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BOARDMAN TOWNSHIP ZONING ORDINANCE

TITLE:

An Ordinance enacted pursuant to the authority contained in Act 184 of the Public Acts of Michigan for 1943, as amended, known as the "Township Rural Zoning Act" for the establishment of zoning Districts in the unincorporated portions of Boardman Township, County of Kalkaska, Michigan, to provide for regulations to govern the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated or prohibited; to establish a Zoning Board of Appeals, to grant authority to said Board in addition to that expressly provided in said Public Act 184; to provide for the enforcement of the provisions of said Ordinance and penalties and other relief for violation of said Ordinance; to provide for the amendment thereof and the repeal of all Ordinances or parts of Ordinances in conflict therewith. The BOARDMAN TOWNSHIP ORDAINS:

ARTICLE ONE

PURPOSE AND GENERAL LIMITATION

SECTION 1.01 TITLE:

This Ordinance shall be known as the Boardman Township Zoning Ordinance.

SECTION 1.02 PURPOSES:

The fundamental purposes of this Ordinance are:

1.02 (A) To promote the public health, safety, morals, peace, and general welfare of the inhabitants of Boardman Township; and

1.02 (B) To provide for the protection and preservation of the high water quality of our lakes, rivers, streams, and wells to the end that the waters thereof shall continue to afford a safe and adequate water supply and optimum recreational enjoyment; and

1.02 (C) To protect the lands, water, air, and other resources of the Township during the time required for the formulation and adoption of a comprehensive plan for the development of the Township; and

1.02 (D) Avoid the overcrowding of populations.

SECTION 1.03 GENERAL LIMITATIONS OF ORDINANCE:

1.03 (A) Existing Uses of Lands, Buildings and Structures.

At the discretion of the property owner, the lawful use of any building or structure, and of any land or premises as existing and lawful on the date of adoption of this Ordinance, or on the date of a subsequent amendment thereto, may be continued even though such use may not be in conformity with the provisions of this Ordinance.

1.03 (B) Exemption of Customary Accessory Farm Buildings and Structures.

The provisions of this Ordinance shall not apply to the erection, repair or use of customary accessory farm buildings and structures, such as barns, sheds, pens, fences and the like, provided that no

building or structure other than open fences through which there shall be clear vision shall hereafter be erected or moved less than twenty (20) feet from any highway right-of-way line abutting the premises.

1.03 (C) Conflicting Laws, Regulations and Restrictions.

The provisions of this Ordinance shall be held to be the minimum requirements for promoting the public health, morals, safety or general welfare. Whenever the requirements of other lawfully adopted rules, regulations, or restrictions, or with existing easements, covenants, or other agreements between the parties conflict, the requirements imposing the higher standard shall govern.

SECTION 1.04 DEFINITIONS

1.04 (A) Lot: A legally created parcel of property, unbroken by a public right of way, meeting the minimum dimensions and requirements of the zoning district in which it is located.

1.04 (B) Lot Area: The size of any lot, which shall exclude any easements or rights of way, public or private, to which the lot is subject to or burdened by.

1.04 (C) Lot Line: A line which marks the boundary of a lot and which divides at least two parcels of property.

1.04 (D) Lot Line-Front: In the case of an interior lot, the lot line separating the lot from the road or highway; in the case of a corner lot or double-frontage lot, the lot line separating the lot from that road or highway which is designated as the front road or highway in the request for a Zoning Permit.

1.04 (E) Lot Line-Rear: The lot line opposite the most distant from the front lot line; in the case of irregularly shaped lot, such lot line shall be an imaginary line parallel to the front lot line but not less than ten (10) feet long and measured wholly within the lot.

1.04 (F) Lot Line-Side: Any lot line which is not a front lot line or a rear lot line; a lot line separating a lot from a side road or highway is an exterior side lot line while a lot line separating a lot from another lot, or lots, is an interior side lot line.

1.04 (G) Lot Line-Waterfront: A line which is adjacent to a body of water and divides a parcel of property from a body of water.

1.04 (H) Lot - Non-Conforming: An existing lot which was of legal record prior to the effective date of this Ordinance or any amendment thereto and which does not conform to the lot size of the district in which it is located.

1.04 (I) Lot of Record: Any parcel of land recorded in the Register of Deeds office.

ARTICLE TWO

TOWNSHIP BOARD, TOWNSHIP ZONING BOARD, AND BOARD OF APPEALS

SECTION 2.01 TOWNSHIP BOARD - MEMBERSHIP:

The Township Board shall consist of five (5) members as provided for in MCLA 41.70; MSA 5.62.

SECTION 2.02 TOWNSHIP BOARD - DUTIES:

The Township Board shall perform those duties and exercise those powers provided by law, together with such additional powers as specified in this Ordinance.

SECTION 2.03 TOWNSHIP ZONING BOARD - MEMBERSHIP:

The Township Zoning Board shall consist of no less than four (4) and no more than seven (7) members who shall be appointed in accordance with MCLA 125.274; MSA 5.2963(4).

SECTION 2.04 TOWNSHIP ZONING BOARD - QUALIFICATIONS, TERMS, VACANCIES, REMOVAL.

The members of the Zoning Board shall be selected upon the basis of their respective qualifications and fitness to serve as members of a Zoning Board and without consideration for their political activities. Of the members first appointed, two (2) shall be appointed for terms of two (2) years each. The other two (2) members shall be appointed for terms of four (4) years each; or in case of a Township Zoning Board of more than four (4) members, three (3) shall be first appointed for two (2) years each and the others first appointed for four (4) years each. A member of the zoning board shall serve until a successor is appointed and has qualified. Upon the expiration of the terms of the members first appointed, successors shall be appointed, in like manner, for terms of four (4) years each. A vacancy shall be filled in the same manner as is provided for the appointment in the first instance for the remainder of the unexpired term. An elected officer of the Township or an employee of the Township Board shall not serve simultaneously as a member or an employee of the Zoning Board. Members of the Zoning Board

shall be removable for misfeasance, malfeasance, or nonfeasance in office by the Township Board upon written charges and after public hearing.

SECTION 2.05 TOWNSHIP ZONING BOARD – DUTIES:

The Township Zoning Board shall perform those duties and exercise those powers provided by law, together with such additional powers as specified in this Ordinance.

SECTION 2.06 ZONING BOARD OF APPEALS – MEMBERSHIP.

The Township Zoning Board of Appeals shall consist of members who shall be appointed in accordance with MCLA 125.288; MSA 5.2963(18).

SECTION 2.07 ZONING BOARD OF APPEALS – QUALIFICATIONS, TERMS, VACANCY,

REMOVAL:

The first member of the Board of Appeals shall be a member of the Township Zoning Board. The remaining members of the Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals. The total amount allowed the Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the Township Board. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office. Terms shall be for three (3) years, except for members serving because of their membership on the Zoning Board,

Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Zoning Board, Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. A Township Board of Appeals shall not conduct business unless a majority of the members of the Board is present.

SECTION 2.08 DUTIES:

The Zoning Board of Appeals shall perform those duties and exercise those powers provided by law, together with such additional powers as specified in this Ordinance.

ARTICLE THREE
ZONING DISTRICTS

SECTION 3.01 CLASSIFICATION OF ZONING DISTRICTS:

For the purposes set forth in the Preamble, all of the unincorporated area of Boardman Township is hereby divided into the following Zoning Districts. The location of each Zoning District is shown on a map entitled "Zoning Districts Map of Boardman Township, Michigan", which map is hereby made a part of this Ordinance. All proper notations on the map shall be as much a part of this Ordinance as though specifically described herein.

SECTION 3.02 INTERPRETATION OF DISTRICT BOUNDARIES:

Unless otherwise indicated, the boundary lines of Zoning Districts shall be interpreted as following along section lines, or customary division lines of sections, such as quarter or eighth lines; or the center line of highways and natural water courses, or the boundary lines of incorporated areas, recorded plats or subdivisions; or property lines of legal record at the office of the Kalkaska Register of Deeds on the date of enactment of this Ordinance; or the straight-line projection of any said lines.

- (A) Residential Districts, R.
- (B) Resort and Residential Districts, R-R.
- (C) Agricultural-Residential Districts, A-R.
- (D) Forest-Recreational Districts, F-R.
- (E) Commercial Districts, C.
- (F) Industrial Districts, I.
- (G) Natural River Overlay Districts, N-R.

ARTICLE FOUR

RESIDENTIAL DISTRICTS, R

The following provisions shall apply to all Residential Districts, R.

SECTION 4.01 PURPOSE:

The purpose of providing Residential Districts, R, is to establish areas in the unincorporated areas of the Township, and the Suburban and rural sections of the Township primarily dedicated to residential uses in which each dwelling hereafter erected is located on an individual lot or premises adequate in size, and shape, and to provide safe water and sewage disposal facilities, minimize spread of fire, and set back from the public thoroughfare to facilitate safe exit from and entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of each such District as well as provide suitable and safe conditions for family living. Since certain other uses of land, buildings and structures are generally accepted as compatible with residential uses, if properly integrated, the inclusion of various such uses is provided by Special Approval.

SECTION 4.02 PROPERTY USES:

Except as provided by Section 1.03, the use of all lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

4.02 (A) Primary Uses (not subject to Special Approval).

1. One-family and two-family dwellings.
2. House trailer or mobile home, as provided under Section 13.08 (B).

4.02 (B) Uses subject to Special Approval, as provided by Section 13.05.

1. All uses not specified in Section 4.02(A) (1) and (2).

4.02 (C) Accessory Uses, Buildings and Structures.

Accessory uses, and minor buildings customarily incidental to any Primary or Approved Use, which do not alter the character of the District.

4.02 (D) Every platted or unplatted lot in this zone shall meet the following requirements:

1. No building or structure shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is lesser, unless as otherwise provided by this Ordinance.

2. Every dwelling shall consist of a basic structure excluding garages, porches, decks, walkways, work sheds, and storage sheds. The basic structure shall have a minimum useable floor area of six hundred eighty (680) square feet. The basic structure shall not be made up of additions of a dissimilar type or quality of construction or materials.

3. Lot Area - All lots in this zone shall have a minimum width of one hundred (100) feet at the front lot line, the building line, and the waterfront lot line, and shall have a minimum lot area of one-half (1/2) acre.

ARTICLE FIVE

RESORT-RESIDENTIAL DISTRICTS, R-R

The following shall apply to all Resort-Residential Districts, R-R.

SECTION 5.01 PURPOSES:

These Districts are intended to promote the proper use, enjoyment, and conservation of the water, land, and associated resources of the Township deemed peculiarly adopted to relatively "intense" recreational and residential property uses. As in Residential Districts, R, certain uses recognized desirable and compatible with the primary uses of the District are provided for by Special Approval. As in Residential Districts, R, lot sizes and other regulations must meet minimum requirements.

SECTION 5.02 PROPERTY USES:

Except as provided by Section 1.03, the uses of all lands and premises, and erection of and use of all buildings and structures shall hereafter be limited to the following:

5.02 (A) Primary Uses (not subject to Special Approval).

1. One-family and two-family dwellings, and summer cottages.
2. House trailers, or mobile homes, as provided under Section 13.08 (B).

5.02 (B) Uses subject to Special Approval, as provided by Section 13.05.

1. All uses not specified in Section 5.02 (A) (1) and (2).

5.02 (C) Accessory Uses, Buildings and Structures.

Accessory Uses, and minor buildings and structures customarily incidental to any Primary or Approved Use, which do not alter the character of the District.

5.02(D) Every platted or unplatted lot in this zone shall meet the following requirements:

1. No building or structure shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet whichever is the lesser, unless as otherwise provided by this Ordinance.

2. Every dwelling shall consist of a basic structure excluding garages, porches, decks, walkways, work sheds, and storage sheds. The basic structure shall have a minimum useable floor area of four hundred eighty (480) square feet. The basic structure shall not be made up of additions of a dissimilar type or quality of construction or materials.

3. Lot Area – All lots in this zone shall have a minimum width of one hundred (100) feet at the front lot line, the building line, and the waterfront lot line and shall have a minimum lot area of one-half (1/2) acre.

ARTICLE SIX

AGRICULTURAL-RESIDENTIAL DISTRICTS, A-R

The following provisions shall apply to all Agricultural-Residential Districts, A-R.

SECTION 6.01 PURPOSE:

The predominant land uses in this District are rural, and it is the purpose of the provisions of the Ordinance to conserve this character in a general way. As roads and highways are improved, and expressways extend into the District, further residential developments including a limited number of commercial and other enterprises may be anticipated. While this Ordinance seeks to conserve the general rural character of the District, it also recognizes the importance of providing safe desirable standards for the newer in-coming developments.

SECTION 6.02 PROPERTY USES:

Except as provided by Section 1.03, the use of all lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

6.02 (A) Primary Uses (not subject to Special Approval).

1. Crop and livestock farming, including truck gardens, tree farms, and other specialty crops.
2. Processing of products produced on the farm premises, including a roadside stand for the sale thereof.
3. One-family and two-family dwellings.
4. Mobile homes or house trailers as provided under Section 13.08 (B).

6.02 (B) Uses Subject to Special Approval

1. All uses not specified in Section 6.02 (A) (1), (2), (3), and (4).

6.02 (C) Accessory Uses, Buildings and Structures.

Accessory uses, and minor buildings and structures customarily incidental to any Primary or Approval Uses, which do not alter the character of the District.

6.02 (D) Height, Area & Yard Restrictions.

Every platted or unplatted lot in this Zone shall meet the following requirements:

1. Each dwelling together with its accessory buildings hereafter erected shall be located on a lot or parcel of land not less than one (1) acre in size, but this shall not prevent the use of a lot or parcel of land of lesser size, provided the same was of legal record on the date of the passage of this Ordinance. All lots in this zone shall have a minimum width of one hundred (100) feet at the front lot line, the building line, and the waterfront lot line.

2. The height of all structures shall not exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet unless it is used solely for the storage of farm equipment, products or feed (i.e., silage, corn, hay, etc.) in which case the maximum height shall not exceed seventy (70) feet in height.

3. Every dwelling shall consist of a basic structure excluding garages, porches, decks, walkways, work sheds, and storage sheds. The basic structure shall have a minimum useable floor area of six hundred eighty (680) square feet. The basic structure shall not be made up of additions of a dissimilar type or quality of construction or materials.

ARTICLE SEVEN

FOREST-RECREATION DISTRICT, F-R

SECTION 7.01 PURPOSE:

These Districts are intended to promote the proper use, enjoyment and conservation of the forest, water, topographic, geologic, historic, and other resources of the Township peculiarly adopted to forestry, forest industries, and recreational uses in general. As in District A-R, various uses are provided for by Special Approval.

SECTION 7.02 PROPERTY USES:

Except as provided by Section 1.03, the use of all lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

7.02 (A) Primary Uses (not subject to Special Approval).

1. Archery and shooting ranges.
2. Forestry. Production of forest crops.
3. Harvesting of any native or wild crop permitted by law.
4. Hunting and fishing or dwellings; outdoor and sportsman clubs.
5. One-family dwellings.
6. Tree farms.
7. House trailers or mobile homes as provided under Section 13.08 (B).

7.02 (B) Use Subject to Special Approval.

1. Camp grounds.

7.02 (C) Accessory Uses, Buildings and Structures Uses, and Minor Buildings and Structures customarily incidental to any Primary or Approved Use.

7.02 (D) Height, Area, and Yard Restrictions.

Every lot in this District shall have:

1. A minimum area of at least one (1) acre and a minimum width of one hundred (100) feet at the front lot line, the building line, and the waterfront lot line.
2. The height of all structures shall not exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is the lesser, unless as otherwise provided by this Ordinance.
3. Every dwelling shall consist of a basic structure excluding garages, porches, decks, walkways, work sheds, and storage sheds. The basic structure shall have a minimum usable floor area of six hundred eighty (680) square feet. The basic structure shall not be made up of additions of a dissimilar type or quality of construction or materials.

ARTICLE EIGHT

COMMERCIAL DISTRICTS, C

The following provisions shall apply to all Commercial Districts, C.

SECTION 8.01 PURPOSE:

The purpose of establishing Commercial Districts "C" is to provide areas primarily dedicated to a variety of establishments, including personal, professional and other services commonly associated with commercial and business centers.

SECTION 8.02 REVIEW PROCEDURES:

Before a building permit for a use within this District shall be issued, the owners or lessees shall submit the following material to the Township Zoning Board for review and approval.

1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, screening fences or walls, and other construction features which may be proposed.

2. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

SECTION 8.03 PROPERTY USES:

Except as otherwise provided by Section 1.03, the use of all lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to one or more of the following:

8.03 (A) Primary Uses (not subject to Special Approval).

1. Retail stores and shops when conducted within enclosed buildings and offering chiefly new merchandise.

2. Art galleries and antique shops.

3. Auditoriums.

4. Automobile sales, rentals and repairs.
5. Bakeries.
6. Banks and business and professional offices.
7. Boat sales, repairs and rentals.
8. Carpentry, plumbing, upholstery, sign painting, interior decorating, baking, jewelry and curio making, photography, and similar establishments when conducted within a completely enclosed building without outside storage and operated as a retail business.
9. Civic, social and fraternal buildings not operated for profit.
10. Florist shops, nurseries, garden supplies, and greenhouses.
11. Fruit and vegetable stands.
12. Laundromats, laundries and clothier-cleaning establishments without use of explosives or inflammable cleaning fluids.
13. Libraries.
14. Lodging, boarding, and tourist homes.
15. Mortuaries and funeral homes.
16. Motels.
17. Publicly-owned parks and playgrounds.
18. Personal service shops, such as beauty parlors, barber shops, dress making, tailoring and shoe repair.
19. Printing, publishing, lithographing, blueprinting, and photostating.
20. Publicly-owned grounds and building.
21. Radio-TV shops and studios.
22. Real estate offices.
23. Commercial recreational enterprises, including bowling alleys.

24. Restaurants, but not including drive-ins.
25. Sales and service of farm machinery, fertilizers, feeds and other farm supplies.
26. Sales of Christmas trees for not more than forty-five (45) days during the

Christmas season.

27. Photographic studios, music and dance studios.

8.03 (B) Uses Subject to Special Approval.

1. Building material, sales and storage.
2. Clinics and hospitals, including health services such as baths, massage, and other therapies.
3. Commercial antennas.
4. Commercial swimming pools.
5. Dance halls.
6. Drive-in food and drink services.
7. Public garages. Gasoline service stations and machine shops.
8. Miniature golf.
9. Mobile-home courts, trailer parks, mobile-home sales.
10. Museums.
11. Churches and related religious buildings and facilities customarily incidental thereto, but not including tents and other temporary structures.
12. Night clubs.
13. Commercial parking lots.
14. Public utility buildings, including storage and service yards.
15. Storage warehouses.
16. Commercial swimming pools, on lots not less than one (1) acre.

17. Taverns.
18. Trade schools and business colleges.
19. Used-car lots.
20. Veterinary hospitals, but not including outside kennels.

8.03 (C) Accessory Uses, Building and Structures.

Accessory Uses, and minor buildings and structures customarily incidental to any Primary Use or Approved Use.

8.03 (D) Height, Area, and Yard Restrictions.

1. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is the lesser.
2. All lots in this District shall have a minimum lot area of one (1) acre and a minimum width of one hundred (100) feet at the front lot line, the building line, and the waterfront lot line.
3. Every building shall consist of a basic structure excluding garages, porches, decks, walkways, work sheds, and storage sheds. The basic structure shall have a minimum usable floor area of six hundred eighty (680) square feet. The basic structure shall not be made up of additions of a dissimilar type or quality of construction or materials.
4. Where the rear of a lot in a Commercial Zone abuts upon a lot in a Residential, Resort-Residential, or Agricultural-Residential Zone, there shall be a rear yard setback of not less than thirty-five (35) feet, including a ten (10) foot greenbelt or privacy fence. The greenbelt or privacy fence shall be of sufficient height to shield commercial operations and the storage of items on the commercial property from the view of the Residential, Resort-Residential, or Agricultural-Residential property. The greenbelt shall consist of natural materials such as trees, shrubs, rocks, bushes, grass, or berming.

ARTICLE NINE

INDUSTRIAL DISTRICTS, I

The following provisions shall apply to all Industrial Districts, I:

SECTION 9.01 REVIEW PROCEDURE:

Before a building permit for a use within the District shall be issued, the owners or lessees shall submit the following material to the Township Zoning Board for review and approval.

1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, screening fences or walls, and other construction features which may be proposed.

2. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

SECTION 9.02 PROPERTY USES:

Except as otherwise provided by this Ordinance, the use of all lands, and the erection, use and alteration of all buildings and structures shall hereafter be limited to the following:

1. The production, processing, assembly, manufacturing or packaging of any goods, or materials including testing, repair, storage, distribution, and sale of such product at wholesale.

2. Airports.

3. Commercial antennas.

4. Auto repair garages.

5. Building materials and hardware supplies.

6. Clothes cleaning establishments.

7. Dwellings or house trailers under temporary permit granted by the Zoning Board for a period not exceeding twelve (12) months for the use of a resident watchman or caretaker, when required.

8. Commercial earth removal.

9. Gasoline service stations.

10. Gravel extraction and processing.

11. Junkyards, salvage yards, and sanitary land fills, (as provided by the Kalkaska County Junk Yard and Vehicle Ordinance).

12. Lumber and fuel.

13. Machine shops.

14. Office buildings.

15. Public utility buildings.

16. Publicly-owned buildings and grounds.

17. Ready-mix concrete and asphalt plants.

18. Reduction, conversion and disposal of waste materials, but not as dumps.

19. Sale and service of farm machinery, fertilizers, feeds and other farm supplies.

20. Slaughter houses.

21. Stockyards.

22. Storage and warehousing, but not including commercial explosives or commercial bulk storage of flammable liquids or gases.

23. Truck terminals for maintenance and repair.

24. Veterinary hospitals and kennels.

25. Wholesale houses.

26. Wholesale contractor's yards and buildings, but without retail activities.

27. Any industrial use which meets the intent and standards of the District.

SECTION 9.03 USES SUBJECT TO SPECIAL APPROVAL:

1. Brine disposal wells are subject to the following:

(a) Applicant shall obtain all appropriate permits from other governmental agencies including the Michigan Department of Natural Resources before engaging in the conduct requested.

(b) Applicant shall provide an environmental impact statement and shall demonstrate to the Board's satisfaction that there will be no conduct which is likely to pollute, impair, or destroy the air, water, or other natural resources or the public trust therein; that there is no feasible and prudent alternative to the conduct and that the conduct is consistent with the promotion of the health, safety, and welfare in light of the paramount concern for protection of natural resources.

(c) Applicant shall plan for, by sealed engineering plans and provide an impervious paved area capable of containing and collecting any potential spillage on the ground surface, including spillage from vehicles, storage tanks and equipment, to prevent surface water from percolating to ground water.

(d) Applicant shall submit competent plans and diagrams showing the conduct proposed and shall not deviate from nor enlarge upon such conduct as shown in such plans or as contained in any special land use permit issued hereunder.

(e) The Zoning Board may impose reasonable conditions on the conduct proposed as may be allowed by law.

(f) No disposal brine well shall be allowed closer than two thousand (2,000) feet from any existing dwelling, water well, or wetland draining into a stream, river, or body of water; wetland being defined in the Wetland Protection Act of 1979, Public Act 203 as a bog, swamp, or marsh contiguous to a lake, pond, river, or stream and being more than five (5) acres in size.

No more than one (1) brine well shall be allowed per section (640 acres) or land and they shall be a minimum distance of two thousand (2,000) feet apart.

No brine well shall be allowed closer than one thousand (1,000) feet from a State Highway.

(g) Applicant shall obtain adequate liability insurance to the Board's satisfaction to cover any damages nearby Township residents might suffer from such a conduct.

2. Toxic, Chemical, or Nuclear Waste Disposal.

None of the above items shall be disposed of within the boundaries of Boardman Township.

9.04 Height, Area & Yard Restrictions.

Every platted or unplatted lot in this Zone shall meet the following requirements:

1. Each building together with its accessory buildings hereafter erected shall be located on a lot or parcel of land not less than one (1) acres in size but this shall not prevent the use of a lot or parcel of land of lesser size, provided the same was of legal record on the date of the passage of this Ordinance. All lots in this zone shall have a minimum width of one hundred (100) feet at the front lot line, the building line, and the waterfront lot line.

2. Each building shall consist of a basic structure excluding garages, porches, decks, walkways, work sheds, and storage sheds. The basic structure shall have a minimum usable floor are of six hundred eighty (680) square feet. The basic structure shall not be made up of additions of a dissimilar type or quality of construction or materials.

3. Where the rear of a lot in an Industrial Zone abuts upon a lot in a Residential, Forest-Residential, or Agricultural-Residential Zone, there shall be a rear yard set back of not less than thirty-five (35) feet, including a ten (10) foot greenbelt or privacy fence. The greenbelt or privacy fence shall be of sufficient height to shield industrial operations and the storage of items on the industrial property from the view of the Residential, Forest-Residential, or Agricultural-Residential property. The greenbelt shall consist of natural materials such as trees, shrubs, rocks, bushes, grass, or berming.

ARTICLE TEN

NATURAL RIVER OVERLAY DISTRICTS, N-R

The following shall apply to all Natural River Overlay Districts, N-R

SECTION 10.01 PURPOSES:

The purpose of providing Natural River Overlay Districts, N-R, is to protect and enhance the values of those portions of the Boardman River and its tributaries which have been designated as a "natural river" pursuant to the Natural River Act, Public Act 231 of 1970. These Districts are intended to:

1. Promote the public health, safety, and general welfare, prevent economic and ecological damage due to unwise development patterns within the Districts, and preserve the values of the Districts for the benefit of present and future generations;
2. Protect the free-flowing condition, fish and wildlife resources, water quality, scenic and aesthetic qualities, and historical and recreational values of the Boardman River and its tributaries and adjoining land;
3. Prevent flood damage due to interference with natural floodplain characteristics;
4. Provide for residential and other compatible, permitted uses that complement the natural characteristics of the natural river system; and
5. Protect individuals from investing funds in structures proposed for location on lands unsuited for such development because of high groundwater, erosion, or vulnerability to flood damage.

SECTION 10.02 RELATION TO UNDERLYING DISTRICTS:

The regulations of Natural River Overlay Districts, N-R, are in addition to any regulation of the underlying zoning Districts. In the event that regulations of these Districts conflict with the regulations of the underlying Districts, the more restrictive regulations shall control.

SECTION 10.03 GENERAL PROVISIONS:

The following general provisions apply to the use of any land within these Districts:

10.03(A) A lot that exists on the effective date of this Article shall not be subdivided or reduced in dimension or area below the minimum requirements of this Ordinance. Lots that are created after the effective date of this Article shall meet the minimum requirements of this Ordinance. All lots in this zone shall have a minimum width of one hundred (100) feet at the front lot line and the waterfront lot line.

10.03(B) A fifty (50) foot minimum restrictive cutting belt shall be maintained on each side of the stream. Trees and shrubs may be pruned for a filtered view of the stream upon approval of the Zoning Administrator, but clear cutting in the natural vegetation strip is prohibited. The natural vegetation strip is also subject to both of the following provisions:

1. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, may be removed;
2. Selective removal or trimming of trees for timber harvest, access, woodlot improvement, landscaping, or public utility lines to service private, single-family dwellings are permitted upon approval of the Zoning Administrator or area forester.

10.03 (C) The provisions of this Article do not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions applicable to lands within these Districts, except that if this Article imposes greater restrictions than those found on such easements, covenants, or deeds, the provisions of this Article shall prevail.

10.03 (D) The provisions of this Article do not permit actions prohibited by other statutes or Ordinances which are applicable to these Districts.

SECTION 10.04 PROPERTY USES:

Except as provided by Sections 1.03(A) and 1.03 (C), the use of all lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

10.04 (A) Primary Uses (not subject to Special Approval).

1. Private camping and other recreational activities which do not require the installation of permanent structures and which are outside the natural vegetation strip required by Section 10.03(B).
2. The operation of watercraft, subject to the limitations of Ordinances established under the authority of Act No. 303 of the Public Acts of 1967, as amended.
3. Fishing and hunting in compliance with existing laws and rules.
4. Reforestation and other accepted forest management practices, subject to the limitations of Section 10.03(B).
5. Normal agricultural activities, if the activities meet the requirements of this Ordinance and if such activities do not contribute to stream degradation.
6. The operation of licensed motor vehicles on dedicated public roads or access roads to private single-family dwellings.
7. Off-road operation of emergency and public utility maintenance vehicles.
8. Private footpaths that are constructed of natural materials to facilitate permitted uses.

10.04(B) Uses Subject to Special Approval, as provided by Section 13.05.

1. One single-family dwelling and appurtenances on a lot not less than two hundred (200) front-feet wide and two hundred (200) feet deep, subject to the following limitations:
 - (a) New buildings and appurtenances shall be required to set back not less than one hundred (100) feet from the stream's edge;
 - (b) New structures shall be set back not less than fifty (50) feet from the top of the bluff on the cutting edges of the stream, or twenty-five (25) feet from the top of the bluff on the noncutting edge of the stream; and

(c) Set back shall be not less than fifteen (15) feet from side lot lines and not less than twenty-five (25) feet from the right-of-way of a public road; and

(d) New structures shall not be located on land that is subject to flooding.

2. Plats, if the minimum setbacks and lot width requirements specified in Section 10.04(B)(1) are met.

3. Private boat docks that are not more than ten (10) feet in length, with none of the dock extending over the water, if they are designed, constructed and maintained with indigenous natural materials, and if a permit is issued under the authority of Act No. 346 of the Public Acts of 1972, as amended.

4. Mining and extracting industries which are located more than three hundred (300) feet from the ordinary high-water mark, if they are constructed and operated pursuant to applicable Ordinances and state laws and rules.

5. Utility lines to service private single-family dwellings.

6. Utility transmission lines on lands or interests in real property which are continuously owned by a utility from January 1, 1971.

7. Disposal fields and septic tanks which are located not less than one hundred (100) feet from the ordinary high-water marker or on lands that are not subject to flooding, whichever distance is greater, and which are in conformance with county health codes and this Ordinance. In addition, a septic tank or absorption field shall not be closer than fifty (50) feet to any surface or subsurface drainage system emptying into the stream.

8. Land alteration, such as grading, dredging and filling of the land surface, unless the high-groundwater table is within six (6) feet of the land surface, if the activities meet all provisions of state law, and if approval is granted by the local soil erosion and sedimentation control enforcement agency and the Michigan Department of Natural Resources.

9. Signs and outdoor advertising devices shall meet all of the following requirements:

(a) They shall be related to permitted uses;

(b) They shall not be more than one (1) square foot in area for residential uses and not more than four (4) square feet in area for any other uses;

(c) They shall not be illuminated by a neon light or flashing device; and

(d) They shall not be attached to a tree or shrub.

10. Other uses for which an applicant is granted a permit by the Zoning Board pursuant to Sections 10.05 and 10.06.

SECTION 10.05 SPECIAL EXCEPTIONS:

Special exception permits may be granted to allow a use in the District which is not specifically permitted by Section 10.04, if implementation of that use does not contravene the purposes of this Ordinance as specified in Sections 1.02 and 10.01, and if the following requirements are met:

10.05 (A) Application for a special exception permit shall be made on a form provided by the Zoning Administrator.

10.05 (B) Upon reviewing an application for a special exception permit, the Township Zoning Board shall require the applicant to furnish all of the following information which the Zoning Board deems necessary for determining the suitability of the particular site for the proposed use:

1. The information specified at Section 13.05 (B).

2. A surface view plan which gives accurate dimensions on either a scale drawing or a rough sketch and which shows all of the following:

(a) Elevations of contours of the ground, including existing earth fills;

(b) Generalized vegetative cover;

(c) Size, location and spatial arrangement of all proposed and existing structures on the site; and

(d) Location and elevation of streets, access roads, and water supply and sanitary facilities.

3. Photographs that show existing land uses and vegetation upstream and downstream from the proposed use.

4. Valley cross sections that show the natural stream channel; streambanks; high-water markers; flood marks, if known; and locations of proposed developments.

5. All other information which is deemed relevant by the Zoning Board and which is necessary to carry out the intent and provisions of this Ordinance.

10.05 (C) Before considering applications, the Township Zoning Board shall give notice to all of the following:

1. Property owners whose property is within five hundred (500) feet of the proposed use as shown on the current tax assessment rolls.

2. The appropriate local officials and Michigan Department of Natural Resources personnel, including all of the following:

(a) the township supervisor;

(b) the township building inspector;

(c) the county health officer;

(d) the local soil erosion and sedimentation control enforcement agency;

(e) county planning and zoning officials;

(f) the soil conservation service;

(g) the regional office and natural rivers section of the Michigan Department of Natural Resources; and

(h) Boardman River advisory council.

3. Any other interested parties who request that they be notified of such applications in these Districts.

10.05 (D) In reviewing an application, the Township Zoning Board shall consider all of the following:

1. All relevant factors specified in light of the spirit and intent of the purposes specified in Sections 1.02 and 10.01.

2. The economic effect of the subject property weighed in light of the applicant's entire continuous holdings and not merely the portion within these Districts. If the subject portion is the remainder of a larger holding, this fact, together with a description of the title history, shall be included in the hearing evidence.

3. Increases in flood levels and flood damage that may be occasioned by the proposed use at the site and upstream and downstream from the site, water quality consequences, and other relevant factors within the terms of this Ordinance.

4. The cumulative effect upon these Districts from the potential development of holdings in a legal position similar to the applicant's, if the applicant's request is approved by the Zoning Board.

5. Reasonable alternatives that are available to the applicant.

10.05 (E) In weighing the applicant's request, consideration of public health, safety, and welfare shall prevail unless private injury is proved by a preponderance of the evidence, to be so great as to override the public interest.

10.05 (F) A requested use shall not be granted if the Zoning Board determines that the requested use poses a substantial hazard to life or to public or private property rights.

10.05 (G) The Zoning Board shall attach such conditions to the granting of a special exception permit as are necessary to further the purposes of this Ordinance.

10.05 (H) A special exception use shall adhere strictly to the terms of the special exception permit. A special exception permit that does not adhere strictly to the terms of the permit may be revoked by the zoning board.

SECTION 10.06 SUBSTANDARD LOTS OF RECORD:

10.06 (A) The Township Zoning Board, in compliance with the terms of this Section, shall grant a permit if, because of either of the following circumstances, a proposed structure cannot be erected on a lot of record or a lot described in a deed or land contract executed and delivered before the effective date of this Article:

1. The lot is of insufficient width, depth, or area;
2. Physical limitations exist on an existing lot or parcel.

10.06 (B) The Zoning Board shall ensure that all structures are located to best meet the objectives and purposes of this Ordinance, the adopted Boardman River natural river plan, and Act No. 231 of the Public Acts of 1970.

10.06 (C) The Zoning Board shall determine if a proposed structure on a lot of record or on a lot described in a deed or land contract executed and delivered before the effective date of this Article cannot conform to the standards listed in Section 10.04(B)(1) and is, therefore, ineligible for consideration for use under Section 10.04.

10.06 (D) A written application for a zoning permit on a lot of record shall be filed with the Zoning Administrator. The same information required in Section 13.05(B) shall be submitted with an application.

10.06(E) The Zoning Board shall grant a zoning permit for the use of a substandard lot of record only upon a showing of all of the following:

1. Granting the permit is not contrary to public interest.

2. The permit does not allow the establishment of a use not otherwise permitted by this Ordinance.
3. The permit applies only to the property under the control of the applicant.
4. The practical difficulties claimed by the applicant are not the result of actions taken by the applicant.
5. Granting the permit poses no substantial hazard to life or to public or private property rights, secures public safety, and does substantial justice.
6. Granting the permit will not result in an increase of flood levels or risk of flood damage to other lands.
7. The lot shall be developed pursuant to Michigan Department of Natural Resources requirements under Act No. 245 of the Public Acts of 1929, as amended.
8. Use of the lot will not significantly impair existing water quality, vegetative cover, fisheries, or wildlife habitat or increase the risk of erosion.
9. The substandard lot size shall be the minimum dimensional reduction necessary to achieve a reasonable use of the land, after evaluation of alternative dimensional arrangements and permitted land uses available to the applicant, given the peculiar characteristics of the lot and circumstances surrounding the request. Alternatives shall be examined in light of the applicant's entire contiguous holdings and not merely a single lot or the portion within these Districts. If dimensional requirements may be more nearly met through lot combination of contiguous holdings, the Zoning Board may so require.
10. The permit provides that no fill shall be placed within the natural vegetation strip and that the approval of both the appropriate county or District health department and the soil erosion and sedimentation control enforcement agency shall be secured.

11. The permit provides conditions necessary to insure proper development of the substandard lot pursuant to this Ordinance.

10.06 (F) A special exception permit is required if a dimensional reduction of more than fifty (50%) percent of any of the standards listed in Section 10.04(B)(1) is necessary to achieve reasonable use of the land. The Zoning Board shall base its decision upon the standards set forth in Section 10.05(D).

10.06 (G) The Zoning Board may confer with, and seek the advice of, personnel of the Michigan Department of Natural Resources, and other federal, state, and local officials to determine the possible effects of, and a suitable location for, a proposed structure.

SECTION 10.07 NOTICE TO DNR:

A copy of each application for amendment, variance, special use permit special exception permit, or a request regarding a non-conforming use shall be forwarded to the Natural Rivers Unit of the Michigan Department of Natural Resources for review at least ten (10) days before a hearing by either the Township Zoning Board of Appeals or the Township Zoning Board.

SECTION 10.08 DEFINITIONS:

As used in this Article:

1. "Bluff" means a steep bank which rises sharply from the stream's edge.
2. "Cutting edge of the river" means the edge of a river or stream where the water velocity is such that it may cause soil or streambank erosion.
3. "Filtered view of the river" means the maintenance or establishment of wood vegetation of sufficient density to screen developments from the river, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the river view. "Filtered view of the river" means no clear cutting.

4. "Front" means that side of a lot abutting the river's edge of the mainstream or tributary.

5. "Ordinary high-water mark" means the line between the upland and bottomland which persists through successive changes in water level and 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.

6. "Reforestation" means the renewal of vegetative cover by seeding, planting, or transplanting.

7. "River's edge" means the ordinary high-water mark as used in Act No. 346 of the Public Acts of 1972, and as defined above.

8. "Setback" means that the horizontal distance between any portion of a structure and the river's edge, measured at the structure's closest point to the river's edge.

9. "Soil erosion and sedimentation control enforcement agency" means the local agency that is appointed by the appropriate governmental subdivision to enforce the provisions of Act No. 347 of the Public Acts of 1972, as amended.

10. "Structure" means anything that is constructed, erected, or moved to or from any premise which is located above, on, or below the ground, including, but not limited to, roads, signs, billboards, and mobile homes. Temporary recreational facilities, including, but not limited to, tents, camper trailers, and recreation vehicles are not considered structures when used less than thirty (30) days per year and located landward of the natural vegetation strip.

11. "Bottomland" means the land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water.

12. "Upland" means the land area which lies above the ordinary high water mark.

ARTICLE ELEVEN

SUPPLEMENTARY LOT PROVISIONS

SECTION 11.01 WATERFRONT LOTS:

A. Docks or boat houses shall be permissible on lakes, reservoirs or ponds provided same are installed to conform to specifications of the Michigan Department of Natural Resources applicable thereto.

B. Docks or boat houses shall be permissible on rivers or streams providing same are installed parallel to the shoreline, do not exceed twenty (20) feet in length, do not project beyond the shoreline, and otherwise conform to specifications of the Michigan Department of Natural Resources applicable thereto.

SECTION 11.02 SUBSTANDARD LOTS:

Any lot of record having less area and/or less width on the effective date of this Ordinance or the date of subsequent amendments thereto, than required for the zoning District wherein located may be occupied by any use permitted in that District on approval of the Zoning Board who shall determine the minimum yard and setback requirements for such use. Any plat having had preliminary approval by a government agency prior to the adoption of this Ordinance shall be treated as a Plat of Record.

ARTICLE TWELVE

LAND ALTERATION

12.01 (A) No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such manner as to cause ponding or surface accumulation of such runoff thereon.

12.01 (B) On waterfront lots a strip of land extending a minimum of twenty-five (25) horizontal feet from the water's edge will be maintained and forested with trees and shrubs, or in no less than its natural and undeveloped state. No further land alteration, including the removal of stumps below ground level, shall be permissible unless required in connection with a plan designed for erosion control, reforestation, or stream bank stabilization submitted to and approved by the Township Zoning Board with the intent of maintaining a twenty-five (25) foot root and vegetative barrier to keep nutrients from entering the waters and to maintain water temperatures near the natural levels.

ARTICLE THIRTEEN

GENERAL PROVISIONS

SECTION 13.01 UNLISTED PROPERTY USES:

The Township Zoning Board shall have the power on written request of any property owner to classify a use not listed with a comparable permitted Primary or Approved Use and issue a Special Permit for such use, giving due consideration to the purpose of the incomparable use.

SECTION 13.02 NONCONFORMING USES:

A nonconforming use shall not be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after use has been changed to a conforming use.

SECTION 13.03 NONCONFORMING BUILDINGS AND STRUCTURES:

13.03 (A) Completion of Nonconforming Buildings

To avoid undue hardships, nothing in this Ordinance shall be construed to require a change in the plans, construction, or designed use of any buildings on which actual construction was lawfully begun prior to the effective date of this Ordinance or on the date of any amendment hereto, and upon which construction has been diligently carried on. Actual construction shall be constructed as permanent fixation of construction material in place.

SECTION 13.04 SET BACK RESTRICTIONS:

13.04 (A) Highway Set Back.

The set back restrictions from the right of way line of any highway appearing elsewhere in this Ordinance have been written with the assumption that the right of way is sixty-six (66) feet in width. If the right of way is wider than sixty-six (66) feet, any forty (40) foot set back restriction may be reduced as follows:

Highway right of way	Set Back Distance
66 feet.	40 feet.
100 feet.	25 feet.
150 feet.	15 feet.
200 feet.	15 feet.

13.04 (B) Water set backs shall be:

Highwater	Set Back Distance
2-7 feet.	60 feet.
7-10 feet.	50 feet.
10-15 feet.	35 feet.
Over 15 feet.	30 feet.

13.04 (C) Side lot set backs shall be:

10 feet.

SECTION 13.05 USES SUBJECT TO SPECIAL APPROVAL:

13.05 (A) General Requirements.

Uses subject to Approval where required shall be subject to applicable provisions to the Zoning District wherein located in addition to the provisions of this Section to prevent conflict with or impairment of the primary use of the District. Each such use shall be considered an individual case.

13.05 (B) Specific Requirements.

1. Application for a Special Use Permit shall be submitted through the office of the Zoning Administrator to the Township Zoning Board on a special form provided for that purpose, and include the following information. Each application shall be accompanied by the fee prescribed in the Schedule of Fees adopted by the Township Board. Said fee shall bear a reasonable relationship to the cost and expense of administering this permit requirement.

(a) Name of the applicant and owner of the premises, including legally recorded description of the premises.

(b) Description of proposed use, including parking facilities, if required, and any exceptional health or traffic situation the use may occasion.

(c) Sketch to approximate scale showing development of the total property, including location of all existing and proposed structures, types of buildings, and their use.

(d) Sewage and waste disposal facilities, and water supply, existent or proposed for installation.

(e) Use of premises on all adjacent properties.

(f) A written statement of property owner appraising the effect of the proposed use on the general development of the neighborhood.

2. The Zoning Administrator shall file his recommendation concerning whether a Special Use Permit should issue with the Township Zoning Board which shall make determination. In reaching its determination on whether a Special Use Permit should be granted, the Township Zoning Board shall consider the following:

(a) Whether the sewage disposal and water supply will be safe and adequate;

(b) Whether the use will create congestion, or a major traffic hazard or problem or overburden available public services and utilities;

(c) Whether the use will disrupt the orderly and proper development of the nearby property more than the operation of any permitted Primary Use involving similar odors, fire hazards, glare, flashing lights, or disposal of waste or sewage;

(d) Whether the use will discourage or hinder the appropriate development and use of adjacent buildings or premises, or neighborhood, or defeat the purpose and intent of this Ordinance.

13.05 (C) Voiding of Special Use Permits

Any improper or incorrect information contained in the application for a Special Use Permit submitted in connection therewith shall render the Special Use Permit void *ab initio*. Any violation of any condition or standard imposed by the Township Zoning Board in the issuance of a Special Use Permit or by this Ordinance shall immediately void the Special Use Permit. A Special Use Permit is also void if the use is not commenced or construction is not begun within one (1) year from the date of issuance of the Special Use Permit.

SECTION 13.06 WATER SUPPLY AND WASTE DISPOSAL:

13.06 (A) Health Department Standards for Water Supply and Waste Disposal.

13.06 (B) Water Supply Conservation.

1. To facilitate the preservation of natural water sheds of the Township, and to promote a continuing and stable supply of clean, potable water free from sewage disposal and protected from accelerated soil erosion and pollution by discharges of soil nutrients and other wastes into swamps, lakes, rivers, streams, or other natural water bodies, no terrain shall hereafter be altered or vegetative cover be removed from any land abutting such water bodies for a distance of twenty-five (25) feet from the edge of the highest known water level without a special permit from the Township Zoning Board, except as provided for in Section 11.01 (B). Application for such permit shall be made through the Township Zoning Administrator.

2. In making its determination, the Township Zoning Board shall seek the counsel of the District Health Department and the Township Soil Conservation District, taking into special account soil type, type of vegetation cover, slope of the land, and use of the land for which permit is petitioned.

(a) No alteration shall be made on the native protective strip long the waterfront except as provided for by this Ordinance.

(b) No siltation or runoff to the waters may occur.

3. All areas wherefrom the natural cover has been removed or destroyed in the permissible use of the land or in the process of locating, erecting, constructing, reconstructing, altering or using any nature of building or structure shall be restored for erosion control and bank stabilization by suitable seeding or reforestation within a reasonable time.

4. No junk yards, salvage yards, or refuse dumps shall be located less than two hundred (200) feet from any swamp, lake, river, stream, reservoir or pond.

SECTION 13.07 PUBLIC UTILITY STRUCTURES:

13.07 (A) The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam, water distribution or transmissions systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission for the public health, safety, or general welfare, but not including buildings, shall be permitted as authorized or regulated by law in any Zoning District except that all such service installations on waterfront lots will be restricted to the lot area in back of the established set back line of such lots, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this Ordinance on all property except waterfront lots.

13.07 (B) Public Utilities.

Municipal departments, commissions, utility companies, or co-operatives shall provide mapping of all systems, including underground systems to the Zoning Administrator within a reasonable time period of those systems becoming operative.

SECTION 13.08 TRAILER COACH PARKS, HOUSE TRAILERS, AND MOBILE HOMES:

Except as hereinafter provided, every occupied house trailer or mobile home shall be located in a trailer coach park operated lawfully and under the jurisdiction of the Michigan Departments of Health, Commerce, and Natural Resources.

13.08 (A) Trailer Coach Parks and Travel Trailer Parks.

Each park shall be subject to the following requirements of this Ordinance:

1. Determination by Township Zoning Board.

Application for approval for the location and operation of any such park shall be made to the Township Zoning Board through the office of the Township Zoning Administrator. The Township Zoning Board shall solicit a written statement from the school board of the District, and shall hold a public hearing on the application, giving notice of the same not less than thirty (30) days in advance. When granting approval, the Township Zoning Board shall have the power to impose such conditions as it deems in the public interest.

13.08 (B) Use of House Trailers or Mobile Homes for Dwelling Purposes.

The use of a house trailer or mobile home as a dwelling is permitted in all Zoning Districts under the following conditions:

1. Lot size, setback height, area, and yards shall be in conformity with all requirements for conventional dwellings in the District.
2. The house trailer or mobile home must be enclosed with acceptable skirting.
3. All requirements of the individual District shall be met.

13.08 (C) Recreational Trailers (Mobile).

If a trailer is allowed to deteriorate to the extent that it is detrimental to the health, safety and general welfare of the inhabitants of Boardman Township, the Zoning Administrator may order its removal.

SECTION 13.09 ADVERTISING SIGNS & BILLBOARDS

13.09(A) Statement of Intent.

The economic health and well being of Boardman Township, Kalkaska County depends upon the area's natural scenic beauty and environmental quality. The region's highway corridors are subject to the highest visual exposure of any areas within the township and region, therefor it is deemed necessary within these corridors to protect the area's natural landscapes and community character from visual pollution. It is also imperative to maintain traffic safety and prevent traffic hazards. Such protection is deemed essential to the community health, safety and welfare. To assure such protection the following standards are established.

13.09(B) Definitions.

(1) **Billboard:** An outdoor sign advertising services or products, activities, persons or events which were not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.

(2) **Sign:** A structure or device, other than a billboard, designed or intended to convey information to the public in written or pictorial form.

13.09(C) Required Standards.

1. Not more than two billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of the Township of Boardman where the particular street or highway extends beyond such boundaries. Double-faced billboard

structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces facing the same direction and side-by-side to one another, or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection (2) below.

2. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.

3. No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.

4. No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.

5. The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet. If a billboard abuts a portion of a street or highway with a posted speed limit of 45 mph or less, the surface display area limits set forth above shall be 75 square feet instead of 300 square feet.

6. The height of a billboard shall not exceed 20 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.

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

8. No billboard shall be constructed of or situated on any portion of a tractor-trailer, truck, boxcar or vehicle previously used for transportation.

9. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, 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.

10. 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 of structure, continued structural soundness, and continued readability of message.

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

12. No billboard shall be located along a navigable lake, pond, river, stream or tributary.

13. All signs, except those pertaining to home occupations and covered elsewhere in this Ordinance, shall not exceed thirty-two (32) square feet in area, and shall be a minimum of fifteen (15) feet from a public right-of-way. They shall pertain to an enterprise located within the Township and they shall be placed at least one hundred (100) feet from any residence. Illuminated signs shall be placed at least 200 feet from residences. Illumination shall be non-flashing and produce no glare into residential areas or public roads.

14. Only those signs necessary for identification, directions, resource information and regulation of use, shall be placed along areas of lakes, ponds, rivers, streams and tributaries. Signs for the sale of products or services are prohibited within four hundred (400) feet of lakes, ponds, rivers, streams and tributaries, except a business may advertise on lands on which that business is established or operates. Such signs must be related to permitted uses not more than two (2) square feet in area, not illuminated by any neon or flashing device, and not attached to any tree or shrub.

15. No billboard or sign shall impede traffic or obstruct any view of the same from any sidewalk, driveway or roadway.

16. No billboard or sign shall remain if obsolete or otherwise no longer pertinent.

17. No billboard or sign shall remain if not maintained in good repair and kept freshly painted and maintained.

18. Any illuminated billboard or sign shall be placed or positioned so as not to affect adversely any neighboring residence.

19. All electrical billboards or signs shall be erected and maintained according to all applicable codes.

20. All billboards or signs shall be no higher than reasonably necessary to provide appropriate visibility.

21. Billboards or signs featuring flashing, strobe or other varied lighting effects are strictly prohibited.

22. No billboards or signs shall contain moving parts.

13.09(D) Non-conforming Billboards and Signs.

Billboards and signs existing before the amendment of the zoning Ordinance by this section and not complying with the standards herein shall be deemed non-conforming. Upon substantial physical change or improvement to the non-conforming sign or billboard, or substantial change to the style, copy,

message or purpose of the billboard or sign, the billboard or sign shall be required to conform with the requirements of this section.

13.09 (F) Permit Procedure.

No person, firm or corporation shall erect a billboard within Boardman Township without first obtaining a permit therefore from the Boardman Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance, payment of a fee therefore, and the contractual agreement allowing for the installation of said billboard. Permits shall be issued for a period of one (1) year, but shall be renewable annually upon inspection of the billboard by the Boardman Township Zoning Administrator confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the Boardman Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

All required permits for billboards are to be obtained from the Zoning Administrator with the completion of a Billboard Permit Application that shall contain at least the following information:

1. The name, address and telephone number of the Applicant(s).
2. A site plan showing the proposed location of the billboard on the property drawn to scale.
3. A scale drawing of the proposed billboard.
4. The name, address and telephone number of the party erecting the billboard.
5. Detailed information regarding the type, intensity, and hours of lighting.

6. And such other information as may be required by the Zoning Administrator to enable him/her to determine that the health, safety, morals and general welfare of the Township will be served.

SECTION 13.10 PRIVATE SWIMMING POOLS

Private swimming pools shall be permitted in all Districts, subject to the following restrictions:

1. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.

2. There shall be a distance of not less than ten (10) feet between the outside pool wall and any building located on the same lot.

3. For the protection of the general public, swimming pools shall be completely enclosed by a fence from ground level to a height of not less than four (4) feet. The fence shall consist of materials and be constructed in a manner that allows for ingress and egress to the pool area only through a gate or gates. The fence shall contain a gate or gates of a self-closing or latching type. Gates shall be capable of being securely locked when the pool is not in use.

ARTICLE FOURTEEN

ENFORCEMENT

SECTION 14.01

The provisions of this Ordinance shall be enforced by such Township official as may from time to time be designated by resolution to the Township Board.

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ARTICLE FIFTEEN

REZONING AND APPEAL FEES

SECTION 15.01

The Township Board is hereby authorized to establish by resolution fees for application for amendments to the Zoning Ordinance and for appeals or applications to the Zoning Board of Appeals to be paid to the Township with such application or appeals to help defray the cost to the Township of such proceedings. Such fees may be altered by subsequent resolution to the Township Board in the discretion of said Board.

ARTICLE SIXTEEN

PENALTY

SECTION 16.01

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the zoning enforcement officer, Board of Appeals, or the Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof, before any court having jurisdiction, he shall be punishable by a fine of not to exceed \$100.00 or by imprisonment not to exceed ninety (90) days, or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provision of this Ordinance.

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.

ARTICLE SEVENTEEN

VALIDITY

SECTION 17.01

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

ARTICLE EIGHTEEN

AMENDMENTS AND SUPPLEMENTS

SECTION 18.01

Amendments and supplements to this Ordinance may be adopted as provided by law.

ARTICLE NINETEEN

EFFECTIVE DATE

SECTION 19.01

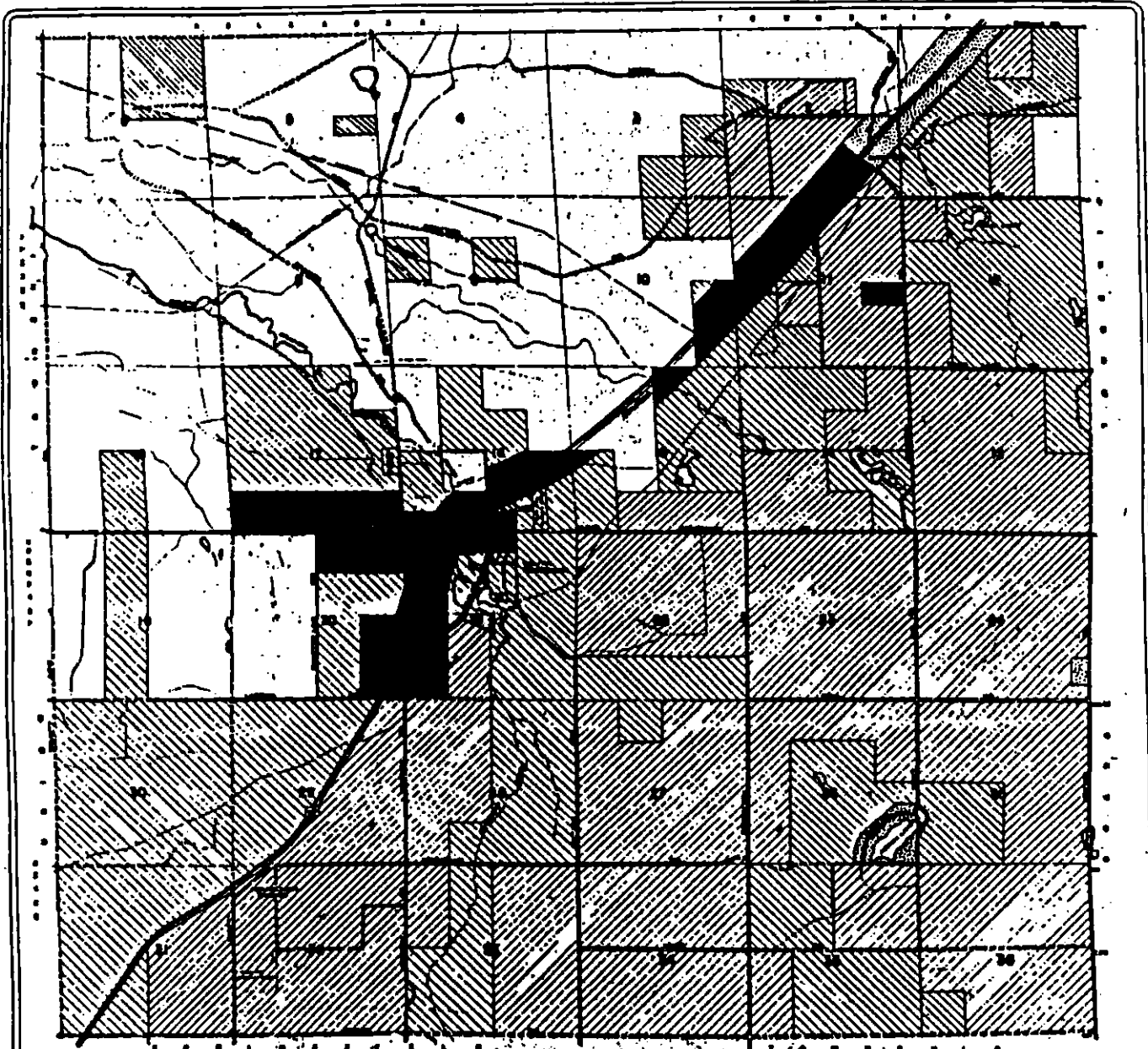
This Ordinance of June 12, 1980, as amended, shall be given immediate effect.

Dated: May 4, 1994

15
GERALDINE BAXTER, CLERK
BOARDMAN TOWNSHIP
KALKASKA COUNTY, MICHIGAN

101

ZONING MAP



- BOARDMAN TOWNSHIP**
 KALAMAZOO COUNTY, MICHIGAN
- RES-12000 SQ FT
 - RESORT-RES 12000
 - AG & RES 1 ACRE
 - FOREST-RECREATION-1 ACRE
 - COMMERCIAL
 - INDUSTRY
 - STATE



SOLO AND COMPANY ASSOCIATES, INC.
 100 WEST HARRISON
 KALAMAZOO, MICHIGAN 49001
 616-335-1100

Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding Five Hundred Dollars (\$500) or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment in the discretion of the court.

Section 5: *Effective Date and Adoption.*

This Ordinance shall become effective thirty (30) days after its publication as required by law.

This Ordinance was adopted by the Township Board of Boardman Township, Kalkaska County, Michigan, at a regular meeting thereof held on 9-3-_____, 2003.

TOXIC WASTE ORDINANCE

This ordinance was voted on and approved May 14th 1979 at a Board Meeting of Beaumont - Year 1 Day 2
Reginald J. Blanton Clerk

Beaumont TOWNSHIP ORDINANCE NUMBER 2 - 1979

HANDLING AND/OR DISPOSAL OF TOXIC AND/OR HAZARDOUS SUBSTANCES

BE IT ORDAINED BY THE TOWNSHIP BOARD Beaumont TOWNSHIP Tullahoma COUNTY, Michigan That this Ordinance be and is hereby adopted as follows:

SECTION 1. UNLAWFUL ACTS:

It shall be unlawful to engage in or carry on any business or activity which involves the hauling (except over public highways) or disposing of any toxic or hazardous substance within the Township of Beaumont unless such activity, business or disposal facility has been approved and authorized pursuant to a permit issued under this Ordinance.

SECTION 2. TOWNSHIP CONCERNS:

It is determined that the utilization or disposal of toxic and hazardous substances in an activity which, if conducted on certain lands within the Township or in certain ways, will result in pollution, impairment and/or destruction of natural resources thereby creating hazards to the public health, safety and general welfare of the people of the Township of Beaumont, nuisances of both private and public nature. It is further determined that licensing and regulation of these activities is therefore required to protect natural resources and the public health, safety and general welfare, of the people of the Township of Beaumont Tullahoma County, Michigan.

SECTION 3. DEFINITIONS:

- A. "Disposal Facility" means any waste disposal facility, incinerator, sanitary landfill, pit, excavation, or any other facility used for disposal of toxic or hazardous substances except facilities for disposal of human wastes approved by the County Health Department.
- B. "Disposal Area" means any area of land upon which a disposal facility is located or proposed for location within the Township.
- C. "Applicant" means any individual, firm, corporation or political subdivision of the State, including any governmental authority created by Statute, or other person, that proposes to develop a disposal facility within the Township.
- D. "Toxic" or Hazardous Waste" means any material, liquid, solid or other matter such as P.D.B. which is harmful or dangerous to human health, or to birds, fish, wildlife, trees or other plants including, but not by way of limitation, any chemical, substance or material listed in the Michigan Critical Material Register published by the Michigan Department of Natural Resources, or determined to be toxic, harmful or hazardous by the Environmental Protection Agency, pursuant to Public Law 94-469.

E. "Person" means an individual, co-partnership, association, corporation, or other legal entity, or any political subdivision of the State, including any State or local governmental agency.

SECTION 4. APPLICATION FOR PERMIT:

Application for a permit shall be made in writing to the Township Clerk and shall contain the following:

A. Names, addresses and telephone number of applicant, engineer, attorney, scientist, contractor or other person engaged in the preparation of the application.

B. Legal description of the premises for which the permit is sought.

C. A description including, if applicable, the chemical analysis of said toxic or hazardous substance involved in the application, whether it is liquified, solid or mixed, whether it has been treated and, if so, how and where. Also describe any treatment or processing to be done on permit premises.

D. The estimated volume of toxic or hazardous substance to be hauled, utilized, or disposed of.

E. Statement of the measures to be taken to control noise, vibration, dust, odors, erosion, leaching, or other forms of pollution.

F. A description of any public facilities or services required, if such services exist, and if not, how applicant proposes these services be provided and financed.

G. A description of the measures which applicant proposes to take to assure the public safety, the exclusion of children from the premises, and the lateral support of surrounding lands and structure.

H. Applicant shall provide a diagram or map of the premises and surrounding area which shall include the following information:

- (1) A topographic map of the area.
- (2) Description of natural and improved drainage surface and features.
- (3) Location of all wells within one mile of the application site.
- (4) Location of all dwellings within one mile of the application site.
- (5) Soil characteristics of the application site.
- (6) Proposed access to the application site.
- (7) Proposed buffers or features to control drainage from the area where toxic or hazardous substances are to be disposed of.
- (8) Proposed ground water monitoring points.
- (9) Proposed delivery, storage, and transfer location, if within the application site.

I. Applicant shall provide an environmental impact statement describing the environmental consequences of the proposed activity both during the operating and after, and setting forth any limitation or restrictions on the proposed operations that are necessary to protect the environment.

J. When requested, applicant will provide a description of the surface and subsurface geological characteristics of the premises, including identification of bedrock and rock outcrops, detailed soil analysis and ground water table, the location of existing or desired test wells.

SECTION 5. PROCESSING OF APPLICATIONS:

All applications shall be filed with the Township Clerk of *Berks* Township. The Township Board shall determine the necessity of employing independent professional advisors to analyze the application and environmental impact study. If necessary, he shall also determine the costs

of services of such advisors, and the total of said costs shall be reported to the applicant, who shall pay said amount to the Township before the application shall receive any consideration. If, during the course of processing the application, it appears that additional expenditures shall be required, the same shall be reported to the applicant and same shall be paid to the Township forthwith.

Board Township Planning Commission or any other Township agency deemed necessary shall contact the County Planning Commission and any applicable Zoning Commission for advise with respect to the impact of the grant of a permit upon existing planning for land use and/or zoning and future development of the area under consideration.

SECTION 6. PUBLIC HEARING:

Prior to the granting of any permit hereunder, the Board Township Board, shall conduct a public hearing, the notice of the date, place and purpose published in a newspaper of general circulation in the Township at least fourteen (14) days prior to said hearing.

SECTION 7. STANDARDS FOR DECISION:

In determining whether or not to grant the license applied for, the Township Board shall consider the application, the reports of its professional advisors, the report of the Township Planning Commission or other agency and the evidence presented at the public hearing. It shall also consider the determination of the people of the State of Michigan in the Constitution of 1963, Article IV, Section 52, that the conservation and development of the natural resources of the State are of paramount public concern in the interests of the health, safety and general welfare of the people. It shall grant a license only if it first determines that the proposed activities will not pollute, impair or destroy significant natural resources, create hazards to the public health or safety, or result in public or private nuisance that is reasonably predictable.

SECTION 8. SPECIAL CONDITIONS, BONDS AND INSURANCE:

Board Township Board may attach any special conditions, restrictions, requirements, or limitations to any license which it regards as reasonably necessary to protect the public health, safety and general welfare, prevent pollution, impairment or destruction of natural resources and avoid the creation of public or private nuisances. The Board Township Board may also set such terms and conditions for bond or liability insurance protection as may seem reasonably necessary and appropriate.

SECTION 9. REGULATION OF LICENSED OPERATIONS:

Board Township Planning Commission shall obtain the services of qualified technicians and professionals to monitor the operations of the licensee at such intervals as they may consider necessary and to report to the Board Township Board whether the operations are being conducted in accordance with the terms of the license and the provisions of this Ordinance and whether or not the operations are resulting in any nuisance or hazard to the public health, safety or general welfare, or are causing pollution, impairment or destruction of natural resources.

SECTION 10. PAYMENT OF COST OF REGULATION - EFFECT OF FAILURE TO PAY:

Upon receiving bills for the services and expenses of the persons designated to monitor the operations of any licensee, the Board Township Board shall forward them to the licensee by first class mail. The licensee shall pay them within ten (10) days of mailing by the Board Township Board. Whenever any such bill has not been paid within the time specified above, the license shall automatically be suspended until payment is made.

SECTION 11. SUSPENSION OF LICENSE:

The ~~Bowling~~ Township Board may suspend any license upon finding that the licensee has violated any provisions of this Ordinance or any term or condition of the license. The ~~Bowling~~ Township Board may suspend any license without notice upon determining that such suspension is necessary to prevent immediate danger to health, life or property. Except as provided in the preceding sentences and in Section 10 hereof, a license shall be suspended only after the following proceedings: The licensee shall be served with a written notice of the intention of the ~~Bowling~~ Township Board to suspend the license, which notice shall specify the alleged facts and reasons which form the basis for the proposed suspension, and shall specify the date, time and place when the ~~Bowling~~ Township Board shall meet to consider the proposed suspension. Such notice shall be served by mailing first class mail addressed to licensee at his address as shown on the application or at such other address as licensee may from time to time furnish the ~~Bowling~~ Township Board in writing. At the time, place and date specified, which shall be at least ten (10) days after services of the notice, the ~~Bowling~~ Township Board shall hear and consider evidence regarding the matters mentioned in the notice and shall afford the licensee an opportunity to be heard and to present evidence. The license shall not be suspended unless the ~~Bowling~~ Township Board determines the existence of grounds for suspension as set forth above. Any suspended license shall be reinstated by the ~~Bowling~~ Township Board upon finding that the reasons and grounds for suspension no longer exist.

SECTION 12. EXCEPTIONS:

Except as hereinafter expressly set forth, nothing contained herein shall be deemed to require a permit for the construction of any disposal site or facility prior to the effective date of this Ordinance. Operators of any disposal site or facility shall apply for and obtain a permit to continue operation under this Ordinance within ninety (90) days of the effective date of such Ordinance.

SECTION 13. FEES:

The fees for obtaining any permit in addition to those expenses previously set forth shall be established by the ~~Bowling~~ Township Board and approved by the ~~Bowling~~ Township Board.

SECTION 14. VIOLATION AND PENALTIES:

Violation of this Ordinance shall be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than One Hundred Dollars, (\$100.00), or by both such fine and imprisonment. Each and every day on which a violation continues shall constitute a distinct and separately punishable violation. Any violation of any State or Federal law or regulation arising out of or in the course of any business or activity regulated by this Ordinance shall also constitute a violation of this Ordinance.

SECTION 15. SEVERABILITY:

If any action, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portion hereof.

SECTION 16. EFFECTIVE DATE:

This Ordinance shall take effect on the 31st day after publication following adoption as required by law.

SECTION 13.11 ADULT ENTERTAINMENT BUSINESSES

13.11(A) Statement of Intent.

Because some uses are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development, especially when concentrated in a confined area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require, instead, their disbursal throughout the Commercial and Industrial Districts of the Township to thereby minimize their adverse impact on any specific neighborhood. In order to prevent undesirable concentration of such uses, the following standards are established.

13.11(B) Definitions.

(1) Adult bookstore: an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or specified anatomical areas," as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.

(2) Adult mini motion picture theater: an enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined for observation by patrons therein.

(3) Adult motion picture theater: an enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined for observation by patrons therein.

(4) Adult smoking or sexual paraphernalia store: an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

(5) Massage parlor: an establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient.

(6) Pool or billiard hall: an establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping pong, darts, dice, cards or similar activities.

(7) Open dance hall: an establishment where open public dancing by patrons is available during at least four days per week

with or without partners furnished by the establishment.

(8) Host or hostess establishment: establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

(9) Pawnshop: an establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period.

(10) Secondhand store: an establishment where used merchandise is offered for sale as a principal portion of the business of the establishment.

(11) Sauna, hot tub or other similar health or body improvement enterprises: establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business.

(12) Pinball or video game arcade or establishment: establishments where the principal business consists of customer-operated games or entertainment experience of a mechanical, electronic, physical or emotional nature for an admission fee or a fee for the use of the particular device or devices engaged by a customer.

(13) Specified sexual activities:

- a. acts of human masturbation, sexual intercourse, or sodomy;
- b. fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;

- c. human genitals in a state of sexual stimulation or arousal.

(14) Specified anatomical areas:

- a. less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
- b. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

13.11(C) Required Standards.

(1) The following uses and activities shall, any other provisions of this Ordinance notwithstanding, be located only in Commercial and Industrial Districts and shall be subject to Special Approval:

- a. Adult book store.
- b. Adult motion picture theater.
- c. Adult mini motion picture theater.
- d. Adult smoking or sexual paraphernalia store.
- e. Massage parlor.
- f. Host or hostess establishments offering socialization with a host or hostess for a consideration.
- g. Pool or billiard hall.
- h. Open dance hall.
- i. Pawnshop.
- j. Tavern or cabaret providing live or projected entertainment where intoxicating liquors may or may not be sold for consumption on the premises. "Projected entertainment" shall not include standard television reception.
- k. Pinball or video game arcade or establishment.

- l. Sauna, hot tub or other, similar health or body improvement or enjoyment enterprises.
- m. Any combination of the foregoing.

(2) Any such use or activity shall not be located within 1,000 feet of any other such use or activity nor within 300 feet of any Residential, Resort-Residential, Agricultural-Residential, or Forest-Recreation District as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed specified use or activity and between such use or activity and the adjoining Residential, Resort-Residential, Agricultural-Residential, or Forest-Recreation District.

(3) The Township Zoning Board may waive the foregoing spacing requirements if it finds that all of the following conditions exist:

- a. the proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
- b. the proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and occupants and a disruption in neighborhood development;
- c. the establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal; and
- d. where all other applicable regulations within the this Ordinance or other pertinent township ordinances will be observed.

ORDINANCE NO. 12-14-88-1

An ordinance to grant to Top O'Michigan Rural Electric Company a revocable, nonexclusive public utility franchise to serve the Township.

THE TOWNSHIP OF BOARDMAN ORDAINS:

Section 1. Renewal of Franchise. Top O'Michigan Rural Electric Company, a Michigan cooperative corporation, is granted the right and privilege of providing electric service within the Township and to conduct a local business incident to the furnishing of such service, this being a renewal of a franchise previously granted.

Section 2. Nonexclusive Nature, Term. The public utility franchise hereby granted is nonexclusive and shall be for a period of thirty years from the effective date of this ordinance unless sooner revoked.

Section 3. Revocation. The public utility franchise hereby granted is subject to revocation at the will of the Township.

Section 4. Conditions. The public utility franchise hereby granted is subject to the following conditions:

(a) Top O'Michigan shall not injure any street, highway, alley or other public place, nor shall it disturb or interfere with any water, sewer or gas pipes now or hereafter constructed by any authorized person.

(b) Before entering any street, highway, alley or other public place for erecting and constructing any poles, wire or conduit, Top O'Michigan shall notify the Board of County Road Commissioners or other proper authority of the proposed construction and shall obtain approval thereof.

(c) No street, highway, alley or public place shall be allowed to remain encumbered by the construction work for a longer period than shall be reasonably necessary to perform such work.

(d) Top O'Michigan shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of Top O'Michigan in the construction and maintenance of electric distribution poles, wires or in its use of construction machinery.

Section 5. Reservation of Governmental Rights. Nothing in this public utility franchise shall be construed in any manner as a surrender by the Township of its legislative power nor shall it in any manner be interpreted as limiting the right of the Township or the County Road Commission to regulate the use of any street, highway, alley or public place within its jurisdiction.

Section 6. Effective Date. This ordinance shall become effective on the day following its publication.


ADOPTED BY THE TOWNSHIP BOARD OF BOARDMAN TOWNSHIP,
KALKASKA COUNTY, MICHIGAN, AT A REGULAR MEETING HELD THE 14th DAY
OF December, 1988.


Township Clerk

Attest:


Township Supervisor

I do hereby certify that the above and foregoing is a true and correct copy of an ordinance and franchise granted to Top O'Michigan Rural Electric Company at a regularly called meeting of the Township Board held on the 14th day of December, 1988, at which a quorum was present.


Township Clerk

TOWNSHIP OF BOARDMAN
RESOLUTION NO. 8-6-1997
AMENDMENT TO TOWNSHIP LAND DIVISION ORDINANCE
ADOPTED 8-6-, 1997

Board Member Trustee Judy Hall, supported by Board Member Trustee Nanette Bering, moved the adoption of the following Resolution:

**RESOLUTION AMENDING THE BOARDMAN TOWNSHIP LAND DIVISION
ORDINANCE**

WHEREAS, the Township Board adopted its Land Division Ordinance on July 8, 1997; and

WHEREAS, the Michigan Land Division Act has, since adoption of said Ordinance, been amended; and

WHEREAS, under the amended state statute the Township is granted forty-five (45) days within which to approve or disapprove land division applications; and

WHEREAS, the Township Board wishes to modify its Land Division Ordinance to be consistent with the Michigan Land Division Act;

NOW, THEREFORE, BE IT RESOLVED THAT the Boardman Township Land Division Ordinance be amended to provide that the Township Board, or its designated agent delegated such authority by the Township Board, shall have forty-five (45) days within which to approve or disapprove land division applications after receipt of the complete application package conforming to the requirements of the Ordinance.

Upon roll call vote, the following voted:

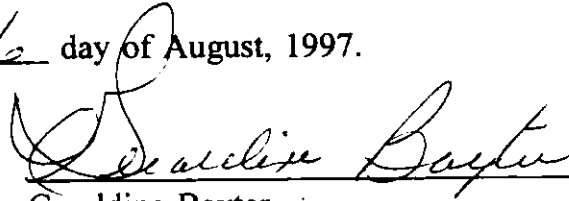
YEAS: Dauter, Barber, Jensen, Hall & Bering

NAYS: None

ABSTAINED: None

ABSENT: None

This Resolution duly adopted the 6 day of August, 1997.



Geraldine Baxter
Boardman Township Clerk

**STATE OF MICHIGAN
COUNTY OF KALKASKA
TOWNSHIP OF BOARDMAN
LAND DIVISION ORDINANCE**

Adopted: July 8, 1997

Effective: August 22, 1997

Amended: August 6, 1997

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefor; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

**TOWNSHIP OF BOARDMAN
KALKASKA COUNTY, MICHIGAN,**

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Boardman Township Land Division Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable

ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III

DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.
- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from exiting public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the Township Board, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Clerk or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 45-day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimension, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application under Section V.

The Township Board or its designated agent delegated such authority by the Township Board, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- H. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section VIII of this Ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer

service is not available), and maximum allowed area coverage of buildings and structures on the site.

- I. The fee as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. Upon receipt of a land division application package, the Township Clerk or other official designated by the Township Board shall forthwith submit the same to the Township assessor or other designated official for decision. The Township assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 45 days after receipt of the complete application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to the requirements of this Ordinance and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refileing in accordance with this Ordinance and the State Land Division Act.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the Township Board or such other board or person designated by the Township Board which shall consider and resolve such appeal by a majority vote of said board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved

land division or transfer.

- D. The Township assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the following criteria are met:

- A. All parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the Boardman Township Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing building/structures.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the Township Zoning Ordinance, major thoroughfare plan, road ordinance or this Ordinance. In determining adequacy or accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create 4 or more parcels.
- D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section VIII of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio.

The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

The permissible minimum width shall be as defined in the Township Zoning Ordinance.

- E. In the absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:
- (1) Where accessibility is to be provided by a proposed new dedicated public road, proof that the county road commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.
 - (2) Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easements, such accessibility shall comply with the following:
 - (a) Where such private road or easement extends for more than 660 feet from a dedicated public road, or is serving or intended to serve more than four separate parcels, units or ownerships, it shall be not less than 66 feet in right-of-way width, 24 feet in improved roadbed width with at least three feet of improved shoulder width on each side and adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area. It shall further be improved with not less than six inches of a processed and stabilized gravel base over six inches of granular soil, have a grade of not more than seven percent, and if dead-ended, shall have a cul-de-sac with a radius of not less than 50 feet of improved roadbed for the accommodation of emergency, commercial and other vehicles.
 - (b) Where the private road or easement is 660 feet or less in length, and is serving or intended to serve not more than four separate parcels, units or ownerships, it shall not be less than 40 feet in right-of-way width, 20 feet in improved roadbed width with at least two feet of improved shoulder width on each side, and adequate drainage ditches on both sides with necessary culverts to accommodate and contain surface waters from the road area. It shall further be improved with processed and stabilized gravel and granular soil, have a grade

of not more than seven percent, and a cul-de-sac where dead-ended as specified in subparagraph (2)(a) above. If said private road or easement is serving or intended to serve more than four separate parcels, units or ownerships, the right-of-way and development standards set forth in (2)(a) above shall apply.

- (c) Any intersection between private and public roads shall contain a clear vision triangular area of not less than two feet along each right-of-way line as measured from the intersecting right-of-way lines.
- (d) No private road or easement shall extend for more than 1,000 feet from a public road.
- (e) No private road shall serve more than 25 separate parcels.

SECTION VIII

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding disqualification from approval pursuant to this ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this Ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the Township, designating the parcel as "not buildable." Any such parcel shall also be designated as "not buildable" in the Township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure.
- B. Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.

- C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any applicable zoning ordinance, or the State Land Division Act.

SECTION IX

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this Ordinance, and as may otherwise be provided by law.

SECTION X

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this Ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XI

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Boardman Township Zoning Ordinance or any applicable Building Code.

SECTION XIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days following its publication after adoption.

TOWNSHIP OF BOARDMAN

Geraldine Baxter, Boardman Township Clerk

WIRELESS COMMUNICATION
FACILITY SITING AMENDMENT TO THE
BOARDMAN TOWNSHIP ZONING ORDINANCE

SECTION 13.12 WIRELESS COMMUNICATION FACILITIES

13.12(A) Statement of Intent.

The Federal Government, through the Federal Communications Commission (FCC), has issued wireless communication licenses for wireless technologies to meet the demand by citizens for new wireless services which has produced an increased need for installations of wireless antennas and Wireless Communication Facilities (WCFs) to serve the public, and the Township of Boardman. These WCFs are in the interest of the public health, safety and welfare providing useful portable communication services for personal convenience, business and emergency purposes. The Federal Telecommunications Act of 1996 (FTA) preserves local zoning authority to reasonably regulate WCFs and provide certain restrictions on such regulation. WCFs should be reasonably regulated to minimize potential aesthetic impacts to the surrounding area and there is a need for new provisions in the zoning code to address the siting of WCFs. To assure such protection the following standards shall govern the siting of Wireless Communication Facilities in the Township of Boardman:

13.12(B) Definitions.

(1) **Antenna Array.** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.

(2) **Attached Wireless Communication Facility (Attached WCF).** An Attached WCF is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

(3) **Collocation/Site Sharing.** Collocation/Site Sharing shall mean use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

(4) **Equipment Facility.** An Equipment Facility is an structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.

(5) **Height.** When referring to a WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.

(6) **Support Structure.** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached WCF to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

(7) **Wireless Communications.** Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.

(8) **Wireless Communication Facility (WCF).** A WCF is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

13.12(C) Required Standards.

1. The following site and developmental requirements shall apply:
 - a. WCFs shall be permitted, subject to Special Approval as set forth in Section 13.05 of this Ordinance, in all zoning districts except Residential Districts and Natural River Overlay Districts. No WCF shall be located in a Residential District, a Resort-Residential District, or a Natural River Overlay District.
 - b. A minimum site of point seven five (.75) acre and one hundred feet (100') of road frontage shall be required for each WCF.
 - c. No part of any WCF, Antenna Array, Equipment Facility, or Support Structure shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required set back area for the district in which the WCF, Antenna Array, Equipment Facility, or Support Structure is to be located. In no case shall a WCF, Antenna Array, Equipment Facility, or Support Structure be located within thirty feet (30') of a property line. Nothing shall prevent an applicant from applying to the Zoning Board of Appeals for a set back variance.
 - d. Minimum spacing between WCF locations shall be three (3) miles in order to prevent a concentration of towers in one area.
 - e. Maximum height of a WCF shall be three hundred (300) feet.
 - f. Attached WCFs in any zoning district are limited in height to twenty feet (20') from the top of the Attachment Structure. The Antenna Array for an Attached WCF is exempt from the set backs for the zoning district in which it is located,

provided no such Antenna Array shall extend more than five feet (5') horizontally from the Attachment Structure.

- g. Equipment Facilities shall not exceed six hundred (600) square feet of gross building area.
- h. The base of a Support Structure shall occupy no more than five hundred (500) square feet.
- i. The base of a Support Structure and wire cable supports shall be fenced with a minimum five (5') foot high fence to prevent unauthorized access.
- j. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- k. Where the property adjoins a Residential, Resort-Residential, or Agricultural-Residential District or any residential land use, two (2) alternating rows of evergreen trees with a minimum height of five feet (5') on twenty-foot (20') centers shall be planted along the entire perimeter of the WCF site. In no case shall the evergreens be any closer than ten feet (10') to any structure.
- l. WCFs shall not be artificially lighted, except for security and safety lighting of equipment buildings if such lighting is appropriately downshielded to keep light within the boundaries of the site; and except such lighting of the WCF as may be required by the FAA or other applicable authority, if it is installed in a manner to minimize impact on adjacent residents.
- m. Advertising or identification of any kind intended to be visible from the ground or other structures shall not be displayed on a WCF, except as required for emergency purposes.

2. Special Performance Standards:

- a. The Antenna Array and Support Structure must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been provided to and approved by the Township Zoning Board, verifying that the structural integrity of the Antenna Array and Support Structure will withstand high winds and impacts, and the likelihood of a tower failure is minimal.
- b. WCF construction plans shall be certified by a registered structural engineer.
- c. All WCFs must meet the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) standards.
- d. WCFs in excess of one hundred feet (100') in height above grade level shall be prohibited within a two (2) mile radius of a public airport or 1/2 mile radius of a helipad.

- e. All Support Structures shall be constructed of, or treated with, corrosive-resistant material.
- f. Antenna Arrays and all Support Structures shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- g. All WCFs with Antenna Arrays and/or Support Structures shall be designed to withstand a uniform wind loading as prescribed in the applicable building code.
- h. WCFs shall be located so that they do not interfere with reception in nearby residential areas.
- i. WCFs shall be located so there is room for vehicles doing maintenance to maneuver on the WCF site.
- j. The Antenna Array shall be painted to match the Equipment Facility and/or Support Structure. The chosen paint scheme should be designed to minimize off-site visibility of the Antenna Array.
- k. WCFs shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the Antenna Array shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Zoning Board. Cost for testing and verification of compliance shall be borne by the operator of the Antenna Array.
- l. There shall be no employees located on the site on a permanent basis to service or maintain the Antenna Array. Occasional or temporary repair and service activities are excluded from this restriction.
- m. Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such WCF shall therefore remove same on ninety (90) days notice. If such WCF is not removed within said ninety (90) day period, the Township may remove the WCF at the owner's expense. If there are two or more users of a single WCF, this provision shall not become effective until all users cease using the WCF.

3. Non-conforming WCFs:

WCFs in existence prior to the effective date of this Section of the Zoning Ordinance and which do not comply with its provisions (Nonconforming WCFs) may continue in use for the purpose now used, but may not be expanded without complying with this Ordinance, except Nonconforming WCFs may add additional Antenna Arrays (belonging to the same carrier or other carriers) by Special Use Permit. Nonconforming WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location, and

physical dimensions, subject to obtaining a building permit therefor, but without otherwise complying with this Ordinance. The owner of any Nonconforming WCF may replace, repair, rebuild and/or expand such WCF in order to improve the structural integrity of the facility, to allow the facility to accommodate collocated antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of this Ordinance, so long as the height and set back restrictions of this Section are not violated.

4. Preemption:

To the extent any other provisions of this Ordinance (including but not limited to Section 13.07) are inconsistent with the provisions and requirements of this Section, the provisions of this Section shall control.

ARTICLE THIRTEEN B
PLANNED UNIT DEVELOPMENTS

SECTION 13B.1 INTENT:

It is the purpose of this Article to encourage more imaginative and livable housing environments within Residential (R), Resort-Residential (R-R), Agricultural-Residential (A-R), and Forest-Recreation (F-R) Districts through a planned reduction, or averaging, of the individual lot area requirements for each zoning district providing the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements, whether for conventional, cooperative or condominium ownership, shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one (1) complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned unit development so long as there is compliance with the standards, procedures, and requirements set forth in this Article.

SECTION 13B.2 OBJECTIVES:

The following objectives shall be considered in reviewing any application for a special use permit for planned unit development:

- (1) To accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- (2) To permit flexibility in the regulation of land development.
- (3) To encourage innovation in land use and variety in design, layout, and type of structures constructed.
- (4) To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- (5) To encourage useful open space.
- (6) To provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township.

SECTION 13B.3 QUALIFYING CONDITIONS:

Any application for a special use permit shall meet the following conditions to qualify for consideration as planned unit development:

- (1) The planned unit development site shall be not less than twenty (20) acres in area, shall be under the control of one (1) owner or group of owners, and shall be capable of being planned and developed as one (1) integral unit. PROVIDED that the site size requirement may be reduced by the Township Board of Trustees to a minimum of fifteen (15) acres if the Board determines that

meaningful amounts of open space will be preserved either for residents of the development or residents of the Township in general.

- (2) The planned unit development site shall be located within the R, R-R, A-R, or F-R Districts.
- (3) Where the Kankaska County Health Department will approve community type water and sewer facilities, such facilities shall be provided as part of the site development. Package or other treatment systems shall be of sufficient capacity to process the total sewage load of the project.
- (4) The proposed population density of the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zoning district in which it is located subject to the provisions of Section 13B.5(2).
- (5) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to Boardman Township or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give Boardman Township a covenant or interest therein, so that there are assurances that the required open space shall remain open subject to the provisions of Section 13B.6.
- (6) The proposed planned unit development shall meet all of the general standards outlined in this Article.

SECTION 13B.4 PERMITTED USES:

The following uses of land and structures may be permitted within planned unit developments:

- (1) All uses permitted by right or by special use permit in the zoning district, subject to all the restrictions specified therefor.
- (2) Two-family dwellings.
- (3) Group housing, row houses, garden apartments, or other similar housing types which can be defined as a single family dwelling with no side yards between adjacent dwelling units, PROVIDED that there shall be no more than eight (8) dwelling units in any contiguous group.
- (4) Recreation and open space, PROVIDED that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Article:
 - a. Private recreation facilities, exclusive of golf courses, such as swimming pools or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
 - b. Historic building sites or historical sites, parks, cemeteries and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams, or areas of rough terrain when such areas have natural features worthy of scenic preservation.
 - c. Commonly owned agricultural lands.
 - d. Public or privately owned golf courses subject to provisions of Section 13B.6.
- (5) Customary accessory uses as permitted in the District in which the development is located.

- (6) Commercial uses of a character and type that are designed and intended to serve the convenience of residents of the planned unit development and immediate area, provided that the total area devoted to commercial uses, including golf course club houses, shall not exceed an area equivalent to ten percent (10%) of the total floor area of all dwelling units.
- (7) Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for the proper maintenance thereof.

SECTION 13B.5 LOT SIZE VARIATION PROCEDURE:

The lot area for planned unit developments within R, R-R, A-R, or F-R Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

- (1) **Site Acreage Computation:** The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed development is located.

In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

- a. Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.
 - b. Lands used for commercial purposes exclusive of open lands utilized for golf course purposes.
- (2) **Maximum Number of Lots and Dwelling Units:** After the total gross acreage available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total gross area available fifteen percent (15%) of said total for street right-of-way purposes (regardless of the amount of land actually required for street right-of-way), and dividing the remaining net area available by the minimum lot area requirements of the zoning district in which the planned unit development is located.

Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zoning district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zoning district in which it is located and PROVIDED FURTHER, if the Township Board of Trustees in reviewing the site plan determines that additional density can be justified and will not be inimical to public health, safety and welfare, it may increase the net acreage available for computation by a maximum of the fixed percentage required for street right-of-way purposes.

- (3) **Permissive Minimum Lot Area:** Notwithstanding other procedures set forth in this Article, per unit lot areas within planned unit developments shall not be varied or reduced below the following minimum standards:
- a. **One Family Detached Dwelling Units:** 13,000 square feet without community sewers and water systems, 10,000 square feet with community sewers and water system.
 - b. **Semi-Detached or Attached Dwelling:** 12,000 square feet without community sewers and water system; 9,000 square feet with community sewers and water system.
 - c. **Townhouse, Row House, or other similar dwelling types:** 6,000 square feet without community sewers and water system, 4,000 square feet with community sewers and water system.
- (4) **Permissive Minimum Yard Requirements:** Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:
- a. **Front Yard:** Thirty (30) feet for all dwellings PROVIDED that front yard requirements may be varied by the Township Board after consideration of common greens or other common open space if such space provides an average of thirty (30) feet of front yard area per dwelling unit.
 - b. **Side Yard:** Ten (10) Feet on each side for all one and two-family dwellings, twenty (20) feet for townhouses, row houses or other attached dwellings PROVIDED that there shall be a minimum of twenty (20) feet between ends of contiguous groups of dwelling units.
 - c. **Rear Yard:** Twenty-five (25) feet for all dwellings PROVIDED that rear yard requirements may be varied by the Township Board after consideration of common open space lands or park areas which abut the rear yard area.
 - d. **Lots or areas** designated or used for commercial purposes shall observe the setbacks specified above for residential uses including required parking spaces.
- (5) **Maximum lot coverage** for principal and accessory buildings and parking shall not exceed forty percent (40%) of the total lot area.

SECTION 13B.6 OPEN SPACE REQUIREMENTS:

For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Article, equal amounts of land shall be provided in open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use, and enjoyment of present and future lot or homeowners within the development, or used as golf course or courses operated either privately or publicly, PROVIDED under all circumstances the use of the course or courses is available to all existing or future residents of the development on an equal basis with all other users, or shall be dedicated to Boardman Township as park land for the use of the general public.

SECTION 13B.6.1 MINIMUM OPEN SPACE REQUIREMENTS: Each planned unit development must devote a minimum of twenty-five percent (25%) of the planned unit development site

to permanent open space. "Open Space" does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five percent (25%) of the required open space.

SECTION 13B.6.2 MAINTENANCE OF OPEN SPACE: The Township Board shall utilize one (1) of the following options most appropriate as part of its approval of a special use permit for a planned unit development:

- (1) That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that an open space easement for said land shall be conveyed to Boardman Township to assure that open space land shall remain open. Lands to be utilized for golf courses may be leased for development PROVIDED in the event the golf course is abandoned at any future time, lands utilized for golf course purposes shall revert as common open land.
- (2) That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development and maintenance.
- (3) The Township Board shall require that in the event a golf course or open space is abandoned at any future time, lands utilized for golf course purposes and/or open space shall revert as open common land by a homeowners association unless the Township shall elect to have the said lands dedicated to the Township for use as public park.

It is the intent of this Section that in cases where option (2) above is determined to be in the best interest of the community, the owners or developers of the planned unit development shall not be compelled or required to improve the natural condition of said open space lands.

SECTION 13B.7 STREET AND ROADS:

All sections of the "Design and Construction Standard Specifications" of the Kalkaska County Road Commission shall apply to the development of roads and streets within planned unit developments. If the roads and/or streets within the planned unit development are to be a part of the county road system, prior to acceptance by the Board, the developer shall convey the road right-of-way, by warranty deed or dedication agreement, to the Board of County Road Commissioners of Kalkaska County.

If the road and/or streets within the planned unit development are not to be a part of the county road system, but intersect with, or connect to, an existing public road or street, a permit, including applicable fee, is required from the Kalkaska County Road Commission.

SECTION 13B.8 PLAN APPLICATION - DATE AND INFORMATION REQUIRED:

The developer shall submit a written application to the Boardman Township Zoning Administrator for approval of the planned unit development and also the fee established by the Boardman Township Board for review of such plans.

SECTION 13B.8.1 PLANNED UNIT DEVELOPMENT PLAN: At least thirty (30) days before the first meeting of the Boardman Township Zoning Board at which the proposal is to be considered, the developer shall submit to the Boardman Township Zoning Administrator eleven (11) copies of a preliminary plan for the planned unit development. If the planned unit development is to be developed in phases, the plan shall show all phases. The plan shall include the following:

- (1) The applicant's name, address, and telephone number.
- (2) A legal description of the land included in the proposed development.
- (3) A survey plan of the planned unit development site.
- (4) A floodplain plan, if the site lies within or abuts a floodplain area.
- (5) A site plan showing the location, size, area, and width of all lots and buildings.
- (6) A utility plan as required.
- (7) A street construction and maintenance plan for all private streets within the proposed planned unit development site.
- (8) A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities.
- (9) A soil erosion and sedimentation control plan.
- (10) A narrative describing: (a) the overall objectives of the development; (b) the total number of acres included in the site; (c) the number of acres to be occupied by or devoted to each type of use; (d) departures from the minimum underlying zoning district regulations which are requested; and (e) the number of acres to be preserved as open space or recreational space.

SECTION 13B.9 REVIEW PROCEDURES:

SECTION 13B.9.1 DISTRIBUTION TO AUTHORITIES: The Boardman Township Zoning Administrator shall deliver the proposed planned unit development plan to the Boardman Township Zoning Board and the Boardman Township Board of Trustees for review. The Boardman Township Zoning Administrator shall retain one copy.

SECTION 13B.9.2 ZONING BOARD REVIEW:

- (1) The Boardman Township Zoning Board shall hold a public hearing on the proposed planned unit development plan after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and purpose of the hearing.
- (2) If following the review and the public hearing prescribed above, the Boardman Township Zoning Board determines that the proposed plan meets all requirements of this Ordinance. the Boardman

Township Zoning Board shall send notice of action taken with comments to the Boardman Township Board.

- (3) If the planned unit development plan does not meet all requirements, the Boardman Township Zoning Board shall recommend disapproval of the plan by the Boardman Township Board of Trustees. The Boardman Township Zoning Board shall state its reason in its official minutes and forward same to the Boardman Township Board of Trustees, and recommend that the Boardman Township Board of Trustees disapprove the plan until the objections causing disapproval have been changed to meet with the approval of the Boardman Township Zoning Board.

SECTION 13B.9.3 BOARDMAN TOWNSHIP BOARD OF TRUSTEES REVIEW:

- (1) The Boardman Township Board shall not review, approve or reject a planned unit development plan until it has received from the Boardman Township Zoning Board its report and recommendations.
- (2) The Boardman Township Board may consider the planned unit development plan at its next meeting after receipt of the recommendations from the Boardman Township Zoning Board.
- (3) The Boardman Township Board of Trustees shall either approve the planned unit development plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Boardman Township Board of Trustees.

SECTION 13B.10 CONDITIONS AND DURATION OF APPROVAL:

SECTION 13B.10.1 DURATION: Each planned unit development shall be under construction within one (1) year after the date of its approval by the Township Board. If this requirement is not met, the Township Board may grant an extension provided the developer presents reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year after final approval by the Township Board, any building permit issued for said development shall be invalid and void.

SECTION 13B.10.2 PLANNED UNIT DEVELOPMENT APPROVAL CONTRACT:

- (1) If the Boardman Township Board of Trustees approves the planned unit development plan, it shall instruct Boardman Township's attorney to prepare a contract setting forth the conditions upon which such approval is based; such contract, after approval by the Boardman Township Board, shall be entered into between Boardman Township and the petitioner prior to the issuance of a Land Use Permit for any construction in accordance with the approved planned unit development plan. All reasonable costs, as established by the Boardman Township Board of Trustees, related to the preparation of said contract shall be paid by the petitioner to the Boardman Township Treasurer prior to issuance of any Land Use Permits.
- (2) As a condition of the approval of the planned unit development plan by the Boardman Township Board of Trustees, the Boardman Township Board of Trustees may require the

petitioner to furnish a cash bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example (and not limitation) streets, roads, parking lots, and water and sewer systems which are located within the planned unit development or which the applicant has agreed to construct even though located outside the planned unit development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Township Board which are located within the planned unit development. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the planned unit development, or if the planned unit development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall insure completion of the planned unit development public and site improvements in accordance with the plans approved by the Township Board.

STATE OF MICHIGAN)

AFFIDAVIT OF PUBLICATION

County of Kalkaska)

SS

Hugh Conklin

HUGH CONKLIN

being duly sworn, says that he/she is the the Leader and Kalkaskian newspaper printed, published and circulate in Kalkaska county and otherwise qualified as required by Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in the newspaper on the following date, or dates:

July 26

NOTICE OF AMENDMENT OF BOARDMAN TOWNSHIP ZONING ORDINANCE

TAKE NOTICE that on July 16, 2001, the Boardman Township Board enacted an amendment to the Boardman Township Zoning Ordinance. The amendment adds provisions to the zoning ordinance, by enactment of new Article 13B, authorizing and regulating planned unit developments within the Township. The amendment to the zoning ordinance includes provisions setting forth (1) objectives which shall be considered in reviewing applications for planned unit developments (Section 13B.2); (2) conditions which shall be met to qualify for consideration as a planned unit development (Section 13B.3); (3) uses of land and structures which may be permitted within planned unit developments (Section 13B.4); (4) procedures pursuant to which lot sizes may be reduced from the sizes otherwise required by the zoning district within which the development is located (Section 13B.5); (5) requirements for open space within planned unit developments (Section 13B.6); (6) requirements for construction of streets and roads within planned unit developments (Section 13B.7); (7) requirements for submission of applications for approval of planned unit developments (Section 13B.8); (8) procedures for review of planned unit development plans by the Township Zoning Board and the Township Board of Trustees (Section 13B.9); and (9) conditions for approval of planned unit development plans (Section 13B.10).

Effective Date: This amendment to the Boardman Township Zoning Ordinance will take effect seven (7) days after the date of this publication.

A full copy of this ordinance can be inspected or purchased at the Boardman Township Hall, 4855 Pine Street, South Boardman, Michigan.

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_____, 20____
_____, 20____
_____, 20____
_____, 20____

Subscribed and sworn to before me

this 26th day _____

of July A.D. 2001

Tammy L O'Dell

Notary Public,

Tammy L. O'Dell
Notary Public State of Michigan
Kalkaska County
Acting in Sikem County

My Commission Expires October 27, 2003

My commission expires:

ARTICLE THIRTEEN A**CONDOMINIUM SUBDIVISIONS****SECTION 13A.1 INTENT:**

Michigan statutes provide for developments consisting of one-family detached residential dwelling units and sites through procedures other than those authorized by the Land Division Act. The intent of this Article Thirteen A is to provide procedures and regulations for residential subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional one-family platted subdivisions and promote the orderly development of the adjacent areas. It is not intended that commercial or industrial condominium projects will be reviewed or approved under this section of the Boardman Township Zoning Ordinance.

SECTION 13A.2 GENERAL PROVISION:

For the purpose of this section, a Condominium Subdivision shall include any residential development in a Residential, Resort-Residential, Agricultural-Residential, or Forest-Recreation district proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended) consisting of two (2) or more single family detached residential structures on a single parcel.

SECTION 13A.3 REQUIRED PLANS AND CONDITIONS:

SECTION 13A.3.1 CONDOMINIUM LOTS: The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provisions herein, these parcels shall be referred to as condominium lots. The description, size, location and arrangement of the condominium lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units.

SECTION 13A.3.2 AREA AND BULK REQUIREMENTS: Each condominium dwelling unit shall be located within a condominium lot.

- (1) All site condominium subdivisions and structures therein shall comply with all of the use, size, sign, height, frontage, and area (setback) regulations of the underlying zoning district in which the subdivision is located.
- (2) The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.
- (3) Side condominium lot lines shall be essentially at right angles to straight roads and radial to curved roads.

- (4) Narrow deep condominium lots shall be avoided. The depth of a condominium lot shall not exceed four (4) times the width as measured at the building line.
- (5) Corner condominium lots shall have extra width to permit appropriate building setback from both roads or orientation to both roads.
- (6) Condominium lots extending through a block and having frontage on two local roads shall be prohibited.
- (7) Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads. Condominium lots along US 131 and other Kalkaska County Primary Roads shall not front but shall back up to such roads.
- (8) All condominium lots shall front upon a public road or private road. Variations to this requirement may be made in the case of an approved clustered development.

SECTION 13A.3.3. STREETS: If a condominium subdivision is proposed to have private streets, they shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the Kalkaska County Road Commission for acceptance as a public road. All public streets within a condominium subdivision shall be constructed as required by the Kalkaska County Road Commission.

SECTION 13A.3.4 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS: Water Supply and Sewage Disposal Systems shall comply with all requirements of Boardman Township and Kalkaska County.

SECTION 13A.3.5 WETLAND AND FLOODPLAIN RESTRICTIONS: There shall be no development or modification of any kind within a wetland or floodplain area without there first having been issued a wetlands permit by the Department of Natural Resources and/or an Earth Change Permit as appropriate. Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Boardman Township Zoning Board to be uninhabitable shall not be used for residential purposes, or for uses that may in the judgment of the Boardman Township Zoning Board increase the danger to health, life or property or increase the flood hazard. Such land within a condominium subdivision shall be set aside for other uses, such as parks or other open space.

SECTION 13A.3.6 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION: In the event that any developer shall intend to make changes in the contour of any land proposed to be developed, or changes in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Boardman Township Zoning Board for approval a plan for erosion and sedimentation controls, unless there has been a prior determination by the Boardman Township Zoning Board that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained herein and the Standards and Specifications of the Kalkaska County Soil Conservation District, if any. The Boardman Township Zoning Board shall review these plans as submitted and shall take necessary steps to ensure compliance by the developer with these plans as finally approved. In circumstances where soil erosion control comes under the jurisdiction of Act 347 of P.A. 1972 (1 acre or more), the developer shall submit a set of plans approved by the Soil Erosion Control Officer. The following control measures should be used for an effective erosion and a sediment control plan:

- (a) The smallest practical area of land should be exposed at any one time during development.
- (b) When land is exposed during development, the exposure should be kept to the shortest period of time.
- (c) Where necessary, temporary vegetation and/or mulching should be installed and maintained to remove sediment from runoff waters from land undergoing development.
- (d) Sediment basins (debris basins, silting basins, or silt traps) should be installed and maintained to remove sediment from runoff waters from land undergoing development.
- (e) Provisions should be made to effectively retain on the property any increased run-off caused by changed soil and surface conditions during and after development.
- (f) The permanent final vegetation and structures should be installed as soon as practical in the development.
- (g) The development plan should be fitted to the topography and soils so as to create the least erosion potential.

SECTION 13A.4 PLAN APPLICATION - DATE AND INFORMATION REQUIRED:

The condominium subdivision developer shall submit a written application to the Boardman Township Zoning Administrator for approval of the condominium subdivision plan and also the fee established by the Boardman Township Board for review of such plans.

SECTION 13A.4.1 CONDOMINIUM PLAN, PROTECTIVE COVENANTS AND DEED RESTRICTIONS: At least thirty (30) days before the first meeting of the Boardman Township Zoning Board at which the proposal is to be considered, the condominium subdivision developer shall submit to the Boardman Township Zoning Administrator eleven (11) copies of the condominium subdivision plan. The condominium subdivision plan shall include all information required by the Condominium Act, as now enacted or hereinafter amended, and the administrative rules which supplement the Condominium Act, including but not limited to the following:

- (1) Project description which describes the nature and intent of the proposed development.
- (2) A survey plan of the site condominium subdivision.
- (3) A floodplain plan, if the site lies within or abuts a floodplain area.
- (4) A site plan showing the location, size, area, and width of all condominium units.
- (5) A utility plan as required.
- (6) A street construction, paving, and maintenance plan for all private streets within the proposed site condominium subdivision.

- (7) A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities.
- (8) A soil erosion and sedimentation control plan.
- (9) A description of the common elements of project as will be contained in the Master Deed.
- (10) The use and occupancy restrictions as will be contained in the Master Deed.
- (11) A "Consent to Submission of Real Property to Condominium Project," stating all parties which have ownership interest in the proposed site condominium subdivision; or evidence of authority or right that the developer has a legal option to purchase the subject property from the owner(s) of record.

SECTION 13A.4.2 LIGHTING STANDARDS: Where street lighting is to be provided within the development, the lighting shall be designed, constructed, and located so as to minimize light pollution and shall conform to the following standards:

- (1) All lighting shall be shielded and directed downwards. Light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the development.
- (2) Light poles and fixtures shall be installed at a height no taller than sixteen (16) feet. A greater number of low "area" lights are favored over higher lights. All exterior lighting shall be from high pressure sodium light sources with shielded down lighting and non-projecting lens.

SECTION 13A.5 REVIEW PROCEDURES:

SECTION 13A.5.1 DISTRIBUTION TO AUTHORITIES: The Boardman Township Zoning Administrator shall deliver the proposed condominium subdivision plan to the Boardman Township Zoning Board and the Boardman Township Board of Trustees for review. The Boardman Township Zoning Administrator shall retain one copy.

SECTION 13A.5.2 ZONING BOARD REVIEW:

- (1) The Boardman Township Zoning Board shall review the condominium subdivision plan and the reports of the Kaskaska County Road Commission, the Kaskaska County Drain Commissioner/Soil Erosion Officer, the Kaskaska County Health Department, and the Boardman Township Planner/Zoning Administrator.
- (2) The Boardman Township Zoning Board shall hold a public hearing on the proposed condominium plan after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and purpose of the hearing.
- (3) If following the review and the public hearing prescribed above, the Boardman Township Zoning Board determines that the proposed plan meets all requirements of this Ordinance, the Boardman

Township Zoning Board shall send notice of action taken with comments to the Boardman Township Board.

- (4) If the condominium subdivision plan does not meet all requirements, the Boardman Township Zoning Board shall recommend disapproval of the plan by the Boardman Township Board of Trustees. The Boardman Township Zoning Board shall state its reason in its official minutes and forward same to the Boardman Township Board of Trustees, and recommend that the Boardman Township Board of Trustees disapprove the condominium subdivision plan until the objections causing disapproval have been changed to meet with the approval of the Boardman Township Zoning Board.

SECTION 13A.5.3 BOARDMAN TOWNSHIP BOARD OF TRUSTEES REVIEW:

- (1) The Boardman Township Board shall not review, approve or reject a condominium subdivision plan until it has received from the Boardman Township Zoning Board its report and recommendations.
- (2) The Boardman Township Board may consider the condominium subdivision plan at its next meeting after receipt of the recommendations from the Boardman Township Zoning Board.
- (3) The Boardman Township Board of Trustees shall either approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Boardman Township Board of Trustees.

SECTION 13A.6 CONDITIONS AND DURATION OF APPROVAL:

SECTION 13A.6.1 CONDITIONS: The approval of the Boardman Township Board of Trustees will indicate that the proposed condominium subdivision plan meets the provisions of section 141 of the Condominium Act relating to the ordinances and regulations of Boardman Township, but does not cover additional permits that may be required after the Master Deed has been recorded.

SECTION 13A.6.2 DURATION: Approval of the condominium subdivision by the Boardman Township Board of Trustees shall be for a period of one year from the date of its approval by the Boardman Township Board of Trustees. If no Master Deed is recorded with the Kaskaska County Register of Deeds Office within one year of approval, such approval shall be considered null and void. The Boardman Board of Trustees may extend the one-year period if applied for and granted in writing.

SECTION 13A.6.3 CONDOMINIUM SUBDIVISION PLAN APPROVAL CONTRACT:

- (1) If the Boardman Township Board of Trustees approves the condominium subdivision plan, it shall instruct Boardman Township's attorney to prepare a contract setting forth the conditions upon which such approval is based; such contract, after approval by the Boardman Township Board, shall be entered into between Boardman Township and the petitioner prior to the issuance of a Land Use Permit for any construction in accordance with the approved condominium subdivision plan. All reasonable costs, as established by the Boardman Township Board of Trustees, related to the preparation of said contract shall be paid by the petitioner to the Boardman Township Treasurer prior to issuance of any Land Use Permits.

- (2) As a condition of the approval of the condominium subdivision plan by the Boardman Township Board of Trustees, the Boardman Township Board of Trustees may require the petitioner to furnish a cash bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in the amount of the cost plus an additional 10% of the cost of the proposed improvements to common land, as approved by the Boardman Township Zoning Administrator, guaranteeing the completion of such improvement within a time to be set by the Boardman Township Board of Trustees.

SECTION 13A.6.4 MASTER DEED - CONTENTS: All provisions of the site condominium plans which are approved by the Boardman Township Board of Trustees must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township pursuant to the procedure set forth herein for the approval of site condominium plans. A copy of the Master Deed as filed with the Kalkaska County Register of Deeds for recording must be provided to the Township within ten (10) days after such filing with the County.

STATE OF MICHIGAN)

AFFIDAVIT OF PUBLICATION

County of Kalkaska)

SS

Hugh Conklin

HUGH CONKLIN

being duly sworn, says that he/she is the
the Leader and Kalkaskian
newspaper printed, published and circula
county and otherwise qualified acc
Supreme Court Rule; that annexed i
printed copy of a notice which was publi
newspaper on the following date, or dates, l

April 26

NOTICE

**OF AMENDMENT OF
BOARDMAN TOWNSHIP ZONING ORDINANCE**

TAKE NOTICE that on April 19, 2001, the Boardman Township Board enacted an amendment to the Boardman Township Zoning Ordinance. The amendment adds provisions to the zoning ordinance, by enactment of new Article 13A, setting forth procedures and regulations for residential subdivisions implemented under the Michigan Condominium Act (Condominium Subdivisions) within the Township. The amendment to the zoning ordinance includes provisions setting forth (1) regulations and conditions regarding condominium lots, dwelling units, streets, water supply and sewage disposal systems, wetland and floodplain restrictions, and control of erosion and sedimentation (Section 13A.3); (2) requirements for submission of applications for approval of condominium subdivision plans (Section 13A.4); (3) procedures for review of condominium subdivision plans by the Township Zoning Board and the Township Board of Trustees (Section 13A.5); and (4) conditions for approval of condominium subdivision plans (Section 13A.6).
Effective Date: This amendment to the Boardman Township Zoning ordinance will take effect seven (7) days after the date of this publication.
A full copy of this ordinance can be inspected or purchased at the Boardman Township Hall, 4855 Pine Street, South Boardman, Michigan.

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Subscribed and sworn to before me

this 26th day

of April A.D. 20 01

Tammy L O'Dell

Notary Public,

Tammy L O'Dell
Notary Public State of Michigan
Kalkaska County
Acting in SAME County
My Commission Expires October 27, 2003

My commission expires:

**BOARDMAN TOWNSHIP
BLIGHT ELIMINATION ORDINANCE**

Boardman Township Ordinance No. 05-07-02
Effective Date June 13, 2003

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within Boardman Township, Kalkaska County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by act 344 of the Public Acts of 1945, as amended.

THE TOWNSHIP OF BOARDMAN , KALKASKA COUNTY ORDAINS:

Section 1: Purpose

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in Boardman Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

Section 2: Causes of Blight or Blighting Factors

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Boardman Township owned, leased, rented or occupied by such person, firm or corporation.

In any area zoned for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include, whether so licensed or not, any motor vehicle which is inoperative.

In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by the Boardman Township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended.

In any area, the existence of any vacant dwelling, garage or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.

In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the township and unless such construction is completed within a reasonable time

Section 3: Enforcement and Penalties

This ordinance shall be enforced by such persons who shall be so designated by the Township Board

The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 10 days after service of the notice upon him. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this ordinance.

Violation of this ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding Five Hundred (\$500) dollars or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment in the discretion of the Court.

Section 4: Effective Date and Adoption

This ordinance shall become effective thirty (30) days after its publication as required by law.

BOARDMAN TOWNSHIP
JUNK YARD ORDINANCE

Boardman Township Ordinance No. 05-07-04

Effective date June 13, 2003

THE TOWNSHIP OF BOARDMAN, KALKASKA COUNTY, MICHIGAN ORDAINS:

Section 1:

No person, corporation, member or members of a co-partnership or firm shall engage in the business of purchasing, selling, exchanging, storing or receiving second-hand articles of any kind, such as cast iron, old iron, old steel of any kind, tool steel, aluminum, copper, brass, lead pipe or tools, lighting and plumbing fixtures, old machinery and automobiles stored for the purpose of dismantling, or conducting a place for the dismantling of automobiles in the Township of Boardman without a license therefor from the township board of said Boardman Township.

Section 2:

Every person desiring to engage in the business of junk as herein specified in said township and all those now engaged in said business in said township shall make application in writing to the township board, specifying the street and building and street number or road of the premises on which said person intends to carry on said business.

Section 3:

After such application shall be granted, and before a license shall be issued thereon, persons engaged in said line of business shall pay into the treasury of said township the sum of \$25 per annum as license fee before such license shall be issued. Every person engaged in said junk business as specified in the ordinance after the first Monday in July in any year shall pay a pro-rate portion of the yearly license fee for the remainder of the year ending on the first Monday of July next ensuing; and in computing the time of such fractional part of a year for which a license is required, the same shall commence on the first day of that month in which said business shall be commenced. But no license fee shall be less than one-fourth of the yearly license fee. All licenses granted under the ordinance shall expire on the first Monday in July after the same have been granted.

Section 4:

Whenever the township board shall have determined to grant a license to such applicant or applicants upon a receipt of the treasurer of said township for the license fee, the said clerk shall issue to said person or persons a license under the seal of the township in which it shall be stated that the same is recoverable at any time by the township board of said township, for such time as the township board shall prescribe. Before the said township clerk shall issue any such license, he shall record the same in a book to be provided for that purpose.

Section 5:

No person or persons licensed as junk dealers as designated in this ordinance shall by virtue of one license keep more than one house, shop, store, or place for such business; provided, however, that such person or persons may remove from one place of business to another in said township by giving an immediate notice in writing to the township clerk of said township specifying the building, number and street or road to which removal is made, but no removal shall be made until it has been approved by the Boardman Township board.

Section 6:

Every person or firm licensed under this ordinance shall cause his or her name or their firm name (as the case may be) with the words Licensed Junk Dealer to be printed or painted in large legible characters and placed over the door or entrance of such shop, office, or place of business.

Section 7:

Every person licensed to carry on a junk business in said township shall at all times keep a book in which shall be legibly written in ink at the time of purchase or receiving any goods, articles, or things, an accurate account and description in the English language of the goods, articles or other things purchased or received, the amount therefore, the time of purchasing or receiving same, the name and address of the persons selling or leaving such goods, articles and/or things and a description of the person from whom the same were purchased or received.

Section 8:

The book provided for in Section 7 of this ordinance shall at all reasonable times be open to the inspection of the supervisor, police officers of the township or any member of the sheriff's force authorized by the supervisor of the Township of Boardman.

Section 9:

It shall be the duty of every person licensed as aforesaid upon receiving information of learning that any goods, articles or things purchased or left with him having been lost or stolen, to notify in writing the police officers of that fact, give the name of the person from whom he received the same, the time when the things were received, and all other facts connected therewith that may tend to the discovery or conviction of the thief or thieves.

Section 10:

No person licensed as aforesaid shall purchase or receive by sale, barter, or exchange or otherwise any articles mentioned in this ordinance from any person between the hours of 9 p.m. and 7 a.m. nor from any person who is at the time intoxicated or from an habitual drunkard or from any person known by said junk dealer to be a thief or an associate of thieves or receiver of stolen property, or from any person he has reason to suspect of being such, or from any person under the age of 16 years.

Section 11:

No junk yard shall be located on the same lot or premises as a dwelling house. No junk yard shall be located in a residential zone. No person shall conduct the business of a junk yard unless the same be located in and all the junk stored in a side building, provided however, that junk

automobiles stored for the purpose of dismantling, and parts of dismantled automobiles may be stored on an open lot if said lot has a tight board fence which shall enclose the view of said junk or dismantled automobiles from a public road or street, free from advertising except as it shall apply to the owner's business, 6 ½ feet in height, and all junk shall be stored inside of said fence and at no greater height than the height of the fence. No materials causing offensive odor or unsanitary conditions shall be stored on any premises where a junk business is carried on. No dismantling or salvaging operations shall be carried on on said premises on Sunday or during the hours between 8 p.m. and 7 a.m., provided however, that this provision shall not be applicable to the sale of parts and merchandise of said business.

Section 12:

Any person or persons who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$100, or by commitment to the county jail for a period not to exceed 90 days or by both fine and commitment. Each and every day that such violation continues after notification may constitute a separate offense.

Section 13:

This ordinance shall become effective thirty (30) days after its publication as required by law.

**BOARDMAN TOWNSHIP,
DISMANTLED/JUNK CAR ORDINANCE**

Boardman Township Ordinance No. 05-07-03

Effective Date JUN 23, 2003

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Boardman, Kalkaska County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers and new or used parts of junk therefrom, within the Township of Boardman; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF BOARDMAN, KALKASKA COUNTY, MICHIGAN ORDAINS:

Section 1: Name

This ordinance shall be known and cited as the Boardman Township Dismantled Car Ordinance.

Section 2: Purpose

The purpose of this ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, house trailers, or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

Section 3: Regulations

A. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the township, any motor vehicle, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the township, county, or State of Michigan, except for the following:

1. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
3. Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was

manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.

B. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provision of the Boardman Township Zoning Ordinance. Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.

C. In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Building and Zoning Inspector of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the ordinance are still substantially observed.

Section 4: Nuisance

Any parking, storage, placement, or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

Section 5: Construction

This ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating within a proper zone as defined in the Boardman Township Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

Section 6: Severability Clause

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion thereof.

Section 7: Penalty

Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

**BOARDMAN TOWNSHIP
PERCH LAKE WATER PRESERVATION ORDINANCE**

Boardman Township Ordinance No. 08-03-03-01

An ordinance to preserve and protect the waters of Perch Lake, Boardman Township, Michigan, and to prohibit the withdrawal of water therefrom; to provide for enforcement hereof; and to provide penalties for the violation hereof.

THE TOWNSHIP OF BOARDMAN, KALKASKA COUNTY, MICHIGAN ORDAINS:

Section 1: *Name*

This Ordinance shall be known and cited as the Boardman Township Perch Lake Water Preservation Ordinance.

Section 2: *Purpose.*

It is the purpose of this Ordinance to preserve and protect the waters of Perch Lake, located in Section 26, Boardman Township, Kalkaska County, Michigan, by prohibiting the withdrawal of water from Perch Lake except as otherwise expressly permitted herein. This ordinance is adopted for the protection of the public health, welfare, and safety and the conservation of the natural resources of Boardman Township, and to preserve property values of lands adjoining Perch Lake.

Section 3: *Regulation.*

No person, firm, corporation or other entity shall remove, or cause to be removed, water from Perch Lake, except as follows:

- A. Owners or occupants of property fronting on Perch Lake shall be allowed to withdraw water for uses incidental to the residential occupation of the property, such as lawn irrigation. Under no circumstances shall water be withdrawn by owners or occupants of contiguous property for any commercial use or purpose, or for any purpose not directly related to the use or maintenance of the property as a permanent or seasonal residence.
- B. Municipal fire departments may withdraw water for fire-fighting purposes.

Section 4: *Enforcement and Penalties.*

This Ordinance shall be enforced by such persons who shall be so designated by the Township Board.

Section 8: Effective Date

This ordinance shall take become effective thirty (30) days after its publication as required by law. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.