestablished; and any future use of land and structure shall be in conformance with this ordinance.
- D. If a nonconforming use is changed to a permitted use in the district in which it is located, it shall not revert or be changed back to a nonconforming use.
- E. Nothing in this ordinance shall prevent such repairs, improvements, or reinforcement of a nonconforming building or structure existing on the date of enactment of this ordinance as

may be necessary to secure or ensure continued advantageous use of such building or structure during its natural life, provided, such repair, improvement, or reinforcement includes no enlargement or change of use thereof.

- F. Nothing in this ordinance shall require any change in the erection or intended legal use of a building, the construction of which shall have been diligently prosecuted within 30 days preceding the passage of this ordinance and that is complete within 3 months following passage, provided that a written declaration of such use if filed with the township clerk within 30 days of the effective date of this ordinance.

22.02 NONCONFORMING LOTS

- A. Any lot, as defined in Article 3, that exists on the effective date of this ordinance shall be exempt from the minimum width and area requirements as long as such lot has a minimum width of 60 feet and a minimum area of 6,000 square feet.
- B. If two or more lots or a combination of lots and portions of lots are contiguous and in single ownership on the effective date of this ordinance or amendments thereto the land involved shall be considered to be a single, undivided lot for the purpose of this ordinance.
- C. No portion of any lot shall be used or sold in a manner that diminishes compliance with lot width and area requirements established by this ordinance nor shall any division of any lot be made that creates a lot width or area below the requirements stated in this ordinance.
- D. If the owner of any nonconforming lot, described in Subparagraph 'A' above, shall acquire any contiguous property, all of the contiguous property in single ownership shall be considered a single, undivided lot for purposes of the Ordinance. Thereafter, such lot shall be subject to the provisions of Subparagraph 'C' above.

22.03 ELIMINATION OF NON CONFORMING LOTS AND STRUCTURES

- A. Hamlin Township is not authorized to grant use variances per Michigan Zoning Enabling Act, as amended.
- B. Refer to Michigan Zoning Enabling Act Section 125.3604 – Sub-Section 604 and Section 125.3208 – Sub-Section 208; Number 3 and 4.

ARTICLE 23 ADMINISTRATION

23.01 PLANNING COMMISSION

The planning commission for Hamlin Township, shall have all of the powers and duties of the zoning board as provided in the Michigan Zoning Enabling Act, as amended, and the members of said planning commission shall be appointed in accordance with the State of Michigan guidelines.

23.02 ESTABLISHMENT OF BOARD OF APPEALS

There shall be a zoning board of appeals, as provided by the Michigan Zoning Enabling Act, that shall have such powers and duties as prescribed by law. The board of appeals shall consist of five members and two alternates. The first member of the board of appeals shall be a member appointed by the township board from the township planning commission. The remaining members of the board of appeals shall be selected from electors of the township residing outside of any incorporated cities or villages. The members selected shall be representative of the population distribution and of the various interests present in the township. One member may be a member of the township board. An elected officer of the township shall not serve as chairperson of the board of appeals. An employee or contractor of the township board may not serve as a member or an employee of the township board of appeals. The term of each member shall be for 3 years and until a successor has been appointed not more than 1 month after the expiration of the preceding term, except as to members who have been appointed from the planning commission or township board whose terms shall be limited to their term of office and the resolution appointing them to the board of appeals.

- A. The board of appeals shall have such duties and responsibilities as provided in the Michigan Zoning Enabling Act, including but not limited to the following:
 - 1. Adopt rules of procedure to govern its actions as an appeals board.
 - 2. Hear and act upon all questions that may arise from the administration of the zoning ordinance, including ordinance interpretation, review of standards, and the zoning map.
 - 3. Hear and act upon appeals made from a review, order, requirement, decision, or determination made by a body or official who is administering the zoning ordinance.
 - 4. Hear and act upon requests for variances.

- B. The concurring vote of a majority of the members of the board of appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body or to decide in favor of an applicant any matter upon which they are required to pass upon or to affect any variance in this ordinance. The board shall state the basis or grounds for its decision, and shall identify the facts that support the conclusion reached on the cases before it.

- C.. Procedures:
 - 1. The zoning board of appeals shall adopt such rules of procedure consistent with the provisions of Michigan statutes and local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

2. Meetings of the zoning board of appeals shall be held at the call of the chairperson and at such other times as the board may determine.
3. Hearings of the zoning board of appeals shall be public. The board shall keep minutes of its proceedings showing the action and the vote of each member upon each question or if absent or failing to vote, indicating such fact; and the board shall keep records of its examination and other official actions, all of which shall be public record.
4. The zoning board of appeals shall hear and decide appeals from any order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this ordinance. The board shall also hear and decide matters referred to it or upon which it is required to pass under the provisions of this ordinance.
5. An application to the zoning board of appeals, in cases in which it has original jurisdiction under the provisions of this ordinance, may be made by any property owner, including a tenant or by a government office, department, board, or bureau. Such application shall be filed with the zoning administrator, who shall transmit the same, together with all the plans, specifications, and other papers pertaining to the application to the zoning board of appeals.

D. Appeal Procedure:

1. An appeal may be filed by a person aggrieved or by an officer, department, board, or bureau of the township and state. Such appeal shall be taken within 30 days of the date that the individual receives notice of the decision being appealed. Such notice must include a statement of the individual's right to appeal and the time limit for filing such an appeal.
2. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies, to the zoning board of appeals, after notice of appeal is filed, that, by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than a by restraining order. This restraining order may be granted by the zoning board of appeals or circuit court on application of or notice to the officer or body from whom the appeal is taken and due case shown.
3. Decisions on appeals shall be rendered within 60 days after the hearing thereon and, in any event, within 90 days after the filing of the appeal. All decisions of the zoning board of appeals shall become final 5 days after the date of entry of an order unless the board shall find and so certify on the record that it is necessary to cause such order to have immediate effect in order to preserve property or personal rights.

E. Refer to provision in Zoning Ordinance Article 4.

F. Limitations of Authority of Board of Appeals:

1. Nothing contained in this ordinance shall be deemed to authorize the board of appeals to validate, ratify, or legalize any violation of law or any of the regulations of this ordinance.

2. The board shall not amend any portion of this ordinance of the zoning map.
 3. A decision of the board granting a variance shall be valid for a period of 12 months, during which time a building permit must be obtained and the erection or alterations commenced.
 4. No application for a variance that has been denied in whole or in part by the board shall be resubmitted for a period of 1 year from the date of denial except on the grounds of newly discovered evidence or proof of changed conditions.
 5. The decision to deny, approve, or approve with conditions shall be incorporated in a statement of conclusions relative to the variance under consideration that specified the basis for the decision and any conditions imposed. The following standards shall be observed:
 - a) The use, location, and size of use and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole or shall not be in conflict with or discourage the principal permitted uses of adjacent or neighboring lands and buildings.
 - b) The use shall not diminish the value of land, buildings, or structures in the neighborhood or shall not increase hazards from fire or other dangers to either the property or adjacent properties.
 - c) The use shall not increase traffic hazard or cause congestion on the public highways or streets of the area. Adequate access to the use shall be furnished by either existing roads or highways or proposed roads for highways.
 - d) Commercial and industrial uses on state trunk lines or county primary roads shall be located in commercial or industrial zones except farm produce stands located on the farm where the major portion of the produce is grown.
 - e) The water supply and sewage disposal system shall be adequate for the proposed use.
 - f) The use, location, and size of use shall not unnecessarily diminish land used to meet the needs of the state's citizens for food, fiber, energy, and use of other natural resources.
 - g) Uses by variance shall not be more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, smoke, glare, flashing lights, or disposal of waste than the operation of any principal permitted use.
 - h) The use shall not impair the purpose or intent of this ordinance or the purposes of the district in which it is located.
- G. Requests for variances or appeals may be made by submitting an application of letters to the zoning administrator.

23.03 ZONING ADMINISTRATOR

A zoning administrator shall be approved and hired by a majority vote of the Board of Trustees. to

perform such tasks, for such term, subject to such conditions, and at such rate of compensation as the township board shall determine.

It shall be the responsibility of the zoning administrator to enforce and administer the provisions of this ordinance and, in so doing, shall perform the following duties:

- A. All applications for zoning compliance permits and special use permits shall be submitted to the zoning administrator, who may issue such permits and certifications of occupancy when all applicable provisions of this ordinance have been met and approval has been granted by the proper body or official.
- B. The zoning administrator shall maintain and keep, in an orderly and accessible manner, files of all applications for all of the above permits and variances and shall keep records of all such permits and variances issued. These shall be filed at a location designated for such purpose and shall be open to public inspection.
- C. The zoning administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this ordinance.
- D. The zoning administrator shall investigate alleged violations and enforce corrective measures when required.
- E. Under no circumstances is the zoning administrator permitted to make changes in this ordinance nor to vary the terms of this ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the township board to assure that the zoning administrator enforces the provisions of this ordinance.

ARTICLE 24

ZONING AMENDMENTS

24.01 AMENDMENT PROCEDURE

This ordinance may be amended or supplemented in accordance with the Michigan Zoning Enabling Act. Amendments may be initiated by the township board; the planning commission; or by any person, firm, or corporation filing an application with the zoning administrator.

24.02 AMENDMENT APPLICATION PROCEDURE

Any application for amendment to this ordinance may be obtained from the zoning administrator and shall be submitted and reviewed in accordance with the Michigan Zoning Enabling Act and the following procedures:

- A. Applications for an amendment shall be submitted to the zoning administrator, who shall review the application for completeness and, if complete, transmit it to the planning commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of the township board to cover the costs of processing the application.
- B. An application for an amendment shall be accompanied by the following documents and information:
 1. A completed application for amendment on a form supplied by the zoning administrator.
 - 2.* A map, if applicable, containing the following:
 - a) Legal description of the area affected by the proposed amendment.
 - b) Present and proposed zoning classifications of the area affected by the proposed amendment.
 - c) Present and proposed use of any property to be rezoned.
 - d) Small sketch of properties, streets, and uses of land within 300 feet of the area affected by the proposed amendment.
 3. Language of the proposed amendment, if applicable.
 4. A statement with regard to compliance with the township land use plan and the reason and necessity for such amendment.
- C. Amendments to the zoning ordinance, including changes in the zoning map, shall be made in accordance with the Michigan Zoning Enabling Act.

*The planning commission may have the authority to waive or reduce this requirement if it determines that the required information is not necessary.

ARTICLE 25 PENALTIES

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF HAMLIN TO PROVIDE THAT, IN ADDITION TO OTHER REMEDIES, ANY VIOLATION SHALL CONSTITUTE A MUNICIPAL CIVIL INFRACTION.

25.01 PENALTIES

- A. A violation of any provision of this zoning ordinance shall constitute a municipal civil infraction subject to the sanctions as provided in Ordinance No. 36 of the Township of Hamlin. Each day in which a violation shall occur or continue shall be a separate violation.
- B. Uses of land, buildings, or structures and other violations of this ordinance are hereby declared to be a nuisance, per se, in accordance with Section 4.07 of the Michigan Zoning Enabling Act. The township may seek injunctive relief against a violator or such other appropriate relief as may be provided by law or equity.

25.02 SEVERABILITY

It is the legislative intent of the Township Board that all provisions of this ordinance be liberally construed to protect and preserve the peace, health, safety, and welfare of the inhabitants of the township. Should any provision of the ordinance or part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, and the remainder of this ordinance shall stand, notwithstanding the invalidity of any such provision thereof.

25.03 EFFECTIVE DATE

The Hamlin Township Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force thirty (30) days following its approval and publication of this ordinance or of a summary of this ordinance.

ARTICLE 26

VALIDITY, INTERPRETATION, AND FEES

26.01 VALIDITY

Should any section, subsection, clause, or provision of this ordinance be declared by the courts to be invalid, such section, subsection, clause, or provision shall not affect the validity of the ordinance in its entirety or any part thereof other than that portion so declared to be invalid.

26.02 INTERPRETATION

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the highest standards, shall govern.

26.03 FEES

The township board is authorized to establish, by resolution, fees for applications for amendments to the zoning ordinance and for proceedings before the Zoning Board of Appeals or Planning Commission, Land Use (Zoning) Permits, Site Plan Reviews, Special Land Use Requests, Planned Unit Development Reviews, interpretations of Zoning Ordinance or Map, and After the Fact Land Use (Zoning) Permits, to be paid by the applicants therefore, to the Township of Hamlin, to help defray the cost to the Township of such proceedings. Notwithstanding anything to the contrary contained in this ordinance, such fees may be altered by resolution of the Township Board and in the discretion of such board.

ARTICLE 27
EFFECTIVE DATE

27.01 EFFECTIVE DATE

This ordinance shall take effect 30 days after publication. Any parts or portions of other township ordinances that conflict herewith are hereby repealed. The previous zoning ordinance of Hamlin Township, dated April 19, 1994 as amended, is hereby repealed.

Dated: October 19, 2004

Catherine Lewis Hamlin Township Clerk

ARTICLE 28

SHORT TERM RENTAL

28.01 REGISTRATION

A limit of fifty (50) Short Term Rental registrations will be accepted in Hamlin Township on a first come first served basis.

No person shall rent or cause to be rented a short term dwelling unit or efficiency dwelling unit within the township for a period less than thirty (30) days without registering with the Township Zoning Administrator pursuant to the requirements of this Ordinance. The registration shall be valid for a period of three (3) years from the date of the approval.

Upon approval of registration, the township will provide to neighbors within 300 feet of the dwelling unit a Notification of Short-Term Rental to Neighboring Property Owner Form, displayed in Exhibit 1 following this Article 28.

The Owner shall provide and certify as true the following on a form provided by the Township:

1. Name, address, and telephone number of the Owner of the Dwelling unit to be used as a Short-Term Rental (if the Owner does not reside within 45 miles of the Single-Family Dwelling, the Owner shall also name a local agent). The Owner, a local agent, or the designee of either shall be on site within one hour of being contacted by the Township, Neighbor or Law Enforcement concerning an issue regarding the Short-Term Rental.
2. The address of the Dwelling unit to be used as a Short-Term Rental (plus additional identification as necessary if there is more than one Dwelling unit at the same address).
3. The number of bedrooms in the Dwelling unit to be used as a Short-Term Rental.
4. The number of off-street parking spaces provided for the Dwelling unit to be used as a Short-Term Rental (this information must also be included in the rental agreement).
5. The maximum number of occupants for the Dwelling unit to be used as Short-Term Rental, subject to any applicable local, state, or federal laws, regulations, or ordinances (this information must also be included in the rental agreement and any online or other advertising for the dwelling unit. Short-Term Rentals are also regulated in the Hamlin Township Zoning Ordinance, and nothing in this Ordinance shall be construed as excusing compliance with zoning requirements.

28.02 DEFINITIONS

- A. Bedroom: A room used for sleeping which meets the applicable egress requirements for occupancy in the Michigan Construction Code, subject to any other local, state or federal requirement.
- B. Efficiency Dwelling Unit: A one-room area with a combined living and sleeping space with a separate bathroom. Additionally, may have a kitchenette area attached to the living area.

- C. Occupancy: The purpose for which a dwelling unit or portion thereof is utilized or occupied.
- D. Occupant: Any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit.
- E. Operator or Owner: Any person who owns or has charge, care or control of a dwelling unit which is offered for rent.
- F. Short Term Dwelling Unit: A building or portion of a building providing complete, independent living facilities for one or more persons, including provisions for living, eating, cooking, sanitation and separate bedroom(s) for sleeping. In no event shall an individual room in a dwelling unit be rented to a person, family or other group of persons as short term rental. Nor shall an occupant of a short term rental sublet a portion of a dwelling unit.

28.03

SHORT TERM REGULATIONS

1. Maximum occupancy in a dwelling unit used as a Short-Term Rental shall not exceed two adult occupants per bedroom plus one additional occupant per finished story.
2. In addition to the maximum occupancy specified, a Dwelling unit used as a Short-Term Rental may have a total number of people on site, including occupants and day-time guests (allowed to be present at most from sunrise to sunset), up to 2.0 times the maximum number of occupants allowed.
3. Short-Term Rentals are also regulated in the Hamlin Township Zoning Ordinance, and nothing in this Ordinance shall be construed as excusing compliance with zoning requirements.
4. No attic or basement can be counted for the purpose of determining the maximum number of occupants in a Dwelling unit used as a Short-Term Rental, unless that attic or basement meets the applicable egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code, and the applicable fire codes.
5. A short term rental registration may not be transferred from one dwelling unit to another dwelling unit.

Information regarding the following shall be posted in the short term dwelling:

- a. Trash receptacle pick-up
- b. Property boundaries
- c. On-site parking
- d. Limitations on day-time visitors per subsection above
- e. Common areas which are available for the renters' use
- f. The Short Term Rental Noise Ordinance, which shall highlight the quiet hours, which extend generally from 11:30 pm to 8:00 am daily.
- g. All Dwelling units used as Short-Term Rentals must have adequate trash receptacles.
- h. Parking must be in a area that is designed for parking. No on-street parking is allowed.
- i. Tents, RVs, or other types of accommodations meant to be used for overnight use are not allowed.

- j. All pets must always be secured on the premises or on a leash. Pets may not be left unattended on the premises.

28.04 EXCEPTIONS

1. Family occupancy. A member of the owner's family, as well as that family member's guests, may occupy premises as long as a member of that family retains ownership of the premises. The family occupancy exemption also exempts family occupancy of guest houses or similarly separate dwellings lawfully located on the same premises, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without remuneration to the owner.
2. House sitting. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.

28.04.1 INSPECTIONS AND CONDITIONS

The zoning administrator may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in Article 4 Sec. 4.08 of Zoning Ordinance 45, now in effect.

28.06 VIOLATIONS; REVOCATION OF REGISTRATION

VIOLATIONS

Any violation of a provision of this Ordinance shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other Township ordinances, violations of this Ordinance are subject to the following fines as set by the township's board:

1. Short-term rental of unregistered dwellings
 - a. The operation of an unregistered Short-Term Rental; First violation - \$500.
 - b. The operation of an unregistered Short-Term Rental for each subsequent violation - \$1000.
2. Maximum occupancy
 - a. The exceeding of the maximum occupancy permitted for a Short-Term Rental; First offense - \$500.
 - b. The exceeding of the maximum occupancy permitted for a Short-Term Rental for each subsequent offense - \$1000.
3. Other provisions

Fines for other violations of this Ordinance; First offense - \$500
Subsequent offense - \$1000.

REVOCAION OF REGISTRATION

1. Offenses warranting revocation. The Township may revoke the rental registration for any Dwelling unit used as a Short-Term Rental which is the site of at least three separate incidents within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the Owner or any renter.
2. Upon a determination by the Zoning Administrator that the Short-Term Rental registration is subject to revocation, the Zoning Administrator shall issue a notice to the Owner that the Township intends to revoke the rental registration. The notice shall inform the Owner of a right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Township Board and notify the Owner in writing of a time and place for that hearing. At the hearing, the Owner may present evidence that the requirements for revocation provided are not satisfied, or that the Owner should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation the violation resulted from an act of God; or other circumstances that the Owner could not reasonably anticipate and prevent, and could not reasonably control.
3. Revocation Period and Effect. Upon revocation of registration, a Dwelling cannot be re-registered as a Short-Term Rental for a period of one year, and cannot be used for Short-Term Rentals until re-registered.

28.04.2 SHORT TERM RENTAL NOISE ORDINANCE

The Short Term Rental Noise Ordinance, which shall highlight the quiet hours, extends from 11:30 pm to 8 am daily.

The following is considered in violation of this article: playing loud music, boisterous behavior, or the constant bark of dog, as examples, to an audible level which disturbs the quiet, comfort, or repose of the persons in the vicinity.

No person shall ignite, discharge, or use fireworks within Hamlin Township at any time, except during any of the following days and times:

- After 11 a.m. on December 31 and until 1 a.m. on January 1.
- After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday and Monday of the Memorial Day Holiday.
- After 11 a.m. and until 11:45 p.m. on June 29 through July 5. If July 4 falls on a Friday or Saturday, then after 11:00 a.m. and until 11:45 p.m. on July 5.
- After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday and Monday of Labor Day Holiday.