Forest Home Township

Zoning Ordinance



As recommended by the Planning Commission, September 2, 2015
following a public hearing on June 11, 2015.

Adopted by the Township Board on October 1, 2015

Effective October 16, 2015

Amended February 4, 2016

Amended June ___, 2025

Forest Home Township
Draft Zoning Ordinance
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ZONING ORDINANCE

Ordinance No. 2, 2015/2016

FOREST HOME TOWNSHIP, ANTRIM COUNTY, MICHIGAN, HEREBY ORDAINS AS FOLLOWS:

Adopted: October 1, 2015. Effective October 16, 2015. This Ordinance replaces the former Forest Home Township Zoning Ordinance, dated September 2000, as amended.

ARTICLE 1

TITLE, PURPOSE AND REPEALER

Section 100 Title

This Ordinance shall be known as the Forest Home Township Zoning Ordinance.

Section 101 Preamble.

An Ordinance to provide for the establishment and maintenance of zoning districts within Forest Home Township, Antrim County, Michigan in accordance with provisions of the Zoning Enabling Act, being Act 110 of 2006, as amended. This Ordinance has been created based on provisions of the 2013 Forest Home Township Master Plan as established with input from citizens, recommended by the Forest Home Township Planning Commission, and adopted by the Forest Home Township Board.

Section 102 Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 103 Repealer.

Any Ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, including the former Township Zoning Ordinance adopted September 2000, as amended which Ordinance is hereby repealed in its entirety, except as provided herein.

Section 104 Purpose.

The fundamental purpose of this Ordinance is to promote the health, safety, and welfare of the inhabitants of the Township by:

A. Promoting the orderly development of the Township by following the policies and general goals developed in the Forest Home Township Master Plan;

B. Encouraging the use of land and resources in the Township in accordance with their

suitability;

C. Preserving and protecting the natural features and rural character of the Township;

D. Promoting the economic progress of the Township and to help protect and enhance the property values thereof;

E. Reducing the hazards to life and property, promoting traffic safety, and providing protection from the spread of fire and other hazards;

F. Conserving the use of public funds for public improvement and services to conform with the most advantageous use of lands, properties and resources of the Township.

Article 2 Definitions

Section 200 Rules Applying to Text.

The following rules of construction apply to the text of this Ordinance:

A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of this Ordinance and any caption diagram, or sketch, the text shall control.

C. The word "shall" is always mandatory and not discretionary. The word "may" is discretionary.

D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicated to the contrary.

E. A "building" or "structure" includes any part thereof.

F. The word "person" includes a corporation, partnership or other legal entity, as well as an individual.

G. The words "used" or "occupied", as applied to any land or buildings, shall be construed to include the words "intended", "arranged", or "designed to be used", or "occupied".

H. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

I. The term "adjoining lots and parcels" is intended to include lots or parcels separated by highways, roads, streets or rivers. (*amended June 2025)*

Section 201 "A"

Accessory Building: A building on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure occupied by or devoted to an accessory use. Examples of accessory buildings include, but are not limited to; garages, pole barns and storage sheds.

Accessory Structure: A structure on the same lot, with, and of nature customarily incidental and subordinate to, the principal structure. Accessory structures shall be constructed to include, but not be limited to; playground equipment, sports courts, children's play houses, dog house or similar pet accommodations, fallout shelters, swimming pools, gazebos, barbeque stoves, parking lots, decks, loading docks and radio and television antennas, but shall not include fences or elements related to a septic system.

Accessory Use: A use on the same lot with, and of a secondary nature customarily incidental and subordinate to the principal use.

Alternative Tower Structure: Any existing structure used to support an antenna, including, but not limited to clock towers, bell steeples, water towers, utility poles, and silos.

Antenna: An exterior transmitting or receiving device mounted on a tower, building or structure and is used in telecommunications.

Antique Shop: (see Retail Business).

Art Gallery: An establishment engaged in the sale, loan, or display of art, books, paintings, sculpture, or other works of art, but excluding libraries, museums, or non-commercial art galleries.

Artist Residency Facility: An establishment that serves groups of artists, scholars, and creative individuals providing temporary residential accommodations, studio, exhibit and performance space, and which provides facilities for instruction, study, practice, production, office work, artist, scholar, and community gathering, and artist exhibition, or similar purposes authorized by this Zoning Ordinance. For the purposes of this land use, the terms "art" or "artist" are broadly construed, including without limitation visual, mixed media, and performance art; writing; design; and similar creative endeavors.

Artist Live/Work/Study Unit: A building or structure within an Artist Residency Facility used by an occupant for living and working quarters on a temporary or long-term basis, including for study, instruction, practice, or production of art, scholarship, and other self-study or similar purposes authorized by this Zoning Ordinance.

Artist Residency Gathering Structure: A building or structure within an Artist Residency Facility used as a gathering place by the public and owners or occupants of an Artist Residency Facility for purposes of: commercial or non-commercial study, instruction, office space, exhibition, rehearsal, production, or practice of art, scholarship, and other self-study or similar purposes authorized by this Zoning Ordinance.

Automobile and Motor Home Sales, Rental, and Service: A commercial establishment conducted in a building, or part of a building, designed and used for selling, servicing, repairing, storing, or parking vehicles for personal and recreational uses.

Section 202 "B"

Bakery, retail: An establishment primarily engaged in preparing, cooking, baking, and retail sale for on-site consumption and retail sale. Such uses may include incidental food service.

Bank or Credit Union: A freestanding building, with or without a drive-up window, for the purpose of serving as a financial institution engaged in the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Basement or Cellar: That portion of a building which has at least one-half (1/2) its height below the finished grade.

Beauty and Barber Shop: (See Personal Care Facility).

Bed and Breakfast Establishment: An owner-occupied single-family dwelling containing one (1) or more rooms which are provided for gain, for the traveling or vacationing public as temporary accommodation.

Billboard: An off-premise sign for permanent advertising.

Boarding, Lodging, Rooming House: A building where for compensation and by prearrangement for definite periods lodging, meals, or both are provided.

Boardwalk: A constructed pedestrian walkway along or overlooking natural areas; or as walking paths and trails over bogs and wetlands and above fragile ecosystems, usually built with wood.

Boat Repair and Sales: (see Marina and Boat Storage Facility.)

Building: Any enclosed structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing persons, animals or chattels or carrying on business activities or other similar uses.

Building Envelope: The area within a lot, parcel, or condominium lot upon which structures may be constructed; the area not restricted by the required minimum setbacks. (See Figure 2-4)

Building Height: The vertical extent of a building as measured from average grade, to (1) the top of the roof for flat roofs, (2) the deck lines for mansard roofs, (3) the average height between eaves and ridge for gable, hip, and gambrel roofs.

Buffer Area: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses/properties from one another.

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Section 203 "C"

Campground: A use on a parcel or tract of land licensed by the State under the control of a person in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for three or more recreational units, which includes trailers, as defined in this Ordinance.

Car Wash Facility: A facility for washing and cleaning of passenger vehicles, recreation vehicles or other light duty equipment.

Cemetery: Grounds and facilities for the permanent disposition of human remains, including any one or a combination of more than one of the following: a burial ground for earth

interment, a mausoleum for crypt entombment; a columbarium for the deposit of cremated remains.

Child Care: (see Day Care).

Churches and Related Religious Buildings and Facilities: A place of public assembly wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory uses customarily associated with such primary purpose.

Co-Location: The use of a wireless telecommunication tower by more than one wireless telecommunication provider.

Club or Association (Non-Profit): Non-commercial organizations formed for recreational, social or sporting purposes, comprised of members the general public voluntarily participating in, or concerned with common activities or interests.

Cluster Development: A development design that concentrates buildings in specific areas on a site so the remaining land can be used for agriculture or timber production or recreation of common open space or preservation of environmentally sensitive areas.

Commercial Service Facilities: Establishments that primarily offer on-site services such as, but not limited to, photo coping service, printing service, package and postal service, photo processing, janitorial services, appliance repair, tailoring and similar operations.

Condominium Development: Means a project consisting of not less than two (2) condominium units which is established and approved in conformance with the Condominium Act (Act 59, 1978).

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

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

Condominium Subdivision: A parcel of land which is divided into two or more condominium units intended for conveyance to third parties for development in accordance with the master deed and bylaws; sometimes referred to as a site condominium.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended

for residential, office, business, industrial, recreational use, as a time-share unit, or any other type of use.

Construction Trades Office and Material Storage: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly or staging areas.

Convalescent Homes: A facility other than a hospital that provides nursing services and custodial care for compensation on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services; includes nursing homes and hospice homes.

Cottage Industry: An occupation conducted in an accessory structure by individuals residing in the dwelling with additional employees as allowed under the terms of this Ordinance.

Craft Spirits Facility: A facility which is associated with and part of a farm in which farm products grown or produced on site are fermented or brewed, and processed into wine, mead, cider, ale or beer, and packaged for distribution and for on-site tasting and consumption, as licensed by the State of Michigan.

Section 204 "D"

Dance Studio: (see Studio for the Performing and Graphic Arts).

Day Care: A facility where children are received for care and supervision for periods greater than one (1) hour but less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year and includes the following categories of facilities:

A. **Day Care, Family:** A Day Care Facility operated in a private residence in which one (1) but not more than six (6) minor children are received.

B. **Day Care, Group Home:** A Day Care facility operated in a private residence in which seven (7) but not more than twelve (12) children are received.

C. **Day Care, Commercial:** A Day Care facility, other than a private residence, receiving one (1) or more children, and where the parents or guardians are not immediately available to the child.

Deck: A platform, either on grade or freestanding or attached to a building that is supported by pillars or posts.

DEQ (or MDEQ): Michigan Department of Environmental Quality, or any successor agency.

DNR: Michigan Department of Natural Resources.

Dock: A platform or fixture extending from the shore or bottomlands into a lake, stream or river.

Drain Field: An underground facility for the disposal into the soil of liquid sanitary waste (generally the effluent from a septic tank) which may consist of an arrangement of tile, pipes, concrete blocks, gravel, sand and mother materials, and associated pipe connections.

Drive Through Facility: A principal or accessory use of an establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

Driveway: An ingress/egress point which provides access to a parcel of property.

Dress Maker and Tailor Shop: (see Commercial Service Facility).

Dwelling (or dwelling unit): A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, and sanitation purposes.

Dwelling, Multiple: A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other in individual dwelling units.

Dwelling, Single-Family: A detached building designed exclusively for residential purposes and occupied exclusively by one family.

Dwelling, Single-Family Above Commercial: A dwelling, designed exclusively for residential purposes and occupied exclusively by one family existing within a commercial building.

Dwelling, Two- Family, (or duplex): A building designed as a single structure, containing two separate dwellings, each of which is designed to be occupied as a separate permanent residence for one family.

Section 205 "E"

Earth Materials Removal: The removal, extraction, excavation, fill, or grading for commercial purpose of soil, sand, shell, limestone, dolomite, gravel, ore, rock, clay, peat, or any other material by whatever process.

Easement: The legal right given to a person or entity or to the public to cross on or over the property of another for a specified purpose.

Endangered Species: Any plant/animal identified by the state of Michigan or U.S. Fish and Wildlife Service as being threatened with extinction.

Essential Services: Essential services shall mean the erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, and hydrants reasonably necessary for the furnishing of utility service.

Essential Service Facilities: Buildings, grounds and equipment associated with the provision to the public of natural gas, electricity, potable water, wastewater conveyance and treatment, storm water conveyance and treatment, telephone, cable television, broadband digital communication and related services.

Section 206 "F"

Family: An Individual or two (2) or more persons related by blood, adoption, marriage or law, or a group of not more than five (5) persons who need not be related by blood, marriage, adoption, or law living together as a single housekeeping unit in a dwelling.

Farm: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Products. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

Farm Stand: A temporary shelter, booth or other structure where fresh agricultural products grown on-site are offered for sale directly to the consumer.

Farm Supplies, Machinery, Sales and Service: An establishment selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farm Tourism Facility: A commercial enterprise related to, and operated in conjunction with a farm, operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products; and which may include (but not be limited

to) farm product or produce picking, retailing and sampling; educational, entertainment and/or recreational programs or activities; farm tours/hayrides, corn mazes, ancillary food service facilities and similar activities.

Fence: An enclosure or barrier, made of materials including, but not limited to, wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Fill Material: Any material, rubbish, or debris, including, but not limited to, sand, clay, gravel, rock, or wood products applied to the ground to alter topography.

Fitness Center: An establishment open to the public offering services and facilities related to personal or team athletics, exercise, fitness, health and relaxation, including, but not limited to, aerobics, free weights, weight-lifting equipment, tanning, stationary bicycling, massage therapy, sports facilities, pools, personal trainers, an indoor running track, saunas, health food, yoga, spinning, martial arts.

Floor Area: The total area of floor space within the outside walls of a building excluding porches, breezeways, garages, attics, basements, cellars, or crawl spaces.

Frontage: The length of any one property line which abuts a legally accessible street right of way, or a body of water.

Florist Shop: (see Retail Business)

Foster Care Facility: A facility for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Persons are provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. Does not include convalescent, nursing or hospice homes, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, a county infirmary, or other facilities exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act. Includes the following categories of facilities

A. **Foster Care Family Home:** A Foster Care Facility that is a private residence with the approved capacity to receive six (6) or fewer adults. The foster care family home licensee must be a member of the household and an occupant of the residence. This also includes a state licensed residential facility.

B. **Foster Care Group Home:** A Foster Care Facility located in an owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults.

Fruit and Vegetable Stand: (see Farm Stand).

Funeral Home and Mortuary: A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services, but excluding crematoria.

Section 207 "G"

Gas Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and convenience items; and which may include as an accessory use the servicing and minor repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Golf Courses: A tract of land laid out with at least nine holes for playing a game of golf which may include a clubhouse, shelters, driving range, putting greens or similar features.

Golf Driving Ranges: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, which may include a snack bar and pro-shop. But excludes miniature golf courses and "putt putt" courses.

Grade, Finished: The final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, or excavating, have been made on the ground surface.

Grade, Natural: The elevation of the ground surface prior to excavation, filling, grading, or any man-made alterations.

Greenbelt Buffer: A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an aesthetic enhancement, an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Guest House: An accessory building constructed and maintained for the convenience of housing guests. It shall contain a minimum of two-hundred square feet (200 square feet) and shall not exceed a maximum of eight hundred square feet (800 square feet) of floor area. *(amended 2/4/2016)*

Section 208 "H"

Hardware Store: A facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares, household appliances, garden supplies, and cutlery.

Health Center: (see Fitness Center).

Health Department: The Health Department of Northwest Michigan, or any successor agency.

High Water Line/High Water Level/ High Water Mark: (see Shoreline).

Home-based Business: A business where the primary activities take place at locations other than the home. The home may serve as the location where materials are stored, work is scheduled and billings sent out, including as examples, but not limited to building trades, landscaping services and similar trades and services

Home Occupation: A profession of other occupation conducted within a dwelling by the residents of that dwelling which is clearly incidental and secondary to a property's primary residential use.

House Trailer (see Manufactured Home).

Household Pets: Dogs, cats, and other companion animals customarily housed within a dwelling.

Section 209 "I"

Impervious Surface: An area which has been treated, compacted or covered with any type of material such that rainfall will runoff as opposed to being able to percolate into the ground. These materials include but are not limited to: gravel, asphalt, concrete, metals, and water repellent polymers.

Section 210 "J" RESERVED

Section 211 "K"

Kennel: Any lot or premises on which five (5) or more dogs, four (4) months or older, are permanently or temporarily boarded, or are kept for the purpose of breeding or selling.

Section 212 "L"

Land Use Permit: Official sanction or approval of a defined activity, land use, development as provided in this Ordinance.

Laundry and Dry Cleaning: A business that provides washing, drying, and/or ironing machines to be used on the premises either by customers or customer service associates.

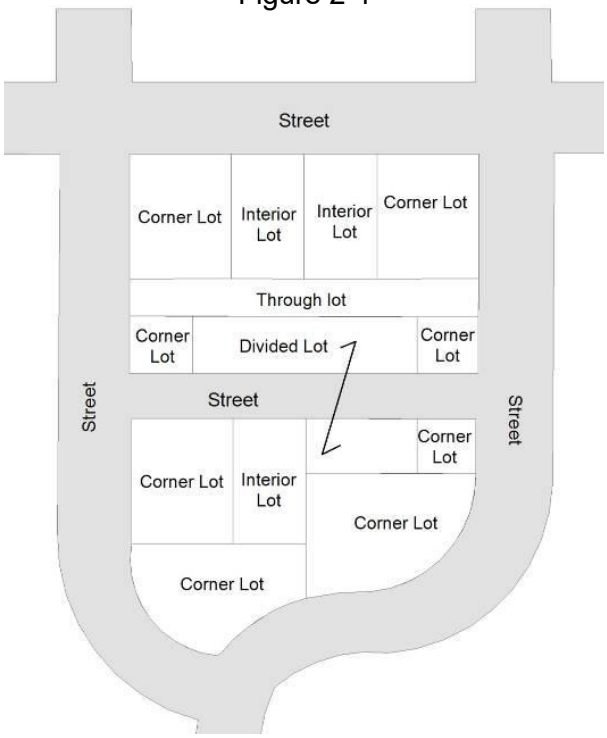
Law, Real Estate, Bookkeeping, Accounting, and Insurance Offices: (See Professional Offices)

Legal Lot of Record: (See Lot or Parcel).

Library and Museum: A public non-profit facility for the use of literary, musical, artistic, digital, or reference materials.

Livestock: Any animal customarily kept by humans for the purpose of providing food, clothing, or work, including, but not limited to equine, bovine, ovine, carpine, porcine, and fowl, but excluding bees.

Figure 2-1



Lot, (or parcel): A distinct piece of land, individually recorded in the records of the Antrim County Register of Deeds by description on a recorded plat, condominium subdivision or by metes and bounds description. The word "lot" includes the words "plot," "tract" and "parcel."

Lot, Conforming: A lot of record which meets the current requirements of this ordinance.

Lot, Corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Zoning Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage: The percentage of the lot area covered by all buildings and building projections such as bay windows, eave overhangs, and decks, including accessory buildings, on the lot.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line.

Lot, Divided: A lot that is bisected by a street or private street.

Lot Frontage: (See Frontage)

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

Lot Lines: The lines bounding a lot herein described (see Figure 2-3).

A. **Lot Line, Front:**

1. **Lot Not Fronting on a Lake, River or Stream:** The lot line, or lot lines, which contain a right-of-way line of one or more roads or rights-of-way providing access to a lot.
2. **Lot Fronting on a Lake, River or Stream (Waterfront Lot):** The lot line along the waterfront where the lot line is submerged, the front lot line shall be deemed to be the shoreline as defined herein. In the case of two (2) lots lines abutting a surface water body, the front lot line shall be the one abutting the larger water body.

B. **Lot Line, Rear:** The lot line opposite the front lot line. In the case of a lot which is tapered to a point at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

C. **Lot Line, Side:** Any lot line other than a front lot line or a rear lot line. A corner lot shall not have side lot lines.

Lot, Non-Conforming: A lot of record which was lawfully in existence prior to the adoption or amendment of this ordinance but which fails to meet the requirements of this ordinance for the district in which it is located.

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

Lot, Width: The horizontal distance between side lot lines measured at the minimum required front setback line.

Section 213 "M"

Manufactured Home: A dwelling which is transportable in one (1) or more sections, that is built on a permanent 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 therein and is installed by a Michigan Licensed Manufactured Housing dealer or Michigan Licensed Manufactured Housing installer as required by Michigan statute, and administrative rules promulgated thereunder.

Manufactured Housing Community: A use which is a parcel of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

Marina and Boat Storage: Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same.

Such establishments may also provide travelift services, slip rental, fuel, sanitary pumpout service and food, drink and transient lodging accommodations.

MDNR (or DNR): Michigan Department of Natural Resources, or any successor agency.

Medical and Dental Clinic: A facility in which one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts provide examination and treatment services of persons solely on an outpatient basis.

Mobile Home Park: (See Manufacture Housing Community.)

Mobile Home or Pre-Manufactured Home (See Manufactured Home).

Modular Home (see Manufactured Home).

Motel: A building (or group of buildings) containing living or sleeping accommodations used only for transient occupancy and in which access to and from a majority of the rooms is through an exterior door without the necessity of passing through the main lobby of the building.

Section 214 "N"

Nonconforming: The status or condition of a use, building or lot, or any combination thereof, which does not conform to one (1) or more of the provisions of this Ordinance for the zoning district or districts in which such use, building or lot is located.

Nursery: An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

Section 215 "O"

On-Site Wind Use Wind Energy Systems (OSUWES): A Wind Energy System intended to primarily serve the needs of the consumer located on the site with the Wind Energy System.

Open Space: An area that is intended to provide light and air for environmental, scenic, or recreational purposes.

Outdoor Oriented Enterprises, Outside Sales and Display: A commercial land use or activity that routinely and continuously displays goods for sale or rent on an open-air lot or yard visible from the public right-of-way; but not including periodic or seasonal sales, such as farm stands, sidewalk sales or temporary displays.

Section 216 "P"

Parcel (see Lot).

Patio: An uncovered exterior surface, usually made of concrete, brick, or other masonry material, which is placed at grade and used as outdoor living space.

Personal Care Facility: Any establishment, including a residence, where cosmetology, barbering, shaving or similar services are offered or practiced on a regular basis for compensation; may include hair care, nail care, skin care, but excluding physical therapy or massage.

Personal Storage Building: A building used or intended to be used only for storage, collection, stockpiling or keeping of personal property or vehicles located on a lot with no other principal buildings or dwellings.

Plat: A map of a subdivision of land.

Platted Subdivision (see subdivision).

Photo Studio (see Commercial Service Facility).

Place of Public Assembly: Buildings, structures and grounds, including theaters, churches, auditoriums, sports arenas, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.

Planning Commission: The Planning Commission of Forest Home Township.

Pre-Construction Accessory Building: An accessory building as defined herein which may be permitted as a special land use to be constructed prior to the construction of the principal building on a site.

Principal Land Use: The primary and predominant use or intended use of the premises according to the zoning district requirements or the actual use of the premises.

Print Shop (see commercial Service Facility).

Private Road: A road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Private Recreation Center: A facility owned or operated by a club or association as defined herein and offering recreational amenities for the exclusive use of members and their guests with facilities usually including swimming pools and/or tennis courts, but specifically excluding golf courses.

Privately Owned Parks and Playgrounds: Outdoor recreation facilities for exclusive use of members and their guests and privately maintained and operated.

Professional Offices: The office of a member of a recognized profession maintained for the conduct of that profession.

Processing of Farm Products: To subject agricultural and farm products to a special process or treatment, as in the course of manufacture; to change the physical state or chemical composition of natural resources.

Public Access Area: Frontage on a lake, river or stream owned or under the jurisdiction of the Township, Antrim County or the State of Michigan and open to the public.

Publicly Owned Building: A building held, used, or controlled exclusively for public purposes by any department or branch of government, state, country, or municipal, without reference to the ownership of the building or of the land upon which it is situated.

Public Utilities Building (see Essential Service Facilities):

Public Park, Playground, or Community Center: A public facility, or natural or landscaped area, provided by a unit of government to meet the active or passive recreational, cultural, social, and sporting needs of residents.

Section 217 "Q" RESERVED

Section 218 "R"

Recreational Vehicle (or Recreational Unit)**:** A vehicle or vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor power, or is mounted on or drawn by another vehicle. Recreational units shall include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted campers.

Restaurant: A commercial establishment in which the principal use is the preparation and sale of food and beverages for consumption on site or to carry out.

Retail Business: A commercial enterprise that provides goods and/or services directly to the consumer and where goods are available for immediate purchase.

Riding Stable and Academy: A commercial establishment where horses are kept for sale or hire to the general public. May offer riding instruction and provide breeding, boarding, or training services for horses.

Right-of-Way: A street, alley, or other public thoroughfare or easement permanently established for the passage of persons/vehicles and to provide access to land.

Road (or street)**:** A thoroughfare or means of vehicular access including state highways, county roads, private roads, and streets complying with the requirements of this ordinance.

Section 219 "S"

Sawmill: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Screening: A method of shielding a view of one site from another neighboring site, including but not limited to, fences, walls, hedges, berms, and other types of vegetation.

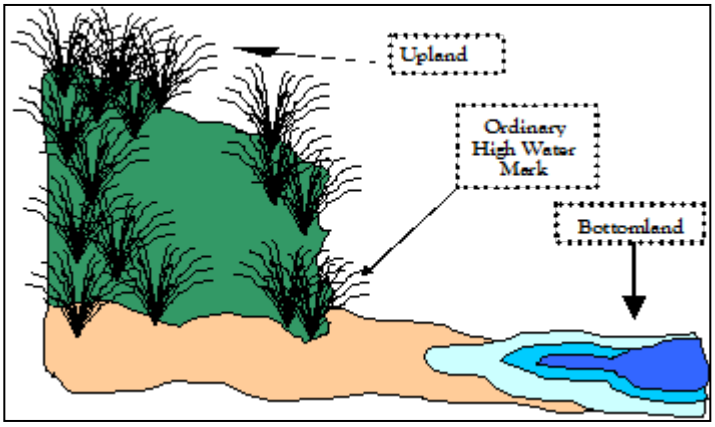
School: An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, business schools, trade schools and similar facilities.

Seating Area: That portion of a building used to accommodate patrons.

Setback: The required minimum horizontal distance between any part of a structure and the related front, side, or rear property line.

Sexually Oriented Business: A commercial establishment involving the depiction or display in any manner of specified anatomical areas and/or specified sexual activities, including, but is not limited to, an adult bookstore or video store, adult entertainment establishment, adult mini-theater, adult motel, adult motion picture theater, adult escort or adult escort agency.

Figure 2-2 Shoreline and High Water Mark



Shoreline: For other inland waters, the line, as determined by the Zoning Administrator, 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.

Shoreline Protection Strip: A natural vegetative area extending along the shoreline of lakes, rivers, streams or watercourses, containing native trees, shrubs and other vegetation and natural materials.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following sign types:

A. **Sign, Construction:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

B. **Sign, Directional:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

C. **Sign, Electronic Message Board:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

D. **Sign, Ground:** Any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six (6) feet in height.

E. **Sign, Off Premise.** A sign that directs attention to a business, commodity, services or entertainment conducted, offered or sold at a location other than the premises on which the sign is located.

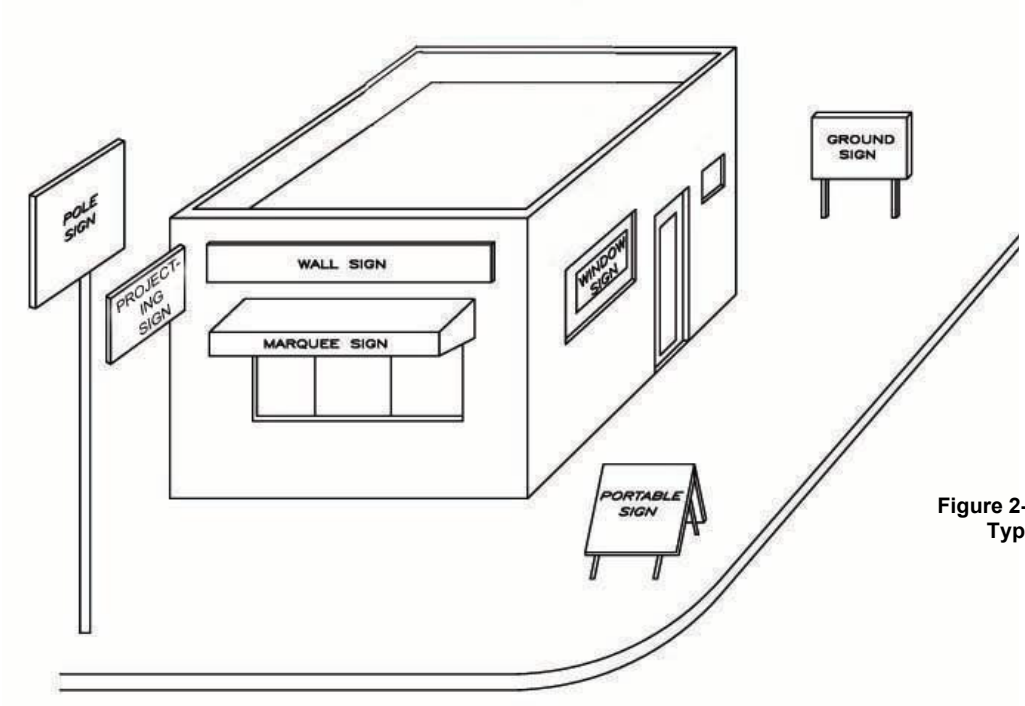


Figure 2-3. Sign Types

F. **Sign, Pole:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

G. **Sign, Political:** A sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

H. **Sign, Portable:** A sign that is not permanent, nor affixed to a building, structure, or the ground, such as an A-frame sign.

I. **Sign, Real Estate:** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

J. **Sign, Temporary:** A sign designed for use for a limited period of time to announce special events.

K. **Sign, Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure, and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.

L. **Sign, Window:** A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.

M. **Sign, Yard:** A sign of relatively impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale.

Site Condominium (see Subdivision).

Site Plan: the documents and drawings normally consisting of a scale drawing of the subject parcel of land together with other information required by the Ordinance.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola and human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Actual or simulated acts of masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

Steep Slope: Naturally-occurring or man-made slopes greater than 15%.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but not including fences.

Studio For The Performing and Graphic Arts: A commercial facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance and other similar pursuits.

Subdivision: The partitioning or splitting of a parcel or tract of land pursuant to Act 288 of the Public Acts of 1967, as amended, commonly known as the Land Division Act; or Act 59 of the Public Acts of 1978, as amended, commonly known as the Condominium Act.

Section 220 "T"

Tavern: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

Telecommunication Facility (see antenna).

Telecommunication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Tent: A temporary arrangement of flexible materials and a supporting frame designed for quick erection and removal and intended as a temporary shelter, but excluding children's play tents not used for sleeping purposes.

Township: Forest Home Township, Antrim County, Michigan

Travel Trailer, RV: Any vehicle, whether self-propelled or non-self propelled used or adapted to be used or so constructed as to permit its being used as a conveyance upon the public streets or highways and for occupancy or sleeping place for one or more persons, office, or other business use, and whether or not the same has a foundation thereunder if said foundation is designed to permit the removal of such house trailer and its re-adaptation to use upon the public streets or highways.

TV, Radio and Appliances Sales and Service (see Commercial Service Facility).

Section 221 "U"

Unclassified Uses: Land uses not listed in this ordinance but which, in the judgment of the Zoning Administrator are sufficiently similar to defined and permitted uses within the district to be treated in a manner similar to such uses.

Upholstery Shop (see Commercial Service Facility).

Section 222 "V"

Variance: A deviation from the terms of this Ordinance granted by the Zoning Board of Appeals as provided herein.

Vehicle: A device or structure for transporting persons or things, a conveyance.

Veterinary Clinic: An establishment for the medical care and treatment of injured or diseased domestic animals including livestock and household pets which may include facilities for the proper disposal of deceased animals.

Section 223 "W"

Warehouse: An establishment engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment; and also including an enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for long-term storage of their household goods or personal property.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted to saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Vegetation: Macrophytic plant life that naturally occurs in wetlands.

Wind Energy Facility: A wind energy conversion system which converts wind energy into electricity for commercial use through the use of a wind turbine generator and includes the turbine, rotor, and tower as well as related electrical equipment.

Section 224 "X" RESERVED

Section 225 "Y"

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

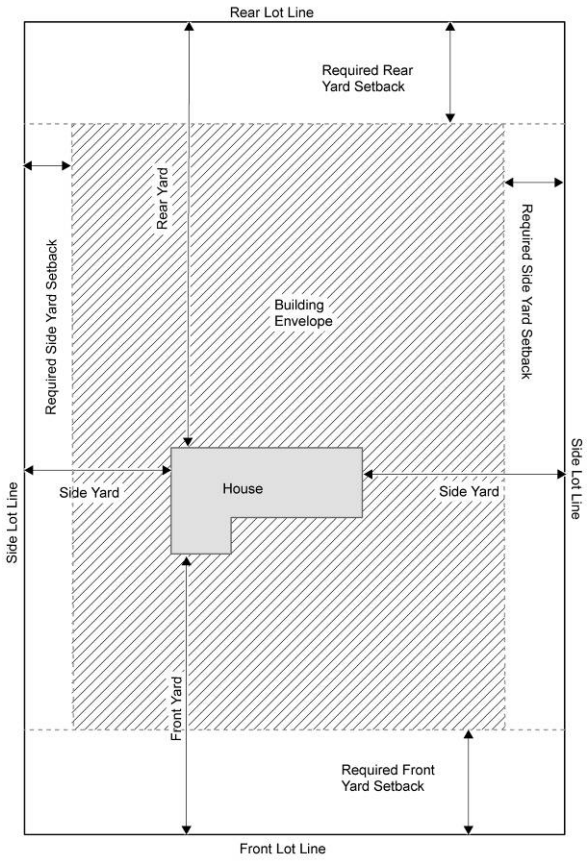
A. **Front Yard:** An open area extending the full width of the lot, the depth of which is the least horizontal distance between the front lot line as defined herein, and the nearest point of the building.

B. **Rear Yard:** An open area extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the building. Corner lots shall be considered to have no rear yard.

C. **Side Yard:** An open area between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the building.

D. **Yards, Required:** (also "setback"). The minimum required distance by which any building or structure must be separated from a street right-of-way or lot line.

Figure 2-4 Yards, Setback and Building Envelope



Section 226 "Z"

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sites rest directly on or adjacent to a lot line.

Zoning Administrator: The designated Zoning Administrator of Forest Home Township.

Zoning Lot: Two or more contiguous lots sharing common lot lines and under single ownership used or designated by the owner for treatment as one lot for the purposes of compliance with this Zoning Ordinance.

Article 3 General Provisions

Section 300 Purpose.

The general provisions of this Article shall apply to all districts, except as noted herein. Where the requirements of this Article differ from standards set forth elsewhere in this Ordinance, the more restrictive standard shall apply. Where the requirements of this Ordinance conflict with the requirements of other lawfully adopted statutes, regulations or ordinances, the more restrictive standard shall apply.

Section 301 Use of Land and Erection or Alteration of Structures.

Except and as hereinafter specified, no building, structure, premises, lot or piece and parcel of land in and throughout the Township, excluding lands within the Village of Bellaire, shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the zoning district in which it is located. In the event a use of land is proposed for which there is a demonstrated need in the Township and which is not permitted in any zoning district in the Township, the provisions of Article 23 shall apply.

Section 302 One Principal Use Per Parcel.

Every building erected, altered or moved shall be located on a lot of record as defined herein. Except as may be provided specifically herein, not more than one principal land use shall be permitted on any one parcel in the Township.

Section 303 Standards for Lots.

A. In General. Except as may be permitted pursuant to Section 1641, no lot shall be established in the Township, whether by subdivision or land division permitted by the Land Division Act (being Act 288 of 1967, as amended), or condominium permitted by the Condominium Act (Act 59 of 1978, as amended), except in conformance with the requirements of this Ordinance.

B. Lots and Yards.

1. Lot Area. Lot area shall be considered the entire horizontal area within the lot lines, including any portions of the lot which may include the road right-of-way or access easement.

2. Lot width.

   a. For interior lots and through lots, the minimum required lot width shall be the shortest straight line distance between the two side lot lines and in all cases shall not be less than the required minimum throughout the lot.

   b. For corner lots, lot width shall be measured as the shortest distance between each front lot line and the side lot lines most directly opposite and in all cases shall not be less than the required minimum throughout the lot.

c. For lots abutting irregularly shaped rights-of way or located on a cul-de-sac, the required minimum lot width dimension shall be measured along a straight line between the points where the minimum required front setback intersects the side lot lines and it shall be met for all points interior of said front setback.

3. Lot Depth. Required lot depth shall be measured as the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or the waterfront lot line, or to the rear most point of the lot where there is no rear lot line

4. Required Yards. Required yards (setbacks) shall be an imaginary line parallel to the respective lot line and measured from the lot line toward the interior portion of the lot. Front and rear required lots shall extend the width of the lot and side required yards shall extend between the required minimum front and rear yards. Required yard areas shall be unoccupied and unobstructed by buildings or structures, excepted as otherwise provided herein. No lot area and no yard, court, parking area or other required space shall be divided, altered or reduced to make such area less than the minimum required under this Ordinance, except where such reduction is necessary for public rights-of-way.

5. Measuring Setback. Setbacks shall be measured from the particular lot line to the nearest point of the building, whether such point is at grade, elevated above grade, or below grade. Cantilevered structures, architectural features, such as eaves, overhangs, bay windows, fixed canopies, chimneys and unenclosed roof structures may not extend or project into any required yard. Fences, ground level patios, walkways and similar structures for pedestrian movement may be allowed in any required yard area.

Section 304 Standards for Dwellings.

A. In General. Except as may be permitted pursuant to Section 1641, no new dwelling shall be established in the Township except in compliance with the provisions of this Zoning Ordinance.

B. Standards. A single family dwelling, including a manufactured home, may be established in any zoning district in which a single family dwelling is permitted, provided the following standards applying to any single family structure are met:

1. A dwelling shall comply in all respects to the stated height, bulk, density, gross living area, and width requirements as set forth in Section 504 B of this Ordinance. Minimum gross living area shall be determined by measuring the area enclosed by the exterior perimeter wall including finished living areas on floors other than the main floor, but not including garages, decks, basements or attic space with less than seventy-eight (78) inches of clear space between floor and ceiling. Where a dwelling is required by law to comply with any federal or state standard or regulation for construction different from those imposed by the building code, then such federal or state standard or regulation shall apply. *(Amended June 2025)*

2. A dwelling shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the applicable Manufactured Home Construction and Safety

Standards as promulgated by the United States Department of Housing and Urban Development from time to time. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

3. A dwelling shall be firmly and permanently attached to a permanent foundation constructed on the site in accord with the building code in effect, and shall have a foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein located outside a licensed manufactured housing community, such dwelling shall be installed pursuant to the manufacturer's setup instructions except that the above requirement for permanent attachment to a permanent foundation and perimeter wall shall supersede the anchoring system or device rules and regulations of the Michigan Manufactured Housing Commission applicable within a manufactured housing community. In the event that a dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
4. A dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Health Department.
5. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured housing community except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
6. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.
7. Single-Family Dwellings not located within a manufactured housing community shall meet the minimum floor area requirements of this Ordinance and shall have minimum exterior dimensions of at least twenty (20) feet. For the purposes of this section, the minimum exterior dimension shall be measured along two adjoining sides of a rectangle containing the structure, including the sum of all wall segments with essentially the same general orientation (as illustrated at right), but excluding minor extensions such as bay windows, "bump-outs," "expandos" or similar extensions with a floor area of less than one hundred (100) square feet.

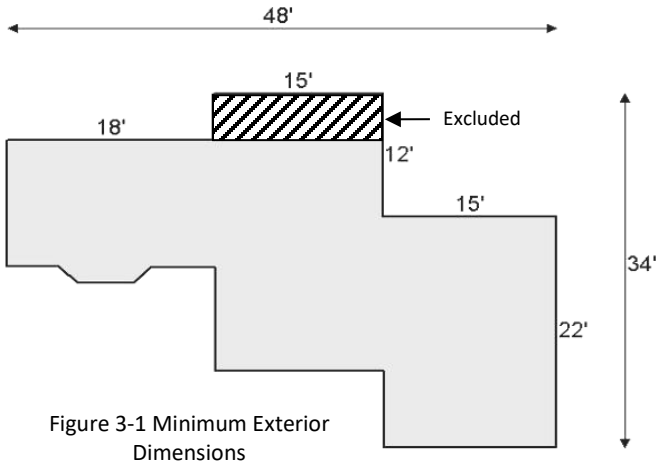


Figure 3-1 Minimum Exterior Dimensions

C. Temporary dwellings. No cabin, garage, tent, manufactured home, recreation vehicle, camper, motor home or other temporary structure or device shall be used in whole or in

part for dwelling purposes in any zoning district except in accordance with this section. Such structure or device may be used for a temporary dwelling for a period not to exceed six (6) months upon application for a permit for such occupancy and approval thereof by the Planning Commission. The Planning Commission shall evaluate an application for a temporary dwelling based on the following conditions:

1. The owner of the land shall document an approved plan and permit to construct a conforming permanent single family dwelling on the property and has demonstrated to the satisfaction of the Planning Commission that sufficient financing is available to complete the construction within six (6) months; or
2. The permanent dwelling of the resident applicant located on the property proposed for the temporary dwelling has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency. In this event, the applicant shall not be required to document an approved plan and permit to construct a conforming single family home prior to locating the temporary dwelling. However, the applicant shall, within six (6) months, provide such documentation including a demonstration to the satisfaction of the Planning Commission that sufficient financing is available to complete repairs or the construction of a replacement dwelling within an additional six (6) months period.
3. Adequate provisions are made for temporary public or private water supply and sewage disposal to and from said structure as approved by the Health Department.
4. The structure or device is designed and constructed so as to meet the minimum requirements for the health, safety and welfare of those occupants and the surrounding neighborhood.
5. The temporary dwelling shall be located on the lot in conformity with the setback requirements of the district.
6. The applicant shall establish an escrow fund, letter of credit or other surety acceptable to the Zoning Administrator to assure that the temporary dwelling shall be removed upon expiration of the six month period.
7. The Planning Commission may grant not more than one (1) extension of up to one hundred-eighty (180) days upon a satisfactory showing of progress to complete a permanent single family dwelling.
8. Occupancy of trucks, recreation vehicles, motor homes, tents or travel trailers outside a licensed campground facility shall be prohibited, except as set forth herein.
    a. Developed Land Up to Fifteen Days. Temporary occupancy of trucks, recreation vehicles, motor homes, tents or travel trailers shall be allowed without permit in the AG, WFR, RR and VR districts for periods not to exceed fifteen (15) days in a calendar year, provided that such occupancy shall only occur on a parcel with an occupied dwelling and with the permission of the property owner or occupant and such trucks, recreation vehicles, motor homes, tents or travel trailers shall be located in accordance with the applicable setback standards of the zoning district and such occupancy shall be limited to not more than four (4) trucks, recreation vehicles, motor homes, tents or travel trailers.

b. Undeveloped Land. Temporary occupancy of trucks, recreation vehicles, motor homes, tents or travel trailers may be allowed by permit on undeveloped sites in the AG and RR districts for periods not to exceed fifteen (15) days upon approval of the Zoning Administrator. Applications for approval of such occupancy shall be submitted by the property owner or with the permission of the property owner and such application shall specify the starting and ending dates which shall become a condition of the permit approval. Such trucks, recreation vehicles, motor homes, tents or travel trailers shall be located in accordance with the applicable setback standards of the zoning district. Such temporary occupancy shall at all times be in accordance with any conditions established by the Zoning Administrator to assure that such is not disruptive to neighboring properties and not more than four (4) such trucks, recreation vehicles, motor homes, tents or travel trailers shall be permitted on site at any given time.

D. Basement dwellings are prohibited in the Township.

Section 305 Reserved

Section 306 Building Height.

A. No building shall be erected or altered to exceed the height limitations set forth herein for the particular zoning district.

B. Measurement.

1. Building heights shall be the vertical distance from the median grade measured at the building foundation to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

2. Heights of structures other than buildings shall be measured from the median grade at the base of such structure to the highest point thereof.

C. Permitted Height Exceptions. The height restrictions shall not apply to following building elements.

1. Structural appurtenances: When a given use is permitted in any district, the following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

a. Ornamental features, such as church steeples, belfries, cupolas, domes, ornamental towers, and flag poles, provided that such ornamental elements do not exceed twenty percent of the gross roof area.

b. Appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks; elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers.

c. Commercial freestanding towers when not attached to a building or structure, shall be constructed under applicable State and Federal regulations and shall be subject to review by the Planning Commission pursuant to this Ordinance.

d. The foregoing permitted exceptions shall not be uses for human occupancy.

2. Residential Districts: There shall be no exceptions for structures located in residential districts except for school and church structures which may be permitted to exceed height limitations by action of the Planning Commission. Such exceptions to the district height standards may be permitted provided that the minimum front, side and rear yard shall be increased by one (1) foot for each additional one (1) foot of height above the district maximum.

3. The maximum height requirements of this ordinance shall not apply to buildings and structures employed in a farm operation.

Section 307 Grade Changes.

Where changes to the natural grade are made on any parcel in the Township, the finished grade shall provide for retention of storm water on the same parcel and shall otherwise not impact the neighboring properties through uncontrolled soil erosion. Because Forest Home Township is not a Municipal Enforcing Agency under Section 9106 of Act 451 of 1994, this regulation is not intended to supersede the authority of the Antrim County Soil Erosion Control office, but to apply to properties where a soil erosion permit is not required under the Antrim County Soil Erosion and Sedimentation and Stormwater Runoff Control Ordinance.

Section 308 Sanitary Standards.

All structures and land uses shall comply at all time with the sanitary standards as established by the Health Department, or any successor agency.

Section 309 Accessory Uses.

Accessory Uses, as defined herein, may be established in conjunction with any permitted use or any special land use, provided the Zoning Administrator finds that such accessory use is customarily found with the principal use and is incidental and subordinate to the principal use. For purposes of uses, a use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use. To be "customarily found" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.

A. Standards for Specified Accessory Uses.

1. On Site Use Wind Energy Systems (OSUWES). OSUWES shall be a permitted use in all zoning districts and shall be considered accessory structures and subject to a zoning permit. OSUWES with no tower and with towers of up to sixty-five (65) feet in height shall not require a site plan, if erected in accord with this section. OSUWES with a tower higher than sixty-five (65) feet shall require a site plan review. Prior to the installation of a tower higher than 65 feet, an application shall be filed with the Township that will meet the requirements of Article 18 and include documentation that sound pressure level, construction code, tower, interconnection (if applicable), safety requirements have been met; as well as proof of the applicant's public liability insurance. OSUWES shall meet the following standards and requirements:

    a. Property Set-back: The distance between an OSUWES tower and the owner's property lines shall be at least one and one half times the height of the wind energy system tower including the top of the rotor in its vertical position.

    b. Sound Pressure Level: OSUWES shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

    c. Vibrations: Under no circumstances shall an OSUWES produce vibrations humanly perceptible beyond the site property boundaries.

    d. Construction Codes, Towers, & Interconnection Standards: OSUWES including towers shall comply with all applicable State Of Michigan construction and electrical codes and local building permit requirements. OSUWES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected OSUWES shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

2. Private Swimming Pools. Private swimming pools shall be a permitted accessory use in all residential districts if located on the same parcel as a dwelling if established in accordance with the following requirements.

    a. A private swimming pool with a depth of twenty-four (24) inches or more, whether wholly or partially above-ground or in-ground, shall be located in the rear, side or waterfront yard and in accordance with the setback standards of the zoning district.

    b. A private swimming pool shall be fenced to control unauthorized access. Such fencing shall be a minimum of four (4) feet in height and equipped with a self-closing and self-latching gate. Latching devices must be located at least four (4) feet above grade. Fencing may be omitted on above-ground, or partially above ground pools with side walls of at least four (4) feet in height, provided access to the water surface is secured from unauthorized access with a self-closing and self-latching gate.

c. A private swimming pool shall be constructed in accordance with applicable building code standards.

3. Outdoor Storage of Vehicles. Outdoor storage of a total of not more than four (4) vehicles, campers, boats, tents or similar equipment shall be a permitted accessory use in residential districts, provided such storage does not involve residential occupancy of any vehicle, boat or tent so stored and provided that such storage shall be located not less than twenty-five (25) feet from any side lot line and not less than forty (40) feet from the road right-of-way. This provision shall not prohibit the storage of such in a garage or other permitted structure.

Section 310 Reserved

Section 311 Accessory Buildings and Structures

A. All accessory buildings as defined in Article 2, shall meet the yard, setback and building height requirements of this Zoning Ordinance.

B. An accessory building may not be used for residential purposes, such as sleeping quarters, except as specifically permitted herein.

C. Except in accordance with Section 1642 an accessory building shall not be constructed prior to the construction of the principal structure.

D. An Accessory Building which is attached to a principal building by a common foundation, common wall or common roof element, it shall be deemed to be a part of the principal building and the entire structure shall comply with the terms of this Zoning Ordinance.

E. Accessory building structure without a principal building or structure may be established in support of a farming operation located in the AG district and on a parcel devoted to active agriculture, with the approval of the Zoning Administrator.

F. In the WFR, and VR districts, the combined ground floor area of all accessory buildings shall not exceed the total floor area of the principal building, except as a special land use approved in accordance with Section 1641.

G. Accessory structures, which are not accessory buildings, shall be located on the lot in conformance with the yard, setback and height requirements of the respective zoning district.

H. A Personal Storage Building as defined herein shall not be considered an accessory building.

I. In the Agriculture (AG), Rural Residential (RR) and Waterfront Residential (WFR) districts, a Guest House as defined herein shall be considered a permitted accessory building.

Section 312 Greenbelts.

A. When Required. A greenbelt, as defined herein, shall be required for any commercial or multiple family use that abuts a residential or agricultural use. Such greenbelt shall be illustrated on a landscape plan prepared pursuant to Section 1506 hereof.

B. Standards. Such required greenbelt shall be a planting strip or buffer strip, at least ten (10) feet in width, which shall consist of:

1. Deciduous or evergreen trees or a mixture of both, with a minimum diameter of 2½ inches measured five (5) above the ground. Such trees shall be spaced not more than thirty (30) feet apart. Such trees shall be of a hardy species native to the area.

2. Not less than one (1) row of dense shrubs spaced not more than five (5) feet apart and which grow at least five (5) feet or more in height after one (1) full growing season.

3. The portions of the greenbelt not supporting trees or shrubs shall be landscaped in grass, ground cover plants or other plant material and decorative stone.

4. All landscaped areas shall be provided with a watering system capable of providing sufficient water to maintain plants in a healthy condition. Irrigation systems shall be maintained in good working order.

4. Landscape materials in a greenbelt shall be planted and maintained in a healthy growing condition by the property owner. The Planning Commission may require additional greenbelt area or plantings or a particular type of planting, such as evergreens trees, to ensure adequate buffering.

C. The applicant shall replace any trees, shrubbery or other plantings that fail to become established and remain viable for a period of two years following completion of all construction on the site. In accordance with Section 1809, the Township shall require an irrevocable bank letter of credit, certified check or cash in an amount as determined by the Township, which shall be sufficient to assure the establishment of a viable landscaped area. In the event any of the landscaped materials do not become established and the applicant shall fail to provide a viable replacement, the Township shall utilize such irrevocable bank letter of credit, certified check or cash to install replacement landscaping materials. After two years of demonstrated viability of all landscape materials, the remaining balance, if any, of such irrevocable bank letter of credit, certified check or cash shall be returned to the applicant.

D. The Planning Commission may waive or modify any requirement of this section as not applicable to particular development circumstances and providing that such waiver does not detract from the aesthetics or quality of the natural environment of the Township.

Section 313 Fencing and Screening.

A. Fencing proposed to be located on or immediately adjacent to a property line shall meet the following requirements:

1. No fencing shall be installed within any required yard until a land use permit has been issued by the Zoning Administrator pursuant to this section.

2. No fencing in excess of three (3) feet in height shall be located within a required front or waterfront yard area or within the clear view area as defined herein. In other portions of a lot or parcel, fencing shall not exceed eight (8) feet in height. Provided, however,

that the Planning Commission may approve fencing of greater height as part of the review and approval of a site plan pursuant to Article 18.

3. Fencing materials shall consist of wood, vinyl, wrought iron, anodized aluminum, brick, stone, masonry or other durable materials. Any fencing or wall with a single finished side shall be installed with the finished side facing the neighboring property or the road right-of-way. For the purposes of this Section, the "finished side" referred to above, shall not contain or include any structures, posts, beams, stakes, support rails, or other construction or support materials or items designed or used to connect, support, or construct any portion of a fence or wall. *(Amended June 2025)*
4. Fences used for other than farm operations shall not include barbed wire, sharp materials or electric charges, except when approved by the Planning Commission as necessary to protect public safety.

B. On commercial and multi-family land uses, landscaped screening consisting of evergreen or deciduous trees or shrubs and perennial plantings shall be installed to screen mechanical equipment, dumpster enclosures, utility equipment and similar features which would otherwise be visible from adjoining properties or the road right-of-way. Provided, however, no such landscape screening in excess of three (3) feet in height shall be located within a required front or waterfront yard area or within the clear view area as defined herein.

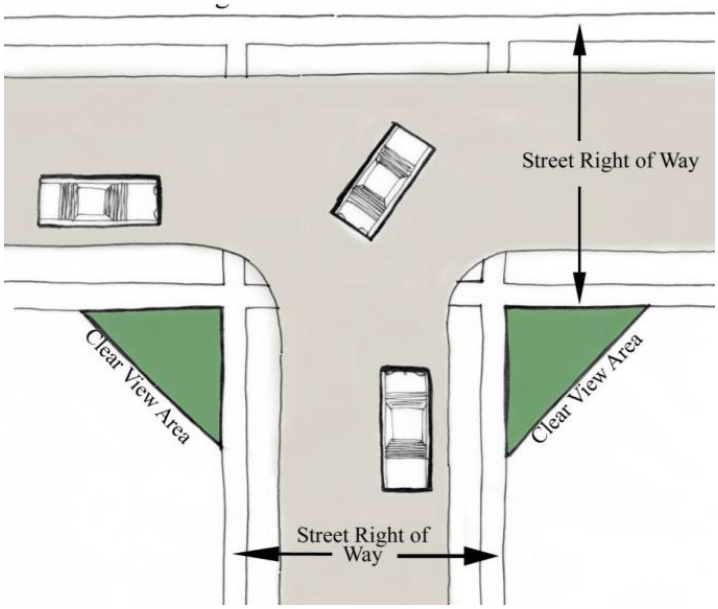


Figure 3-2 Clear View Area

Section 314 Clear View Area.

No building or structure shall be erected within the following required clear view areas.

A. At the intersection of any State Trunkline Highway and any County Primary Road, the triangle formed by the point of intersection of the right-of-way lines and the two points extending along such lines a distance of one hundred (100) feet from the point of intersection.

B. At the intersection of any County Local Road with any State Trunkline Highway or County Primary or Local Road the triangle formed by the point of intersection of the right-of-way lines and the two points extending along such lines a distance of fifty (50) feet from the point of intersection.

Section 315 Reserved

Section 316 Unclassified Uses.

While not specifically classified in this Ordinance as a permitted use, it is recognized that some uses may be sufficiently similar to uses listed as permitted by right. In those instances, the Planning Commission may consider such unlisted uses as being of a similar character and warranting similar regulation as uses expressly permitted. In such event, the terms of this section shall be applied.

A. The Planning Commission shall consider an unclassified use sufficiently similar to a classified permitted use when it finds that such unclassified use will be similar in character and impact to a classified permitted use in terms of:

   1. The generation of traffic and congestion;
   2. The production of noise;
   3. The production of fumes or odors;
   4. Potential aesthetic impacts on the vicinity;
   5. The production of dust or other debris; and,
   6. The consistency with the intent of the district in which it is located.

B. Where the Planning Commission finds that such impacts will be similar to a classified permitted use, such unclassified use may be treated as if it were a classified use. If the Planning Commission does not find a sufficient degree of similarity, the unclassified use shall be prohibited.

C. The provisions of this Section 316 shall not apply to special land uses as regulated by Article 16. *(Amended June 2025)*

Section 317 Open Space Preservation.

The terms of this section are intended to offer an optional open space preservation approach to residential land development in accordance with Section 506 of the Michigan Zoning Enabling Act (being Act 110 of 206, as amended).

A. Land zoned for residential development equivalent to 2 (two) or fewer dwelling units per acre, or if the land is served by a public sewer system, 3 (three) or fewer units per acre, may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land as allowed by the zoning district. The form of development may be by metes and bounds description, subdivision or condominium subdivision, subject to site plan approval pursuant to Article 18.

B. A percentage of the land area not less than 50% of the parcel, excluding a fixed percentage for street right-of-way purposes, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Such permanent open space shall be determined through the preparation and submittal of a detailed site analysis which shall identify native soils, water features, wetlands, topography, vegetation, wildlife corridors, views to water and prominent meadows from off site, steep slopes (in excess of 20%) and other unique or aesthetic features.

1. Based on the site analysis, the applicant shall identify the portion of the parcel to be maintained in the perpetually undeveloped state, incorporating features in the following order of priority, to the greatest extent possible:
    a. Surface water (lakes, streams). Provided, however, that common open space in a development located along a lakeshore shall include shoreline areas preserved in a perpetually undisturbed state and any with access to water limited to nothing more intense than walk-in use.
    b. Wetlands regulated by the MDEQ or successor agency
    c. Hardwood forests
    d. Unregulated wetlands
    e. Viewsheds to lakes
    f. Viewsheds to prominent meadows or woodlands
    g. Slopes in excess of 20%
2. Lands running parallel to an existing public road adjoining the parcel to a depth of not less than thirty (30) feet shall be included within the preserved open lands and shall be maintained as natural woodlands. If such lands do not include existing forest, the applicant shall commit to a reforestation plan sufficient to provide visual screening to the development, within not more than ten (10) years.
3. Any portion of the open space with a least dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the require 50% provided in this section.
4. Lands to be included within permanently dedicated open space may not include areas containing or impacted by gas or oil wells, personal wireless communication facilities, electrical transmission lines, surface mines or similar elements; but may include detention or retention facilities if designed to reflect a natural wetland.

C. The maximum number of lots that may be approved shall be computed by subtracting from the project's total gross acreage a fixed percentage of 15% for street right-of-way purposes, and dividing the remaining area by the minimum lot area established for the zoning district.

D. Lot area may be reduced up to 50% of the required lot size and lot width may be reduced up to 33% of the required lot width in the district.

Section 318 Essential Service Facilities.

Essential service facilities as defined herein shall be exempt from the application of this ordinance. Telecommunication towers, alternative tower structures and antennae shall not be considered essential service facilities for the purposes of this Ordinance.

Section 319 Decks, Docks, Rafts and Boardwalks.

Purpose. Outdoor living areas and access areas such as decks, docks and boardwalks (including paved sidewalks and patios) make an important contribution to the quality of life in the Township. However, some aspects of these structures have the potential to intrude on the enjoyment of neighbors and/or impact natural features. The purpose of this section is to establish balanced standards to balance potentially conflicting land use objectives.

A. Decks.

1. Decks, whether attached to a principal use or free standing shall be considered a part of such use and may be permitted in any district, provided they are fully located within the building envelope.

2. Free-standing decks shall be considered an accessory use and may be permitted in any district, provided they are located within the building envelope.

B. Docks. One dock shall be allowed for each parcel with frontage on any lake or stream.

C. Boardwalks, Decks, Patios, Steps and Pathways. Boardwalks, stairways, stairway landings, paved pathways and similar accessory structures may be located between the ordinary high water mark and the required waterside setback line. Such features shall either be elevated to permit the drainage and flow of runoff, or if placed at grade, shall be constructed of pervious materials. The walking surface of steps and pathways shall be not more than four (4) feet in width measured generally perpendicular to the path of travel. Within the Shoreline Protection Strip, a ground level deck or patio not greater than one hundred (100) square feet in area may be constructed. All such structures shall be constructed in accordance with the requirements of the Michigan Building Code. When the Michigan Building Code requires railings, they shall not exceed minimum Building Code requirements. A patio constructed of impervious materials must be graded to shed water runoff away from the shoreline, at a slope of not less than 1:60. All such structures shall be located in conformance with the required side yard.

Section 320 Reserved

Section 321 Home Occupations

A. A home occupation shall receive a zoning permit upon a finding by the Zoning Administrator that the proposed home occupation shall comply with all of the following requirements.

1. The home occupation(s) shall be conducted entirely within enclosed structures and shall be limited to the personal residence of the person engaging in the home occupation and not more than one approved accessory building.

2. The home occupation(s) shall be incidental and subordinate to the principal the residential use of the property.
3. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation. One exterior sign not to exceed six (6) square feet in area shall be permitted.
4. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation(s) shall not involve the:
    a. Generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or
    b. Use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
5. Not more than one (1) automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place, however, an additional parking area shall not be constructed and the existing driveway prior to the establishment of the home occupation shall be used for other customer parking.
6. Only the inhabitants of the residence shall be employed by the home occupation.
7. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.
8. An applicant for a home occupation shall execute an affidavit upon applying for approval of a home occupation acknowledging the requirements of this Section 321 and specifically subparagraph B hereof.

B. A proposed home occupation which does meet the standards of subparagraph A hereof, or an existing home occupation which no longer meets such standards, may be treated as a Home Based Business, subject to the requirements of Section 1631; or a Cottage Industry, subject to the requirements of Section 1610, provided such uses are allowed in the zoning district.

Section 322 Reserved

Section 323 Shoreline Protection Strip.

A shoreline protection strip shall be maintained fifty (50) feet upland from a shoreline. For any new development or sites where development or land form change is proposed within fifty feet of the shoreline, natural native vegetation must be retained or reestablished over 80% of the area extending 30 feet inland from the ordinary high watermark and running the width of the lot, and over 50% of the area beginning 30 feet inland from the ordinary high water mark and extending inland an additional 20 feet to the front (waterfront) setback line.

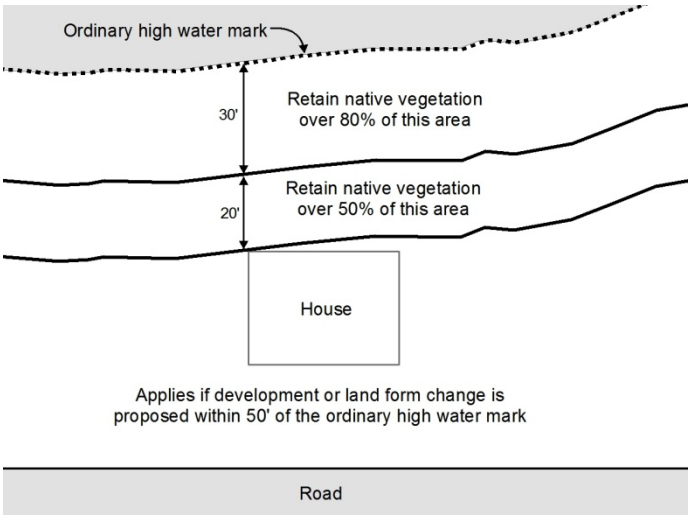


Figure 3-3 shoreline Protection Strip

Section 324 Additional Site Plan Review Standards for Certain Permitted Land Uses.

In addition to the requirements of Article 18, certain permitted land uses may impact neighboring properties or the community in general. Such uses are not so intrusive as to be more appropriately treated as Special Land Uses pursuant to Article 16, but may necessitate certain additional measure to assure compatibility within the community. The following named permitted uses shall be subject to the further review standards by the Planning Commission as part of the site plan review process.

A. Bed and Breakfast and Boarding Houses. In addition to the requirements of Article 18, the Planning Commission shall find that the following standards are met:

1. The property shall be suitable for transient lodging purposes.
2. The application shall detail measures to assure that the impact of the establishment on neighboring properties will be no greater than that of a private home with house guests.
3. A smoke detector in proper working order shall be maintained in every sleeping room and a fire extinguisher in proper working order shall be maintained on every floor.
4. Parking areas shall be screened from view from all off-site locations.
5. The provisions of Section 1504, E, 2 notwithstanding, not more than one (1), non-illuminated sign identifying the establishment not to exceed four (4) square feet in area located not closer, than ten (10) feet from the right-of-way shall be allowed.
6. The establishment shall have at least two (2) door exits to the outdoors.
7. Guest stays shall not exceed seven (7) nights.
8. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.

9. The guest rooms shall have a minimum floor area of one hundred-twenty (120) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room.
10. The site plan shall incorporate a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 16' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.

B. Car Wash. In addition to the requirements of Article 18, the Planning Commission shall find that the following standards are met:

1. All such facilities shall be connected to a public sewer system or if no such facilities are available, the applicant shall provide a certification prepared by a Professional Engineer or Registered Sanitarian licensed to practice in Michigan indicating that all wastewater resulting from the facility will be safely and effectively treated on site to prevent any impact on surface or ground water.
2. All washing activities shall be carried out within a building.
3. No vacuum equipment shall be located closer than one hundred (100) feet from any property line which abuts a property zoned or used for residential purposes.
4. Noise generated on site from any source shall not exceed 40 decibels measured at any property line.
5. The Planning Commission shall review, and may restrict, proposed hours of operation if it finds that excessively early or late hours may be disruptive to nearby properties.

Article 4 Reserved

Article 5 Zoning Districts and Zoning Map

Section 500 Zoning Districts.

To carry out the purposes of this Ordinance, Forest Home Township shall be divided into the following zoning districts:

A. Agriculture District

B. WFR - Waterfront Residential District

C. RR - Rural Residential District

D. VR - Village Residential District

E. WC -Waterfront Commercial District

F. C -Commercial District

Section 501 Zoning Map.

The boundaries of such zoning districts, shown upon the map set forth in this Article, which is incorporated herein by reference, and made a part hereof are hereby established, said map being designated as Zoning Map of Forest Home Township, Antrim County, Michigan, effective as of October 16, 2015. Said map and all the notations, references and other information thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

Section 502 District Boundaries.

Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply:

A. Where the boundaries are indicated as approximately following the street, alleys, or highways, the centerlines of said streets, alleys, or highways, or such lines extended shall be construed to be such boundaries.

B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following township boundary lines shall be construed as following such township lines.

D. Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.

E. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distances there from as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by

ZONING MAP

the use of the scale shown on the Official Zoning Map.

F. Boundaries following the shoreline of stream, lake, or other body of water shall be construed to follow such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.

G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the Zoning Administrator shall determine the appropriate district boundaries. Appeals of the Zoning Administrator decision may be appealed only to the Zoning Board of Appeals.

Section 503 Erection, Alteration and Use of Structures.

Except as herein provided, no structure shall be erected or altered nor shall any building or premises be used for any purpose other than as permitted in the zoning district in which such building or premises is located.

Section 504 Summary Tables of Uses and Dimensional Standards

A. Table 504 - A, Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance. In the event of a discrepancy between the table and the text of the Ordinance, the text shall prevail.

B. Table 504 - B, The Schedule of Regulations and Dimensions provides an overview of the dimensional requirements of this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this Ordinance. In the event of a discrepancy between the table and the text of the Ordinance, the text shall prevail.

SECTION 504-A -TABLE OF LAND USES AND REGULATORY STRUCTURE

Land Uses	Mapped Zoning Districts **R**=Uses permitted by Right; **SLU**=Uses subject to special land use review					
	AG	**WFR**	**RR**	**VR**	**WFC**	**C**
Accessory buildings*	R	R	R	R		
Artist Residency Facility	SLU		SLU			
Automobile & motor home sales, rental & Svc.						R
Bank and Credit Union						R
Bed & Breakfast and Boarding House	R		R	R		
Billboards	SLU					SLU
Boat repair and sales					R	
Building and Lumber Supply						R
Campground or RV Park	SLU					
Car Wash						SLU
Cemetery	SLU		SLU			
Commercial Service Facility						R
Construction trades office and material storage						R
Convalescent, nursing and hospice homes			SLU	SLU		R
Cottage Industries	SLU		SLU	SLU		
Craft Spirits Facility	SLU		SLU			
Day Care, Commercial(13+ children)				SLU		SLU
Day Care, Family	R	R	R	R		
Day Care, Group (7-12 children)	R	SLU	R	R		
Drive Through Facility						SLU
Dwelling, multiple				R		
Dwelling, single family*	R	R	R	R		
Dwelling, single family above commercial	SLU			SLU	SLU	SLU
Dwelling, two-family*	R		R	R		
Earth materials removal, commercial	SLU					
Farm*	R		R			
Farm stand*	R		R			
Farm Tourism Facility	SLU		SLU			
Fitness Center					SLU	SLU
Foster Care, Family Home	R	R	R	R		
Foster Care, Group Home	SLU		SLU	SLU		
Funeral Home						SLU
Galleries, Libraries and Museums						SLU
Gasoline Station					SLU	SLU

SECTION 504-A -TABLE OF LAND USES AND REGULATORY STRUCTURE

Land Uses	Mapped Zoning Districts **R**=Uses permitted by Right; **SLU**=Uses subject to special land use review					
	AG	**WFR**	**RR**	**VR**	**WFC**	**C**
Golf courses and driving ranges	SLU					
Guest House	R	R	R			
Home Based Businesses	SLU		SLU			
Home Occupations	R	R	R	R		
Kennel	SLU					SLU
Marina and boat storage					R	
Manufactured Housing Community (MHC)				R		
Motels						SLU
Outdoor oriented enterprises	SLU					SLU
Personal Care Facility					R	R
Personal Storage Building	SLU		SLU			
Places of Public Assembly	SLU		SLU	SLU		
Planned Unit Development *(Amended June 2025)*			SLU	SLU	SLU	SLU
Pre-Construction Accessory Building	SLU	SLU	SLU	SLU	SLU	SLU
Private Recreational Center	SLU		SLU			
Privately owned parks and playgrounds				R		
Processing facility for farm products	R					
Professional Offices					R	R
Publicly owned buildings	R			R		
Publicly-owned parks	R	R	R	R	R	R
Residential subdivisions of 3 or more lots	SLU	R	R	R		
Restaurant					R	R
Retail Business					R	R
Riding Stables and Academies	SLU					
Saw mill	SLU					
School	R		R	R		
Sexually oriented business						SLU
Studio for performing arts					R	R
Taverns					SLU	SLU
Telecommunication towers and facilities	SLU					
Veterinary clinic	SLU		SLU			SLU
Warehouse	SLU					SLU

*Denotes land uses which do not require submission of site plans pursuant to Section 1801

SECTION 504 - B Schedule of Regulations and Dimensions. The dimension requirements in the following table shall apply to each district as noted.

Lot Dimensions			Setbacks (Feet)			Building Standards			
Zoning District	Minimum Lot Area	Minimum Lot Width[1] (feet)	Front	Side	Rear	Maximum Building Height (feet)[2]		Minimum Gross Living Area (sq ft)	Minimum Exterior Dwelling Dimension (ft)
						feet	stories		
AG, Agriculture	40,000 sq. ft.	200	50	15	35	35	2.5	800	20
WRF, Waterfront Residential	20,000 sq. ft.	100	50	10	35	35	2.5	800	20
RR, Rural Residential	40,000 sq. ft.	200	50	15	15	35	2.5	800[3]	20
VR, Village Residential	¼ acre	80	40	20	20	40	3	750[3]	20
WC, Waterfront Commercial	40,000 sq. ft.	200	30	20	30	35	2.5	600[4]	20
C, Commercial	1 acre	100	50	15[5]	30	35	2.5	600[4]	20

Notes:

1. Lot width shall not be less than the required minimum throughout the lot.
2. Maximum building height shall be the lesser of the height in feet as measured pursuant to Section 306 or the maximum stories as provided in this Section 504, B.
3. Minimum gross living area for multifamily dwelling units shall be 480 sq. ft. per unit. *(Amended June 2025)*
4. Gross living area standards for dwellings in the WC and C districts shall apply only to dwellings on the second story of a building.
5. Zero lot line structures shall be permitted where common party wall construction is used.

Article 6 Agriculture District (AG)

Section 600 Intent.

The purpose of the Agriculture District is to accommodate farms and farm-related enterprises and activities in the Township and to maintain the open and rural character of the community. The AG District is intended to provide area for agricultural activities, preserve open space and scenic vistas, protect natural resources and sensitive lands, and encourage the continuation of farm operations. This zoning district recognizes the historic, economic and cultural contribution of agriculture to the region and the need to maintain unique and productive farmland to sustain the food production needs of the broader population.

Section 601 PERMITTED USES. The following land uses shall be permitted in the AG district, subject to the provisions of this Ordinance. *(Amended June 2025)*

- Accessory Buildings*
- Bed & Breakfast and Boarding House, per section 324, A
- Day Care, Family*
- Day Care, Group
- Dwelling, Single Family*
- Dwelling, Two-family*
- Family Foster Care Home*
- Farm*
- Guest House *(amended 2/4/2016)*
- Home Occupation
- Processing Facility for Farm Products
- Publicly Owned Buildings
- Publicly-Owned Parks
- School

Section 602 SPECIAL LAND USES. The following land uses may be allowed in the AG district, subject to the special land use provisions of this Ordinance.

- Artist Residency Facility, per Section 1603
- Billboards, per Section 1604
- Campground or RV Park, per Section 1605
- Cemetery, per Section 1607
- Cottage Industries, per Section 1610
- Craft Spirits Facility, per Section 1611

SPECIAL LAND USES, cont'd

- Day Care, Commercial(13+ children), per Section 1612
- Dwelling, Single-Family above Commercial, per Section 1616
- Earth Materials Removal, per Section 1619
- Farm Tourism Facility, per Section 1620
- Foster Care, Group Home, per Section 1623
- Golf Course, per Section1629
- Home Based Business, per Section 1631
- Kennel, per Section 1632
- Outdoor Oriented Business, per Section 1637
- Personal Storage Building, per Section 1638
- Places of Public Assembly, per Section 1640
- Pre-Construction Accessory Building, per Section 1642
- Private Recreation Center, per Section 1643
- Residential Subdivisions, per Section 1645
- Riding Stables & Academies, per Section 1647
- Saw Mill, per Section 1648
- Telecommunication Facilities, per Section 1654
- Veterinary Clinic, per Section 1656
- Warehouse, per Section 1657

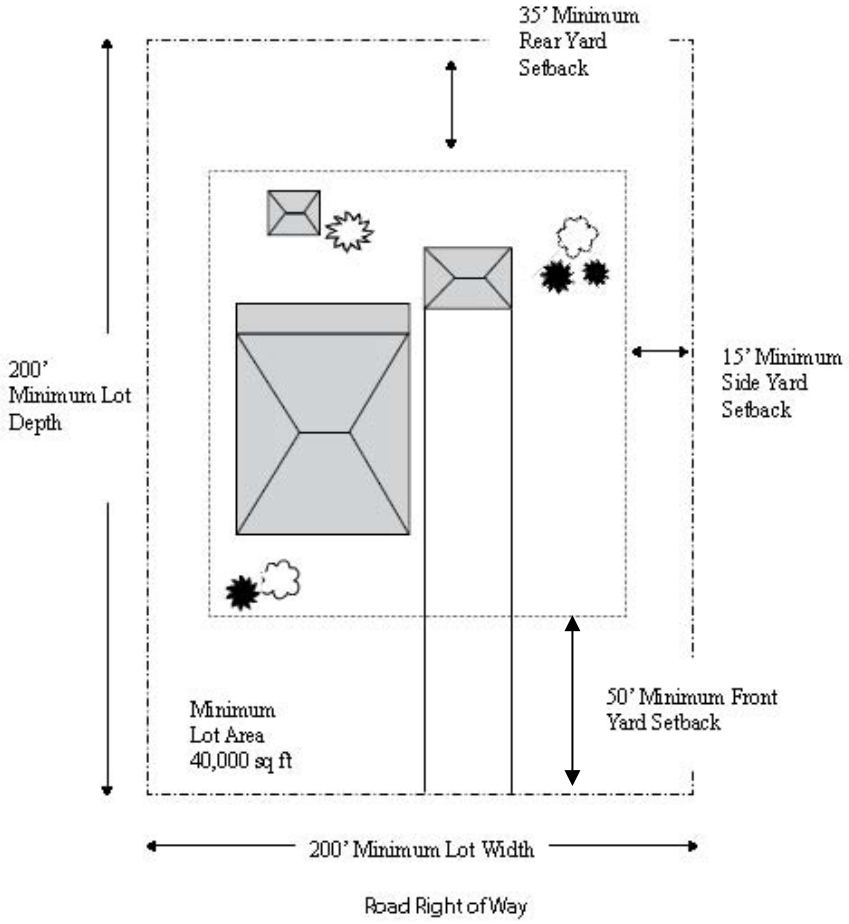
Section 603 ADDITIONAL STANDARDS.

The following additional standards may apply to land uses in this district:

- Site Plan Requirements, per Article 18
- Special Land Use Standards per Article 16
- Lighting Requirements, per Section 1502
- Sign Requirements, per Section 1504
- Parking Requirements, per Section 1501
- Landscape Requirements, per Section 312

Section 604 AGRICULTURE DISTRICT REGULATIONS

Minimum Lot Area	40,000 sq ft	Minimum Lot Width	200 ft
		Maximum Bldg. Height	35 ft, or 2½ stories
Minimum Building Setbacks			
Front	50 ft	Minimum Dwelling Unit Width	20 ft
Side	15 ft	Minimum Gross Living Area	800 sq ft
Rear	35 ft	Maximum Lot Coverage	N/A



Article 7 Waterfront Residential District (WFR)

Section 700 Intent.

The purpose of the Waterfront Residential District is to establish and maintain a low intensity residential and recreational environment predominately for single family dwellings in accessible rural areas adjacent to the inland lakes of the Township.

Section 701 PERMITTED USES. The following land uses shall be permitted in the WFR district, subject to the provisions of this Ordinance. *(Amended June 2025)*

- Accessory Buildings*
- Day Care, Family*
- Dwelling, Single Family*
- Family Foster Care Home*
- Guest House *(amended 2/4/2016)*
- Home Occupation
- Publicly-Owned Parks
- Residential subdivisions 3+ lots

Section 702 SPECIAL LAND USES. The following land uses may be allowed in the WFR district, subject to the special land use provisions of this Ordinance.

- Day Care, Group, per Section 1613
- Pre-Construction Accessory Building, per Section 1642

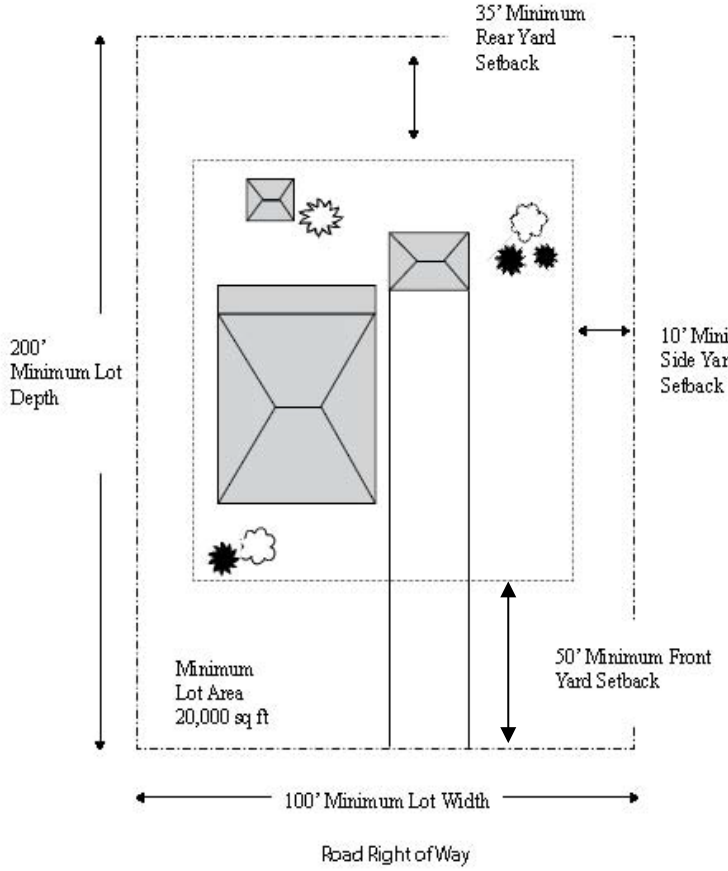
Section 703 ADDITIONAL STANDARDS.

The following additional standards may apply to land uses in this district:

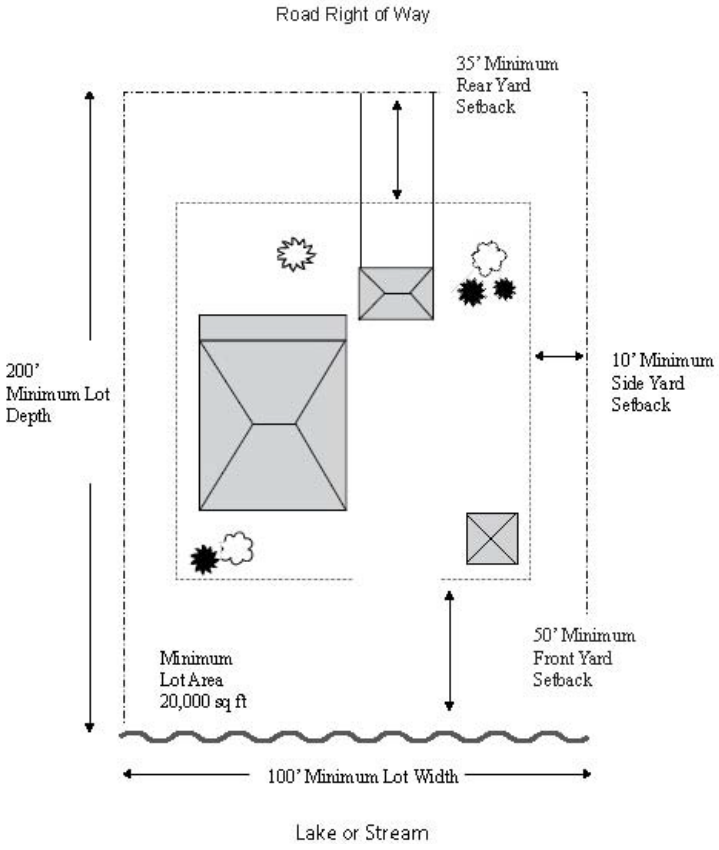
- Site Plan Requirements, per Article 18
- Special Land Use Standards per Article 16
- Parking Requirements, per Section 1501
- Sign Requirements, per Section 1504
- Lighting Requirements, per Section 1502
- Landscape Requirements, per Section 312

Section 704 WATERFRONT RESIDENTIAL DISTRICT REGULATIONS			
Minimum Lot Area	20,000 sq ft	Minimum Lot Width	100 ft
		Maximum Bldg. Height	35 ft, or 2½ stories
Minimum Building Setbacks			
Front	50 ft	Minimum Dwelling Unit Width	20 ft
Side	10 ft	Minimum Gross Living Area	800 sq ft
Rear	35 ft	Maximum Lot Coverage	20%

Non-Waterfront Lot



Waterfront Lot



Section 705 Common Area Waterfront Access Restrictions

Residential developments in the WFR district shall not include common waterfront access for dwelling units that are not located on a parcel or condominium unit with direct water frontage, unless such common waterfront access area includes at least one hundred (100) feet of frontage for each dwelling unit entitled to such common waterfront access.

Article 8 Rural Residential District (RR)

Section 800 Intent.

The purpose of the Rural Residential District is to serve as a transition between large-scale commercial agriculture and open lands of the AG district and the residential and recreational land uses that front on the Lakes. Land uses may include both agricultural and agriculture-related facilities including specialty crops, hobby farms and large open areas that preserve the rural character of the area. In addition, this district is intended to accommodate those that seek large lot single-family residential environments which may include areas for companion livestock, and less than commercial scale crop production. The RR District is intended to preserve open space and scenic vistas, even while recognizing a desire for low density rural living environments.

Section 801 PERMITTED USES. The following land uses shall be permitted in the RR district, subject to the provisions of this Ordinance. *(Amended June 2025)*

- Accessory Buildings*
- Bed & Breakfast and Boarding House, per Section 324, A
- Day Care, Family*
- Day Care, Group
- Dwelling, Single Family*
- Dwelling, Two Family*
- Family Foster Care Home*
- Farm
- Guest House *(amended 2/4/2016)*
- Home Occupation
- Publicly-Owned Parks
- Residential subdivisions 3+ lots
- School

Section 802 SPECIAL LAND USES. The following land uses may be allowed in the RR district, subject to the special land use provisions of this Ordinance.

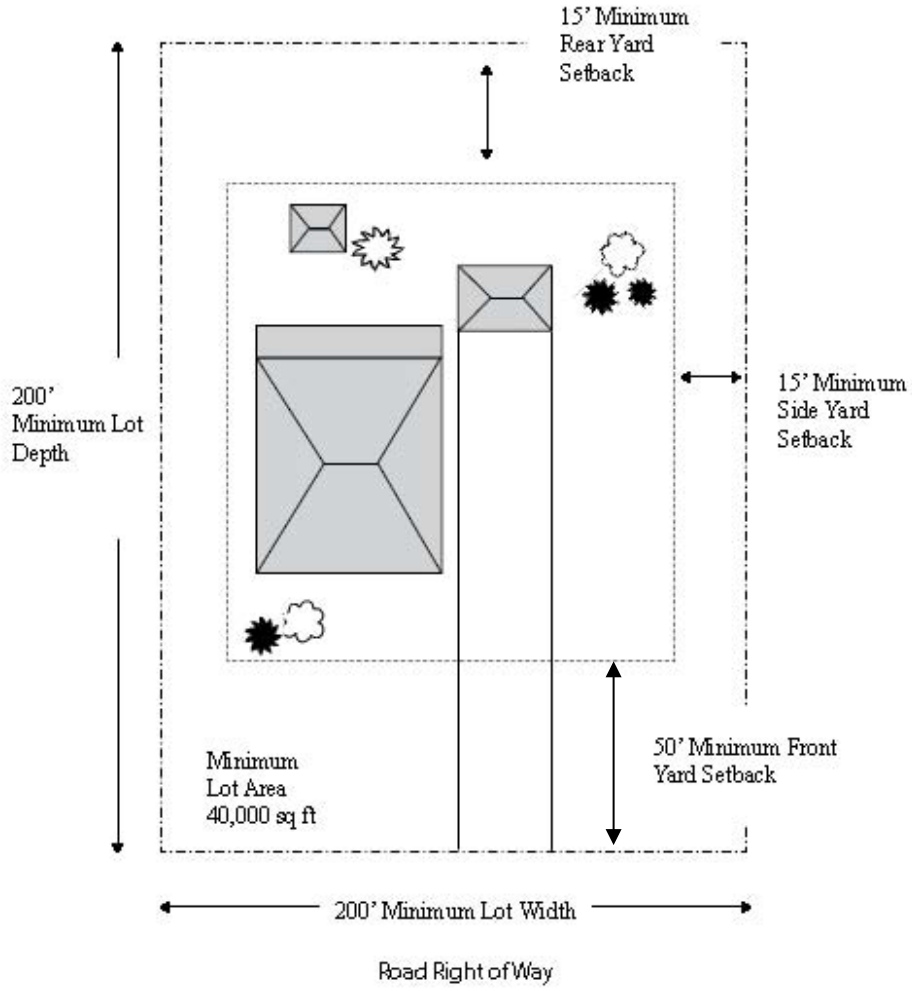
- Artist Residency Facility, per Section 1603
- Cemetery, per Section 1607
- Convalescent, Nursing, Hospice Home, per Section 1608
- Cottage Industries, per Section 1610
- Craft Spirits Facility, per Section 1611
- Farm Tourism Facility, per Section 1620
- Foster Care Group Home, per Section 1623
- Home Based Businesses, per Section 1631
- Personal Storage Building, per Section 1638
- Places of Public Assembly, per Section 1640
- Planned Unit Development (PU), per Section 1641 *(Amended June 2025)*
- Pre-Construction Accessory Building, per Section 1642
- Private Recreation Center, per Section 1643
- Veterinary Clinic, per Section 1656

Section 803 ADDITIONAL STANDARDS.

The following additional standards may apply to land uses in this district:

- Site Plan Requirements, per Article 18
- Special Land Use Standards per Article 16
- Lighting Requirements, per Section 1502
- Sign Requirements, per Section 1504
- Parking Requirements, per Section 1501
- Landscape Requirements, per Section 312

Section 804 RURAL RESIDENTIAL DISTRICT REGULATIONS			
Minimum Lot Area	40,000 sq ft	Minimum Lot Width	200 ft
		Maximum Bldg. Height	35 ft, or 2½ stories
Minimum Building Setbacks			
Front	50 ft	Minimum Dwelling Unit Width	20 ft
Side	15 ft	Minimum Gross Living Area	800 sq ft
Rear	15 ft	Maximum Lot Coverage	25%



Article 9 Village Residential District (VR)

Section 900 Intent.

The purpose of the Village Residential District is to provide for an environment of sound and stable single-family, two-family and multiple family dwellings on relatively smaller lots located in proximity to transportation and professional and commercial services in the Village of Bellaire. Developments should be arranged to enhance the small town character of the community, with walkable neighborhoods attractively designed to serve a diverse spectrum of local residents.

Section 901 PERMITTED USES. The following land uses shall be permitted in the VR district, subject to the provisions of this Ordinance. *(Amended June 2025)*

- Accessory Buildings*
- Bed & Breakfast and Boarding House, per Section 324, A
- Day Care, Family*
- Day Care, Group
- Dwelling, Multiple
- Dwelling, Single Family*
- Dwelling, Two-family*
- Family Foster Care Home*
- Home Occupation
- Manufactured Housing Community
- Privately-Owned Parks and Playgrounds
- Publicly-Owned Buildings
- Publicly-Owned Parks
- Residential subdivisions 3+ lots
- School

Section 902 SPECIAL LAND USES. The following land uses may be allowed in the VR district, subject to the special land use provisions of this Ordinance.

- Convalescent Home, per Section 1608
- Cottage Industries, per Section 1610
- Day Care, Commercial, per Section 1612
- Dwelling, single family above commercial, per Section 1616
- Foster Care, Group Home, per Section 1623
- Places of Public Assembly, per Section 1640
- Planned Unit Development, per Section 1641
- Pre-Construction Accessory Building, per Section 1642

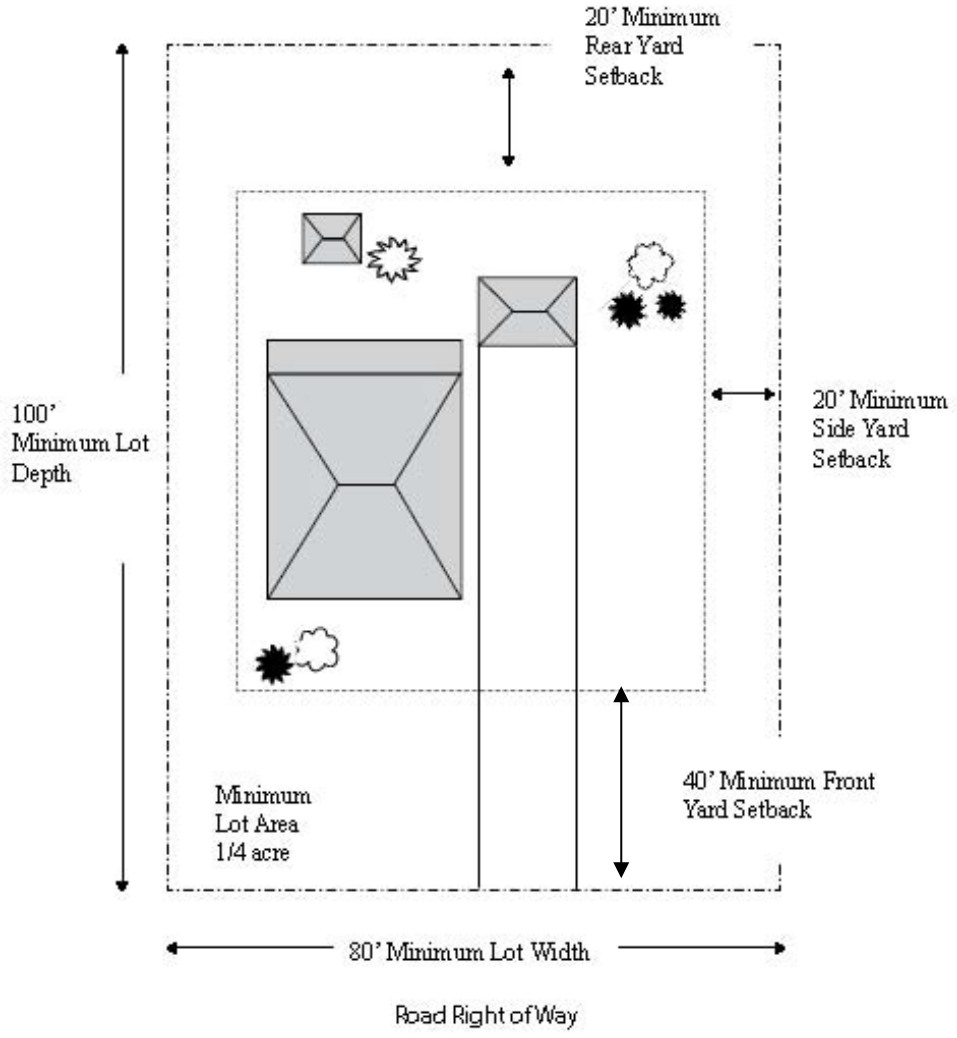
Section 903 ADDITIONAL STANDARDS.

The following additional standards may apply to land uses in this district:

- Site Plan Requirements, per Article 18
- Special Land Use Standards per Article 16
- Parking Requirements, per Section 1501
- Sign Requirements, per Section 1504
- Lighting Requirements, per Section 1502
- Landscape Requirements, per Section 312

Section 904 VILLAGE RESIDENTIAL DISTRICT REGULATIONS

Minimum Lot Area	¼ Acre	Minimum Lot Width	80 ft
		Maximum Bldg. Height	40 ft, or 3 stories
Minimum Building Setbacks			
Front	40 ft	Minimum Dwelling Unit Width	20 ft
Side	25 ft	Min. Gross Living Area	750 sq ft one family
Rear	25 ft		480 sq. ft. for two family & multiples
Maximum Lot Coverage	35%		



Article 10 Waterfront Commercial District (WC)

Section 1000 Intent

The purpose of the Waterfront Commercial District is to recognize and support an existing commercial uses that depend on the water to serve the local community and visitors to the Township seeking to enjoy its many lakes and streams. While the primary commercial areas that serve the community are appropriately located in neighboring jurisdictions, this specialized district is intended to recognize a small and unique pattern of development centered on the waterfront.

Section 1001 PERMITTED USES. The following land uses shall be permitted in the WFC district, subject to the provisions of this Ordinance.

- Boat Repair and Sales
- Marina and Boat Storage
- Personal Care Facility
- Professional Offices
- Publicly-Owned Parks
- Restaurant
- Retail Business
- Studio for the performing arts

Section 1002 SPECIAL LAND USES. The following land uses may be allowed in the WFC district, subject to the special land use provisions of this Ordinance.

- Dwelling, single family above commercial, per Section 1616
- Fitness Center, per Section 1622
- Gasoline Station, per Section 1628
- Planned Unit Development, per Section 1641
- Pre-Construction Accessory Building, per Section 1642
- Taverns, per Section 1653

Section 1003 ADDITIONAL STANDARDS.

The following additional standards may apply to land uses in this district:

- Site Plan Requirements, per Article 18
- Special Land Use Standards per Article 16
- Parking Requirements, per Section 1501
- Sign Requirements, per Section 1504
- Lighting Requirements, per Section 1502
- Landscape Requirements, per Section 312

Section 1004 WATERFRONT COMMERCIAL DISTRICT REGULATIONS

Minimum Lot Area	40,000 Sq. Ft.	Minimum Lot Width	200 ft
		Maximum Bldg. Height	35 ft, or2 ½ stories
Minimum Building Setbacks			
Front	30 ft	Minimum Dwelling Unit Width	20 ft*
Side	20 ft	Min. Gross Living Area	600 sq ft one family*
Rear	30 ft		
Maximum Lot Coverage	N/A		

* Applicable to single-family dwellings above commercial.

Article 11 Commercial District

Section 1100 Intent.

The purpose of the Commercial District is to provide for the potential of added commercial development in the Township in close proximity and supportive to the Village of Bellaire. The intent of such a district would be to provide a place where local residents and visitors could find the products and services needed to maintain quality of life which are not otherwise available in the community. Because the Township does not have the necessary infrastructure or roadway network to support large-scale commercial development and because the needs of the area are generally well met by existing patterns in the Village of Bellaire and elsewhere, any commercial development in Forest Home will be small-scale and limited in nature and intensity.

Section 1101 PERMITTED USES. The following land uses shall be permitted in the Commercial, subject to the provisions of this Ordinance.

- Automobile and motor home sales and service
- Car Wash, per Section 324, B
- Bank or Credit Union
- Building and Lumber Supply
- Commercial Service Facility
- Construction Trades Office and Storage
- Galleries, Libraries, Museums
- Personal Care Facility
- Professional Offices
- Publicly-Owned Parks
- Restaurant
- Retail Business
- Studio for the performing arts

Section 1102 SPECIAL LAND USES.

The following land uses may be allowed in the Commercial district, subject to the special land use provisions of this Ordinance.

- Billboards, per Section 1604
- Day Care, Commercial, per Section 1612
- Drive-Through Facility, per Section 1614
- Dwelling, single family above commercial, per Section 1616
- Fitness Center, per Section 1622
- Funeral Home, per Section 1625
- Gasoline Station, per Section 1628
- Kennel, per Section 1632
- Motels, per Section 1634
- Outdoor oriented enterprises, per Section 1637
- Planned Unit Development, per Section 1641
- Pre-Construction Accessory Building, per Section 1642
- Sexually Oriented Business, per Section 1651
- Tavern, per Section 1653
- Veterinary Clinic, per Section 1656
- Warehouse, per Section 1657

Section 1103 ADDITIONAL STANDARDS.

The following additional standards may apply to land uses in this district:

- Site Plan Requirements, Article 18
- Special Land Use Standards per Article 16
- Lighting Requirements, per Section 1502
- Sign Requirements, per Section 1504
- Parking Requirements, per Section 1501
- Landscape Requirements, per Section 312

Section 1104 COMMERCIAL DISTRICT REGULATIONS

Minimum Lot Area	1 Acre.	Minimum Lot Width	100 ft
		Maximum Bldg. Height	35 ft, or2 ½ stories
Minimum Building Setbacks			
Front	50 ft	Minimum Dwelling Unit Width	20 ft**
Side	15* ft	Min. Gross Living Area	600 sq ft one family**
Rear	30 ft		
Maximum Lot Coverage	N/A		

* Zero lot line structures shall be permitted where common party wall construction is used.

** Applicable to single-family dwellings above commercial.

Articles 12, 13 and 14 - Reserved

Article 15 Development Requirements

Section 1500 Intent.

The purpose of this Article is to set forth the requirements and standards governing particular elements of development which are a supplement and in addition to the provisions established for the Zoning Districts or for particular land uses. In the event of a conflict between the requirements of this Article and other provisions of this ordinance, the more stringent standard shall be applied.

Section 1501 Parking and Off-Street Loading Requirements.

A. Requirements for Parking Areas

1. Parking areas shall include access drives within the actual parking areas and shall be located on the same tract of land with the building served by such parking.
2. All driveways and parking areas serving commercial, industrial, institutional or multiple-family residential uses shall have surfaces consisting of gravel, asphalt or portland cement binder and so graded and drained to dispose of all surface water accumulated within the area.
3. Where a parking area serving a commercial, industrial, institutional or multiple-family use adjoins a residential Zoning District, a greenbelt shall be provided and maintained between the parking area and the adjoining residential area.
4. All parking areas shall conform to the requirements of the Americans with Disabilities Act and any other accessibility requirements in effect.

B. Shared Parking. In the case of mixed uses occupying the same building or structure, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses when occurring during simultaneous periods of usage.

C. Deferred Parking Areas. Where the Planning Commission determines that the strict application of the requirements of this Article may result in excessive land area devoted to potentially unnecessary parking or pavement, it may defer some of the required parking provided that a defined portion of the site is set aside as green area on which the deferred portion of the parking requirement could be developed in the future, if needed.

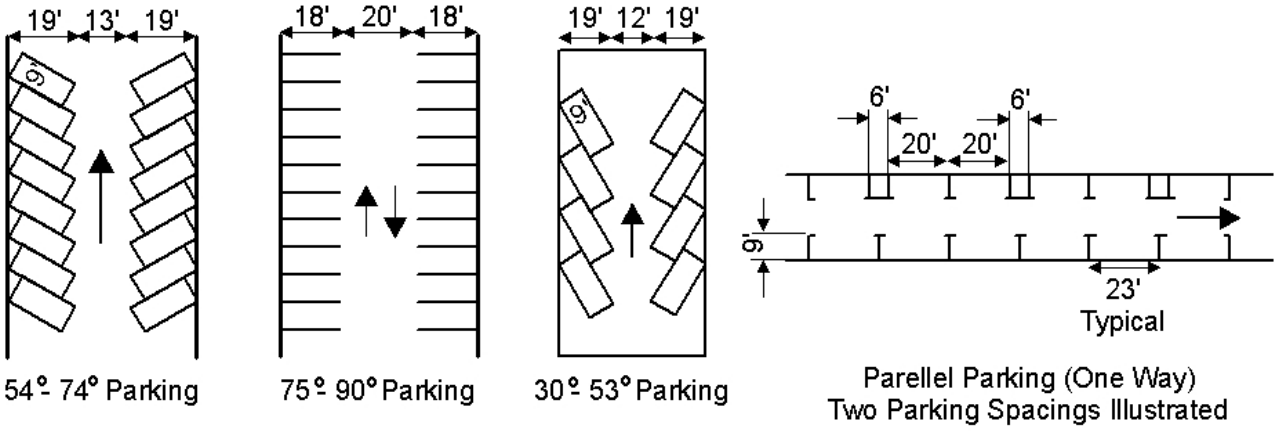
D. Alternative Parking Layout. Parking space dimensions and drive aisles shall be designed to conform with the following illustration. In all cases, the minimum width for a parking space shall be nine (9) feet, provided that the Planning Commission shall have the authority to require larger parking spaces or alternative parking configurations where topographic or other conditions may require it.

Minimum Parking Space and Maneuvering Lane Standards

Parking Pattern	Lane Width One-way (ft)	Lane Width Two-way (ft)	Parking Space Width[(1)] (ft)	Parking Space Length[(2)] (ft)	Total Width of Two Tiers Plus Lane One-way (ft)	Total Width of Two Tiers Plus Lane Two-way (ft)
Parallel	11	18	9	23	29	36
30°-53°	12	18	9	19	50	56
54°-74°	13	19	9	19	51	57
75°-90°	15	20	9	18	51	56

(1) Measured Perpendicular to the space centerline.
(2) Measured along the space centerline.

Parking Area Dimensions (for standard-sized vehicles) Figure 15-1



D. Minimum Parking Requirements. The minimum parking requirements for particular land uses shall be the sum of parking requirements for on-site employees anticipated in the largest work shift plus the applicable units of measure as set forth in the following table:

PARKING SPACES BY TYPE OF LAND USE	
TYPE OF USE [1]	MINIMUM PARKING REQUIREMENT [2, 3]
Artist Residency Facility	1 space per each for each dwelling unit or sleeping quarter or live/work/study unit, plus a minimum of 10 spaces for a Artist Residency Gathering Structure, plus 1 space for each 300 sq. ft. in excess of 1,000 sq. ft. in such Gathering Structure
Automobile and motor homes sales, rental and service	1 per 300 sq. ft. of retail space/showroom, plus 4 per service bay
Banks & Credit Union	4 spaces, plus 1 for each 600 sq. ft.
Bed & Breakfast and Boarding House	2 spaces, plus 1 for each residential room
Boat Repair and Sales	1 per 300 sq. ft. of retail space/showroom, plus 2 per service bay

PARKING SPACES BY TYPE OF LAND USE	
TYPE OF USE [1]	MINIMUM PARKING REQUIREMENT [2, 3]
Building and Lumber Supply	10 spaces, plus 1 for each 500 sq. ft. of enclosed retail space
Campground, RV Park	5 spaces, plus 1 for each campsite
Car Wash	5 spaces, plus 4 spaces or cueing area for each wash bay
Commercial Service Facility	5 spaces, plus 1 for each 300 sq. ft.
Construction Trades Office	1 space for each 500 sq. ft. of office space
Convalescent, Nursing, Hospice Home	5 spaces, plus 1 space for each two resident beds
Cottage Industry	See Section 1610
Craft Spirits Facility	4 spaces, plus the greater of plus 1 space for each 300 sq. ft. or 1 space for each 2 seats of legal seating capacity
Day Care, all types	2 spaces, plus 1 space for each 4 children cared for
Drive-Through Facility	Requirements for principal use, plus those set forth in Section 1614
Dwellings, all types	2 spaces per dwelling unit
Farm supplies sales and service	8 spaces, plus 1 space for each 800 sq. ft. of retail/showroom space
Farm Tourism Facility	A minimum of 8 spaces, plus any additional spaces needed for combinations of land uses, pursuant to section 1501, E, 1, as determined by the Planning Commission
Fitness Center	10 spaces, plus 1 for each 300 sq. ft. of public space
Foster Care, all types	2 spaces, plus 1 space for every 2 residents cared for at the facility in excess of the first 6.
Funeral Home	10 spaces, plus 1 space for every four seats of seating capacity
Gallery, Library and Museum	4 spaces, plus 1 for each 600 sq. ft. in excess of 1,000 sq. ft.
Gasoline Station	2 spaces per gas pump, plus 1 for each 300 sq. ft. of retail space
Golf Course, Driving Range	4 spaces per hole, plus 2 spaces for each driving range tee, plus
Guest House	1 space
Home Based Business	See Section 1631
Kennel	2 spaces, + 1 space for each 5 animals boarded in excess of the first 5.
Marina and Boat Storage	2 spaces, plus 1 space for each 2 boat slips.
Motel	1 space for each guest room
Nursery, Garden Supplies, Greenhouse	10 spaces, plus 1 for each 500 sq. ft. of enclosed retail space
Outdoor Oriented Enterprise	10 spaces, plus 1 for each 500 sq. ft. of enclosed retail space
Personal Care Facility	4 spaces, plus 1 for each 250 sq. ft. in excess of 500 sq. ft.
Place of Public Assembly	The greater of: 1 space per 100 sq. ft., or 1 space for each 4 seats of legal seating capacity
Private Recreation Center	10 spaces, plus 1 per 400 sq. ft. of public space
Professional Office	5 spaces, plus 1 space per each 500 sq. ft.
Restaurant	The greater of: 1 space per 100 sq. ft., or 1 space for each 2 seats of legal seating capacity
Retail Business	4 spaces, plus 1 space for each 300 sq. ft. in excess of first 300.
Riding Stable and Academy	8 spaces, plus 1 space for each 2 horses permanently boarded

PARKING SPACES BY TYPE OF LAND USE	
TYPE OF USE [1]	MINIMUM PARKING REQUIREMENT [2, 3]
Saw Mill	4 spaces
School	1 space for each 10 students of potential enrollment
Sexually Oriented Business	One space per 100 sq. ft, plus requirements of Section 1651
Studio for the Performing Arts	10 spaces, plus 1 space for each 300 sq. ft. in excess of 1,000 sq. ft.
Tavern	The greater of: 1 space per 100 sq. ft., or 1 space for each 2 seats of legal seating capacity
Veterinary Clinic	5 spaces, plus 1 space for each 300 sq. ft. in excess of 1,000 sq. ft.
Warehouse and Storage Facility	10 spaces, in addition to all loading/unloading areas

1. Parking requirements for any land use not listed shall be as determined by the Zoning Administrator. The Zoning Administrator may reference industry standards to establish such requirements, such as the published standards of the Institute of Transportation Engineers, or other similar objective standards.

2. Where the determination of minimum required parking results in a fraction, values of less than ½ space may be ignored and values of ½ space or greater shall be rounded up to a whole number. Unless otherwise noted, square footage for the purpose of determining minimum parking requirements shall be the floor area of an establishment as defined herein, less any non-public or ancillary areas, such as corridors, restrooms and areas devoted to storage.

3. Establishments that constitute multiple land uses shall provide sufficient parking to meet the requirements of all such uses simultaneously, unless the Planning Commission finds that the application of this requirement will result in unneeded and excessive parking area.

E. Required Off-street Loading and Unloading Space. All buildings or portions thereof occupied by a use requiring the receipt or distribution of vehicles, materials, or merchandise, shall provide and maintain, on the same premises with such building, off-street loading space as follows:

1. One (1) space for each twenty thousand (20,000) square feet of floor area of building
2. Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length and sited so as to permit free flow of traffic on-site and off-site with overhead clearance of not less than fourteen (14) feet.
3. No off-street loading space shall be located closer than fifty (50) feet to any lot of any residential area unless wholly within a completely enclosed building or enclosed on all sides by a solid wall not less than six (6) feet in height.
4. All such off-street loading space shall be located to the side or rear of any building.

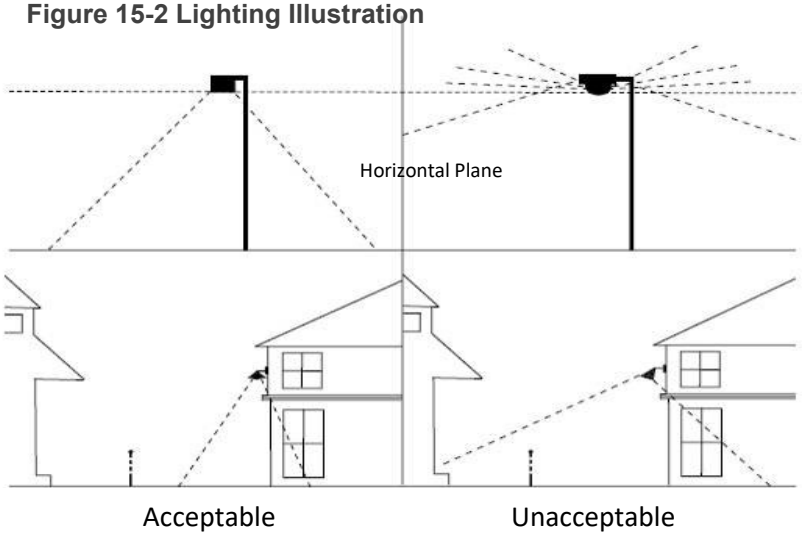
Section 1502 Outdoor Lighting.

A. **Intent and Purpose**. The purpose of this Section 1502 is to maintain safe nighttime driver performance on public roadways, by minimizing both brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow," and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Ordinance.

B. General Provisions.

1. Exempted areas and types. The following types of outdoor lighting shall not be covered by this Ordinance:
   a. Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal light such as for Christmas decorating, and residential yard lights whether building mounted or pole mounted.
   b. Sign lighting as regulated by Section 1504 Signage.
   c. Lighting associated with detached single family housing and agricultural operations.
2. Regulated Lighting. The following types of lighting shall be regulated by this Ordinance:
   a. Parking lot lighting and site lighting for commercial, industrial, institutional and other non-residential developments.
   b. Lighting for multiple-family developments or uses, including parking lot lighting and site lighting.
   c. Publicly and privately owned roadway lighting.
   d. Building facade lighting.
   e. Other forms of outdoor lighting which, in the judgment of the Planning Commission or Zoning Administrator is similar in character, luminosity and/or glare to the foregoing.
3. Standards. Lighting shall be designed and constructed in such as manner to:
   a. Ensure that direct or directly reflected light is confined to the development site.

Figure 15-2 Lighting Illustration



b. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.

c. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle.

d. Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane (see Figure 15-2). No light fixture shall be mounted higher than twenty (20) feet above the average grade of the site.

e. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.

f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.

g. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

Section 1503 Reserved.

Section 1504 Signage.

A. **Purpose and Intent.** The purpose of regulating signs is to promote traffic safety, public safety, public health and welfare through the application of reasonable standards governing the use, size, and placement of signs and to assist in maintaining the rural character and environment of the Township.

B. **Regulations Regarding Signs.** The following standards shall apply to all signs, whether allowed without a permit or requiring a permit.

1. Sign area. The area of a sign shall be measured within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces and uprights of the sign.

2. No sign may project above nor be located within ten (10) feet from a public or private right of way.

3. No sign may obstruct the view of traffic entering the highway
4. Freestanding signs shall be no greater than fifteen (15) feet in height above the centerline of the adjacent roadway.
5. No sign shall be of a design that imitates, or which may be confused with, legitimate traffic controls.
6. Illuminated signs. Signs with external or internal illumination shall be allowed in any district, subject to the following standards:
    a. A sign intended to be internally illuminated shall consist of a dark background with contrasting light lettering and/or symbols so as to minimize the intensity of the internal light source.
    b. All externally lighted signs shall be illuminated from the top downward and have full-cutoff shielding to direct the light toward the sign face and to shield the light source from view of vehicular and pedestrian traffic and adjacent property.
    c. No signs with external or internal illumination, including electronic message boards, shall have lighting of a blinking, flashing, or fluttering nature; including, changes to intensity, brightness or color in a blinking, flashing or fluttering manner.
    d. Signs with external or internal illumination shall be turned off at 10:00 pm or the close of business, whichever is later.
    e. All signs with external or internal illumination shall be required to have an electrical permit from the Antrim County Building Inspectors Office, Electrical Division for the sign under construction.
    f. Maintenance of sign. The owner of any sign as defined and regulated by this Ordinance shall be required to maintain the sign to prevent deterioration thereof.

C. **Signs Allowed Without A Permit.** The following signs are permitted within any zone and may be erected therein without obtaining a permit as hereinafter provided:

1. Directional or other official signs, including but not limited to, signs pertaining to scenic and historic attractions, which are required or authorized by law.
2. Identification sign designating, house number and/or the name of the resident of up to a total of six (6) square feet in sign area.
3. Temporary sign advertising the sale or lease of the premises, not exceeding five (5) square feet in sign area and located on the premises.
4. A temporary sign advertising a new plat may be erected on the platted property not exceeding fifty (50) square feet in sign area, provided that the same shall be removed within three (3) years or when seventy-five (75) percent of the platted lots are sold, whichever occurs first. The three (3) year period may be extended in one year intervals by the Zoning Administrator if:

a. 75% of the lots have not been sold; and,

b. The sign is found to be in good condition.

5. Not more than two (2) signs may be erected to advertise a new plat where two (2) or more drives provide ingress and egress to and from the plat onto a public highway. Each of said signs shall not exceed fifty (50) square feet in sign area and shall be removed within three (3) years or when seventy-five (75) percent of the platted lots are sold, whichever occurs first. The three (3) year period may be extended in one year intervals by the Zoning Administrator if:

   a. 75% of the lots have not been sold; and,

   b. The sign is found to be in good condition.

6. Temporary building construction sign listing the architect, engineer, and/or contractor with a sign area not exceeding six (6) square feet and located on the premises. Each subcontractor may post a temporary sign not exceeding five (5) square feet in sign area while working on the premises.

7. Temporary non-profit community event signs not exceeding thirty-two (32) square feet in sign area.

8. Garage/yard sale signs are allowed on premise but may not exceed five (5) square feet in sign area.

9. Agricultural sign advertising local produce for sale is allowed on premise and shall not exceed twelve (12) square feet in sign area.

10. Political Signs.

D. Prohibited Signs. The following signs shall be prohibited:

1. Signs which are obsolete and do not pertain to the existing business, products or services on site.

2. Signs that are not clean and in good repair.

3. Signs which are prohibited under State or County or local laws, rules or regulations or which are deemed by appropriate authority to constitute a hazard to traffic.

E. Signs Requiring A Permit. Business and institution identification, advertising signs and displays shall meet the following requirements and conditions:

1. Sign erection permits. No person shall erect or relocate or cause to be erected or relocated any sign under the provisions of this Section without first obtaining a sign erection permit.

2. On-premises business and institution identification, advertising and display signs shall meet the following standards and requirements:

   a. Sign(s) shall pertain only to the use permitted on the premises.

b. Sign(s) shall be either attached flat against the building or securely affixed to a free-standing pole or monument located not less than ten (10) feet from the public or private road right-of-way.

c. In all districts except the Commercial district, the total combined area of all signs shall not exceed fifty (50) square feet. In the Commercial district the total combined area of all signs shall not exceed one hundred (100) square feet.

d. No more than one (1) free-standing ground sign or pole sign shall be allowed for any parcel, regardless of the number of business that may occupy a property.

e. Sign(s) shall not project above the height of the building.

f. In the event the applicant for a sign permit is not the property owner, written permission for the placement of the sign from the property owner shall accompany the application.

g. A permanent subdivision identification sign shall not exceed thirty-two (32) square feet in sign area.

h. An institutional information sign, such as a bulletin board for churches, schools, libraries, museums or other public buildings, shall not exceed twenty (20) square feet in sign area.

3. Permits for off-premise signs not to exceed thirty-two (32) square feet in area may be issued by the Zoning Administrator, subject to a finding that all requirements of this Section 1504 shall be met.

F. Procedure to Obtain a Sign Permit. Application for a sign erection permit shall be made upon forms provided by the Zoning Administrator and shall contain the following:

1. Name, address, and telephone number of the applicant.
2. Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.
3. Position of the sign or other advertising structure in relation to nearby buildings, structures, signs, public rights-of-way.
4. Two (2) prints or drawings of the plans and specifications including the sign area, method of construction and means of attachment to the building, or in the ground.
5. Name of person, firm, corporation, or association erecting the structure.
6. Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
7. Any electrical permit required and issued for said sign.
8. Certificate of insurance as required by subparagraph 1504, I hereof.

G. Issuance of Permit. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign erection permit to examine the plans and specifications and other data

and the premises upon which it is proposed to erect the sign or other advertising structure and if it shall appear that the proposed structure is in compliance with the requirements of this Ordinance, the remaining provisions of the County Building Code and State law, he shall then issue the erection permit. If the work authorized under a sign erection permit has not been completed within six (6) months of the date of issuance, the permit shall become null and void.

H. Permit fees. Every applicant, before being granted a permit for any sign requiring a permit other than a temporary sign, shall pay to the Township Treasurer all fees as may be established from time to time by the Township Board.

I. Insurance requirements. Every applicant for a sign erection permit shall file with the application for permit a Certificate of Insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of the erection, maintenance, repair, and replacement of the sign, in the following amounts:

1. Bodily injury: $100,000 each person; $300,000 each accident
2. Property damage: $50,000

J. Maintenance of Insurance. Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a Certificate of Insurance currently effective on file with the Township so long as the sign or signs are in existence. Said Certificate shall provide that the Township shall receive ten (10) days written notice in case of cancellation of the policy. Any sign which is maintained in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner of the sign.

Section 1505 Condominium Regulations.

A. **Intent**. The purpose of this Section is to regulate the creation and use of condominium developments within the Township and to promote and protect the health, safety and general welfare of the public. Should a conflict exist between the standards and provisions of this section and State or federal laws, the State or federal laws shall supersede

B. **Legal Authority**. These regulations are enacted by authority of the Zoning Enabling Act and the Condominium Act, P.A. 59 of 1978, as amended, whereby all developments utilizing any form of condominium subdivision of land shall be reviewed and approved or disapproved by the Planning Commission.

C. General Requirements.

1. Compliance with Federal, State and Local Laws: All condominium projects shall comply with all applicable Federal, State and local laws and Ordinances.
2. Zoning and Design Standards: All condominium projects shall be located within the appropriate Zoning District that permits the proposed use and shall comply with all zoning standards. Condominium projects proposed as a Planned Unit Development

pursuant to Section 1641 shall be considered under the provisions of this section and Section 1641. A condominium subdivision shall be designed and laid out in accord with all design and construction requirements of Forest Home Township, Antrim County and the State of Michigan Subdivision Control Ordinance.

3. Required Review and Approval: Prior to recording of the condominium subdivision plan with the Antrim County Register of Deeds, required by Section 66 of the Condominium Act, the condominium development shall undergo site plan review and approval by the Planning Commission in accordance with Article 18 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand or convert a condominium project in the Township.

4. Compliance of Condominium Lot: For the purposes of these Regulations, each condominium lot in a condominium subdivision shall be considered as a single lot and shall comply with all regulations of the Zoning District in which it is located. In a condominium development containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal- structure or use. Required yards shall be measured from boundaries of a condominium lot.

5. Easements for Utilities. Road rights-of-way shall be parcels separate from individual condominium units or lots and deemed as common elements. The rights-of -way shall be for roadway purposes and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called public structures, for the purpose of providing public utilities, including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

6. Procedure for Required Plan Review and Approval.

    a. Required Information.

        1) All condominium site plans shall include the information required in Section 66 of the Condominium Act and Article 18 and all other information required under regulations pertaining to the Zoning District in which the condominium development is proposed or located.

        2) In the case of single-family detached dwelling units, the location and dimensions of condominium units and condominium lots rather than individual buildings and required yards shall be shown on the site plan.

    b. Site Plan Review.

        1) An application for site plan approval shall be filed for review as per the requirements of Article 18 of this Ordinance. All procedures and standards of Article 18 shall apply to condominium projects.

        2) The application for site plan review shall also include a copy of the proposed Master Deed to be recorded with the County Register of Deeds, for review and

approval by the Planning Commission.

3) The Master Deed shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to, preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, maintenance of landscaping in common areas in the project and maintenance of sewage disposal facilities. Also, the Master Deed shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate by the Condominium Association.

D. **Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission may require a surety bond by the developer pursuant to Section 1809 to make improvements shown upon the site plan and to insure completion of filing requirements. Upon fulfillment of all requirements, the developer shall apply to the Township Clerk for release of performance guarantees.

E. **Manufactured Housing Condominium Project.** Manufactured Housing condominium developments shall conform to the requirements of this Ordinance and in accordance with the Condominium Act, and other applicable local and state laws, ordinances and regulations.

F. **Additional Filings Required.** Subsequent to the recording of the Master Deed, Bylaws and Deed Restrictions, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

1. One (1) mylar copy and five (5) prints of the as-built Condominium Subdivision plans.
2. Two (2) of the recorded Master Deed, Bylaws and Deed Restrictions with all pertinent attachments.
3. Written certification from the developer's licensed Professional Engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 1506. Landscape Standards.

A. Intent. The intent of this Section is to promote the public's health, safety and general welfare by: minimizing noise, air and visual pollution; improving the appearance of off-street parking and other vehicular use between in-compatible land uses; regulating areas; requiring buffering the appearance of property abutting public rights-of -way; protecting and preserving the appearance, character and value of the community and its residential neighborhood areas; preventing Soil erosion and soil depletion; and, promoting soil water retention.

B. Application: A landscape plan consistent with the requirements of this section shall be submitted with any site plan for a subdivision or site condominium proposed in the WFR district and for any new development proposed in the WC and C districts. The landscape plan shall include the following:

1. Location, spacing, size and species of existing plantings to remain and new plantings to be added to the site.
2. Typical straight cross-section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence including footings.
3. Plantings and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
4. Identification of grass and other ground cover and method of planting.
5. Description of landscape maintenance program including statement that all diseased, damaged or dead materials shall be replaced in accordance with standards of this Ordinance.

C. Preparer's Credentials. A landscape plan required pursuant to this section shall be prepared by a licensed Landscape Architect or by another professional whose credentials clearly demonstrate a familiarity with landscape design, effective screening techniques and knowledge of northern Michigan native vegetation. The credentials of the preparer shall be submitted with any landscape plan required under this section.

D. Landscape Buffers and Greenbelts Between Residential and More Intense Land Uses. In the WC and C districts, any new land use for which a site plan is required under this ordinance and which adjoins an existing residential land use or vacant property zoned for a residential use shall include a landscaped buffer along all adjoining boundaries between said uses. Such buffer shall meet the standards provided in Section 312 hereof. In lieu of a landscape buffer, an applicant may propose a properly constructed and maintained wooden or vinyl fence or masonry wall which shall provide a visual barrier between such uses.

E. Shoreline Protection. A shoreline protection strip, as defined herein, extending from the water's edge a distance of thirty (30) feet inland shall be provided on all waterfront lots, in accord with the following provisions.

1. Permit Required. Prior to undertaking any earth change or removal of vegetation within the Shoreline Protection Strip, the property owner shall prepare a sketch plan of the proposed changes pursuant to Section 1802 and obtain a permit for such work from Forest Home Township and from the State of Michigan and Antrim County, if applicable.
2. Boat Access. Excavation for a boat ramp may be constructed to the water's edge to a maximum width of twenty (20) feet, at its widest point. Said excavation shall not include any impervious surface.
3. Decks, docks, patios, steps and walkways within the shoreline protection strip shall meet the requirements of Section 319.
4. Tree Removal, Soil Erosion Control and Restoration. Within the Shoreline Protection Strip, removal of trees of nine (9) inch circumference or greater (measured at a height of four (4) feet), soil erosion control and restoration measures may only be conducted under the following conditions:

a. The applicant shall prepare a complete site plan detailing the proposed activity and meeting the requirements of Article 18 of this Zoning Ordinance. The site plan shall include the location of any structures, including decks, patios, steps or paths and shall illustrate existing topographic contours at two (2) foot intervals Such site plan shall also illustrate existing and proposed vegetation by location and species.

b. The Zoning Administrator shall review the proposed plan for tree removal, soil erosion control and restoration and approve a permit therefore, where the plan demonstrates an intent to improve a situation that is dangerous to the general public or harmful to water quality because of unchecked or potential shoreline erosion, sediment runoff or water pollution.

c. Permit Exemption. The following activities shall not require a permit under this section:

1) An earth change of a minor nature that is stabilized within twenty-four (24) hours of the initial earth disturbance.

2) Gardening, if the natural elevation of the area is not raised.

3) Post holes for fencing, decks, utility posts, mailboxes, or similar applications, if no additional grading or earth change occurs for use of the post holes.

4) Removal of tree and shrub stumps or roots resulting in an area of earth change not to exceed one hundred (100) square feet.

5) Planting of trees, shrubs or other similar plants.

6) Seeding or reseeding of lawns.

7) Seawall maintenance, provided the area to be maintained does not exceed one hundred (100) square feet

Article 16 Special Land Uses

Section 1600 Special Land Uses.

A Special Land Use is a use that may be permitted by the Planning Commission within a specified zoning district if it finds that the requirements set forth in this Article are met. It is the purpose of this Article to set forth the procedures that will apply to the consideration, review and evaluation of special land uses. Due to the nature of the use, Special Land Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

Section 1601 Special Land Use Procedures

A Special Land Use application shall be submitted and processed according to the following procedures:

A. Submission of Application. An application for a special land use shall be submitted to the Zoning Administrator on a Special Land Use Permit Application form. Upon receipt of a complete application, the Zoning Administrator shall place the request on the agenda for the Planning Commission scheduled not less than thirty (30) days hence. A complete application under this Section shall be one that specifically addresses the items set forth in this Section. Incomplete applications shall not be processed.

B. Information Required. A Special Land Use Application shall include the following information.

1. A complete Special Land Use Application including the following information:
    a. Name and address of applicant.
    b. Legal description, property parcel number and street address of the subject parcel of land.
    c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet.
    d. Present zoning classification on parcel.
    e. Present and proposed land use.
    f. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns, and local traffic volumes.
    g. Any additional material information necessary to consider the impact of the project upon adjacent properties, regulated wetlands, streams, lakes and the general public as may be required by the Township Zoning Administrator or the Planning Commission.
2. A complete Site Plan containing all of the applicable data required by Article 18, Site Plan Review. *(Amended June 2025)*

3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for evaluating Special Land Use Applications as provided in Section 1602. In addition, supporting statements, evidence, data, information and exhibits that address any Specific Review Standards for the particular special land uses sought, as provided in this Chapter.
4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Land Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

e. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the application.

C. Special Land Use Review Procedures. An application for Special Land Use Approval shall be processed as follows:

1. Planning Commission Review. A complete application for special land use approval shall be submitted not less than thirty (30) days prior to the date on which the Planning Commission shall first consider it. The Zoning Administrator shall determine whether the application is complete and, if it is determined to be complete, shall schedule a public hearing.
2. Public Hearing Procedures. Once the Zoning Administrator has determined that a complete Special Land Use Application has been received, the Zoning Administrator shall schedule a public hearing according to Section 1904**,** Hearing Notice Procedures.
3. Planning Commission Action. After the Public Hearing and upon review of the merits of the Special Land Use Application, the Planning Commission may deny, approve, or approve with conditions the Special Land Use Application. The decision of the Planning Commission shall be final. The Planning Commission's decision shall be incorporated in a motion containing conclusions reached relative to the proposed Special Land Use which specifies the findings of fact as the basis for the decision and any conditions imposed.
4. Basis for Action. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Special Land Use do not establish by preponderance of the evidence that the standards and requirements set forth in the Article can and will be met by the proposed Special Land Use, the Planning Commission shall deny the Special Land Use Application.
5. Attachment of Conditions. The Planning Commission may recommend additional conditions deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.

6. Required Approval of Special Land Use. A request for approval of a Special Land Use Application which is in compliance with all the standards of this Ordinance, other applicable Ordinances, and state and federal statutes shall be approved.

D. Issuance of a Land Use Permit. A Land Use Permit shall be issued by the Zoning Administrator in accordance with Section 1902 upon approval of the Special Land Use by the Planning Commission. The Land Use Permit shall list all the conditions of approval stipulated by the Planning Commission. A Site Plan submitted as an attachment to a Special Land Use application may be considered and reviewed in conjunction with said Special Land Use application and shall be processed according to the procedures of Article 18.

E. Appeals. No decision or condition related to a Special Land Use Application shall be taken to the Zoning Board of Appeals. An appeal of a Special Land Use decision or condition may be taken to the Circuit Court.

F. Expiration of Special Land Use Permits, and Extensions.

1. An approved Special Land Use Permit shall expire two (2) years following approval by the Planning Commission. Upon written request stating the reasons therefore, the Planning Commission shall extend a Special Land Use Permit for not more than one (1) an additional one (1) year period if the evidence shows the following:

   a. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.

   b. The requirements and standards, including those of the zoning Ordinance that are reasonably related to the development, have not changed.

   c. Development or redevelopment in the proximity of the approved Special Land Use Permit has not resulted in changed conditions impacting the site.

   d. There has not been a change in state or federal law, local charter, or other local Ordinance prohibiting the construction or further construction of the approved project.

2. An application for an extension of a Special Land Use Permit must be filed at least 60 (sixty) days prior to the expiration of the original Special Land Use Permit or the expiration of any extension previously approved by the Township, whichever is applicable. The application form for requesting an extension shall be provided by the Township and can be obtained from the Zoning Administrator. An application fee for an extension of a special land use may be required, as established from time to time by the Township Board.

3. Any such application for an extension may be subject to reasonable conditions established by the Planning Commission, including, if necessary, the implementation of a new or additional performance guarantee requirement pursuant to Section 1809.

4. If a Special Land Use Permit expires pursuant to subsection 1 above, no work pursuant to a Special Land Use Permit may be undertaken until a new Special Land Use Permit

is obtained following the procedures contained in the Zoning Ordinance for a new Special Land Use Permit.

Section 1602 Special Land Use Review Standards.

A. General Review Standards. The Planning Commission, before acting on a Special Land Use Application, shall employ and be guided by standards of this Article and the intent and purpose of this Zoning Ordinance, and the Forest Home Township Master Plan. The Planning Commission shall review each application and shall approve such Special Land Use only if it finds that such Special Land Use application meets each of the following standards, together with any and all Special Land Use standards reflected for the zoning district, and any and all applicable Specific Review standards found in this Article. The Planning Commission shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards

   a. The proposed use shall be consistent with the adopted Forest Home Township Master Plan.

   b. The proposed use shall be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

   c. The proposed use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

   d. The proposed use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.

   e. The proposed use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

   f. The proposed use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

   g. The proposed use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

   h. The proposed use shall meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

B. Specific Review Standards. Certain Special Land Uses may generate objectionable off-site impacts which may be effectively mitigated with appropriate design measures. To address such impacts, in addition to the general review standards set forth in Section 1602, A, of this Article, the Planning Commission, shall apply the applicable specific review standards set forth in this Article 16 for any such named Special Land Use.

Section 1603 Artist Residency Facility.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Artist Residency Facility shall meet the following specific Special Land Use standards.

A. Purpose and Intent. The intent of this section is to establish standards to govern the use of lands in the Township for an Artist Residency Facility as defined herein. Such facility shall have as its primary purpose the provision of space and facilities for artists, scholars, and creative individuals for use in quiet reflection, study, research, presentation and/or production within a community of scholars and creative individuals. The standards of this section are intended to permit flexibility in regulation of land development to further these purposes by allowing artists and scholars to temporarily reside, live, study, and work in individual or multi-family dwelling units or temporary buildings or structures, with shared gathering spaces for purposes including instruction, study, office work, artist, scholar, and community gathering, and artist exhibition, all in keeping with the character of the underlying zoning district and the immediate vicinity.

B. Use Requirements. In addition to uses permitted by right in the zoning district, or otherwise permitted and authorized by the Planning Commission, an Artist Residency Facility may include the following uses:

1. Artist Live/Work/Study Units, as defined herein, including single-family, duplex, or multiple dwellings; boarding, lodging, and rooming houses; or temporary dwelling units or sleeping quarters such as tents and cabins. All such residential units shall meet the requirements of Section 304, unless modified by the Planning Commission pursuant to its authority pursuant to Subparagraph C, hereof. Accordingly, the Planning Commission may authorize departures from the requirements of Section 304, C, pertaining to temporary residential units, if approved as part of a special land use permit and if the finds evidence that such departures will serve the purpose of this Section while protecting the health, safety and welfare of occupants of the Artist Residency Facility and the citizens of the Township.
2. Artist Residency Gathering Structures.
3. Other uses of the facilities and structures of an Artist Residency Facility for purposes compatible with or furthering the intent of this Section, if the Planning Commission determines the uses are similar in character and impact in terms of:
    a. The generation of traffic and congestion;
    b. The production of noise;
    c. The production of fumes or odors;

d. Potential aesthetic impacts on the vicinity;

e. The production of dust or other debris; and,

f. The consistency with the intent of the district in which it is located.

4. Uses, buildings, and structures accessory to the above approved by the Planning Commission as part of the Special land Use Permit, including without limitation artist studio space; shared kitchen, bathroom, and other facilities; and incidental retail.

C. Zoning Requirements. Except as specifically modified by the Planning Commission in response to an application for special land use approval for an Artist Residency Facility, all requirements of this Zoning Ordinance shall be satisfied by any such application. In considering any proposed modifications, the Planning Commission shall find evidence that any modified requirements will better serve the purposes of this Zoning Ordinance while protecting the health, safety and welfare of occupants of the Artist Residency Facility and the citizens of the Township.. Provided, however, that any single-family dwelling unit incorporated as part of an Artist Residency Facility shall be sited on land of sufficient area and appropriate dimensions to meet the minimum lot standards for the Zoning District.

D. Other Special Land Uses. An approved Artist Residency Facility shall not be considered a Studio for the Performing and Graphic Arts or a Place of Public Assembly. Provided that for proposed public assemblies exceeding 50 people, the applicant shall disclose the nature of activities to be conducted on the site, including the frequency of such gatherings, the proposed hours of operation, typical measures to manage on-site circulation and parking of vehicles, and the Planning Commission may require additional buffering or isolation distance from neighboring uses to mitigate impacts.

E. Access. An Artist Residency Facility site shall be accessed from an all-season county road.

F. Other Licenses or Permits. An Artist Residency Facility shall, at all times, remain in compliance with all relevant local, county or state laws, rules and ordinances.

G. The Planning Commission may establish, as a condition of approval, hours of operation for public assembly, parking requirements, and buffering requirements.

Section 1604 Billboards.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Billboard shall meet the following specific Special Land Use standards.

A. Not more than two (2) billboards may be located per linear mile of highway regardless that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of Forest Home Township where the highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures showing only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face,

including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph b below.

B. No billboard shall be located within one-thousand (1,000) feet of another billboard abutting either side of the same highway.

C. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall be three hundred (300) feet.

D. No billboard shall be located closer than the required front yard setback from the street right-of-way or a side yard setback from any interior boundary lines of the premises on which the billboard is located.

E. The surface display area of billboards abutting a highway with a posted speed limit of forty-five (45) mph or greater shall not exceed three hundred (300) square feet. The surface area of billboards abutting a highway with a posted speed limit of less than forty-five (45) mph shall not exceed seventy-five (75) square feet.

F. The height of a billboard shall not exceed twenty (20) feet above the natural grade of the ground on which the billboard is established.

G. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.

H. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway property, landscaping, etc., the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

I. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment or structure, continued structural soundness, and continued readability of message.

J. A billboard established within a commercial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the requirements of this Ordinance, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

Section 1605 Campground.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Campground shall meet the following specific Special Land Use standards.

A. Campgrounds shall only be placed on parcels of 40 acres or greater.

B. Individual camp sites, accessory buildings and similar features shall be isolated from surrounding single-family residential uses or similar camps and campground uses by screening, distance or other means satisfactory to the Planning Commission to protect the quiet enjoyment and aesthetic values of adjoining properties.

C. Campgrounds shall comply with site design standards set forth by the Michigan Department of Natural Resources.

D. As part of a submittal for special land use approval for a Campground, the applicant shall present a detailed management plan for the facility. Such management shall include, but not be limited to the following information and the continued compliance with the terms of the management plan shall be a condition of any approval granted under this section:

1. The total number of campsites proposed
2. The maximum permitted duration of residency
3. The general nature of camping shelters, recreation vehicles and related equipment anticipated on site
4. The nature of services and facilities to be offered to facility users
5. Policies and enforcement procedures to deal with noise, rowdy behavior, and similar nuisance activities
6. The hours and seasons the facility will operate
7. Any other information determined by the Zoning Administrator or Planning Commission to be necessary to properly evaluate the proposed request.

E. Campgrounds shall obtain and maintain any required state licensing at all times and failure to maintain such licensing shall be grounds for revocation of any special land use approval under this Ordinance.

F. When applicable, camps and campgrounds shall comply with all requirements of the Health Department.

G. A Campground shall have twenty-four (24) hour on site management during all times of operation.

Section 1606 Reserved.

Section 1607 Cemetery.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Cemetery shall meet the following specific Special Land Use standards.

A. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable state laws.

B. The site plan prepared pursuant to Article 18 shall include a detailed layout of interior roadways, gravesite plot plan, location of any proposed columbaria, mausoleums, chapels or other structures.

C. As part of a submittal for special land use approval for a Cemetery, the applicant shall present a detailed management and maintenance plan for the facility. Such shall include, but not be limited to the following information and the continued compliance with the terms of the management plan shall be a condition of any approval granted under this section:

1. The total number of gravesites proposed
2. The general nature of services and facilities to be offered in connection with grave-side services.
3. Grounds and facilities maintenance plans and schedules.
4. The hours and seasons the cemetery will be open.
5. Any other information determined by the Zoning Administrator or Planning Commission to be necessary to properly evaluate the proposed request.

D. A cemetery shall not include a crematorium.

Section 1608 Convalescent Homes.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Convalescent Home shall meet the following specific Special Land Use standards.

A. A Convalescent Home proposed to be located within the VR district shall not provide care for more than twenty (20) persons.

B. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws. As a condition of Special Use approval, at all times the Convalescent Home shall maintain all valid state and local licenses.

C. A Convalescent Home shall not be located within one thousand (1,000) feet of any other Convalescent Home.

D. A Convalescent Home shall front on and be accessed from a paved, all-season road.

E. The Planning Commission shall evaluate landscaping and screening to assure that the scale of the proposed Convalescent Home is complementary to the surrounding area.

Section 1609 Reserved.

Section 1610 Cottage Industry.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Cottage Industry shall meet the following specific Special Land Use standards.

A. A Cottage Industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood.

B. There shall be no exterior evidence of such industry other than a sign not exceeding ten (10) square feet in area.

C. A Cottage Industry shall occupy an accessory building with a total floor area of not more than twenty four hundred (2,400) square feet.

D. The Planning Commission shall review, and may restrict, proposed hours of operation if it finds that excessively early or late hours may be disruptive to nearby properties.

E. The outdoor storage of vehicles, trailers, goods and/or materials of any kind shall be prohibited unless screened from view from neighboring properties and road rights-of-way. The type of screening and materials stored shall be determined by the Planning Commission as a condition of Special Approval.

F. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners or the Township as a whole.

G. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses. Any machinery, mechanical devices or equipment employed in the conduct of cottage industries shall not generate noise, vibration, radiation, odor, glare, smoke, steam or other conditions not associated with the use of the premises for residential purposes.

H. Cottage industries shall be conducted only by the person or persons residing on the premises and not more than three (3) additional non-resident employees. This shall not restrict the number of employees that may be employed by the Cottage Industry providing their actual place of employment is not at the Cottage Industry location.

I. The Planning Commission may establish a maximum number of vehicles that may be parked on site as a condition of the Special Land Use.

Section 1611 Craft Spirits Facility.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Craft Spirits Facility shall meet the following specific Special Land Use standards.

A. An application for a craft spirits facility shall include a site plan in accordance with this ordinance with detail on parking, sanitation, refuse and solid waste management, outdoor lighting, fencing, crowd control, on-site vehicular and pedestrian circulation, details on any public address system and equipment, signage and related existing and proposed facilities, as applicable. In addition, the application shall include a complete written description of the proposed use, the services to be provided, the maximum number of patrons anticipated on site at any time, hours of operation, activities to be conducted and any other information necessary to properly convey the nature of the facility proposed. Such written description shall be considered a part of the special use permit application to be relied upon by the Township in granting any approval.

B. The Planning Commission shall evaluate the proposed craft spirits facility and the activities proposed to determine whether it will be compatible with neighboring uses and other permitted uses in the vicinity and zoning district.

C. In the AG district, the craft spirits facility use shall comprise only a small part of the property, so that the farm use of the site is predominant and the craft spirits facility use is secondary. The Township may approve a proposed departure from this requirement if it finds that the proposed craft spirits facility and its activities are substantially farm-related or that the establishment and its activities would not have impacts on the vicinity similar to impacts generated by a commercial business, including consideration of traffic, light pollution, noise, blowing trash, signage, odor, and aesthetics.

D. The Township may impose requirements on the placement of the facility on the site to protect adjacent properties from its impacts and to maintain rural views from public roads. The facility and all of its outdoor ancillary structures and activities such as parking and gathering space shall be located at least fifty (50) feet from property lines. The Township may approve a proposed departure from this requirement, if it finds that locational and layout attributes, buffers, adjacent uses and site configurations, and other features of the subject site and nearby property work together to minimize impacts of the proposed craft spirits facility; provided, that dimensional requirements of the underlying zoning district and other regulations of the Zoning Ordinance are met.

E. The Township may require submittal of a traffic impact study, the purpose of which shall be to analyze the effect of traffic generated by the proposed use on the capacity, operations, and safety of the public road system and to propose mitigation measures.

F. Tasting rooms and food service activities, if provided, shall at all times comply with any and all requirements of the Health Department of Northwest Michigan and the Michigan Liquor Control Commission and evidence of applicable agency review and approval shall be provided to the Township.

G. The Township may require landscaping and other features to screen the use from adjacent properties and the Township may impose limitations on the operation of the facility to protect adjacent properties from its impacts. Such limitations may pertain to hours of operation, outdoor lighting, outdoor activities, noise, and other elements.

H. The applicant shall demonstrate that all vehicular parking will occur on the site. A pervious parking surface is permitted, subject to demonstration by the applicant that dust would be controlled.

Section 1612 Day Care Facility, Commercial.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Commercial Day Care Facility shall meet the following specific Special Land Use standards.

A. A Commercial Day Care Facility shall maintain all required state and local licensing at all times and failure to maintain such licensing in good standing may result in revocation of any special land use approval under this Ordinance.

B. All outdoor areas used for the care and supervision of children shall be fenced in a manner appropriate for the safety of the children. Such fencing shall be opaque along the rear and yards if needed to screen the outdoor area from improved neighboring properties.

C. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate.

D. A Commercial Day Care Facility shall be located at least not less than one thousand (1,000) feet from any one of the following:

   1. A licensed or pre-existing operating commercial or group day-care home.
   2. An adult care small group home (1-12 adults).
   3. An adult foster care large group home (13-20 adults).
   4. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
   5. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.

E. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

F. The Planning Commission shall review, and may restrict, proposed hours of operation in the VR and AG districts, if it finds that excessively early or late hours may be disruptive to nearby properties.

G. On-site traffic circulation and areas for picking up and dropping off children shall be separated and all parking and sidewalk areas shall be paved and effectively illuminated for safety.

H. For the purposes of this ordinance, the following shall not be considered a Commercial Day Care Facility subject to the requirements of this Section 1612.

   1. Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
   2. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.

Section 1613 Day Care Group Home

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Day Care Group Home shall meet the following specific Special Land Use standards.

A. A Day Care Group Home shall maintain all required state and local licensing at all times and failure to maintain such licensing in good standing may result in revocation of any special land use approval under this Ordinance.

B. All outdoor areas used for the care and supervision of children shall be fenced in a manner appropriate for the safety of the children. Such fencing shall be opaque along the rear and yards if needed to screen the outdoor area from improved neighboring properties.

C. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate.

D. A Day Care Group Home shall be located at least not less than one thousand (1,000) feet from any one of the following:

   1. A licensed or pre-existing operating commercial or group day-care home.
   2. An adult care small group home (1-12 adults).
   3. An adult foster care large group home (13-20 adults).
   4. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
   5. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.

E. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

F. The Planning Commission shall review, and may restrict, proposed hours of operation if it finds that excessively early or late hours may be disruptive to nearby properties.

G. On-site traffic circulation and areas for picking up and dropping off children shall be separated and all parking and sidewalk areas shall be paved and effectively illuminated for safety.

H. For the purposes of this ordinance, the following shall not be considered a Day Care Group Home subject to the requirements of this Section 1613.

   1. Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
   2. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.

Section 1614 Drive-Through Facility

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Drive-Through Facility shall meet the following specific Special Land Use standards.

A. All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns and shall be clearly illustrated on the site plan.

B. Pedestrian areas and areas for personnel serving customers in their vehicles shall be separated from on-site traffic patterns, clearly marked and illustrated on the site plan.

C. All drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle, including appropriate overhead clearance and safe turning radii.

D. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.

E. All parking areas shall comply with the provisions of Section 1501 and stacking areas for drive-through service shall not be regarded as required off-street parking. Where both inside and drive-in service is provided, parking spaces for drive-in service may be regarded as a part of the required off-street parking.

F. Applications shall document measures to assure that the use will produce no detectable objectionable dust, fumes, or odors at any property line.

G. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.

H. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

Section 1615 Reserved.

Section 1616 Dwelling, Single-Family Above Commercial

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Single-Family Dwelling above Commercial land uses shall meet the following specific Special Land Use standards.

A. Not more than one, single-family dwelling shall be permitted above commercial uses under the provisions of this section. Additional dwellings may be permitted pursuant to Section 1641 Planned Unit Development.

B. An upper story dwelling shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests. Any interior passageway or stairway connecting an upper story dwelling to commercial uses in the same structure shall be fitted with a sturdy, lockable door.

C. No commercial or office use shall be located on the same floor as a residential use.

D. A single family dwelling above a commercial use shall have a minimum floor area of five hundred (500) square feet.

Section 1617 Reserved

Section 1618 Reserved.

Section 1619 Earth Materials Removal, Commercial.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Commercial Earth Materials Removal facility shall meet the following specific Special Land Use standards.

A. Small Pit Exemption. Operations involving the intermittent or infrequent excavation of mineral resources generally for the use of the land owner and not for commercial sale and involving an open area of less than 2 acres, or the removal of not more than 500 cubic yards annually, shall be exempt from the requirements of this Section.

B. General Site Plan Requirements: In addition to the regular application for a Special Use and payment of fees, the application shall be accompanied by a General Site Plan. The plan shall be drawn to a scale of 1" - 100' and said plan shall include the following information:

1. Name and address of owner(s) of land which removal will take place.
2. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
3. Location, size and legal description of the total site area to be mined.
4. The means and routing of access and egress from the site to local, county and state roads.
5. Surface water drainage and containment provisions.
6. The location and size of any structures on the site
7. A current aerial photograph displaying the area and all lands within 1,320 feet of the site. The aerial map shall show the uses of the lands and the location of the various types and extent of existing natural features, such as soils, vegetation, and water bodies. Appropriate overlays at the scale of the aerial photograph may be used to depict topography, slope hazards, soils, vegetation, wildlife habitat, or any other information required to assess the environmental impact of the proposed extraction activity and restoration plan.
8. A description of the various types and extent of existing major ground vegetation, particularly tree species, and endangered species found within the area proposed for mineral removal.
9. A detailed description of any known, anticipated or likely adverse or detrimental effect upon any aspect of the community or element of the natural and built environment, with respect to both the site of the mineral removal and the surrounding area.
10. A description of the type, quality, and amount of the mineral material at this site and of the current and potential market for the mineral material to be removed.

11. A plan for material extraction for the total project which shall include:
    a. Pre-mining soil survey indicating soil depths and types for future reclamation of the site.
    b. Surface overburden and topsoil stripping and stockpiling plans indicating erosion and runoff control measures, distance from property lines, length of storage time, and pile heights.
    c. Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
    d. The estimated quantity of product in place and to be mined, an overall phasing plan and an approximate timetable for the facility.
    e. The location and types of noise and vibration mitigation including earth berms, fences, vegetation in the within the required setbacks and other features.
    f. The location and types of dust mitigation tools.
    g. Phasing plan illustrating the portions of the site to be worked and an approximate schedule for opening, operation and closing of each phase.
    h. The portions of the site (if any) that may be used for on-going operations, such as equipment staging, crushing, crew areas or other uses.
12. A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district in which the facility is located, including the following information:
    a. A narrative description of proposed land uses at the conclusion of mining activity, such uses shall be consistent with the zoning district and the Master Plan.
    b. A site plan illustrating a conceptual layout of the site with a conceptual plan for internal vehicular circulation on the site (if any), any areas of open water anticipated, the nature of vegetation to be established.
13. A detailed description of the proposed operator's past experience in conducting safe and efficient mineral extraction operations including the names of local government officials that may be contacted to seek comment about the nature of such past experience.

C. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All excavation shall be either to a water-producing depth or shall be graded or backfilled to ensure that the excavated area will not retain or collect stagnant storm water. For the purposes of this subsection, a water-producing depth shall be defined as not less than ten (10) feet below the average summer level of groundwater in the excavation. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to slopes which shall not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than fifteen (15) acres of the site shall be open at any time.

1. In the event filling of the mined area is necessary in the course of reclamation, the fill material shall not consist of or contain any organic waste, hazardous materials, toxic materials, radioactive materials, agricultural waste, industrial waste, building demolition debris, sludges or sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and, moreover, such fill material shall not contain any machinery or equipment of parts thereof, or any material which will, or is likely to impair or harm the air water and natural resources, and public trust therein, and/or the public health and safety. Only material which will settle firmly without pockets shall be used.
2. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water consistent with soil makeup depths from pre-excavation samples.
3. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
4. Within twelve (12) months of cessation of mining operations, all plant structures, buildings, stockpiles and equipment shall be removed, provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which the property is located may be retained.

D. Site Development Requirements:

1. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
    a. Excavation below the existing grade of adjacent roads or property lines shall not take place within fifty (50) feet of any adjacent property line or road right-of-way.
    b. No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
2. Fencing: If fencing is required, the Planning Commission shall specify the type, characteristics, and location of the required fencing.
3. Stockpiles of earth materials shall be limited to a height determined by the Planning Commission. Stockpiles shall not be located in any required yard area, except with the approval of the Planning Commission.
4. Interior access roads, stockpiles, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind-blown dust.
5. Hours of operation shall be established by the Planning Commission as part of the special use approval.

6. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 dBA at any property line.

7. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

E. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Use permit may result in the immediate revocation of said Special Use permit and any and all other sanctions and/or penalties available to the County and/or State.

F. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.

G. Financial Guarantees: A minimum performance guarantee of $3,000.00 plus a minimum $2,000.00 per excavated acre shall be filed with the Township Treasurer prior to commencement of any mining activity. The performance guarantee shall be in a form acceptable to the Township Attorney. Any sums or bonds used as performance guarantee shall be returned when all conditions stipulated in the Special Use permit have been met and the Special Use permit revoked prior to its release. There shall be no partial release of the bond.

H. Issuance of a Special Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities and such successor is found by the Planning Commission to have experience and credentials substantially equivalent to those of the original applicant. At that time, the Special Use permit may be transferred.

I. Permit Expiration: Section 1601, F notwithstanding, a Special Land Use permit granted by the Planning Commission shall extend for a specific period of time not to exceed five (5) years. A Special Land Use Permit for a Commercial Earth materials Removal facility may be extended upon application for up to an additional five (5) years. An application for an extension of such Special Land Use Permit shall be filed no later than ninety (90) days prior

to expiration. An application for an extension shall include all information and documentation required for an initial application, unless waived by the Zoning Administrator pursuant to Section 1601, B, e.

J. Inspections and Annual Reports. Each active mine site for which a special land use permit has been issued shall be subject to inspection by the Zoning Administrator at any time, but not less than annually to insure compliance with the permit and Ordinance. Each year, the applicant shall provide an annual report to the Zoning Administrator indicating progress in implementation of the material extraction plan as outlined in subsection 1619, B, 11. In the event the Zoning Administrator determines that progress on the site is not proceeding in general conformance with the material extraction plan or the Zoning Administrator finds that the operations on the site have departed in a material way from the approved Special Use permit, the Zoning Administrator shall require that the applicant submit, within ninety (90) days of being so notified, an amended special land use application pursuant to this Section which shall be reviewed by the Planning Commission as if it were a new application. No more frequently than every five (5) years, the Zoning Administrator may require that the applicant provide at its own expense, an independent certification by a licensed surveyor or engineer, of the quantity of materials removed in the period since the last certification, the quantity of materials imported (if any) and their location on the site, the quantity of materials stockpiled and their location on site, the approximate quantity remaining on site but not yet extracted, the condition of any areas previously mined and reclaimed and the approximate remaining life of the facility.

K. Modification of the General Site Plan: The General Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:

1. Modification of the plan is necessary so that it will conform to the existing laws.
2. It is found that the previously approved plan is clearly impractical to implement and maintain.
3. The approved plan is obviously not accomplishing the intent of the Ordinance.

Section 1620 Farm Tourism Facility.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Farm Tourism Facility shall meet the following specific Special Land Use standards.

H. Purpose and Intent. The intent of this section is to establish standards to govern the use of lands in the Township for a Farm Tourism Facility as defined herein. The Planning Commission shall find that the Farm Tourism Facility shall comprise only a small part of the property, so that the farm use of the site is predominant and the Farm Tourism Facility use is secondary. The Planning Commission may approve a proposed departure from this requirement if it finds that the proposed Farm Tourism Facility and its activities are substantially farm-related and that the establishment and its activities would not have

impacts on the vicinity similar to impacts generated by a commercial business, including consideration of traffic, light pollution, noise, blowing trash, signage, odor, and aesthetics.

I. An application for an Farm Tourism Facility shall include a site plan in accordance with Section 1803 with detail on parking, sanitation, refuse and solid waste management, outdoor lighting, fencing, crowd control, on-site vehicular and pedestrian circulation, details on any public address system and equipment, signage and related existing and proposed facilities. In addition, the application shall include a complete written description of the proposed use, the services to be provided, the maximum number of patrons anticipated on site at any time, hours of operation, activities to be conducted and any other information necessary to properly convey the nature of the facility proposed. Such written description shall be considered a part of the special use permit application to be relied upon by the Planning Commission in granting any approval. A Farm Tourism Facility may include features or elements associated with similar types of special land uses, such as, but not limited to, Bed & Breakfast Facilities, Campgrounds or RV Parks, Craft Spirits Facilities, Places of Public Assembly, Privately-Owned Parks and Playgrounds, and Riding Stables. Private Recreation Centers. The Planning Commission may apply the special land use requirements for any and all similar types of special land use in considering an application for a Farm Tourism Facility.

J. The Planning Commission shall evaluate the proposed Farm Tourism Facility and the activities proposed to determine whether it will be compatible with neighboring uses and other permitted uses in the vicinity and zoning district.

K. The Planning Commission may impose requirements on the placement of the facility and its activities on the site to protect adjacent properties from its impacts and to maintain rural views from public roads. The facility and all of its outdoor ancillary structures and activities such as parking and gathering space shall be located at least 50 feet from property lines. The Planning Commission may approve a proposed departure from this requirement, if it finds that locational and layout attributes, buffers, adjacent uses and site configurations, and other features of the subject site and nearby property work together to minimize impacts of the proposed Farm Tourism Facility; provided, that dimensional requirements of Section 54, B and other regulations of the Zoning Ordinance are met.

L. The Planning Commission may require submittal of a traffic impact study pursuant to Section 1811, B, the purpose of which shall be to analyze the effect of traffic generated by the proposed use on the capacity, operations, and safety of the public road system and to propose mitigation measures.

M. Tasting rooms and food service activities shall at all times comply with any and all requirements of the Antrim County Health Department, the Michigan Liquor Control Commission, the Michigan Department of Agriculture and Rural Development (MDARD) and/or other appropriate or successor agencies, and evidence of applicable agency review and approval shall be provided to the Planning Commission.

N. Failure to maintain proper licensure and/or to comply with the terms of any special land use permit granted may result in revocation of the special land use permit.

O. Periodic or permanent recreational or entertainment activities or facilities, such as but not limited to, rodeo competitions or demonstrations, tractor pull events, hay rides, corn mazes, concerts, haunted houses and similar features or events shall be clearly described in any application for special use permit approval and must be authorized in advance pursuant to this Section.

P. The Planning Commission may require landscaping and other features to screen the use from adjacent properties and the Planning Commission may impose limitations on the operation of the facility to protect adjacent properties from its impacts. Such limitations may pertain to hours of operation, outdoor lighting, outdoor activities, noise, and other elements.

Q. The applicant shall demonstrate that all vehicular parking will occur on the site. A pervious parking surface is permitted, subject to demonstration by the applicant that dust would be controlled and an ongoing condition addressing the same.

Section 1621 Reserved

Section 1622 Fitness Center.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Fitness Center shall meet the following specific Special Land Use standards.

A. Where a proposed Fitness Center will adjoin property in the AG, WFR, RR or VR districts, the Planning Commission may require additional buffering, landscaping or additional setback distances to assure that no objectionable noise, odor or fumes shall be carried onto such adjoining property.

B. As a condition of approval, the Planning Commission establish hours of operation for a Fitness Center, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.

C. The exterior of the building shall be compatible with, and similar to, neighboring uses.

D. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a Fitness Center.

Section 1623 Foster Care, Group Home.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Foster Care Group Home shall meet the following specific Special Land Use standards.

A. A Foster Care Group Home serving, or capable of serving, more than six (6) residents shall not be considered a single family dwelling.

B. A Foster Care Group Home shall, as a condition of Special Use approval, at all times maintain all valid state and local licenses.

C. A Foster Care Group Home shall not be located within fifteen hundred (1,500) feet of any other Foster Care Facility.

Section 1624 Reserved

Section 1625 Funeral Home

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Funeral Home shall meet the following specific Special Land Use standards.

A. A Funeral Home shall be located on a parcel of land with a minimum area of one (1) acre. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance. A Funeral Home shall not include a crematorium.

B. A Funeral Home with a total combined seating capacity of three hundred (300) or more shall be regarded as a large place of public assembly and shall be required to meet the standards of this Section pertaining thereto.

C. The site shall be designed and constructed to provide adequate assembly area off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.

D. The site located on and take primary access from a paved, all-season road.

E. Points of ingress and egress for the site shall be designed to minimize possible conflicts between traffic on adjacent roadways and funeral processions or visitors entering or leaving the site.

F. No building shall be located closer than fifty (50) feet from a property line that abuts any residential district.

G. A caretaker's residence may be provided within the main building of the Funeral Home establishment.

H. Loading and unloading areas used by ambulances, hearses or other such service vehicles shall be obscured from all residential view with a wall six (6) feet in height.

I. All required federal, state and local licensing and permits shall be maintained at all times.

Sections 1626 and 1627 Reserved

Section 1628 Gasoline Station

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Gas Station shall meet the following specific Special Land Use standards.

A. The Planning Commission may establish hours of operation for Gasoline Stations to protect the character of the land uses in the vicinity.

B. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.

C. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.

D. Dismantled, wrecked, or immobile vehicles stored shall not be kept outdoors or shall be completely screened from any adjoining parcel or right-of-way.

E. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.

F. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, and shall not be visible from any lot line. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash and debris from leaving the site.

G. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.

H. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with all applicable State or Federal requirements.

Section 1629 Golf Course or Driving Range

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Golf Course or Driving Range shall meet the following specific Special Land Use standards.

A. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.

B. All off-street parking shall be in compliance with Section 1501 of this Ordinance, to provide for adequate parking for banquets, weddings, golf tournaments, conferences, etc.

C. All accessory uses and buildings associated with the Golf Course or Driving Range on the site shall conform to setback and dimensional requirements of the AG District.

D. A new golf course development shall include stormwater management facilities satisfactory to the Township Engineer and/or the Michigan Department of Environmental Quality intended to prevent the runoff of stormwater carrying excess concentrations of fertilizer or nutrients from entering natural streams, lakes or rivers.

E. A Golf Course or Driving Range which also includes a Place of Public Assembly or a Tavern as defined herein shall also meet the requirements of Section 1640 or 1653, respectively.

Section 1630 Reserved

Section 1631 Home Based Business

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Home Based Business shall meet the following specific Special Land Use standards.

A. Home based businesses shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such business other than a nameplate not exceeding ten (10) square feet in area.

B. A home based business may occupy an accessory building provided the floor area contained within the accessory building does not exceed twenty four hundred (2,400) square feet.

C. The Planning Commission shall establish hours of operation for a home based business. For the purpose of this subparagraph, hours of operation shall refer to the times of day when employees or customers are expected to be on site or when any on-site exterior equipment shall be in use.

D. The outdoor storage of vehicles, trailers, goods and/or materials of any kind shall be prohibited unless screened from view neighboring properties and road rights-of-way by and opaque wood fence, greenbelt buffer, landscaped berm or other screening approved by the Planning Commission.

E. Home based businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners or the Township as a whole.

F. Employee or other traffic for the pickup and delivery of goods or equipment shall not exceed that normally created by residential uses. Any machinery, mechanical devices or equipment employed in the conduct of home based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam or other conditions not associated with the use of the premises for residential purposes.

G. Home based businesses shall be conducted only by the residents of the property. The Planning Commission may allow up to ten (10) non-resident employees on the site, providing it finds that such additional employees on site shall not produce any negative impact on neighboring properties.

H. The maximum number of vehicles that may be parked on the property at any given time shall be established by the Planning Commission.

I. An approved home based business shall be reviewed periodically by the Zoning Administrator for continued compliance with the original special land use permit.

Section 1632 Kennel

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Kennel shall meet the following specific Special Land Use standards.

A. All facilities for boarding and grooming of animals shall be housed in one or more completely enclosed buildings.

B. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.

C. Outdoor exercise areas for animals shall be adequately fenced to prevent both escape from and entry into the facility and such areas shall be setback from all property lines in accord with the requirements of the zoning district.

D. The application shall provide for measures acceptable to the Planning Commission to prevent any noise at any property line in excess of 60 decibels from 9:00AM to 9:00PM and 45 decibels from 9:00PM to 9:00AM

E. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use approval.

Section 1633 Reserved

Section 1634 Motel.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Motel shall meet the following specific Special Land Use standards.

A. The Planning Commission shall find the proposed site of the Motel to be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.

B. A Motel that includes auditorium or public meeting space shall be further regulated under the provisions of Places of Public Assembly, per Section 1640.

C. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, design, and odors.

D. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a motel.

E. A proposed Motel shall front on and be accessed directly from a paved, all-season road.

Sections 1635 and 1636 Reserved

Section 1637 Outdoor Oriented Business.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Outdoor Oriented Business shall meet the following specific Special Land Use standards.

A. An Outdoor Oriented Business shall front on and be accessed from a paved, all-season road.

B. Outside sales and display activities shall be conducted entirely on the parcel and not on any public road right-of-way. No outside sales or display shall be located in any required yard

area and no item or items displayed outdoors shall exceed the height limits of the zoning district.

C. The Planning Commission may establish, as a condition of approval, hours of operation for the Outdoor Oriented Business.

D. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to the Landscaping and Buffering standards of Sections 312 and 1506 of this Zoning Ordinance.

E. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.

F. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.

G. All outdoor sales and display areas shall be paved or maintained in healthy ground cover vegetation to prevent dusty and muddy conditions. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash and debris on the site.

Section 1638 Personal Storage Building.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Personal Storage Building shall meet the following specific Special Land Use standards.

A. A personal storage building shall be subject to the requirements of all adopted building code(s) for Antrim County.

B. A personal storage building shall be located on a legal lot of record meeting all dimensional standards for the applicable zoning district including setbacks, height, and lot coverage. Driveways serving a personal storage building shall be sited in accord with the requirements of the Antrim County Road Commission.

C. The personal storage building shall be considered the principal use on the property and no other improvements shall be permitted, except in conformance with the requirements of this Ordinance. Provided, however, that in the event a dwelling or commercial building is proposed for construction on the same lot with a personal storage building, the personal storage building may be treated as an accessory building under the terms of this Ordinance.

D. The applicant shall disclose the general nature of items to be stored in the personal storage building. The storage of hazardous, flammable or toxic materials, other than in vehicle fuel tanks or approved containers of not more than ten (10) gallon capacity, shall be prohibited.

E. A personal storage building shall not be used as a dwelling nor shall any commercial or manufacturing activity be conducted in a personal storage building or on the lot.

F. Personal storage building shall not be served by plumbing facilities; however, electricity may be provided.

Section 1639 Reserved

Section 1640 Place of Public Assembly.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Place of Public Assembly shall meet the following specific Special Land Use standards.

A. A Place of Public Assembly shall front on and be accessed primarily from a paved, all-season road.

B. The applicant shall disclose the nature of activities to be conducted on the site, the frequency of use, proposed hours of operation, typical measures to manage on-site circulation and parking of vehicles.

C. In addition to the standards of this Section, a Place of Public Assembly that includes any other land use or activity subject to the terms of this Ordinance shall meet any requirements pertaining to such other use or activity.

D. The Zoning Administrator may require the completion of a traffic impact study under the terms of Section 1811, B of this Zoning Ordinance.

E. The Planning Commission may require additional buffering or isolation distance from neighboring uses to mitigate impacts from the Place of Public Assembly.

Section 1641 Planned Unit Development.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Planned Unit Development (PUD) shall meet the following specific Special Land Use standards.

A. Statement of Intent. It is the purpose of this section to permit flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects. The basic provisions concerning Planned Unit Development are the subdivision, development, and use of land as an integral unit, combining more than one primary land use and which may provide for single-family residential, multi-family residential, education, business, commercial, recreation, park and common use areas, which are compatible with one another and provide for efficient use of land. The objectives of these Planned Unit Development standards shall be:

1. To permit flexibility in the regulation of land development.
2. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
3. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.

4. To encourage useful open space, and to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and Township.
5. To encourage the innovative use, re-use, and improvement of existing sites and buildings.

B. Regulations and Conditions. In its establishment and authorization as a special use, in addition to the foregoing provision, the following procedures, standards and conditions shall be observed. Planned Unit Developments shall meet the following general standards:

1. The use shall be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and such use is consistent with the public health, safety and welfare of the residents of the Township and the benefits of the development shall not be achievable under any single zoning classification.
2. The use shall be consistent with the Forest Home Township Master Plan and the Future Land Use Map.
3. The use and development shall be warranted by the design and additional amenities made possible with and incorporated by the development proposal.
4. The development shall consolidate and maximize usable open space.
5. Landscaping shall be provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
6. Vehicular and pedestrian circulation, allowing safe, convenient, non-congested and well-defined circulation within and access to the development shall be provided.
7. Existing important natural, historical and architectural features within the development shall be preserved.

C. Dimensional and Use Standards. In acting upon the application, the Planning Commission may alter lot size standards, required facilities, buffers, open space areas, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations, where such regulations or changes are reasonable and consistent with the intent, objectives, and standards set forth in Section 1641, B.

1. Further, the Planning Commission may also alter residential density limits, providing they are generally compatible with the purpose and intent of the Planned Unit Development Section B of this ordinance, are compatible with adjacent land uses, and do not over burden roadway capacity.
2. The Planning Commission may authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section and the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved PUD unless expressly retained in the permit.

D. PUD Application. A planned unit development application shall be submitted to the Planning Commission for review, analysis, and recommendation. An application fee is required and shall be non-refundable. The Township Board shall by resolution establish the amount of the application fee and any required applicant escrow deposit. All land for which application is made must be owned by or under the control of the applicant, and the parcel must be capable of being planned and developed as one integral unit including any non-contiguous parcels. The application must be signed by all applicants and must contain the materials described in this Section. Failure to provide such requested information in a timely manner may delay the process of review. The following shall accompany a planned unit development special use application, unless waived by the Planning Commission:

1. A detailed narrative description of the applicant's intent and objectives (physical, social, and environmental).
2. A certified boundary survey and legal description of the property.
3. A statement of present ownership of all land contained in the PUD.
4. Population profile for the development.
5. Proposed financing.
6. Development staging.
7. Estimated impact of the proposed development on roads, schools, and utilities, including water and sewer, fire protection and emergency services.
8. Waste emissions and methods of handling smoke, dust, noise, odors, liquid and solid wastes, and vibrations, if applicable.
9. Market and economic feasibility.
10. Such other information pertinent to the development or use.
11. Ten (10) copies of a Preliminary Site Plan, that includes all the requirements of Article 18 plus:
    a. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, a certified boundary survey and legal description of the property.
    b. Property parcel number (from the Assessment Roll of the Township).
    c. Existing and proposed topography of the site at two (2) foot contour intervals, its relationship to adjoining land, and proposed changes in topography.
    d. Illustration of existing natural and man-made features, existing land use and zoning for the entire site and surrounding area within one hundred (100) feet.
    e. All water features; springs, streams and creeks, lakes and ponds, wetlands, and flood plains.
    f. Proposed setbacks from property lines and building separations distances.

g. Locations, heights and sizes of existing and proposed structures and other important features.

h. A rendering of the exterior elevation of the proposed buildings and structures, on-site parking, sidewalks, and travel lanes.

i. A land use tabulation summary shall be provided indicating types of uses, acreage for each land use, number of units, densities and land use intensities.

j. The percentage of land covered by buildings, parking and landscape open space, or preserved open space.

k. Dwelling unit density where pertinent.

l. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.

m. Curb-cuts, driving lanes, parking, and loading areas.

n. Location and type of drainage, sanitary sewers, storm sewers, and other facilities.

o. Location and nature of fences, landscaping and screening. The proposed landscape massing, open spaces and their intended use, active and passive recreation facilities pursuant to the landscaping and buffering standards of Section 312.

p. Signage characteristics and on-site illumination.

q. The predominant species, estimated number and average size shall be indicated.

r. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Planning Commission.

E. Reserved. *(Amended June 2025)*

F. Procedure. The Planning Commission may hold a sketch plan review as outlined in Section 1802 prior to any action. Following the sketch plan review, the Planning Commission may schedule the application for public hearing, pursuant to Section 1904.

G. Decisions.

1. If the Planning Commission determines that the PUD application is consistent with the intent of this Section and with the other standards and requirements herein contained, it shall adopt a resolution approving the proposed PUD in accordance with the application and material submitted, or approving the proposed PUD in accordance with the application and material submitted and subject to any conditions that the Planning Commission believes are necessary to carry out the intent and standards of this ordinance. Such conditions of approval shall:

   a. Be designed to protect natural resources, the health, safety and welfare of the community, including those who will use the proposed development,

b. Be related to the valid exercise of the police power and purposes which are affected by the proposed PUD, and

c. Be necessary to meet the intent and purpose of this Ordinance, the standards established for planned unit development and be necessary to assure compliance with this Ordinance.

2. If the Planning Commission determines that the PUD application is not consistent with the intent of this Section, it shall adopt a resolution denying the application.

3. In either event, the decision of the Planning Commission shall recite the findings of fact and the reasons upon which it is based.

H. Effect. After approval of a PUD, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the PUD or only as authorized by the provisions of this Ordinance which would apply if the PUD order had not been issued.

I. Phased PUD. Each phase of a PUD shall be planned, developed, and approved to exist as a complete development able to stand on its own in the event subsequent phases are not implemented.

J. Amendments. An order approving a PUD may be amended as follows:

1. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, alter the land uses proposed, or encroach on natural features proposed by the plan to be protected.

2. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be reviewed and authorized by the Planning Commission according to the procedures authorized by this section for approval of a planned unit development.

K. Termination. The PUD order shall expire two years from date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion. Upon written request stating the reasons therefore, the Planning Commission may extend the time for commencement of construction. An approved PUD may be rescinded at any time by the Planning Commission for violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupiers of the PUD area and after a hearing on the violation. Upon termination of an approved PUD the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.

L. Ordinance Amendment. A planned unit development approval shall not be considered an ordinance amendment or a rezoning of the property.

Section 1642 Pre-Construction Accessory Building ~~Reserved~~

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Pre-Construction Accessory Building shall meet the following specific Special Land Use standards.

A. The Planning Commission may approve a special land use for a Pre-Construction Accessory Building to allow the erection of not more than one (1) accessory building on a parcel to be used for up to one (1) year prior to the construction of the principal building.

B. An applicant may apply for one (1), one (1) year extension of an approved special land use permit for a Pre-Construction Accessory Building. Such application shall be filed with the Township not less than thirty (30) days prior to the expiration of the special land use permit. The Planning Commission shall consider such application for extension and shall approve it if it finds that all conditions applicable to the original approval remain in place and if it finds that the need for the extension is caused by circumstances beyond the control of the applicant.

C. A Pre-Construction Accessory Building shall be placed on the site in accordance the applicable required yard standards for the zoning district and in compliance with a site plan which illustrates the planned location of the principal building such that the location of said principal building shall not conflict with that of the Pre-Construction Accessory Building.

D. As a condition of issuing a special land use permit for a Pre-Construction Accessory Building, the Planning Commission shall be authorized to require a satisfactory surety in an amount of up to $5,000 to be held by the Township and to be used to remove the accessory building in the event the applicant shall fail to complete the construction of the principal building or to remove the accessory building prior to the expiration of the permit. Such surety shall be in the form of cash, bank check, letter of credit, performance bond or other surety acceptable to the Township Attorney. Upon completion of the construction of the principal building or removal of the accessory building by the applicant in the event the principal building is not constructed, the surety will be returned to the applicant. In the event the surety is employed by the Township to remove the accessory building as set forth herein, any amount remaining after completion of such removal, shall be returned to the applicant along with an accounting of all amounts disbursed.

Section 1643 Private Recreation Center

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Private Recreation Center shall meet the following specific Special Land Use standards.

A. A private recreation center shall maintain, at all times, all required state and local licenses and permits.

B. Any private recreation center serving alcoholic beverages shall front on and be accessed from a paved, all-season road.

C. Such facilities serving alcoholic beverages and/or food shall also meet the requirements of

Section 1653, pertaining to Taverns.

D. Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.

E. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.

F. The Planning Commission may require that any or all of the property of a private recreation center be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.

Section 1644 Reserved.

Section 1645 Residential Subdivisions, three or more lots.

In addition to the standards of Section 1602, A, and the provisions of the Township's subdivision control ordinance, the Planning Commission shall find that a proposed residential subdivision of three or more lots in the AG district shall meet the following specific Special Land Use standards.

A. Intent. The Township Master Plan sets forth the policies of the Township regarding the preservation and enhancement of the community's natural character. In those parts of the Township that include prime or unique agricultural lands and/or are characterized by important natural features, development that fails to properly recognize those features or incorporate measures to protect and preserve them are hereby found to be generally at odds with the policies of the Master Plan. Therefore, in the AG district, the subdivision and development of property for residential uses shall be undertaken primarily through exempt splits or divisions not subject to the platting requirements of the Land Division Act or the Condominium Act, or through the Open Space Preservation Development standards of Section 317 of this ordinance. It is understood that there may be areas of the Township within the AG district where those provisions may not be appropriate, or there may be particular development forms that do not include significant areas of open space but which nevertheless do substantially support the policies of the Master Plan. The purpose of this section is to provide standards and conditions to address those areas of the Township and those development forms as Special Land Uses. Subdivisions and condominium subdivisions proposed to be implemented consistent with Sections 317 or 1641, shall be regulated by those sections and the provisions of this Section shall not apply.

B. An application to undertake a conventional subdivision which does not include provisions for the protection of open space in the AG district shall include a written narrative demonstrating why the particular parcel is a poor site for an Open Space Preservation development pursuant to Section 317. Reasons why a property may be a poor site for application of those standards include:

1. A lack of any identified significant natural features; and/or

2. A lack of prime or unique agricultural soils; and/or

3. A predominant pattern of development adjacent to and in the immediate vicinity of the site which would make the protection of agricultural lands on the parcel of little value; and/or
4. The concealed location of the site which would preclude any open space on the site from contributing to the rural character of the community; and/or
5. A demonstration that the proposed residential subdivision would be more in keeping with the goals and objectives of the Township Master Plan than other feasible forms of development.

C. The Planning Commission shall conduct a detailed inquiry of any proposal to undertake a conventional Subdivision in the AG district and carefully apply the standards of this section. The Planning Commission may seek additional detail of the applicant to determine whether the parcel may be used for agricultural or other permitted purposes or be developed under Section 317 with minor reconfiguration or adjustment. The possible or alleged impact of open space preservation development form on the marketability of the property or the lots or parcels to be developed is considered to be speculative and shall not be a consideration of the Planning Commission.

D. Where a proposed Residential Subdivision of three or more lots in the AG district will abut an existing residentially zoned and improved parcel, the Planning Commission may require buffering, screening, setbacks and/or other elements that are greater than those otherwise required by this ordinance to assure an attractive and harmonious transition from existing development patterns to the proposed development.

E. Perimeter Setbacks and Buffering. A perimeter setback of up to one hundred (100) feet may be required by the Planning Commission where the planned Residential Subdivision abuts an agricultural use. The perimeter setback area would include naturalized landscaping or a natural vegetative strip to provide a buffer for adjacent properties where found to be necessary by the Planning Commission. The perimeter setback and landscaping need not be uniform at all points along the property boundary. The perimeter setback and landscaping requirements would be determined in consideration of the existing and planned adjacent land uses.

Section 1646 Reserved

Section 1647 Riding Stables and Academies

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed riding stable and academy shall meet the following specific Special Land Use standards.

A. The minimum parcel area for a Riding Stable and Academy shall be twenty (20) acres.

B. A fenced pasture area of not less than one (1) acre for each horse kept permanently on site shall be provided.

C. As part of an application for special land use approval for a riding stable and academy, the applicant shall provide a detailed written management plan which shall include the following information, at a minimum:

1. The general nature of activities to be conducted on the site, including instruction, competition events, auction events and related activities.
2. The proposed hours when the facility will be open to the public.
3. Measures to manage on-site circulation and parking of vehicles for events that may involve gatherings of more than 100 persons.
4. Documentation of sufficient liability insurance protection.
5. A description of the training and experience of the facility owner and key management personnel in the operation of a Riding Stable and Academy.

D. In addition to the standards of this Section, a Riding Stable and Academy that includes any other land use or activity subject to the terms of this Ordinance shall meet any requirements pertaining to such other use or activity.

Section 1648 Saw Mill

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Saw Mill shall meet the following specific Special Land Use standards.

A. The Planning Commission may require that outside storage area shall be screened from view on all sides by a six (6) foot or greater solid, decorative fence or wall, or landscaped equivalent.

B. The applicant shall comply with the requirements of the Fire Marshall to incorporate provision to minimize fire risks on the site.

C. The Planning Commission may stipulate hours of operation.

D. Appropriate measures shall be incorporated in the proposed site plan to mitigate fugitive saw dust.

E. The Planning Commission may establish shipping and transport routes for trucks serving the facility to limit truck traffic on surrounding roads to those best suited, in the judgment of the Planning Commission, to accommodate such traffic.

F. All parking areas and truck maneuvering areas shall be treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash and debris on the site.

G. Activities shall not generate noise exceeding 60 decibels for more than 4 hours in a 24 hour period at any property line.

H. A sawmill shall include stormwater management facilities satisfactory to the Township Engineer and/or the Michigan Department of Environmental Quality intended to prevent the runoff of stormwater carrying excess concentrations of soil, organic materials or nutrients from entering natural streams, lakes or rivers.

Sections 1649 and 1650 Reserved

Section 1651 Sexually Oriented Businesses.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Sexually Oriented Business shall meet the following specific Special Land Use standards.

A. Purpose of Regulation. The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their very nature, have serious objectionable operational characteristics, which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Section are not intended to offend the guarantees of the First Amendment to the United Sates Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Section to legitimize activities that are prohibited by the Ordinances of the Township, or state or federal law. If any portion of Section 1651, including the definitions appearing in Article 2 and referenced in Section 1651, is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.

B. Rezoning. A Sexually Oriented Business shall be located in the Commercial District. In the event no site exists within said district, the applicant and Planning Commission shall follow the guidance of the Forest Home Master Plan to amend the zoning map adopted pursuant to Section 501 to consider an appropriate location for such use.

C. Regulations and Conditions. Sexually Oriented Businesses shall be subject to the following standards:

1. The proposed Sexually Oriented Business shall not be located within five hundred (500) feet of any residentially zoned property, park, school, child care organization, place of worship or other Sexually Oriented Business. The distance between a proposed Sexually Oriented Business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed Sexually Oriented Business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other Sexually Oriented Business.

2. Entrances to the proposed Sexually Oriented Business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
   a. "Persons under the age of eighteen (18) are not permitted to enter the premises," and
   b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
3. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
4. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.
6. All signs shall be in accordance with Section 1504 of this Ordinance. Provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities
7. All parking shall be in accordance with Section 1501 of this Ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the Sexually Oriented Business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
8. As a condition of approval and continued operation of a Sexually Oriented Business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing.
9. Any booth, room or cubicle available in any Sexually Oriented Business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
   a. Be constructed in accord with the Michigan Building Code, as amended.
   b. Be unobstructed by any door, lock or other entrance and exit control device.
   c. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
   d. Be illuminated by a light bulb of wattage not less than sixty (60) watts, and
   e. Have no holes or openings, other than doorways, in any side or rear walls.

Section 1652 Reserved

Section 1653 Tavern

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Tavern shall meet the following specific Special Land Use standards.

A. A Tavern approved hereunder shall maintain, at all times, all required state and local licenses and permits.

B. A Tavern shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.

C. The Planning Commission shall find that a proposed Tavern shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in any residential district.

D. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

E. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.

F. A Tavern shall front on and be accessed primarily from a paved, all-season road.

SECTION 1654. Telecommunication Towers and Facilities.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Telecommunication Tower or Facility shall meet the following specific Special Land Use standards.

A. Purpose and Intent. The Telecommunications Act of 1996 as amended on February 6, 1996 sets forth provisions concerning placement, location and construction of towers and related facilities for communication. The purpose of this section is to establish general guidelines for the siting of Telecommunication Towers and Facilities, which include antenna structures. In order that such towers not cause visual pollution or create a safety hazard on adjacent properties, reasonable regulations for the location, use of existing structures (e.g., water towers, school and church steeples, tall buildings), design of structures and towers, is appropriate. Telecommunication Towers are specifically determined to NOT be essential services as defined in this Ordinance. The intent of these provisions is to encourage users of towers to:

   1. Protect land uses from potential adverse impacts of towers.
   2. Place the location of new towers in non-residential-zoned areas.
   3. Minimize the total number of towers throughout the community.
   4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
   5. Locate and configure Towers in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
   6. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

7. Consider the public health and safety of personal wireless service facilities.
8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
9. It is not the intent to regulate ham radio antennae under this section.

B. Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:

1. Antennas on Existing Structures: Compact platform-type, omni directional, or singular-type antenna which is not attached to a new communication tower may be approved by the Zoning Administrator as a co-location or as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure, provided:
   a. The antenna does not extend more than ten (10) feet above the highest point of the structure;
   b. The antenna complies with all applicable FCC and FAA regulations;
   c. The equipment building for such co-located equipment can be incorporated into an existing structure or cabinet, and
   d. The antenna complies with all applicable building codes.
2. Microcell Networks: Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

C. Additional Information Required for Review. In addition to the requirements of Article 18 and Section 1601, Telecommunication Tower applications shall include:

1. Name and address of the proposed operator of the site.
2. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.
3. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.
4. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
5. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

6. A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate through co-location.

7. Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas, that are either within Forest Home Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure.

8. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. The applicant shall also demonstrate the reasons such existing towers or tall structures cannot be used in lieu of the proposed communication tower.

D. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

E. General Provisions. Telecommunication Towers and Facilities including their accessory equipment may be permitted, subject to the following provisions:

1. A Communication Tower shall be considered a principal use and shall be placed on parcels (whether the land is owned or leased by the tower owner) which have an area no less than the minimum parcel area and width for the district.

2. All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer to any property line than the radius of the certified fall zone as provided in Section 1564, C, 4, hereof, and in no case less than 200 feet from any residence or 200 feet from a zoning district which does not permit Communication Towers as a Special Use.

3. All proposed towers of more than thirty-five (35) feet in height shall be submitted to the Michigan Aeronautics Commission and FAA for review and approval prior to approval by the Township. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

4. The tower and/or antenna shall be painted or screened so as to blend into the background.

5. The service building shall be aesthetically and architecturally compatible with buildings

within three hundred feet of the property on which it is located.

6. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
7. Monopole or lattice towers design shall be required. Guyed towers are prohibited.
8. The Planning Commission may require landscape screening of the service building and fencing.
9. Strobe lights shall not be allowed except as required by FAA.
10. No signs shall be allowed on an antenna or tower, except for one sign of not more than two (2) square feet, listing the name, address and contact telephone number of the operator and not more than two (2) signs not to exceed two (2) square feet signaling "danger" or "no trespassing."
11. Towers shall be enclosed by a locked gate and security fencing 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
12. The Applicant shall certify its intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease.
13. Notwithstanding the provisions of this section, the maximum height for a Telecommunication Tower in Forest Home Township shall be One Hundred Ninety-nine (199) feet.
14. Separation distances between proposed and pre-existing towers are as follows: monopole over 35 feet in height - 1,500 feet; lattice and guyed towers - 5,000 feet.

F. Removal of Abandoned Antennas and Towers. A Telecommunication Tower that is unused for a period of twelve (12) months shall be removed. The applicant or owner is responsible for the removal of an unused tower. Failure to do so shall be sufficient cause for the Township to cause the removal of the Tower at the owner's expense.

G. Bonds. The owner of a Telecommunications Tower; including equipment/accessory buildings, shall post an unconditional and irrevocable letter of credit or bond acceptable to the Township Attorney with Forest Home Township to cover the reasonable estimated costs and expenses of dismantling and removing the communication tower. The amount of the bond shall be established by the Planning Commission, and may be adjusted from time to time to reflect changing costs and expenses of dismantling and removing the facility.

H. Nonconforming Uses.

1. Pre-existing towers that do not meet the requirements of this section shall be allowed to continue in use as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, other than routine maintenance on a pre-existing

tower shall comply with the requirements of this ordinance. Modifications to height and type of construction of pre-existing towers shall not be permitted, except in conformance with this Section.

2. Rebuilding Damaged or Destroyed Nonconforming Towers. Nonconforming towers that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

Section 1655 Reserved

Section 1656 Veterinary Clinic.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Veterinary Clinic shall meet the following specific Special Land Use standards.

A. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal wastes, biohazard materials, deceased animals or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a Veterinary Clinic.

B. A Veterinary Clinic which treats farm animals on site shall be located on a parcel not less than two (2) acres in area.

C. Except as provided in subparagraph E hereof, all veterinary operations and the housing of animals shall be contained in one or more completely enclosed buildings.

D. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.

E. Outdoor exercise and pasture areas for animals shall be adequately fenced to prevent both escape from and entry into the facility. In the RR and C districts, such outdoor exercise and pasture areas shall be setback from all property lines in accord with the requirements of the zoning district.

Section 1657 Warehouse.

In addition to the standards of Section 1602, A, the Planning Commission shall find that a proposed Warehouse shall meet the following specific Special Land Use standards.

A. All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any Warehouse.

B. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply applicable state and federal law and regulations pertaining thereto.

C. No processing or manufacturing shall take place within a Warehouse.

D. All parking areas and truck maneuvering areas shall be paved or treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash and debris on the site.

E. No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.

F. No trucks, trailers or other equipment shall be stored in the front yard or closer than ten (10) feet to any side or rear lot line.

Article 17 Private Roads

Section 1700 Purpose.

The purpose of this Chapter is to provide specific requirements applicable to private roads within Forest Home Township.

Section 1701 Minimum Requirements.

When private road development occurs in the Township of Forest Home and is not subject to the standards established under the Subdivision Control Act P.A. 288 of 1967, MCLA 560.101 et seq., (as amended) and the requirements of the Forest Home Township Subdivision Control Ordinance, the following minimum private road standards shall apply. No person, firm, or corporation shall hereafter divide any land as hereinafter described without providing for public or permanent private easements for access to such divided lands with said private easements to conform to the following minimum requirements.

A. All lots must be on a public or private road frontage and meet all Ordinance requirements, and with access to the road to provide safe, convenient access for serving fire protection and any required off-street parking. No resultant lot from any land division shall have road frontage less than that required for the zoning district it is located in.

B. All private roads constructed in Forest Home Township shall be accessible, usable, and constructed in a good and workmanlike manner upon and parallel to and centered with the centerline of a permanent right-of-way easement duly recorded with the Antrim County Register of Deeds. Rights-of-way or easements while not required to be dedicated, will be reserved for future dedication and preclude any development within the designated area. All plans as submitted for approval must show the private road easement including a legal description, the grades for the roads, and any drainage facilities and structures.

C. All private roads shall have names approved by the Forest Home Township Board. Lots fronting on a private road shall be assigned address numbers consistent with the Antrim County address numbering system and the County Road Commission requirements.

D. There shall be a clear view area at all corners of intersecting roads, or road junctions as illustrated in Figure 3-2. Provided, however, that on private roads, the clear view area shall consist of a triangular area defined by the point of intersection of the right-of-way lines and the two points extending along such lines a distance of twenty-five (25) feet from the point of intersection, and within which area no obstruction to vision shall be permitted. This section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic violations, or geographic conditions.

E. All private road easements shall meet the following requirements:

1. Unless otherwise specified in the Ordinance and the Forest Home Township Subdivision Control Ordinance, easements shall be a minimum of sixty-six (66) feet wide. The Township of Forest Home Planning Commission or its designated agent may require additional width to the right-of-way easement to allow for adequate construction where deemed necessary.

2. The right-of-way easement width on curved portions of roads shall be the same as for the straight portions of the road.

F. A drainage plan shall be submitted on a topographic map, with a minimum of two (2) foot contour intervals, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be diverted beyond the limits of that private road easement onto adjacent roads or property unless appropriate drainage easements are secured.

G. All roads constructed in Forest Home Township shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage and prevent soil erosion and shall have all required storm water and soil erosion control permits. No runoff shall be discharged to lakes, streams, or wetlands without proper permits.

H. A private easement serving not more than two (2) lots or condominium units shall be considered a shared driveway and shall not be subject to the requirements of this Article.

I. A private road serving or to serve a minimum of three (3) and a maximum of twenty-five (25) lots or condominium units shall be designed to meet following minimum standards:

1. A granular soil base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at minimum road grade processed gravel.

2. A roadbed and shoulders consistent with the following minimum requirements:

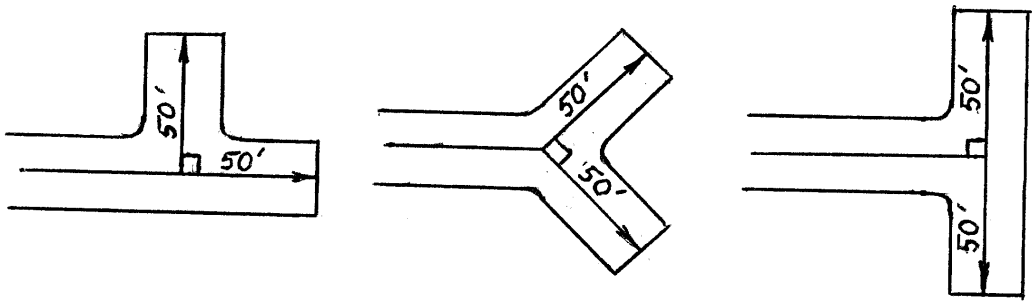
Maximum of 6 Lots Served		**Maximum of 12 Lots Served**		**Maximum of 25 Lots Served**	
Road Bed	Shoulders	Road Bed	Shoulders	Road Bed	Shoulders
16' in width	2' in width	20' in width	2' in width	24' in width	2' in width

3. Adequate culverts shall be provided as necessary.

4. No portion of the road grades shall exceed seven (7) percent for unpaved roads and ten (10) percent for paved roads, if provided with proper curbing.

5. Where cul-de-sacs shall be employed, the minimum radius shall be fifty (50) feet. Hammer head, wye, or other acceptable alternative road end configurations require fifty (50) feet of roadway measured from the intersection of the centerlines. (see Figure 19-1 below)

Figure 19-1 Alternative Road End Configurations



J. If more than twenty-five (25) lots or condominium units have access to a private road, then a second means of access meeting the requirements of the Ordinance (either a public road or an approved private road) shall be provided. Developments of twenty-five (25) or more lots or condominium units must include roads which meet Antrim County Road Commission subdivision street specifications.

Section 1702 Agency Permits.

Construction permits from the Antrim County Road Commission shall be required for connection to County roads. Permits shall be required from the Antrim County Soil Erosion Control Officer under the Soil Erosion and Sedimentation Control Act P.A. 347 of 1974, MCLA 282.101, et seq., when applicable. No land use permit shall be issued on any private road until such private road county permits are reviewed and approved by the Forest Home Township Zoning Administrator.

Section 1703 Site Plan.

The applicant/developer shall prepare a general property development plan and a site plan complying with the requirements of Article 18 of this Ordinance. Prior to review by the Forest Home Township Zoning Administrator, the applicant will prepare and provide eight (8) sets of:

A. Engineered road construction plans.

B. Drainage plan.

C. Road maintenance agreement and deed restrictions satisfactory to the Forest Home Township Attorney, signed by applicant/owner, providing for:

1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and stable condition.

2. A workable method of apportioning the costs of maintenance and improvements to current and future users. Including, a method for reapportioning costs for improvements and maintenance to the road in the event that land divisions occur on the road.
3. A notice that no public funds of Forest Home Township are to be used to initially build, and thereafter repair, or maintain the private road
4. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
5. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family members, guests, invitees, vendors, trade persons, delivery persons, and others bound to or returning from any of the properties having a need to use the road
6. The agreement must address how capital costs will be paid when those costs are required because of the addition of new lots on the road.

Section 1704 Other Requirements

A. A Licensed Civil Engineer shall be retained by the Township with professional fees paid through the developer's applicant escrow account. When the Planning Commission has approved the private road plans pursuant to Article 18, the Zoning Administrator shall issue a land use permit upon receipt of documentation that any applicable conditions of approval have been met. The Engineer will inspect and review the road during construction. Upon completion of construction of the road, a site inspection of the road will be made by the Engineer who shall forward his/her recommendation to the Township Zoning Administrator who shall then grant a final approval.

B. All private roads shall be designated as such and have a sign and name approved by the Forest Home Township Board which meets county sign standards, be approved by the Antrim County Road Commission, and be erected by the property owner. In addition to road identification, private road signs shall also include the wording Private Road in a minimum of four (4) inch letters and Not Maintained by the Antrim County Road Commission in a minimum of two (2) inch high letters.

C. A private road application fee may be established by the Forest Home Township Board from time to time. Before final approval, the cost of review of plans and inspections by the Township Zoning Administrator of the private road and drainage shall be paid for by the Applicant/Developer.

D. All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the Seller a notice of easement, in recordable form, substantially conforming to the following:

"This parcel of land has private road access across a permanent_____(insert size of easement) foot easement which is a matter of record and a part of the deed. This notice is to make the Purchaser aware that this parcel of land has ingress and egress over this easement only."

"Seller advises Purchaser that said parcel of land abuts a private road that has not been accepted for maintenance by the Antrim County Road Commission or any other public body."

Section 1705 Exceptions and Departures from the Standards.

Exception to the standard and provisions of this Article section may be granted by the Planning Commission as follows:

A. Land Divisions. A land division shall be approved on an existing substandard easement width provided:
   1. The private road was legally created prior to the adoption of this Article;
   2. The road surface width and shoulders meets all requirements of this Ordinance;
   3. There are fewer than twenty-five (25) lots or condominium units served exclusively by the private road;
   4. The easement width is not less than forty (40) feet;
   5. The proposed land division meets all other dimensional standards of the zoning district in which it is located;
   6. All other requirements of this Article are met.

B. Road Standards. The Planning Commission may allow a departure from the standards of this Article relating to easement width, roadway width and surface grade, radius, or other standards in this Section for a private road, provided the Planning Commission makes the following findings:
   1. The proposed departure from the standards of this Article will allow preservation of significant trees, prevent excessive grading, or otherwise preserve natural features and rural character.
   2. The private road maintenance agreement and deed restrictions restrict the maximum number of lots or condominium units to be served by the private road to no more than twenty-five (25).
   3. Future connection to other existing or future roadways is not anticipated.
   4. The Township Fire Department has provided written approval of the proposed departure or exceptions from the standards of this Article

Article 18 Site Plan Review

Section 1800 Purpose.

The intent of this section is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his/her objectives in the utilization of his/her land within the regulations of this Zoning Ordinance and with minimum adverse effect on existing land and infrastructure uses, and consistent with the allowed uses in the surrounding zoning districts in the immediate area. A proper site plan shall be consistent with the intent and purpose of this Zoning Ordinance and meet the requirements of this Article.

Section 1801 Scope.

No land use permit shall be issued for any construction or uses until a site plan or sketch plan as provided in this Article, has been reviewed and approved by the Planning Commission. Provided, however, that plans for the following land uses may be reviewed by the Zoning Administrator except as hereinafter set forth:

A. One-family or two-family dwelling or accessory building, or family day care facilities on an individual lot, except as otherwise provided in this Ordinance.

B. Interior building changes requiring no new or additional means of access thereto from adjoining public roads or highways and complying with all Zoning Ordinance requirements.

C. Site plans shall be submitted and reviewed in accordance with this Article for all proposed land uses, except Accessory Buildings, Single Family and Two-Family Dwellings, Farms and Stands.

Section 1802 Sketch Plan Review

A. Optional Sketch Plan Review. Preliminary sketches may be submitted to the Planning Commission for a non-binding review. The Planning Commission shall not be bound by any comments or concerns discussed at this time. The purpose of such procedure is to allow discussion to better inform the developer of the acceptability of his/her proposed plans prior to incurring unnecessary costs which might be required for final site plan approval. Such sketch plans shall include as a minimum the following:

   1. The name and address of the owner and applicant or developer, including the names of any officers of a corporation or partners of a partnership.

   2. A legal description of the property and the tax number for each parcel thereof.

   3. Sketch plans showing tentative site and development plans.

B. Zoning Administrator Sketch Plan Review. On very simple sites or projects that present few design challenges, the Zoning Administrator may approve the preparation of a sketch plan as

opposed to a full site plan as specified in Section 1803, B. Such a sketch plan shall include the following detail:

1. The name and address of the owner and applicant or developer, including the names of any officers of a corporation or partners of a partnership.
2. A legal description of the property and the tax number for each parcel thereof.
3. A drawing to scale showing the location of existing and proposed site improvements, including roads, driveways buildings, significant natural features and other proposed improvements.
4. Location of wells and septic systems.
5. Required yard setbacks.

Section 1803 Site Plan Application Procedure

Requests for site plan approval shall be made by filing with the Township Zoning Administrator a complete application accompanied by eight (8) copies of a detailed site plan that shall contain all information required in this Ordinance. Any required fees or escrow deposits as established by the Township Board must accompany the application.

A. At a minimum, the application shall include the following information:

1. The applicant's full name, address and phone number including area code.
2. Proof of property ownership, and whether there are any options on the property, or liens against it.
3. A signed statement that the applicant is the owner of the property or officially acting on the owners behalf and authorizing reasonable entry onto the property by the Zoning Administrator, Planning Commission and other Township representatives for the purpose of administering their responsibilities under this ordinance.
4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
5. The address and parcel (Tax Roll) number of each parcel contained in the proposed site plan.
6. The name and address of the developer (if different from applicant).
7. Name and address of the licensed professional engineer; architect; landscape architect; surveyor or planner who prepared the plan.
8. Project title.
9. An overall project description.
10. A vicinity map drawn at 1" = 2,000' with north point indicated.

11. The gross and net acreage of all parcels in the project.
12. Current land use, zoning classification and existing structures on the subject parcel and adjoining parcels.
13. Project development phases and completion schedule.
14. A written statement relative to project impacts on existing infrastructure (including traffic capacity of street, schools and existing utilities) and on the natural environment of the site and adjoining lands and as it is related to the Forest Home Township Zoning Ordinance. Detailed requirements will vary depending on the project size and impact to the Township and the Planning Commission may request additional information.

B. The site plan shall consist of accurate drawings at a scale of not less than 1" = 100' or as recommended by the Planning Commission and/or Zoning Administrator, showing the site and all land within one hundred and fifty (150) feet of the site. If multiple sheets are used, each shall be labeled and preparer identified. Each site plan shall depict the following, unless waived by the Zoning Administrator as not applicable to the proposal under consideration.

1. Location of proposed and existing property lines, dimensions, legal descriptions, easements, setback lines and monument locations.
2. Existing topographic elevations at two (2) foot intervals, proposed grades and directional drainage flows; provided that elevation contours may be omitted for portions of a proposed site which shall not be involved in any improvement.
3. The location and type of existing soils on the site.
4. Location and type of existing vegetation and wetlands, and how they are proposed to be preserved and managed.
5. Location and elevations of existing water courses and water bodies, including county drains, man-made surface drainage ways, floodplain and wetlands, as identified by the DNRE in an official determination request or by a specialist approved by the DNRE.
6. Location of existing and proposed buildings and intended use thereof as well as the length, width and height of each building, and typical elevation views of proposed structures.
7. Proposed location of accessory structures, buildings and uses; including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where required.
8. Location of existing public roads, rights-of-way and private easements of record and abutting streets.
9. Location and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes serving the development. Details of entry way and sign locations shall be separately depicted with an elevation view.

10. Location, design and dimensions of existing and/or proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces and methods of surfacing) fire lanes and all lighting thereof.
11. Location, size and characteristics of all loading and unloading areas.
12. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
13. Location or layout of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention and detention ponds, waste water lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
14. Location or layout of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and stream.
15. Proposed location, dimensions and details of common open spaces and any common facilities such as community buildings and swimming pools, if applicable.
16. Locations, size and specifications of all signs and advertising features showing all views.
17. Exterior lighting locations with areas of illumination illustrated as well as the type of fixtures and shielding to be used.
18. Location and specifications for all fences, walls and other screening features with cross-sections.
19. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be removed or retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specification for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
22. Identification of any significant site amenities or unique natural features.
23. Identification of any significant views onto or from the site to or from adjoining areas.
24. North arrow, scale and date or original submission and last revision.
25. The professional license seal of the engineer; architect; landscape architect; surveyor or planner who prepared the plan.

Section 1804 Action on Application and Site Plans.

A. Upon receipt of the application and site plans, the Zoning Administrator shall check application for completeness. After the application is found complete, the date of the

application shall be recorded. The Zoning Administrator shall transmit one (1) copy to each member of the Planning Commission. Additional copies may be transmitted to township consultants, as appropriate. One copy shall be retained for the Township's file.

B. The Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing, together with the reasons and delivered to the applicant. Any conditions imposed on the application and site plan shall:

1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well being of users of 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.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the Ordinance, and be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

C. Two copies of the approved final site plan, with any required modifications thereon, shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each of the copies shall be signed and dated by the Chairperson of the Planning Commission and the applicant, identifying the same as the Official Finally Approved Site Plan for the Project Title. If any variances from the Zoning Ordinance have been granted or other action taken by the Zoning Board of Appeals pursuant to the project, the minutes concerning the same, duly signed, shall also be filed with the Township records as part of the site plan and a copy delivered to the applicant for his/her information and direction.

Section 1805 Criteria for Review.

In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:

A. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.

B. The buildings, structures and entryway thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects there from upon owners and occupants of adjacent properties and the neighborhood.

C. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar

purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

D. That the adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.

E. That all provisions of the Township Zoning Ordinance are complied with unless the Zoning Board of Appeals has granted a prior variance.

F. That all buildings and structures are accessible to emergency vehicles.

Section 1806 Required Variances

Any proposed development submitted for site plan review that will require an approved variance shall be deemed incomplete and will not be processed until such variance has been granted by the Zoning Board of Appeals in accordance with Article 22 hereof.

Section 1807 Conformity to Approved Site Plan.

Property, which is the subject of site plan approval, must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If the development is to be carried out in stages, each stage shall be constructed in the order designated on the site plan as approved. If construction and development does not conform with such approved plan, the approval thereof shall be suspended by the Zoning Administrator by written notice posted upon the premises involved and mailed to the developer at his/her last known address. Upon suspension of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon application of the developer, approve a modification of the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance. In all cases, a copy of the final as-built plans shall be submitted to the Township for its files.

Section 1808 Expiration of Site Plan.

Approval of the site plan shall be valid for a period of two (2) years after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said two years, the site plan approval shall expire.

A. Not less than thirty (30) days prior to expiration of a site plan approval, an applicant may apply for one (1) extension of the site plan approval for up to two (2) additional years. The Planning Commission shall review the application for extension and if it finds that all circumstances and conditions pertaining to the original application approval remain current at that time, may grant one extension.

B. An application for approval of an expired site plan shall be processed as a new application.

Section 1809 Performance Guarantees

To assure compliance with the Zoning Ordinance and any conditions of approval attached to a site plan, the Planning Commission may require the applicant to deposit or otherwise provide for a performance guarantee as set forth, herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

A. For the purpose of executing any performance guarantee, the date of such execution shall be established by the Planning Commission in their site plan approval by establishing the required completion date of such improvements. Any improvements that are not fully completed 180 days after the completion date may result in action by the Township to draw the performance guarantee and complete improvements.

B. Performance guarantee as used herein shall mean a surety bond or letter of credit in the amount of the estimated cost of improvements to be made as determined by the applicant and independently verified by the professional working for the township, made payable to Forest Home Township.

C. The Zoning Administrator shall not issue a zoning permit until the Township Clerk receives the required performance guarantee, if required.

D. If the specified improvements have been completed within the timeframe specified, the Zoning Administrator will return the performance guarantee to the applicant upon approval.

E. In the event the applicant defaults in making the improvements for which the performance guarantee was required, Forest Home Township shall have the right to execute the performance bond to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance bond is not sufficient to cover the costs incurred by the Township in completing the improvements, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeded the amount of the performance bond.

Section 1810 Appeals Of Site Plan.

Persons aggrieved by a decision of the Planning Commission in granting or denying approval of a site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within seven (7) days of the decision and shall state the factual basis for the appeal. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

A. The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether Planning Commission properly conducted its review and whether the record supports the action taken. No new evidence shall be presented.

B. The Zoning Board of Appeals shall affirm the site plan if the requirements of this Section and other applicable Ordinance requirements are met. If the Zoning Board of Appeals finds that the Planning Commission failed to properly conduct the required review, it may complete such review and approve, approve with conditions or deny the site plan acting in place of the Planning Commission.

C. The Zoning Board of Appeals shall make written findings in support of its decision on the appeal.

D. This Section shall not apply to the site plan submitted with a PUD application. Decisions on such site plan may not be appealed to the Zoning Board of Appeals.

Section 1811 Authority for Supplemental Studies.

For complex site plans and/or for land uses that may generate significant impacts on surrounding land uses or public facilities, the Zoning Administrator or Planning Commission may require any or all of the following reports or studies as a part of a complete site plan.

A. An Environmental Assessment shall be a summary review of the environmental impacts of a project in accordance with the following standards:

1. The purpose of the Environmental Assessment shall be

   a. to provide relevant information to the Planning Commission on the potential environmental impact of applications for special land use permits for substantial projects that may have an impact on the natural, social and economic environment of the Township;

   b. to inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large, and

   c. to facilitate participation of the citizens of the community in the review of substantial developments.

2. Guidelines. When required by the Planning Commission or the Zoning Administrator pursuant to this Section, an applicant for a special use permit shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed development will meet the goals of the community as they are expressed in the Master Plan. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the Planning Commission may request further elaboration. The Planning Commission or Zoning Administrator may waive elements of these guidelines as either not applicable or previously addressed in other submittals, on a case-by-case basis. All information must

be submitted in the following format and shall not merely reference a study or report completed previously, rather whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.

3. Content. The following material shall be included and/or addressed in the Environmental Assessment, unless specifically waived by the Zoning Administrator or Planning Commission as not applicable:

   a. A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:

      1) Flora and fauna (be sure to list any endangered species on-site)

      2) General topography and drainage patterns including any regulated features such as wetlands, high risk erosion areas or other features

      3) Adjacent waterways

      4) Existing wells, approximate depth and use

   b. A description of any asbestos abatement proposed for the site. If applicable, this shall include a description of the method to be sure this material does not get into the surrounding area.

   c. A description of any existing contamination on-site. This should include a description of the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any state or federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain and/or dispose of the generated waste.

   d. If the proposed project will impact any coastal areas or floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.

   e. A description of the existing soils on-site and as to the suitability of these soils for the proposed use.

   f. A description of any historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources.

   g. A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.

h. A description of any hazardous materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.

i. A description of any storm water or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.

j. If a Federal, State, or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.

k. A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.

l. A description of the anticipated traffic to be generated by the proposed use.

m. A description of plans for site restoration after construction.

n. A description of methods to handle sanitary waste for the project both during construction and after completion.

o. A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply and the status of such regulatory approval.

p. A description of any additional items as needed to relay the potential environmental impacts of the proposed project.

4. The individual preparing the Environmental Assessment must sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.

B. Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study completed by qualified professional be prepared as an attachment to a site plan submitted for any development in the Township meeting the requirements of this section. The purpose of this section is to set forth the standards to be used by the Zoning Administrator or Planning Commission in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings.

1. Description. A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key roadway segments and intersections. The study shall further indicate the effect of a proposed development on adjacent roadways and intersections and

indicate the anticipated points of origin, direction and volume of traffic flow to and from the proposed development. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

2. Criteria for Requiring a Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study be prepared as an attachment to a site plan for any proposed commercial, industrial, residential or mixed use development which has the potential to significantly increase traffic volumes on the surrounding roadway network. In determining the level of potential impact, the Zoning Administrator or Planning Commission shall consult appropriate planning and engineering texts including, but not limited to, *Trip Generation*, published by the Institute of Transportation Engineers and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this section when, in the judgment of the Zoning Administrator or Planning Commission, the proposed development will result in an increase of either the average daily traffic or the peak hour traffic equal to or greater than ten percent (10%) of the current traffic volume on the adjoining roadway.

3. Required Study Content. In general, a required traffic impact study shall document existing conditions on the existing roadway network including all intersections within one (1) mile of the proposed development including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network including all intersections within one (1) mile of the proposed development including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study, unless specifically waived by the Zoning Administrator or Planning Commission:

   a. A narrative summary at the beginning of the report, including, but not limited to:

      1) The applicant and project name.

      2) A location map.

      3) The size and type of development.

      4) Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers – publication, Trip Generation (current edition).

b. Project phasing identifying the year of development activities per phase and proposed access plan for each phase.

c. A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:

   1) peak-hour volumes (existing and projected)

   2) number of lanes

   3) cross-section

   4) intersection traffic signals and configuration

   5) traffic signal progression

   6) percentage of heavy trucks

   7) adjacent access point locations

   8) jurisdiction

   9) grades

d. Plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or Antrim County Road Commission standards and guides.

e. Capacity analysis shall be performed at each access point. The use of Highway Capacity Software, (HCS 2000), or a later version thereof, is required unless an alternative system acceptable to the Township Engineer is provided. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed signalized access within one (1) mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing. A time-space diagram should also be included.

f. A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.

g. Required operational changes shall be part of the site plan review and any access permit approval process.

4. Evaluation and Criteria. As general criteria, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to

decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.

5. The Zoning Administrator may be provided to the Township Engineer, Planner and/or an independent traffic engineer or transportation planner to review and comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the applicant.

C. Market Study. For unique development proposals, projects that may entail some financial expense or risk on the part of the Township and/or projects that may, in the judgment of the Planning Commission, fundamentally alter the character of the community, the Planning Commission may require a market study to demonstrate a reasonable expectation that a market exists for a proposed development. Such a study shall be prepared in accord with this Section.

1. Description. A market study shall be a detailed and documented analysis of the existing and projected economic conditions in the community that may impact both the proposed demand for the products or services to be generated on a site and the impact on other potentially competing businesses and services in the community that may result from the proposed development.

2. Content. Unless specifically waived by the Zoning Administrator or Planning Commission, a market study shall include the following elements:

   a. An executive summary which outlines the key findings of the study.

   b. The background for the study including both project background and the methodology and approach used.

   c. An overview of the market area including area demographic information and a description of the transportation and service infrastructure that would serve the proposed development.

   d. A trade area delineation describing the likely geographic area that may be influenced by the proposed development along with detail on the methodology used in defining the trade area.

   e. A market feasibility analysis that defines the supply of competing facilities existing and planned in the marketplace, the inventory of alternative sources of supply or services that may compete with the proposed development and the demand for the products and services to be provided by the proposed development. This shall include a supply/demand gap analysis and a description of the ways in which the proposed development may address the gap defined.

   f. The credentials of the author(s) of the market study.

3. Evaluation. The Zoning Administrator and Planning Commission shall review the market study to be satisfied that there is a reasonable expectation that the proposed development will meet with economic success without creating excessive dislocations within the existing marketplace.

Article 19 Administration and Enforcement

Section 1900 Land Use Permit Required

It shall be unlawful for any person to commence excavation for, or construction of any building, structure or parking area, or to make structural change, alteration or addition in or to a building or structure without first obtaining a Land Use Permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, addition or relocation of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Zoning Ordinance and any required zoning permit fees paid. No plumbing, building, health, electrical or drainage permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance, and paying the permit fee therefore as established by the Township Board.

Section 1901 Administration Officials

Except as otherwise provided in this Zoning Ordinance, the Zoning Administrator shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises, the issuing of Land Use Permits, and the institution of proceedings for enforcement of the provisions of this Zoning Ordinance. Relative to the issuance of a permit, any decision rendered by the Zoning Board of Appeals, Planning Commission, or Township Board on a matter required to be reviewed by that body shall be binding on the Zoning Administrator.

1902 Permits

Every application for a Land Use Permit shall be made as required by the Zoning Ordinance and shall designate the existing or intended use of the structure or premises, or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied a completed site plan, if required or by two (2) prints or photostat copies of the drawings, drawn to scale, showing the actual boundary lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Zoning Administrator. One (1) copy of both plans and specifications shall be filed in and retained by the Office of the Zoning Administrator, and the other shall be delivered to the applicant when the Zoning Administrator has approved the application and issued the permit. In cases of minor alterations, the Zoning Administrator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance.

A. Any permit required by this Zoning Ordinance of the Township shall be displayed face out, within twenty-four (24) hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest roadway, and shall be continuously so displayed until all work, or the term for which issued, or purpose for which issued, is completed. Failure to obtain

and display any such permit shall constitute a violation of the Zoning Ordinance and shall subject each person or persons or corporations for whose benefit the permit is required, and the owner or owners of the premises involved to prosecution for such violation.

B. Every permit granted under this section shall become null and void unless the excavation, construction, alteration, erection or extension shall have been commenced within twelve (12) months from the date of issuance of the permit; and every permit so granted shall further become null and void unless all exterior aspects of the construction, alteration, erection or extension shall have been completed within eighteen (18) months from the date of issuance of the permit. However, an extension of time for the commencement of construction or for the completion of construction can be granted by the Zoning Administrator upon proof that an extension of time is justified. Any such extension shall not exceed in length the original amount of time set forth in this Subsection B., or in the granted permit. *(Amended June 2025)*

Section 1903 Enforcement

All premises affected by this Zoning Ordinance shall be subject to inspection by the Zoning Administrator and the Administrator may collect such investigative data as he deems necessary for the enforcement of this Ordinance. No person shall refuse to permit the Administrator to inspect any premises at reasonable times, nor shall any person molest or resist the Administrator in the discharge of his duties.

Section 1904 Hearing Notice and Procedures

Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Zoning Enabling Act notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

A. The notice shall be published once, at least fifteen (15) days before the date of public hearing, in a newspaper of general circulation in the Township.

B. For applications involving the rezoning of ten (10) or fewer adjacent properties, for applications to the Zoning Board of Appeals involving a specific parcel of land, for all special land use applications, and for other applications as to which a public hearing is required under this Ordinance or the Zoning Enabling Act, a notice of public hearing shall be given in the manner set forth in Section 103 (MCL 125.3103) of the Zoning Enabling Act to

   1. The applicant and the owner of the subject property, if different from the applicant;
   2. All persons to whom real property is assessed for property taxes within three hundred (300) feet of the property that is the subject of the application regardless of whether the property or structure is in the Township;
   3. One occupant of each dwelling unit or spatial area in each building that contains four (4) or fewer dwelling units and is located within three hundred (300) feet of the subject property regardless of whether the property or structure is in the Township; and

4. The owner or manager of a building containing more than four (4) dwelling units, who shall be requested in writing to post the notices at the primary entrance of the building, but failure of such posting, shall not constitute a lack of notice to the owners or occupants of such dwelling units.
5. If the above-described three hundred (300) foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the three hundred (300) foot radius, to all persons stated above in this subsection.

C. The notice of public hearing shall include the following information:

1. A description of the application or request.
2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.
3. The date and time when the application or request will be considered; the location of the public hearing.
4. The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.
5. Any other information required under the Zoning Enabling Act, as amended.

Section 1905 Required Fees and Applicant's Escrow Accounts

A. Fees. The Township Board may from time to time establish a schedule of fees for zoning permits, variances, special land uses, subdivisions, private roads and other applications. Any required fee shall be paid to the Township Treasurer before any action shall be taken on the application. Said fee shall be retained whether the requested relief or action is granted or not and shall be used as provided by law. The Township Board at any regular meeting may change scheduled fees. Said change shall be effective thirty (30) days from the date of publication of such change.

B. Applicant Escrow Deposits. In connection with any application for a special permit, site plan approval, zoning amendment, PUD review, appeal, or similar application, the Township Board may establish from time to time requirements for applicants to pay in advance into an escrow fund established to cover the reasonable costs of reviewing such application. Such costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. No permit shall be issued until all costs have been paid and all processing, including public hearings, shall be suspended if any applicant escrow deposit account balance is insufficient to support

the probable costs of processing. The Township shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within sixty (60) days of final action by the reviewing board or official.

Section 1906 Violations and Penalty

A. Nuisance per se. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is here by declared to be a nuisance per se. The Township Board may institute proceedings in an appropriate court to enjoin, abate, and remove said nuisance.

B. Municipal Civil Infraction. Unless otherwise specifically provided, the violation of any provision, section, rule or regulation or order adopted or issued in pursuance thereof, of this Zoning Ordinance, shall be a municipal civil infraction. Persons determined responsible for a municipal civil infraction shall be punished in accordance with this Section.

1. Penalty. A municipal civil infraction shall be punished by a fine of not less than two hundred dollars ($200.00) or more than twenty-five hundred dollars ($2,500.00) and the costs of prosecution of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00).
2. Separate Offense. Each act of violation and every day during which a violation continues shall be deemed a separate offense.
3. Additional Penalties. The penalty provided by this section shall be in addition to the abatement of the violating condition, any injunctive relief or revocation or any permit or license provided pursuant to this, or any other ordinance of Forest Home Township.
4. Compliance Required. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
5. Relief. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 1907 Planning Commission Re-establishment, Roles and Responsibilities

The Forest Home Township Planning Commission is hereby re-established in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended. While the Planning Commission has lawfully existed and exercised its duties pursuant to the Township Rural Zoning Act for decades, an ordinance establishing or reestablishing the Planning Commission is required under the provisions of the Michigan Planning Enabling Act and this Section is therefore incorporated into the Zoning Ordinance to comply with said Act.

A. Membership. The Planning Commission shall consist of five (5) members, or such other number determined by the Township Board and authorized by law. The Planning Commission membership shall generally be representative of the Township. Members of the Planning Commission shall be qualified electors of the Township, except that one

Planning Commission member may be an individual who is not a qualified elector of the Township. One (1) member of the Township Board shall be a member of the Planning Commission. All members of the Planning Commission shall be nominated by the Township Supervisor and appointed with affirmative majority vote of the members of the Township Board.

B. Removal. The Township Board may by majority vote of the Township Board, remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

C. Terms. The term of each member shall be three (3) years, and until a successor is appointed and qualified, except that a Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding three (3) years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.

D. Officers. The officers of the Commission shall be the chairperson, the vice-chairperson and the secretary. The officers shall be elected by affirmative majority vote of the Commission members present and voting. The Commission may by majority vote establish other officers in its discretion. In addition, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.

E. Bylaws and Record-Keeping. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

F. Meetings

1. Regular meetings of the Commission shall be held once a month on a day and at a time to be determined by the Commission at its first meeting of the calendar year; provided, however, that a meeting need not be convened if pending matters do not warrant a meeting.
2. The Commission shall hold at least 4 meetings each year.
3. All meetings of the Planning Commission shall be public meetings, held in compliance with the provisions of the Open Meetings Act.
4. A quorum for the conduct of business shall consist of a majority of the total number of current members of the Commission.

G. Duties and Responsibilities. The Planning Commission shall be responsible for the following planning activities, among others:

1. To prepare, consider and approve or recommend approval of the Township's Master Plan.
2. Monitor and oversee the effectiveness of the Master Plan; and in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to consider, no less frequently then every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve or recommend approval of any such revisions or amendments.
3. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
4. To promote understanding of and interest in the Master Plan and this Ordinance.
5. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.
6. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
7. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, as applicable and in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
8. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
9. To carry out other duties and responsibilities provided by law.

Article 20 – Reserved

Article 21 - Nonconformities

Section 2100 Purpose

Nonconforming lots, structures and uses as defined herein which were lawful before this Ordinance was adopted may continue until they are discontinued, damaged or removed but shall not be encouraged to continue or be duplicated after a period of non-use. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this Ordinance. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor shall such nonconformities be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same Land Use District.

Section 2101 Use of Nonconformities

No nonconforming use of land shall be moved in whole or in part to any other portion of such land, or to a different parcel, not occupied on the effective date or adoption or amendment of this Ordinance, except as provided in this Article 21.

A. A nonconforming structure and use may not be added to, extended, reconstructed, structurally altered, or expanded during its life except for any one or combination of the following and subject to the following restrictions:

1. Nonconforming Use. If the nature of the nonconformity is a use which is not otherwise allowed in the zoning district, then the use and structures with which the use is associated shall not be expanded or enlarged in terms of the area devoted to the use, hours of operation or level of service, or any other extension than that which exists at the time of adoption of this Ordinance. Under no circumstances shall the parcel be expanded and the use be expanded to a contiguous parcel.

2. Expansion or Enlargement of Nonconforming Structures

   a. An existing structure which is nonconforming by virtue of its height, width or minimum floor but which conforms to all required yard standards and is occupied by a conforming use, may be expanded or enlarged, provided such enlargement or expansion does not increase the degree or extent of nonconformity.

   b. An existing structure which is nonconforming by virtue of its location in one or more required yards but which is occupied by a conforming use, may be expanded or enlarged as provided below:

      (1) In response to an application for Class A Nonconforming Structure status as outlined in subparagraph (3) hereof, the Planning Commission shall evaluate the existing structure and the degree and extent of all nonconforming conditions. If the Planning Commission determines that the structure meets all of the following standards, it shall be designated a Class A Nonconforming structure:

i Apart from the nonconforming conditions, the structure shall have been reasonably well maintained in keeping with neighborhood standards.

ii The proposed expansion shall not be contrary to the purposes of the Zoning Ordinance or the intent of the zoning district in which it is located.

iii No portion of the structure shall be located within a wetland area as defined by the Michigan Department of Natural Resources, or any subsequent authority.

(2) A structure designated a Class A Nonconforming Structure, may be expanded or enlarged provided any such expansion or enlargement shall not increase the degree or extent of any existing nonconforming conditions nor result in other additional nonconforming conditions; and provided further that all other standards of this Zoning Ordinance and the Building Code are satisfied.

(3) A written application for designation of a structure as a Class A Nonconforming Structure shall be filed with the Zoning Administrator. Such application shall set forth the name and address of the applicant and property owner, the legal description of the property and provide a complete description of the proposed expansion or enlargement of the structure. The Planning Commission shall hold a public hearing on the proposed Class A Nonconforming Structure designation with public notice to be provided as set forth in Section 1904. Following the public hearing, the Planning Commission shall consider the facts of the application and render its decision to approve, approve with conditions or deny the Class A Nonconforming Structure designation. In all cases, the Planning Commission shall set forth in writing its findings and reasons for the decision reached.

(4) The designation of a structure as a Class A Nonconforming Structure may be revoked following a hearing as provided in Section 1904 upon a finding by the Planning Commission that due to changes in conditions or circumstances the structure no longer meets the standards for a Class A Nonconforming Structure set forth in sub-paragraph (1) hereof.

B. Nonconforming Lots.

1. Developed lots. If the nature of the nonconformity is the lot fails to meet minimum standards for lot area or width, and the parcel is occupied by existing structures at the time of adoption of this Ordinance, such structures may enlarged or expanded, if all required yards are provided and if the maximum lot coverage requirements of the zoning district are met.

2. Undeveloped lots. Undeveloped or vacant lots in existence at the time of adoption of this Ordinance, which fail to meet the minimum standards for lot area or width, may be developed provided all required yard and maximum lot coverage standards are met.

3. After the date of adoption of this ordinance, no lot shall be created by plat, condominium, land division or other means except in accordance with the requirements of this ordinance or as may be permitted pursuant to Section 1641.
4. Two or more contiguous lots owned by the same person or entity shall be considered to be one parcel for the purposes of this Zoning Ordinance, if one or more of the lots are nonconforming in terms of lot area or width.

Section 2102 Nonconforming Signs

Any sign lawfully in existence at the time of adoption of this ordinance which is nonconforming hereunder, may continue in place for the balance of its useful life, providing:

A. The sign, and its structure, finishes and lighting (if any), are maintained in a good state of repair.

B. No structural alteration shall be made to a nonconforming sign which would increase the degree of nonconformity.

C. Nonconforming signs which require repairs amounting to more than 50% of its replacement value based on its replacement cost, shall be removed at the owner's expense and, if replaced, shall be replaced with a conforming sign.

Section 2103 Repairs and Maintenance

Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of existing nonconforming structures or part thereof, rendered necessary by wear and tear, deterioration or compliance with the provisions of the Michigan Construction Code, relative to the maintenance of buildings or structures. Provided, however, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance shall not exceed fifty percent (50%) of the replacement cost of such building; and provided, further, that any such repair shall not result in an increase in the degree of the nonconformity of such building; and provided, further, that any such repair shall not result in a change of any nonconforming use of said building or part thereof.

Section 2104 Reconstruction and Replacement

A nonconforming structure damaged by fire, explosion, flood, erosion or other acts of God may be restored, rebuilt or repaired only with the approval of the Planning Commission in accordance with the following requirements.

A. No such restoration, reconstruction or repair shall increase the degree of any nonconforming condition.
B. The Planning Commission may attach reasonable conditions to any sketch plan or site plan for the restoration, reconstruction or repair of a nonconforming structure pursuant to this

section. Such conditions may include requirements to adjust the proposed improvements to decrease nonconforming conditions.

Section 2105 Discontinuance of Nonconforming Use

If a nonconforming use is discontinued for any reason for a period of more than twelve (12) months, any subsequent use of the property shall comply with the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exist which indicate an intent on the part of the property owner to abandon the nonconforming use:

A. Utility services, such as water, gas, electricity, to the property have been discontinued.

B. The property, buildings and grounds have fallen into disrepair.

C. Signs or other indications of the nonconforming use have been removed.

D. Equipment or fixtures necessary for the operation of the nonconforming use have been removed.

E. Other actions, which in the opinion of the Zoning Administrator demonstrate an intention on the part of the property owner to abandon the nonconforming use.

Section 2106 Replacement Cost Determination

In the administration of this Article, replacement cost shall be based on the most recent Property Tax Assessment for the property in question. Provided, that if there is a question of the replacement cost of a nonconforming structure, the services of a qualified appraiser approved by the Planning Commission shall be sought and the cost of such determination shall be borne by the property owner or applicant.

Section 2107 Variances

Variances may be granted by the Zoning Board of Appeals to allow the reasonable use of nonconforming lots and structures.

Article 22 – Zoning Board of Appeals

Section 2200 Establishment

There is hereby established a Zoning Board of Appeals in accordance with the Michigan Zoning Enabling Act (being Act 110 of the Public Acts of 2006). The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act and in accordance with the provisions of this Article and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured.

Section 2201 Membership and Terms of Office

A. Membership. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. The first member shall be a member of the Planning Commission, and the member's term on the board shall be concurrent with his or her term on the Planning Commission. The Township Board shall appoint the remaining members of the Board from the electors of the Township residing outside the Village of Bellaire. 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 Chair of the Zoning Board of Appeals. An employee or contractor of the Township may not serve as a member or alternate of the Zoning Board of Appeals.

B. Terms of Office. The term of each member shall be for three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Terms of membership shall be staggered so at least one member's term expires each year and to achieve a reasonable degree of continuity of membership from one year to the next.

Section 2202 Alternates

The Township Board may appoint two (2) alternates members of the Zoning Board of Appeals to serve when one of the regular members has a conflict of interest or is unable to attend two consecutive meetings. Alternates shall serve for three (3) year terms and shall be provided with copies of all agenda materials and meeting minutes of the Zoning Board of Appeals. An alternate member that hears an appeal or variance request shall continue to serve on that case until a final decision has been rendered.

Section 2203 Rules of Procedure

A. The Zoning Board of Appeals shall operate under Robert's Rules of Order except to the extent that any provisions of this Article are contrary thereto, and in that event, the provisions of this Article shall apply.

B. The Zoning Board of Appeals shall meet as needed at the Forest Township Hall or such

other location as may be permitted. All meetings and hearings shall be open to the public and shall comply with the provisions of the Open Meetings Act. Three (3) members shall constitute a quorum and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide on any matter upon which it is required to pass by this Ordinance, or to grant any variances from the requirements of this Ordinance.

C. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the action of the Board, the reasons on which it basis its action, and the vote of each member upon each question. The Zoning Board of Appeals shall keep records of its examinations and official actions, all of which shall be filed promptly with the Township Clerk and shall be public record. A copy of each resolution passed by the Zoning Board of Appeals shall be filed with the Secretary of the Planning Commission.

D. Public notice of all hearings on variances, appeals and other matters before the Zoning Board of Appeals shall be provided in accordance with the provisions of Section 1904.

E. The Zoning Board of Appeals shall decide upon all matters before it in a timely manner. A decision of the Board shall be considered final upon the earlier of either the date of approval of the meeting minutes including the decision, or twenty-one (21) days. A copy of the decisions of the Zoning Board of Appeals shall be transmitted to the applicant or appellant and to the Zoning Administrator within seven (7) days of a final decision.

F. All decisions of the Zoning Board of Appeals shall be binding on the Zoning Administrator and the terms and conditions shall be incorporated in any permit issued pursuant to such decision.

Section 2204 Duties and Jurisdiction

A. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures. It shall also hear and decide appeals from and review any order, requirements, decision or determination made by the administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City, County, or State.

B. On matters involving an appeal of a decision or interpretation by the Zoning Administrator, the Zoning Board of Appeals shall review the record and any relevant materials submitted by the Zoning Administrator and appellant, and render a decision to affirm or reverse the decision or interpretation of the Zoning Administrator.

C. On matters involving an appeal of a decision by the Planning Commission, the Zoning Board of Appeals shall review the record to determine whether the Planning Commission followed required procedures and took into account all relevant facts in reaching its decision. If the Zoning Board of Appeals determines that the Planning Commission failed to follow required procedures or to consider all relevant facts, it shall take be empowered to act in place of the

Planning Commission on the matter under appeal. In so doing, it may affirm or reverse, or alter in any manner, the decision of the Planning Commission based on its review of the record.

D. The Zoning Board of Appeals shall not be empowered

1. To hear appeals of decisions on Special Land Uses, or
2. To alter or change the zoning district classification of any property, or
3. To make any change in the terms or intent of this Ordinance, or
4. To grant any variances which would allow any land use otherwise not permitted in the zoning district.
5. To hear appeals of any kind which are not filed in writing with the Township within 30 days after the decision or order that is the subject of the appeal. *(Amended June 2025)*

E. In all cases, the grounds of every determination shall be stated.

Section 2205 Variances

The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds, based on competent material and substantial evidence, that all of the following standards are met:

A. That the variance is necessitated by unique or unusual circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, topography, surface water or other extraordinary conditions not typically found on similar properties.

B. That the need for the variance is not based on the applicants' personal circumstances or economic hardship.

C. That the variance is not necessitated by, nor the result of, actions or negligence of the applicant or current or previous property owners.

D. That the requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.

E. That the requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use for which a special land use permit is required.

F. That the requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.

G. That the conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.

H. That the requested variance shall relate only to property that is under control of the applicant.

I. That there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

J. That strict compliance with the requirements of the ordinance under appeal would unreasonably prevent the property owner from using the property for a permitted use.

K. The requested variance is the minimum variance that will make possible the reasonable use of the land.

Section 2206 Conditions, Expiration and Re-submittal

A. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

B. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a land use permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

C. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

Section 2207 Stay of Proceedings Pending Appeal

An appeal shall stay all proceedings in furtherance of the action appealed, except as provided herein. Proceedings shall not be stayed in the event the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that a stay would cause imminent peril to life or property. The Zoning Board of Appeals or the Circuit Court may issue a restraining order to re-institute a stay on application and notice to the officer from whom the appeal is taken with due cause shown.

Section 2208 Performance Guarantees

In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Zoning Board of Appeals may require that a performance guarantee be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance or permit and to insure the discontinuance of a temporary use by a stipulated time. Such performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit, at the discretion of the Zoning Board of Appeals.

Article 23 - Amendments

Section 2300 Amendments

Any interested person may request, and the Township may approve or disapprove, an amendment to this Ordinance and/or zoning map. A request for a Zoning Ordinance amendment shall be considered a legitimate administrative alternative to litigating disputes regarding the terms of this ordinance.

Section 2301 Application Procedure

A. An amendment to the text of the Ordinance shall be submitted for consideration by the Planning Commission and Township Board in accordance with the Zoning Enabling Act. A description of the request, reference to the text proposed for amendment, proposed new text, as well as justification for the request shall be included in the petition.

B. An amendment to the zoning map shall be submitted in writing for consideration by the Planning Commission and Township Board in accordance with the Zoning Enabling Act. A description of the request, map of the location of the subject property or properties, description of existing and proposed zoning, as well as justification for the request shall be included in the petition.

C. Applicable Factors. When reviewing an amendment request, the Township may consider, but shall not be limited to:

1. Whether the proposed change is in accordance with the Township's Master Plan.

2. Whether the proposed change is a reasonable alternative to the Master Plan because it will promote land use policies of the Master Plan and will not conflict with present policies.

3. If an amendment represents a change in the Master Plan for Future Land Use, whether the change:

a. would be compatible with existing or future uses in the area.

b. would not have a negative impact on the policies of the Master Plan.

c. would further the objectives, goals or policies of the Master Plan.

d. would preserve an existing, unique natural area.

4. Other factors set forth in the Zoning Enabling Act

D. Notice. Public notice of a hearing, consideration and adoption of an amendment to this Ordinance shall follow the process set forth in Section 1904 and in the Zoning Enabling Act.