



**FORSYTH  
TOWNSHIP  
ZONING  
ORDINANCE**



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**ARTICLE I**  
ADOPTED NOVEMBER 19, 1990  
EFFECTIVE DECEMBER 3, 1990

**ENACTING CLAUSE, TITLE PURPOSE**

ENACTING CLAUSE

The Township of Forsyth, County of Marquette, State of Michigan, Ordains:

An ordinance to establish zoning district and regulations governing the development and use of land within the Township of Forsyth, Marquette County, Michigan in accordance with the provisions of the Township Rural Zoning Act Number 184 of Public Acts of 1944, as amended, to provide for a Board of Appeals and for its power and duties, to provide for permits, and to establish and provide for the collection of fees, to provide for the administration, enforcement, and amended thereof, and the repeal of all ordinances in conflict herewith.

**TITLE**

The ordinance shall be known and may be cited as, "The Zoning Ordinance of Forsyth Township."

**PURPOSE**

This ordinance has been established for the purpose of the following:

- A. Prompting and protecting the public health, safety and general welfare.
- B. Protecting the character and stability of the forest-recreations, residential, commercial, and industrial areas, and prompting the orderly and beneficial development of such areas.
- C. Preventing the overcrowding of land and undue concentration of population by

regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, privacy and to protect the public health.

- D. Lessening and avoiding congestion on public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous use of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, buildings and population development as studied and recommended by the Planning Commission and approved by the Forsyth Township Board.
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability and prohibiting uses, which are incompatible with the character of development permitted within specified zoning districts.
- G. Conserving the market value of private and public lands and structures.
- H. Conserving the expenditures of funds for public improvements and services.
- I. Protecting against fire explosion noxious fumes and odors, heat, dust, smoke, glare, noise, vibrations and other nuisances and hazards in the best interest of the people.
- J. Providing for the existence of nonconforming uses and structures, but not to encourage their continuance.
- K. Assuring adequate space is provided for the parking of vehicles of customers and employees using commercial, retail and industrial areas.

## ARTICLE II

### GENERAL PROVISIONS

Every building and structure erected, every use of any lot building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to, an existing use, building, or structure, occurring after the effective date of this ordinance, as amended, shall be subject to all regulations of this ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amended of this ordinance, provided that construction shall be completed within three hundred sixty five (365) days of such effective date.

The adoption of this ordinance shall not limit the construction, or designated use of any building or structure for which a zoning permit has been obtained prior to the effective date of adoption or amendment of this ordinance even though such building or structure does not conform to the provisions of this ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit.

### APPLICATION OF THIS ORDINANCE

No structure shall be constructed, erected, placed, or maintained, and not land use commenced or continued within the township of Forsyth, except as specifically or necessarily implied,

unless authorized by this ordinance.

The regulations established by this ordinance with each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this ordinance. Where a lot is devoted to a permitted use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication, or unless otherwise authorized.

### ARTICLE III DEFINITIONS

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

When not inconsistent with the context, words used in the present tense shall include the future.

Words in the singular number shall include the plural number. The word "person" includes "corporation", "co-partnership", as well as "individual". The word "shall" is mandatory and the word "may" is permissive. The word "lot" includes the words "plot" or "parcel". The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". Terms not defined herein shall have the meanings customarily assigned them.

#### ACCESSORY

Means both subordinate and incidental to a principal use or structure.

#### ACCESSORY BUILDING

A building subordinate and incidental to a principal structure, primarily for storage or utilities; i.e. well, pump house or Lake Residential a boathouse. Height not to exceed fourteen (14') feet from the base of the wall to the peak. Not to exceed the square footage allowed in R-1. These dimensional restrictions also apply to R-2, R-3, MH-1 and LR. Dimensional restrictions in other zoned areas will be commensurate with intended primary use.

#### ACCESSORY USES AND STRUCTURES

Where a lot is devoted to a permitted use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A. Customary home occupations are permitted as an accessory to residential use or occupancy, but only to the extent authorized by the definitions of the terms in this ordinance.

- B. Accessory uses to a gas station are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, hand washing and polishing without automatic equipment, and replacement of light bulbs, windshield wiper blades and other small parts, and do not include steam cleaning, body repairs, painting, or transmission, or chassis repairs except as listed above.

## AGRICULTURE

The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields, pastures or pens. Agricultural activity shall be further identified on the basis of intensity as:

**Light Agricultural Activity:** The cultivation of more than a garden but less than a farm, where the primary land use is residential and the production of crops and husbandry of domesticated animals is primarily for the consumption of, enjoyment and/or use of the occupants.

**Traditional Agricultural Activity:** One or more plots of land comprising a farm devoted to the raising of domestic animals and/or cultivation of crops in quantity for the primary purpose of producing income, and which may be operated in accordance with the Michigan Right To Farm Act Public Act P.A. 93 of 1981.

**Intensive Agricultural Activity:** The keeping of animals either in pens or buildings where one or more of the following conditions exist:

- 1) The quantity of animals exceed traditional agricultural activity as determined by the Planning Commission.
- 2) Where the animal density would result in destruction of cover vegetation for 50% or

more of the enclosure area.

- 3) Where the animals are confined within buildings for extended periods regardless of weather.
- 4) Where processing operations also occur on the same premises.
- 5) The operation consists of a fur farm, feedlot or poultry farm.
- 6) Keeping of exotic, other non-domesticated or musk producing species.

#### ALTERATIONS

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

#### AREA-SIGN

The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing representation, emblem, or any figure of similar character, together with any form or other materials or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken on the area of the larger face, if the two faces are of unequal area. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguished border, panel, or background, any blank rectangular area which is more than ten percent of the sign as otherwise computed shall be disregarded. All lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing boarder, panel, or background and pertaining to the same

enterprise shall be treated as a single sign for purposes of area computation.

#### BASEMENT

Is that portion of a building which is partly, or wholly, below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

#### BED AND BREAKFAST

As defined in Act No 112, Public Acts of 1987, Being Section 4b (4), and incorporated herein "Bed & Breakfast" means single family residence structure that meets all of the following criteria:

- A. Has 8 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.
- B. Serve breakfast, at no extra cost to its transient tenants.
- C. Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

#### BOARDING HOUSE

A dwelling in which lodging or meals, or both are furnished to not more than six guests for compensation.

#### BUILDING

Is a structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for such purposes.

#### BUILDING, MAIN

The building in which is conducted the principal use of the lot.



### CAMPSITE

A privately owned site in which a shelter or vehicle is temporarily located with or without hook-ups (i.e. water, electric, sanitary), with or without compensation.

### CARPORT

A shelter for one or more vehicles, which is not fully enclosed by walls, and one or more doors.

### CAR WASH

A building in which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.

### CHILD CARE CENTER

Child Care Center or Day Care Center means a facility, other than a private residence, receiving one or more preschool or school age children for periods of less than twenty-four hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a Child Care Center, Day Care Center, Day Nursery, Nursery School, Parent Cooperative Preschool, Play Group, or Drop-in Center.

### CHURCH

A building wherein persons regularly assemble for religious worship, which is used only for such purpose and those accessory activities as are customarily associated therewith.

### CLINIC

A place where services are furnished to persons on an outpatient basis by licensed mental or health care professional(s).

## CLUB

An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, whose facilities are available only to a limited number of members and guests.

## CONVEYANCE

An instrument or deed transferring a title to property.

## CONDOMINIUM

A building or group of buildings in which dwelling units, office, or floor area are owned individually and the common areas, facilities and in some cases the structures are owned by the owners, on a proportional, undivided basis.

## CONDOMINIUM ACT

Public Act 59 of 1978, as amended.

## CONDOMINIUM SUBDIVISION PLAN

The site, survey and utility plans; floor plans and section, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, boundaries' acreage and volume for each condominium unit composed of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of the common space elements.

## CONDOMINIUM UNIT

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

## CONSOLIDATING MASTER DEED

The final amended master deed for a contractible site condominium, and expandable site condominium project for a site condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

## CONTRACTIBLE SITE CONDOMINIUM

A site condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

## CONVERSION SITE CONDOMINIUM

A site condominium project containing site condominium units some or all of which were occupied before the establishment of the site condominium project.

## CONVERTIBLE AREA

A unit or portion of the common elements of the site condominium project referred to in the site condominium documents within which additional site condominium units or general or limited common elements may be created pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

## DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.

### DRIVE-IN RESTAURANT

Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food, served directly to or permitted to be consumed by patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

### DWELLING UNIT

A building, or a portion thereof, designed for occupancy by one (1) family for resident purposes and having facilities that complies with the minimum standards established in this ordinance.

### DWELLING, MULTIPLE FAMILY

A building, or a portion thereof, designed for occupancy by three (3) or more families living independently of each other, with or without common or separate kitchen or dining facilities, including apartment houses, fraternities, sororities, dormitories, row houses, town houses, and similar holding types but not including hotels, hospitals, or nursing homes. Multiple dwelling units are further defined as follows:

- A. EFFICIENCY APARTMENT is a dwelling unit consisting of not more than one (1) room in addition to kitchen and sanitary facilities.
- B. ONE BEDROOM UNIT is a dwelling unit consisting of not more than three (3) rooms in addition to kitchen and sanitary facilities.
- C. TWO BEDROOM UNIT is a dwelling unit consisting of not more than four (4) rooms in addition to kitchen and sanitary facilities.
- D. THREE OR MORE BEDROOM UNIT is a dwelling unit consisting of more than four (4) rooms in addition to kitchen and sanitary facilities.

All of the above must comply with minimum dwelling standards as set forth in Article VII.

### DWELLING, SINGLE FAMILY

A building containing not more than one separate dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Article VII.

### DWELLING, TWO-FAMILY

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Article VII.

### ERECTED

Includes built, constructed, altered, reconstructed, assembled, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.

### ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, fuel, or water transmission or distribution systems, collection, communication supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduit, cables, and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. Essential services, except buildings, shall be permitted as authorized and regulated by law and other ordinance, it being the intention thereof to exempt such essential services from the application of the ordinance.

### EXPANDABLE SITE CONDOMINIUM

A site condominium project to which additional land may be added pursuant to express provision in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

## FACIA SIGN

A flat sign which does not project more than one (1) foot from the face or wall of the building upon which it is affixed, painted, or attached, running parallel for its whole length to the face or wall of the building and which does not extend beyond the horizontal width of such building. A fascia sign is always a first-party business or identification sign and should not be confused with an off-premises sign.

## FAMILY

One or two persons or parents with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof), living together in the whole or part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purposes of this ordinance.

## FAMILY DAY CARE HOME

A "Family Day Care Home" means a private home in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

## FENCE

A structure of definite height and location to serve as an enclosure in carrying out the requirements of this ordinance.

## FENCE, OBSCURING

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance. Unless otherwise regulated in this ordinance or as otherwise required

in carrying out the intent of this ordinance, an obscuring screen shall be an obscuring fence or wall not less than four feet six inches (4'6") in height, and not exceeding a height that is aesthetically compatible in appearance with other residences or structures, constructed under the requirements of this ordinance, in the vicinity.

#### FLOOR AREA

The total gross area on all floors and measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, and terraces.

#### FLOOR AREA RATIO

The ratio of floor area to the lot area of all buildings excluding the floor area of garages, carports, and breezeways, and excluding the area of any floor more than four (4) feet below grade where no part of such basement is used for sleeping rooms or quarters.

#### FLOOR SPACE

The floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants excluding common halls, stairwells, sanitary facilities, storage areas and other areas to which patrons do not have regular access.

#### FREESTANDING SIGN

A sign supported by one or more columns, uprights, or braces in or upon the ground, not attached to or forming a part of a building. It is a first-party business or identification sign.

#### GARAGE, COMMERCIAL

A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold or repaired or other services are performed.

### GARAGE, PRIVATE

A building not over one (1) story in height used for parking or storage of motor vehicles but not for commercial servicing or repair.

### GASOLINE SERVICE STATION

A place for the dispensing, sale, or offering for sale, of motor fuel directly to user of motor vehicles together with the sale of minor items or accessories and the servicing of and minor repairs of motorized vehicles. Prohibited activities include, but are not limited to, the following: vehicle dismantling and such other activities whose external physical effects could extend beyond the property line.

### GROUND COVERAGE RATIO

The percent of lot area included within the outside lines of the exterior walls of all buildings located on the lot, and including the area of porches, decks, patios, breezeways, balconies, and bay windows, except garages, carports, and patios that are not more than six inches (6") above grade.

### GROUP DAY CARE HOME

A "Group Day Care Home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

### HEIGHT

The vertical distance from the highest point of a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.



## HOME OCCUPATIONS

Occupations engaged in within a dwelling by the resident or residents of the same complying with the following conditions and limitations as expressed in Article XIII.

- A. Are operated in their entirety within the dwelling, garage or accessory building located upon the premises.
- B. Are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month; provided, however, the Planning Commission shall have the authority to permit one additional subordinate assistant who does not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems.
- C. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
- D. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
- E. No goods are sold from the premises, which are not strictly incidental to principal home occupation conducted therein.
- F. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- G. Any such home occupation may be subject to periodic inspection by the Zoning Administrator of the township and shall be reexamined by the Planning Commission

whenever the home occupation fails to comply with any special conditions mandated or the provisions of this ordinance.

H. Home occupation remains valid with the original applicant only, as long as there is no suspension of the home occupation activity for the continuous period of 180 days, the home occupation is not transferable from one address to another, nor from one occupant to another.

I. Approval of a home occupation with conditions deemed appropriate shall be granted by the Township Planning Commission.

#### HOTEL

A structure which is designed, used, or offers lodging, and usually meals, entertainment and various personal services for the public, not including hospitals or nursing homes.

#### KENNEL

Any activity involving the permanent or temporary confinement of three (3) or more dogs more than six months of age for the purposes of sale, boarding, breeding, hobby or training purposes.

A kennel facility shall be so constructed as to prevent the public or other animals from obtaining entrance thereto and gaining contact with dogs lodged in the kennel. A kennel shall be further identified on the basis of intensity as:

**Light Kennel Activity:** The keeping of three (3) to ten (10) dogs.

**Traditional Kennel Activity:** The keeping of more than ten (10) dogs.

#### LAUNDROMAT

A place where patrons wash, dry or dry-clean clothing and fabrics in a machine operated by the patron.

### LOT, ORDINANCE

A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such set back area and other open space as required by this ordinance, but excluding any part thereof severed from another lot where the severance created any nonconformity of use or structure. A lot may or may not be specifically designated as such on public records.

### LOT AREA

The area of land within the boundary of a lot excluding any part under water and, in addition, the area of land bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the right-of-way line of the highway.

### LOT, CORNER

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

### LOT COVERAGE

The part or percent of the lot occupied by buildings, including accessory buildings.

### LOT DEPTH

The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

## LOT, INTERIOR

Any lot other than a corner lot.

## LOT LINES

The lines bounding a lot as defined herein:

- A. FRONT LOT LINE - a line dividing a lot from any public highway except a limited or controlled access highway to which the lot has no access.
- B. REAR LOT LINE - any lot line, which is not a front or side lot line and which, if extended in either direction, would not cross the lot.
- C. SIDE LOT LINE - any lot line which meets the end of a front lot line or any other lot line within thirty (30) degrees of being parallel to such a line, except a front lot line.

## LOT OF RECORD

Is a parcel of land, the dimensions of which are shown on a recorded plat on file with the Marquette County Register of Deeds, at the time Forsyth Township Ordinance Number 1-75 as amended became effective, or in common use by Township or County officials, and which actually exists as so shown, or any part of such parcel held is a recorded ownership separate from that of the remainder thereof at the time when Forsyth Township Ordinance Number 1-75 as amended became effective.

## LOT WIDTH

The straight-line distance between the side lot lines, measured at the two points where the minimum building line, or setback, intersects the side lot lines.

## MINIMUM LANDSCAPE OPEN SPACE

The percent of lot area, which must be maintained in grass or other living vegetation.

### MOBILE HOME

A structure designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities including the plumbing, heating, air conditioning, and electrical systems contained therein, upon or having a frame or chassis to which may be attached wheels, by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted. A recreational vehicle is not a mobile home.

### MOBILE HOME PARK

A parcel or tract of land, under the control of a person, on which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any building, structure actually has, at any given time; such wheels attached, or is jacked up or skirted. A recreational vehicle is not a mobile home.

### MOTEL

A series of attached, semi detached, or detached rental units containing bedroom, bathroom, closet space and with or without kitchenettes. Unit shall provide for overnight lodging and be offered to the public for compensation.

### NONCONFORMING LOTS OF RECORD

A nonconforming lot of record is any validly recorded lot or unrecorded land contract which at the time it was created, fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this ordinance concerning minimum lot area or minimum lot width.

## NONCONFORMING USES OR STRUCTURES

A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance or amendment thereto became effective but which does not conform with the regulations of the district in which it is located. (see Article XII).

## NURSING HOME

A structure designed or used for residential occupancy and providing limited medical or nursing care on premises for occupants but not including a hospital or mental health center.

## OFF-PREMISES SIGN

One, which directs attention to a business, commodity, service, activity, or product, sold, conducted, or offered off the premises where the sign is located.

## ON-PREMISES SIGN

A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

## OPEN SPACE

Refers to a natural state preserving natural resources, natural features, or scenic or wooded conditions; agriculture use or a similar use of condition. Land dedicated for open space does not include a golf course, street rights-of-ways, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park.

## OUT DOOR HEATING UNITS

Accessory structures located on a parcel of land that supply a source of heat to another structure that is not attached to the outdoor heating unit (including swimming pools).

### PUBLIC UTILITY

Any person, firm, or corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state or municipal regulations, to the public, gas, electricity, sewage disposal, communication, telegraph, transportation, or water.

### PUBLIC SERVICE

The usual services customarily provided by the governmental units.

### REGULATED EXEMPTIONS

The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this ordinance.

### RESTAURANT

A building in which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises, whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, and any fast food establishment permitting consumption on premises.

### SALVAGE & RECYCLING FACILITIES

Any land or building used for bailing, crushing, collecting, recovery, sale, shredding, storage or stripping of paper, rags, scrap metals, bottles, cans or other scrap or discarded material, automobiles or other vehicles not in normal running conditions, machinery or parts thereof, but not including landfills.

### SEASONAL DWELLING

A cabin, cottage, camp, hunting camp, mobile home, or other similar structures used intermittently for recreational or vacation purpose, and which is not a permanent place of domicile or residency of the owner, his or her agents, heirs or assigns; with limited municipal services provided.

### SETBACK

The required distance between every structure and any lot line on the lot on which it is located, except where a front lot line is not defined by any conveyance or recorded plat, in which case it means the required distance between every structure and the nearest land actually used for purposes of a roadway.

### SKIRTING

An enclosure of the outer perimeter, to include the towing mechanism of a mobile home, fabricated of a durable materials that is aesthetically compatible with the mobile home and surrounding environs.

### SIGN

A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material, without lettering, placed behind a store window are not signs or parts of signs.

### STABLE

A structure or establishment where horses, ponies, mules, donkeys or similar animals are sheltered or



boarded and cared for and where instruction in riding, jumping or showing may be offered and the general public may hire animals.

#### STORY

That part of a building included between the surface of one floor and the surface of the next floor, or, if there is not floor above, then the ceiling next above.

#### STRUCTURE

Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, radio towers, sheds, signs, and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas, and patios.

#### TEMPORARY BUILDING OR USE

A structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

#### TRANSFER STATION

A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

#### TRAVEL TRAILER

A vehicle designed as travel unit for occupancy as a temporary or seasonal vacation living unit less than thirty-eight (38) feet in length, as defined in the Department of Transportation standards as amended.

## USABLE FLOOR AREA

That area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients, or customers. The floor area, which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation of "USABLE FLOOR AREA". Measurement of floor area shall be the sum of the gross horizontal area of the several floors of the building, measured from the interior walls. For the purpose of computation parking for those uses not enclosed within a building, the area available to be used for the service of patrons or clients shall be measured to determine necessary parking spaces.

## USE

The purpose for which land or a building is or may be occupied.

## USE, MAIN

The principal use to which the premises are devoted and the principal purpose for which the premises exists.

## YARD

The open spaces on the same lot with a main building or main use, unoccupied, and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein:

- A. FRONT YARD is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- B. REAR YARD is an open space extending the full width of the lot, the depth of which is

the minimum horizontal distance between the rear lot line and the nearest line of the main building.

- C. SIDE YARD is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

#### ZONING VARIANCE

A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, or existing use, compliance would result in a particular hardship upon the owner as distinguished from a mere inconvenience or economic desire.

#### UNDEFINED TERMS

Any term not defined herein shall be determined by the Zoning Administrator as to its meaning.

ARTICLE IV  
ZONING DISTRICT REGULATIONS  
ESTABLISHMENT OF THE ZONING DISTRICTS

The Township of Forsyth is hereby divided into zoning districts, as named and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the maps in Article VI.

FAMILY RESIDENTIAL DISTRICT R-1

INTENT

To establish and preserve quiet family residential neighborhoods, for single-family dwellings, desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such districts and where urban services and facilities can be feasibly provided, including necessary public water and sewer systems.

PERMITTED USES

1. Single Family dwellings
2. Essential services.
3. Outdoor heating units on lots with minimum ½ one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds.)

## CONDITIONAL USES

NOTE: Conditional uses in the R-1 district shall be permitted only on lots fronting on, and with principal driveway access to, a street with paving at least twenty-four (24) feet in width and so located, site planned, and designed as to avoid undue noise, other nuisance and danger.

1. Two-family dwellings on lots with a minimum of fifteen thousand (15,000) square feet.
2. Churches and other buildings for religious worship.
3. Family or group day care homes.
4. Primary and secondary schools.
5. Funeral homes
6. Utility sub-stations.
7. Governmental recreational facilities.
8. Home occupations.
9. Light kennel activities subject to the requirements and standards of Article VII, Kennels.
10. Outdoor heating units on lots with less than ½ one-half acre. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds.)

RESIDENTIAL DISTRICT R-2  
INTENT

This district classification is designed to permit a lesser density of residential development than that provided in the "R-1" residence district classification, together with other residentially related facilities, which would serve the inhabitants of the area.

PERMITTED USES

1. Single family dwellings on lots with direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and having one hundred twenty five (125) or one hundred fifty (150) feet of road frontage.
2. Essential services.
3. Outdoor heating units on lots with minimum ½ one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

CONDITIONAL USES

NOTE: Conditional uses in the R-2 district shall be permitted only on lots fronting on, and with principal driveway access to, a street with paving at least twenty-four (24) feet in width and so located, site planned, and designed as to avoid undue noise, other nuisance and danger.

1. Two or three family dwellings.
2. Churches and other buildings for religious worship.
3. Family or group day care homes.

4. Primary and secondary schools.
5. Funeral, nursing or convalescent homes.
6. Utility sub-stations.
7. Governmental recreational facilities.
8. Boarding and lodging houses, lodging not more than six guests.
9. Public utility substations.
10. Home occupations.
11. Light kennel activity subject to the requirements and standards of Article VII, Kennels.
12. Outdoor heating units on lots with less than ½ one-half acre. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3  
INTENT

This district classification is designed to permit the greatest density of residential uses allowed within the township, together with other residential related facilities designed to service the inhabitants of the area.

PERMITTED USES

1. Single family dwellings
2. Two family dwellings (duplexes)
3. Essential Services.
4. Family Day Care Homes
5. Outdoor heating units on lots with minimum ½ one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

CONDITIONAL USES

NOTE: Conditional uses in the R-3 district shall be permitted only on lots fronting on, and with principal driveway access to, a street with paving at least twenty-four (24) feet in width and so located, site planned, and designed as to avoid undue NOISE, other nuisance and danger.

1. Multiple family dwellings.
2. Funeral, nursing and convalescent homes.
3. Boarding and lodging houses, not more than six guests.
4. Hotels, motels, and other transient-type residential buildings.
5. Private clubs, fraternities and lodges, excepting those which the chief activity is a service customarily carried on as a business.



6. Child Care Center, Group Day Care Homes
7. More than one structure designed and used for residential purposes on a single lot or parcel.
8. Public or private parks.
9. Outdoor heating units on lots with less than ½ one-half acre or more. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
10. Light Kennel Activity subject to the requirements and standards of Article VII, Kennels.
11. Condominiums and Site Condominium

## MOBILE HOME RESIDENTIAL DISTRICT MH-1 INTENT

To establish and preserve those areas whose principal use is, or ought to be, mobile home dwellings. The regulations of this district are designed to permit a greater density of population and intensity of land use in those areas, which are served, by public water and sewer systems. These mobile homes shall be placed on subdivided lots in an appropriate, safe, and sanitary and attractive environment.

### PERMITTED USES

1. Mobile homes.
2. Essential services.
3. Outdoor heating units on lots with minimum  $\frac{1}{2}$  one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds.

### CONDITIONAL USES

NOTE: Conditional uses in the MH-1 district shall be permitted only on lots fronting on, and with principal driveway access to, a street with paring at least twenty-four (24) feet in width and so located, site planned, and designed as to avoid undue NOISE, other nuisance and danger.

1. Single family dwellings.
2. Churches and other buildings for religious worship.
3. Family or group day care homes.
4. Primary and secondary schools.
5. Utility sub-stations.

6. Governmental recreational facilities.
7. Home occupations.
8. Light kennel activities subject to the requirements and standards of Article VII, Kennels.
9. Outdoor heating units on lots with less than ½ one-half acre. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds.

MOBILE HOME PARK DISTRICT MH-2  
INTENT

To make provision for mobile homes in mobile home parks, not subdivided into individual lots, in an appropriate, safe, sanitary, and attractive environment.

PERMITTED USES

1. Mobile homes in a mobile home park.
2. Essential services.
3. Outdoor heating units on lots with minimum ½ one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

CONDITIONAL USES

1. Family day care homes with written consent by Park Management.
2. Home occupations with written consent by park management.
3. Outdoor heating units on lot with less than ½ one-half acre. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

MOBILE HOME PARK REGULATIONS

1. All mobile home parks shall comply with the Mobile Home Park Act of 1959, being Act 243, Public Acts of Michigan, 1959, as amended.
2. The land area of a mobile home park shall not be less than ten (10) acres.
3. Density is limited to seven (7) mobile homes per acre.
4. Every mobile home park shall be served by a central water supply system and a central sanitary sewage system.
5. Mobile home sites shall be at least four thousand (4,000) square feet in area.

6. Each mobile home within a park shall contain a flush toilet, sleeping accommodations, a tub or shower, kitchen facilities and plumbing and electrical connections designed for attachments to appropriate external systems.
6. Each mobile home site should be provided with a solid, paved, concrete or equivalent outdoor patio of at least one hundred eighty (180) square feet, located at the main entrance of the mobile home.
7. Each mobile home site shall have side yards having a width of not less than ten (10) feet.
8. Each mobile home site shall have front and rear yards with not less than ten (10) feet.
9. For the purpose of this section, yard width shall be determined by measurement from the mobile home face, (side) or storage facility to its mobile home site boundary, which every point shall not be less than the minimum width herein provided. The front yard is that yard, which runs from the hitch end of the mobile home to the nearest sideline. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the ends.
10. From mobile home pad or stand, the following minimum distances shall be maintained.:
  - a. Ten (10) feet to the buffer strip.
  - b. Thirty (30) feet to the boundary of such park which is not a public street or highway.
  - c. Fifty (50) feet to the right-of-way of any public street or highway.

11. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance prescribed herein.
12. Each mobile home site shall be provided with a minimum stand consisting of a solid concrete four (4) inch STAND not less than sixty (60) feet long and not less than twelve (12) feet wide. This apron shall be constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons. Provisions for anchoring will be provided.
13. Each mobile home shall be supported on uniform jacks or blocks.
14. Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such parks, such storage space should not be less than two hundred twenty (220) cubic feet for each mobile home. Such storage structure or structures may be located on the mobile home site or in a common structure with individual lockers, and shall be located within one hundred fifty (150) feet of said mobile home.
15. Skirting is required on all mobile homes, excepting those temporarily in place not to exceed thirty (30) days. Storage of goods and articles will not be allowed underneath or adjacent to temporarily placed mobile homes.

16. All mobile homes within a park shall be suitably connected to sewer and water services provided at each mobile home site and shall meet the requirements of and be approved by the Marquette County Health Department.

A. All sanitary sewage facilities, including plumbing connections to each mobile home site shall be constructed so that all facilities and lines are protected from freezing, from bumping, or from creating any type of nuisance or health hazard.

Running water from a state tested and approved supply, shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.

B. Storm drainage facilities shall be constructed to protect the residents of the mobile home park and adjacent property owners.

17. Each mobile home park shall be graded and drained so rain water will not stand in pools or puddles for extended periods of time.

18. Each mobile home park shall provide refuse containers located within 150 feet of each mobile home.

19. All refuse containers shall be located on concrete stands, abutting and level with driveway, which shall be surrounded, except on the driveway side, by a wood or masonry fence or

wall at least six feet high.

20. All electrical lines leading to mobile home sites shall be underground and designed to conform with the state code and shall be protected from freezing, bumping, or creating any type of nuisance or health hazard. The electrical system shall be of such capacity to adequately serve all users in the park at peak periods. All meters shall be located in a uniform manner.
21. All fuel lines leading to mobile home sites shall be underground and so designed as to conform with any state code that is found to be applicable. When meters are installed, each shall be located in a uniform manner.
22. All utility wires, pipes, and tanks shall be underground, except that all oil tanks used as part of a central distribution system must be above ground and fully screened from view by a wood or masonry wall or fence, and adequately diked.
23. A buffer of trees or shrubs, not less than twenty (20) feet in depth, shall be located and maintained along all boundaries of such park except at established entrances and exits. When necessary for health safety, and welfare, a fence shall be required. No fences shall be higher than six (6) feet in height to separate park from an adjacent property.
24. All driveways, motor vehicle parking spaces, and walkways within such parks shall be hard surfaced, adequately drained and lighted for safety and ease of movement.
25. Each street and parking area in a mobile home park shall be bounded by a sidewalk at least three (3) feet wide.



26. Minimum street widths in mobile home parks shall be as follows:

MOTOR VEHICLE PARKING	TRAFFIC USE	MIN.PAVING WIDTH
No parking on street	one-way	sixteen (16) feet
(separate lot or on-site parking provided)	two way	twenty (20) feet
Parallel parking	one way	twenty (20) feet
	two way	thirty (30) feet
Parallel Parking (Both sides)	one-way	twenty six (26) feet
	two way	thirty six (36) feet

27. If the parking of motor vehicles other than the passenger automobile and motorcycles is allowed, it shall be restricted to areas surrounded, except at points of entry and exit, with a wood or masonry wall or fence at least eight (8) feet high.

28. One (1) automobile parking space shall be provided within one hundred and fifty (150) feet of each mobile home site. The mobile home park shall provide one additional automobile parking space for every two (2) mobile home stands.

29. Trailers designed without sanitary facilities or designed for temporary or seasonal living shall NOT be occupied in a mobile home park.

30. Each mobile home park shall contain one or more recreation areas totaling at least three hundred (300) square feet per mobile home. At least one such area in each mobile home park shall be of such size and shape that one hundred (100) foot square may be laid out within it and shall be substantially open lawn without obstructions.

No mobile home shall be more than five hundred (500) feet distance from a recreation area. Streets, driveways, parking areas, and buildings are not to be included in calculating the size of recreations areas.

## RURAL RESIDENTIAL DISTRICT RR-1 INTENT

To establish and maintain an alternate residential environment predominantly for single-family dwellings in accessible rural areas in moderately low densities.

### PERMITTED USES

1. Single family dwellings on lots with direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and having one hundred fifty (150) feet of road frontage.
2. Essential services.
3. Outdoor heating units on lots with minimum ½ one-half acre of land. (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds).

### CONDITIONAL USES

NOTE: All conditional uses in RR-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Two family dwellings.
2. Mobile homes.
3. Seasonal dwellings.
4. Primary and secondary schools.
5. Funeral homes.
6. Family or group day care homes and nursing or convalescent homes.
7. Governmental recreational facilities.

8. Boarding and lodging houses, lodging not more than six guests.
9. Private clubs, fraternities and lodges, excepting those which the chief activity is a service customarily carried on as a business.
10. Churches and other buildings for religious worship.
11. Utility sub-stations.
12. Home occupations.
13. Light kennel activities provided that the minimum distance to any property line is 55 feet and subject to the requirements and standards of Article VII, Kennels.
14. Light agricultural activity on five (5) acres or more and located a minimum of 200 feet from any existing residential dwelling unit not located on the premises subject to the regulations of Article VII, The Keeping or Husbandry of Animals.
15. Outdoor heating units on lots with less than ½ one-half acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

RESIDENTIAL TWO RR-2  
INTENT

To establish and maintain an alternate residential environment for single family dwelling and mobile homes in accessible rural area in low densities.

PERMITTED USES

1. Single family dwellings on lots with direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and having three hundred (300) feet of road frontage.
2. Mobile homes on lots with direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and having three hundred (300) feet of road frontage.
3. Essential services.
4. Outdoor heating units on lots with minimum ½ one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

CONDITIONAL USES

NOTE: All conditional use in RR-2 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Two, three, or four family dwellings.

2. Outdoor heating units on lots with less than ½ one-half acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
3. Seasonal dwellings.
4. Family or group day care homes.
5. Primary and secondary schools.
6. Nursing or convalescent homes.
7. Tourist and resort facilities.
8. Governmental recreational facilities.
9. Churches and other buildings for religious worship.
10. Private clubs, fraternities and lodges, excepting those which the chief activity is a service customarily carried on as a business.
11. Utility Substations.
12. Home Occupations
13. Light agricultural activity on five (5) acres or more located a minimum of 150 feet from any existing residential dwelling unit not located on the premises and subject to the regulations of Article VII, The Keeping or Husbandry of Animals.
14. Traditional agricultural activity on twenty (20) acres or more located a minimum of 500 feet from any existing residential dwelling unit not located on the premises and subject to the regulations of Article VII, The Keeping or Husbandry of Animals.

15. Stables on five (5) acres or more limited to no more than four (4) animals and subject to the regulations of Article VII, The Keeping or Husbandry of Animals.
16. Light kennel activities provided that the minimum distance to any property line is 120 feet and subject to the requirements and standards of Article VII, Kennels.
17. Traditional kennel activities on ten (10) acres or more provided that the minimum distance to any property line is 170 feet and subject to the requirements and standards of Article VII, Kennels.

LAKE RESIDENTIAL DISTRICT  
(LR)

INTENT

This district is intended to establish and maintain for predominantly residential and recreational use, those areas with waterfront access which, because of their natural characteristics and accessibility, are suitable for these developments.

PERMITTED USES

1. Single family dwellings on lots with direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and having one hundred fifty (150) feet of road frontage.
2. Temporary use of campers or camp sites the density of which on any particular subdivided, platted lot shall not exceed four (4) per acre, or four (4) per lot whichever is less; no temporary use of campers or camp sites shall remain for a period or periods totaling more than two weeks per calendar year.
2. Essential services.
3. Outdoor heating units on lots with minimum ½ one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

CONDITIONAL USES

1. Seasonal dwellings, except mobile homes.
2. Governmental recreational facilities.
3. Churches and other buildings for religious worship



4. Resorts and lodges with a minimum side yard setback of forty (40) feet and complying with the minimum lot size per dwelling unit standards for this district.
5. Marinas, boat liveries, bathing facilities, fishing piers, bait shops, and associated facilities, when located and designed to not interfere with, degrade, or decrease the enjoyment of, existing uses of nearby land.
6. Family day care homes.
7. Privately owned campgrounds limited to four (4) campsites per acre and minimum side yard setback of forty (40) feet.
8. Home occupations.
9. Light kennel activities with a minimum setback from the water's edge of 75 feet and provided that the minimum distance to any property line is 55 feet and subject to the requirements and standards of Article VII, Kennels.
10. Outdoor heating units on lots with less than ½ one-half acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

## SEASONAL DWELLING DISTRICT INTENT

The district is intended to establish and maintain for seasonal use those areas which, because of their natural characteristics and accessibility, are suitable for limited development, and public services

provided are limited.

### PERMITTED USES

1. Seasonal dwellings, which meet county health, safety, and building codes.
2. Outdoor heating units on lots with minimum  $\frac{1}{2}$  one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

### CONDITIONAL USES

1. Resorts and lodges, with a minimum side yard setbacks of forty (40) feet, when located and designed to not interfere with, degrade, or decrease the enjoyment of existing uses of nearby land, with the understanding that public services will be limited.
2. Outdoor heating units on lots with less than  $\frac{1}{2}$  one-half acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

## COMMERCIAL DISTRICT C-1

### INTENT

To establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact on the neighbors which they serve. NOTE: All of the following uses are subject to the condition that no buildings or uses of any lot within this district shall be serviced by more than two (2) entrance or exit points along the length of that common boundary; the width of each of these two (2) entrances/exit points shall not exceed twenty-five (25) feet individually of fifty (50) feet totally.

### PERMITTED USES

1. Offices of business, professional or financial organizations of individuals and or labor unions, civic, social, fraternal and other non-profit organizations.
2. Food and beverage stores, drug stores, restaurants, taverns.
3. Any general recognized retail business which supplies and such commodities as groceries, meats, dairy products, baked goods, or other foods, fry goods, and notions or hardware where no mass assembly other than "knock down" type, i.e. bicycles, wheelbarrows, and lawn mowers, etc.
4. Any personal service establishment which performs such services as, but not limited to, shoe repair, tailor shops, interior decorators, photographers, self-service laundries where no dry cleaning or dyeing takes place on the premises.
5. Funeral homes.
6. Child care centers.

7. Outdoors heating units on lots with minimum ½ acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds.)
8. Essential Services.
9. Accessory building and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.

#### CONDITIONAL USES

1. Business establishments such a photo processing and dry cleaners which chemicals in the processing of materials provided adequate disposal and handling of those chemicals is provided for, as specified in "OSHA" and/or "EPA" standards.
2. Car washed when completely enclosed in a building and having adequate effluent disposal capability.
3. Indoor and outdoor recreational facilities.
4. Sales of new and used motor vehicles, campers, motor and mobile homes, recreational vehicles, boats and other similar recreational types and motor vehicle rental.
5. Public utility sub-stations.
6. Outdoor heating units on lots with less than ½ acre. (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds.)

## COMMERCIAL DISTRICT C-2

### INTENT

To establish and preserve general commercial areas consisting of shopping centers and commercial strips where customers reach individual business establishments primarily by automobile.

NOTE: The following use authorizations do not include any uses which emit any fumes, vibrations, smoke or noise, except the noise of vehicles coming or going, which is detectable from off the premises by the senses of normal human beings, and include the requirement that all operations, including materials or supplies storage, except merchandise displayed for sale, are conducted in a fully enclosed building or, if permitted by this ordinance, entirely behind walls or fences in a minimum of six (6) feet and a maximum of twenty (20) feet tall, which conceal them from visibility from off the lot. All uses or solvents and chemicals must comply with EPA/OSHA standards.

### PERMITTED USES

1. Office of businesses, professional or financial organizations of individuals and or labor unions, civic, social, fraternal and other non-profit organizations.
2. Food and beverage stores, drug stores, restaurants, taverns.
3. Any generally recognized retail business which supplies such commodities as groceries, meats, dairy products, baked goods, or other foods, dry goods, and notions or hardware where no mass assembly other than "knock-down" type, i.e. bicycles, wheelbarrows, lawn mowers, etc.
4. Any personal service establishment which performs such services as, but not limited to, shoe repair, tailor shops, interior decorators, photographers, self-service laundries and dry cleaners where no DRY cleaning or dyeing takes place on the premises.

5. Funeral homes.
6. Outdoors heating units on lots with minimum ½ acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds.)
7. Child care centers.
8. Hotels and motels.
9. Private clubs, fraternal or lodge hall, theaters, assembly halls, and similar places of assembly when conducted completely within enclosed buildings.
10. Commercial printing and newspaper offices.
11. Business or private schools.
12. Car washes when completely enclosed in a building and having adequate effluent disposal capability.
13. Indoor recreational facilities.
14. Hospitals and nursing homes.
15. Sales of new and used motor vehicles, campers, motor and mobile homes, recreational vehicles, boats and other similar recreational types and motor vehicle rental.
16. Essential services.
17. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.

#### CONDITIONAL USES

1. Light or traditional kennel activities conducted in a fully enclosed building. Outdoor exercise runs are to be completely fenced.
2. Gasoline service stations for sale of gasoline, oil and minor accessories, which may include

major automotive servicing and mechanical repairs providing that: Entrances and exits shall not be less than twenty-five (25) feet from any street intersection or residential district. The lot shall be so arranged that ample space is available for motor vehicles which are required to wait. Motor engine repairs, steam, cleaning and under coating, when conducted on the site, shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week. No salvage of auto or machinery parts is permitted. Gasoline pumps, air and water hose stands, and other appurtenances shall be set back in minimum of fifteen (15) feet from all street right of way lines.

3. Auto body and auto paint shops when in a fully enclosed building, complying with EPA/OSHA standards and subject to the same conditions as in (2) above.
4. Outdoor recreational facilities.
5. Contractor storage yards for equipment and building supplies.
6. Enclosed wholesale warehouse.
7. Businesses for the retail and wholesale sales of building materials.
8. Light fabrications and assembly when conducted completely within an enclosed building.
9. Public utility substations and utility exchanges.
10. Salvage or Recycling facilities subject to the following minimum requirements:
  - A. Ground coverage ratio shall not exceed seventy (70%) percent.
  - B. A Greenbelt at least fifteen (15) feet in width shall be provided adjacent to all parcel lot lines and planted with two (2) rows of alternately spaced coniferous

trees suitable for native soils. This planting shall be maintained continuously in conjunction with the operation of the salvage/recycling facility.

- C. Maximum height of any stored materials is limited to ten (10') feet above grade.
- D. Minimum lot area is two (2) acres with a minimum width of 250 feet.
- E. Any outdoor display for sale or storage of permitted materials shall be at least forty (40) feet from any street or highway right-of-way line.
- F. Access must be directly obtained to a Michigan Department of Transportation rated Class "A" road.
- G. Written comments from the Township Fire Department shall be solicited prior to the public hearing.
- H. Baling, compaction or demolition of any materials shall be performed on a concrete or similar impervious surface graded to collect fluids produced from the operation. Collected fluids shall be disposed in a manner lawfully consistent with their composition.
- I. The entire operation may be enclosed within an obscuring fence at least eight (8') in height and be located at least fifteen (15') feet from any parcel lot line.
- J. Ground water monitoring may be required by the Planning Commission for the presence of contaminants on an annual basis at a minimum of three (3) sites along the periphery of the site. Test results will be promptly furnished to the Zoning Administrator. If required the existing base contaminant level, location of monitoring wells and materials to be tested for will be stated as part of any Planning Commission condition.



- K. The site plan required pursuant to Article IX shall show the location of all buildings and the location of storage areas designed or used for permitted materials.
- L. The applicant will submit prior to the Public Hearing, a Pollution Incident Prevention Plan (PIPP) to the Michigan Department of Natural Resources. A copy of the proposed plan and departments advisory analysis will be furnished to the Planning Commission prior to the public hearing.
- M. Conditions and requirements stated as part of the conditional use authorization shall be a continuing obligation of the applicant. The Zoning Administrator shall make periodic investigations, not to exceed two (2) year intervals, to determine compliance with all requirements. A written dated notice of compliance will be placed in the applicants file after inspection. Continuance of the permit shall be withheld by the Zoning Administrator upon a determination that violations of conditions pertaining to the permit continue to exist more than thirty (30) days after a written order to correct has been issued by the Administrator.

11. Outdoors heating units on lots with less than ½ acre. (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds.)

## PUBLIC AREA DISTRICT PA-1

### INTENT

To establish and preserve land use for appropriate township/public purposes.

### PERMITTED USES

1. Any governmental proprietary function conducted by any governmental agency, which is authorized to conduct such function except such uses as constitutes a nuisance in the place where conducted.
2. Outdoor heating units on lots with minimum  $\frac{1}{2}$  one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

### CONDITIONAL USES

See section VII "Special Exception Uses".

Outdoor heating units on lots with less than  $\frac{1}{2}$  one-half acre. (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds).

## RECREATION/RESOURCE PRODUCTION RRP

### INTENT

To establish and maintain low intensity use those areas, which, because of their location, accessibility and natural characteristics, are suitable, wide a wide range of agricultural, forestry, and recreational uses.

### PERMITTED USES

1. The growing and harvesting of timber under a scientific program of forest management.
2. Light agricultural activity subject to the regulations of Article VII, The Keeping or Husbandry of Animals.
3. Seasonal dwellings.
4. Campground, day camps, parks, sports facilities, trails.
5. Single family dwellings, and mobile homes on lots with direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and having four hundred (400) feet of road frontage.
6. Essential services.
7. Outdoor heating units on lots with minimum ½ one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

### CONDITIONAL USES

1. Churches and other buildings for purpose of religious worship.
2. Family or group day care homes.
3. Trails/tracks for motorcycles, dune buggies, and snowmobiles, and similar types of

vehicles.

4. Tourist and resort facilities.
5. Stables subject to the regulations of Article VII, The Keeping or Husbandry of Animals.
6. Hunting preserves on lots of forty (40) acres or more.
7. Shooting ranges.
8. Privately owned airfields
9. Public utility substations.
10. Home Occupations.
11. Outdoor heating units on lots with less than ½ one-half acre. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds) .
12. Traditional agricultural activity on twenty (20) acres or more located a minimum of 500 feet from any existing residential dwelling unit subject to the regulations of Article VII, The Keeping or Husbandry of Animals.
13. Intensive agricultural activity located a minimum of 1/4 mile from any existing residential dwelling unit not located on the premises and subject to the regulations of Article VII, The Keeping or Husbandry of Animals.
14. Light kennel activities provided that the minimum distance to any property line is 80 feet and subject to the requirements and standards of Article VII, Kennels.
15. Traditional kennel activities provided the minimum distance to any property line is 125 feet and subject to the requirements and standards of Article VII, Kennels.

## OPEN SPACE DISTRICT OS

### INTENT

To establish and preserve as open space those lands which, because of their soil drainage, topographical characteristics, lack of accessibility, or because they are important wildlife habitats, are not suitable for development.

### PERMITTED USES

1. Growing and harvesting of timber and bush fruit, light agricultural activity, traditional agricultural activity on twenty (20) acres or more and wildlife management.
2. Public and private conservation areas and structures for the development, protection and conservation of watersheds, water, soil, rangelands, and forests.
3. Outdoor heating units on lots with minimum  $\frac{1}{2}$  one-half acre of land. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

### CONDITIONAL USES

1. Public utility sub-stations.
2. Resorts, lodges, seasonal dwellings, and other recreational uses, where such development can be accomplished without significant adverse environmental impact.
3. Essential services.
4. Outdoor heating units on lots with less than  $\frac{1}{2}$  one-half acre. (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).

## INDUSTRIAL DISTRICT I-1

### INTENT

This district is designed for manufacturing, assembling and fabricating businesses and commercial activities, which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

NOTE: Any of the below uses, if required, must have direct access to roadways meeting M.D.O.T. standards.

### PERMITTED USES

1. Industrial manufacturing operations for the servicing, compounding, assembling or treatment of articles or merchandise; which do not emanate noise, smoke, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings subject to the following outdoor storage conditions:
  - A. Outdoor storage in the rear yard must not exceed 20% of the square foot area of the principal buildings upon the premises and which must be screened from adjoining premises of a preceding use district classification and from public streets by a solid fence, wall or natural screening adequate for the purpose.
  - B. Such other outdoor storage or activities as may be allowed under a variance permit by the Board of Appeals; which may be granted by said Board, within its discretion,

the same would not be a nuisance or annoyance to adjoining property owners and would be in accordance with the purpose of this zoning classification to create an industrial zone for activities which produce a minimum of adverse effect on adjoining premises and are compatible with one another and do not require large land areas for isolation or protection of adjoining premises or activities.

C. Delivery operations to and from said business.

2. Office of businesses.
3. Restaurants, drive-in restaurants, taverns.
4. Any generally recognized retail or wholesale business.
5. Any personal service establishment.
6. Commercial printing establishments.
7. Business or private schools.
8. Indoor recreational facilities.
9. Sales of new and used motor vehicles, campers, motor and mobile homes, recreational vehicles, boats, and other similar recreational types and motor vehicle rental.
10. Lumber yards for retail and wholesale sales.
11. Car washes, auto body and auto paint shops when in a fully enclosed building and complying with EPA/OSHA standards.
12. Essential services.
13. Accessory buildings and uses customarily incident to any of the foregoing.

## CONDITIONAL USES

1. Motor freight warehousing business and terminals.
2. Above ground gasoline and petroleum storage (setback and diking restrictions will apply as regulated by the State of Michigan).
3. Ready-mix concrete plants.
4. Public utility substations.
5. Utility storage and maintenance facilities subject to outdoor storage conditions as expressed under permitted uses, paragraph (1), a,b, and c.
6. Salvage or Recycling facilities subject to the following criteria/conditions.
  - A. Ground coverage ratio shall not exceed seventy (70%) percent.
  - B. A Greenbelt at least fifteen (15) feet in width shall be provided adjacent to all parcel lot lines and planted with two (2) rows of alternately spaced coniferous trees suitable for native soils. This planting shall be maintained continuously in conjunction with the operation of the salvage/recycling facility.
  - C. Maximum height of any stored materials in limited to fourteen (14' ) feet above grade.
  - D. Minimum lot area is two (2) acres with a minimum width of 250 feet.
  - E. Any outdoor display for sale or storage of permitted materials shall be at least forty (40) feet from any street or highway right-of-way line.
  - F. Access must be directly obtained to a Michigan Department of Transportation rated Class "A" road.
  - G. Written comments from the Township Fire Department shall be solicited prior to the Public Hearing.



- H. Baling, compaction or demolition of any materials shall be performed on a concrete or similar impervious surface graded to collect fluids produced from the operation. Collected fluids shall be disposed in a manner lawfully consistent with their composition.
- I. The entire operation may be enclosed within an obscuring fence at least ten (10 ') in height and be located at least fifteen (15) feet from any parcel lot line.
- J. Ground water monitoring may be required by the Planning Commission for the presence of contaminants on an annual basis at a minimum of three (3) sites along the periphery of the site.
- K. The site plan required pursuant to Article IX shall show the location of all buildings and the location of storage areas designed or used for permitted materials.
- L. The applicant will submit prior to the Public Hearing, a Pollution Incident Prevention Plan (PIPP) to the Michigan Department of Natural Resources. A copy of the proposed plan and departments advisory analysis will be furnished to the Planning Commission prior to the public hearing.
- M. Conditions and requirements stated as part of the conditional use authorization shall be a continuing obligation of the applicant. The Zoning Administrator shall make periodic investigations, not to exceed two (2) year intervals, to determine compliance with all requirements. A written dated notice of compliance will be placed in the applicants file after inspection.

Continuance of the permit shall be withheld by The Zoning Administrator upon a determination that violations of conditions pertaining to the permit continue to exist more than thirty (30) days after a written order to correct has been issued by the Administrator.

7. Any other use that is harmony with the intent of this district.

## INDUSTRIAL DISTRICT I-2 INTENT

This district is designed for manufacturing, servicing, compounding, assembling and commercial business which requires greater outdoor storage or activities and which, accordingly, require larger site and may have a greater adverse effect on adjacent properties and the uses permitted in the preceding classifications.

### PERMITTED USES

1. Industrial manufacturing operations for the servicing, compounding, assembling or treatment of articles or merchandise; which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants or surrounding premises and which are wholly contained within fully enclosed buildings subject to the following outdoor storage conditions:
  - A. Outdoor storage in the rear yard must not exceed 20% of the square foot area of the principle buildings upon the premises and which must be screened from adjoining premises of a preceding use district classification and from public streets by a solid fence, wall or natural screening adequate for the purpose.
  - B. Such other outdoor storage or activities as may be allowed under a variance permit by the Board of Appeals; which may be granted by said Board, within its discretion, the same would not be a nuisance or annoyance to adjoining property owners and would be in accordance with the purpose of this zoning classification to create an industrial zone for

activities which produced in minimum of adverse effect on adjoining premises and are compatible with one another and do not require large land areas for isolation or protection of adjoining premises or activities.

C. Delivery operations to and from said business.

2. Offices of businesses, professional or financial organizations.
3. Industrial manufacturing operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odor, dust, dirt, noxious gases, glare, hear vibration or psychological ill effects to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises and which do not involve outdoor storage or activities occupying more than 50% of the square foot area of the principal building located upon the premises.
4. Restaurants, drive-in restaurants, taverns.
5. Any generally recognized retail or wholesale business.
6. Any personal service establishment.
7. Commercial printing establishments.
8. Business or private schools.
9. Sales of new and used motor vehicles, campers, motor and mobile homes, recreational vehicles, boats and other similar recreational types and motor vehicle rental.
10. Lumber yards for retail and wholesale sales.

11. Car washes, auto body and auto paint shops when in a fully enclosed building and complying with EPA/OSHA standards.
12. Motor freight warehousing business or terminals.
13. Above ground gasoline and petroleum storage (setbacks and diking restrictions will apply as regulated by the State Of Michigan).
14. Ready-mix concrete plants, including concrete block manufacturing.
15. Mechanical work processing operations, i.e. sawmills.
16. Storage yards for machinery, truck, or equipment in operating condition, provided adequate screening is installed and maintained, screening the same from adjoining premises and public highways.
17. Essential services.
18. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.

#### CONDITIONAL USES

1. Asphalt plants complying with EPA/OSHA standards.
2. Wood preservation facilities.
3. Public utility substations.
4. Salvage or Recycling facilities subject to the following criteria/conditions.
  - A. Ground coverage ratio shall not exceed seventy (70%) percent.
  - B. A Greenbelt as least fifteen (15) feet in width shall be provided adjacent to all parcel lot lines and planted with two (2) rows of alternately spaced coniferous trees suitable for native soils. This planting shall be

maintained continuously in conjunction with the operation of the salvage/recycling facility.

- C. Maximum height of any stored materials is limited to eighteen (18' ) feet above grade.
- D. Minimum lot area is two (2) acres with a minimum width of 250 feet.
- E. Any outdoor display for sale or storage of permitted materials shall be at least forty (40) feet from any street or highway right-of-way line.
- F. Access must be directly obtained to a Michigan Department of Transportation rated Class "A" road.
- G. Written comments from the Township Fire Department shall be solicited prior to the public hearing.
- H. Bailing, compaction or demolition of any materials shall be performed on a concrete or similar impervious surface graded to collect fluids produced from the operation. Collected fluids shall be disposed in a manner lawfully consistent with their composition.
- I. The entire operation may be enclosed within an obscuring fence at least ten (10' ) feet in height and be located at least fifteen (15' ) feet from any parcel lot line.
- J. Ground water monitoring may be required by the Planning Commission for the presence of contaminants on an annual basis at a minimum of three (3) sites along the periphery of the site. Test results will be promptly furnished to the Zoning Administrator. If required the existing

base contaminant level, location of monitoring wells and materials to be tested for will be stated as part of any Planning Commission condition.

- K. The site plan required pursuant to Article IX shall show the location of all buildings and the location of storage areas designed or used for permitted materials.
- L. The applicant will submit prior to the Public Hearing, a Pollution Prevention Plan (PPIP) to the Michigan Department of Natural Resources. A copy of the proposed plan and departments advisory analysis will be furnished to the Planning Commission prior to the public hearing.
- M. Conditions and requirements stated as part of the conditional use authorization shall be a continuing obligation of the applicant. The Zoning Administrator shall make periodic investigations, not to exceed two (2) year intervals, to determine compliance with all requirements. A written dated notice of compliance will be placed in the applicants file after inspection. Continuance of the permit shall be withheld by the Zoning Administrator upon a determination that violations of conditions pertaining to the permit continue to exist more than thirty (30) days after a written order to correct has been issued by the Administrator.

5. Any other use that is in harmony with the intent of this district.

**ARTICLE V**

**AREA, HEIGHT AND PLACEMENT REGULATIONS**

**GENERAL AREA REGULATIONS**

All lots of record created after the date of adoption of this ordinance shall comply with the minimum lot size specified for the district. The minimum lot size for residential use in all districts, except MH-2 and R-3, is per dwelling unit. In the MH-2 district, the minimum lot size refers to the entire mobile home park.

In addition to the required lot minimums, the R-3 district are also subject to a maximum floor area ratio of 25%.

Minimum lot size and width regulations do not apply to any non-conforming lot of record created prior to the effective date of this ordinance, providing the lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of this Forsyth Township Zoning Ordinance. Lot widths shall be measured at the front setback line. The maximum lot depth to width ratio for all lots created under this ordinance shall not exceed four to one (4:1).

**REGULATINS FOR GROUND COVERAGE  
FLOOR AREA RATION AND LANDSCAPE OPEN SPACE**

<b>DISTRICT</b>	<b>MAX % OF GROUND COVERAGE</b>	<b>MAX % OF FLOOR AREA RATIO</b>	<b>MIN % OF LANDSCAPE OPEN SPACE</b>
<b>R-1, R-2, MH-1, RR-2 , LR, SD</b>	35	Not Applicable	Not Applicable
<b>R-3</b>	35	25	30
<b>MH-2, PA, RRP, OS</b>	Not Applicable	Not Applicable	Not Applicable
<b>C-1, C-2</b>	40	30	30
<b>I-1, I-2</b>	40	40	40



## GENERAL HEIGHT REGULATIONS

All structures erected or altered after the date of adoption of this ordinance shall comply with the height regulations specified for the district. Exceptions to the height requirements include:

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television structures, and cooling towers.

Any radio, television or transmission tower shall be located so that the distance from the base of the tower to nearest property line shall be fifty (50) feet greater than the height of the tower.

3. Public Utility structure.
4. Agriculture related structures such as barns, silos, elevator and the like.

### HEIGHT REGULATIONS

DISTRICT	MAX HEIGHT OF STURUCTURE	MAX HEIGHT OF STRUCTURE STORIES
<b>R-1, R-2, R-3, RR-1, RR-2, LR, SD, C-1, C-2</b>	35 feet	2 ½
<b>MH-1</b>	15 feet	1 ½
<b>MH-2 (For administration &amp; services bldgs)</b>	35 feet	2 ½
<b>MH-2 (For each lot within the park)</b>	15 feet	1
<b>PA</b>	None	None
<b>RRP, OS</b>	A	None
<b>I-1, I-2</b>	A	2 ½

A – Height and any point on a structure shall not exceed the horizontal distance to any lot line.

## GENERAL PLACEMENT REGULATIONS

Except as otherwise specifically provided in this ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed on the SCHEDULE OF REGULATIONS. Where there is no rear lot line as otherwise defined herein, the requirement rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within thirty (30) degrees of being parallel, but not at their intersection, no rear setback is required. The side setback requirement applies to a side lot line. All distances are measured in feet. Where a distinct boundary line divides a lot into two districts, it shall be treated as a lot line for purpose of the setback provisions of this ordinance. No structure, building or part thereof located in any commercial or industrial district abutting the boundary line of any residential district shall be erected, constructed, altered or maintained unless in accordance with the Boundary Transitional Yard Requirement of thirty feet (30').

SCHEDULE OF REGULATIONS

ZONING MINIMUM LOT SIZE		MAXIMUM NO. OF ROOMS (H)	MINIMUM LOT WIDTH (feet)	MINIMUM SETBACKS (feet)									
DISTRICT	SINGLE	DUPLEX	MULTIPLE FAMILY	main structure			access.building			private garage			
	(square feet)			FRONT	SIDE	REAR	FRONT	SIDE	REAR	FRONT	SIDE	REAR	
R-1	10,000	10,000		80	25	10	25	25	6 (L)	25	25	6 (M)	25
R-2	10,000 (A)	15,000		100	25	10	25	25	6 (L)	25	25	6 (M)	25
	20,000 (B)	25,000		100	25	10	25	25	6 (L)	25	25	6 (M)	25
	30,000 (C)	35,000		125	25	10	25	25	6 (L)	25	25	6 (M)	25
	40,000 (D)	45,000		150	25	40	35	25	6 (L)	35	25	6 (M)	35
R-3	12,000 (A,H)	12,000 (A,H)	(I)	100	25	10	25	25	6 (L)	25	25	6 (M)	25
	35,000 (B,C)	35,000 (B,C)	(J)	125	25	10	25	25	6 (L)	25	25	6 (M)	25
	50,000 (D)	50,000 (B,C)	(K)	150	25	20	35	25	6 (L)	35	25	6 (M)	35
MH-1	10,000			80	25	10	20	25	6 (L)	10	25	6 (M)	20
MH-2 (E)	10 ACRES			NONE	30	30	30	30	30	30	30	30	30
MH-2 (F)	4,000			40	10	10	10	10	10	10	10	10	10
RR-1	40,000			150	25	20	35	25	20	35	25	20	35
RR-2	5 ACRES			300	25	20	35	25	20	35	25	20	35
LR	1 ACRE			150	35	20	30	35	12 (L)	30	35	12 (M)	30
SD	1 ACRE			150	25	20	30	35	6 (L)	30	35	6 (M)	30
C-1 (G)	NONE			NONE	30	5 (N,O)	20 (O)	30	5	20	30	5	20
C-2	NONE			NONE	40	5 (N,O)	20 (O)	40	5	20	40	5	20
PA	N.A.			N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
RRP	10 ACRES			400	30	30	30	30	30	30	30	30	30
OS	N.A.			N.A.	30	30	30	30	30	30	30	30	30
I-1 (G)	NONE			NONE	40	5 (O)	20 (O)	40	5	30	40	5	30
I-2 (G)	NONE			NONE	40	5 (O)	20 (O)	40	5	30	40	5	30

**NOTES TO SCHEDULE OF REGULATIONS**

- A. With public water and sewage systems.
- B. With public sewage systems.
- C. With public water systems.
- D. With neither public water or sewage systems.
- E. For the entire mobile home park.
- F. For each lot within the mobile home park.
- G. Access to Commercial or Industrial lots with frontage on roadways with speed limits forty-five (45) miles per hour, or higher, are subject to the following regulations:
  - 1. Accelerations and deceleration lanes will be provided at all points of entry and exit to the lots, as required by the County Road Commission.
  - 2. There will not be more than one entry/exit per six hundred (600) feet of road frontage.
  - 3. Access to Commercial / Industrial developments will be only from Michigan Department of Transportation designated Class “A” roads.
- H. In the R-3 district, for the purpose of computing the maximum number of rooms per lot the following room assignments shall control:

Efficiency	1 room
One bedroom	2 rooms
Two bedroom	3 rooms
Three or more bedrooms	4 rooms

Plans presented showing 1, 2, or 3 bedroom units and including a “den”, “library”, or other extra room shall count such extra rooms as bedroom for the purpose of computing density.

Where there is more than one principal structure, a minimum of 20 feet shall be maintained between principal structures. A minimum of 12 feet shall be maintained between an accessory structure and any other structure, whether principal or accessory.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads. (I, J, and K) In the R-3 district, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by:

- I. One thousand five hundred (1,500)
- J. Two thousand five hundred (2,500)
- K. Four thousand one hundred fifty (4,150)

All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type.

- L. An accessory building shall not exceed eighteen (18) feet in height as measured from the floor to the peak.
- M. A private garage shall not exceed (18) feet in height as measured from the floor to the peak.
- N. The side yard requirements for the C-1 or C-2 district may be eliminated under the following conditions:
  - 1. The side walls are of fireproof construction and have no openings not meeting “BOCA” Building Officials and Code Administrators.
  - 2. The zoning of the adjacent property is C-1 or C-2.

O. In C-1, C-2, I-1, I-2 districts abutting an inland lake, river, or stream a minimum setback from said water will be:

1. Seventy-five (75) feet for C-1 and C-2 districts.
2. One hundred (100) feet for I-1 and I-2 districts.

**ARTICLE VI  
OFFICIAL ZONING MAPS**

The zoning districts, as provided in Article IV of this ordinance are bounded and defined on maps entitled, "Official Zoning Maps of Forsyth township, Marquette county, Michigan", dated as \_\_\_\_\_ as amended \_\_\_\_\_. The location and boundaries of the zoning districts established by this ordinance are set forth on these zoning maps which accompany this ordinance and which maps, with all notations, reference, and other information shown thereon, are incorporated therein and are as much a part of the ordinance as if fully described and set forth herein.

IDENTIFICATION OF OFFICIAL ZONING MAPS

The official zoning maps shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk. The official zoning maps shall be located in the office of the Township Clerk and available for examination.

INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the official zoning maps, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center line of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad right-of-ways, section lines, one-quarter section lines, one-sixteenth section lines, or a corporate limit line, all as they existed at the time of the enactment of this ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the official zoning maps. Where, due to the scale lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown

thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Zoning Board of Appeals. The zoning Board of Appeals, in interpreting the zoning maps or deciding any appeal, shall apply the following standards:

- A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of alleys, streets, right-of-ways or watercourses, unless such boundary lines are fixed by dimensions shown on the zoning maps.
- B. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning maps, shall be determined by the use of the map scale shown thereon.
- D. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Forsyth Township, as well as other relevant facts.



**ARTICLE VII**  
**SUPPLEMENTAL REGULATIONS**

**PURPOSE**

It is the purpose of this article to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV. They may or may not apply in all zoning districts.

**FEES**

Neither the Township Planning Commission, Zoning Administrator, nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee in the amount established by the Forsyth Township Board.

**DWELLING MINIMUM STANDARDS**

- A. A dwelling complying with the following minimums: minimum width of twenty (20) feet as side, front or rear elevation. Minimum internal ceiling height of seven (7) feet, six (6) inches. Minimum first floor area of 720 square feet and complies in all respects with the County Building Code. For every additional bedroom in excess of two (2) add 100 square feet to the minimum requirement of floor area. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction are different than those imposed by the Township, then and in that event such Federal or State standard of regulation shall apply.
- B. It is firmly attached to permanent foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required

in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall as required above.

- C. When a dwelling is a mobile home as defined herein, it shall be installed with the wheels removed, and skirted to prevent exposure of any towing mechanism, undercarriage or chassis.
- D. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- E. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- F. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on the eave sides, or alternatively, with window sills and roof drainage systems concentration roof drainage at collecting points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas

where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- G. The dwelling contains no additions or rooms or other areas, which are not, constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength

requirements.

- I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of a Township pertaining to such parks.
- J. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable county building code provisions and requirements.

#### ONE PRINCIPAL STRUCTURE OR USE PER LOT

No more than one principal structure or use shall be permitted on a lot unless specifically provided for elsewhere in this ordinance.

#### USE OF YARD OR OPEN SPACE

In a residential district, it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded, worn-out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk or any other personal property.

#### KENNELS

The Planning Commission will specify within any Conditional Use authorization in a Residential District the number of dogs permitted to insure the use intensity is appropriate to the existing Zoning District. This determination shall include factors such as: Breed and size of the dog (s), indoor or outdoor kennel, methods of noise control, feeding and watering schedule, methods of waste control,

purpose of the kennel, environmental impact, compatibility with the existing neighborhood, potential to adversely affect surrounding property values, parcel area, etc. A Conditional Use for kennels approved by the Planning Commission is specific and personal to the applicant at the location requested in the application and is not transferable to another location or future owners without re-application for a Conditional Use.

A. Kennels, are defined in Article III, which are maintained out of doors or in dog barns are permitted as specified within this ordinance provided that they are licensed by the Marquette County Treasurer, receive a Certificate of Inspection by the Forsyth Township Animal Control Officer or any individual or organization approved under the 1919 Dog Law, as amended, provided they are acceptable to the Marquette County Treasurer and the following standards are met;

1. Each dog shall have adequate personal space within the enclosure area requisite for the breed(s).
2. All unspayed females shall be provided a completely enclosed pen during the heat cycle.
3. Kennel facilities shall be constructed to prevent the public or other animals from obtaining entrance thereto and gaining contact with dogs lodged in the kennel.
4. Kennels shall be located the following minimum distances from existing Residential dwelling units not located on the premises in the listed Zoning Districts.

R-1 & MH-1	75'
R-2 & R-3	75'
RR-1 & LR	125'
RR-2	250'
RRP	300'

5. The kennel shall be situated to reduce noise by use of topography, tree cover or other methods as required.
6. The kennel shall be of such construction to adequately and comfortably house any dogs kept therein at any season of the year. The premises shall be maintained in such a manner so as not be detrimental to surrounding property values or public health.

**NOTE:** The minimum set back from existing residential dwelling units not located on the premises may be reduced by providing the owners of all existing properties within the minimum distance of the proposed site grant written permission. This written permission shall reference the Deed Legal Description of all signatories, be prepared by the applicant or his representative, be recorded in the Marquette County Register of Deeds Office upon receiving zoning approval and shall be non-transferable and personal to the applicant at the location referenced in the application.

## THE KEEPING OR HUSBANDRY OF ANIMALS

- A. The following regulations apply to the keeping or husbandry of animals as part of Light, Traditional, or Intensive Agricultural operations or Stables. The regulations specified in this section shall not apply to ordinary household pets or kennels.
- B. Minimum enclosure area per animal:
1. Horses, ponies, mules, donkeys, cows, or other similar animals:
    - a. 100,000 square feet if animals are pastured;
    - b. 4,000 square feet if animals are fed and not required to graze or forage;
    - c. If animals are kept inside a building, one stall shall be provided for each animal: a tied down stall shall be a minimum size of four (4) feet by eight (8) feet; a box stall shall be a minimum size of ten (10) feet by ten (10) feet.
  2. Goats, sheep, pigs, or other similar animals:
    - a. 50,000 square feet if animals are pastured;
    - b. 2,000 square feet if animals are fed and not required to graze or forage.
  3. Turkeys, geese, ducks, or other similar animals:
    - a. 2,500 square feet if animals are pastured;
    - b. 100 square feet if animals are fed and not required to graze or forage.
  4. Poultry, fowl, rabbits, or other similar animals:
    - a. 900 square feet if animals are pastured;
    - b. 36 square feet- if animals are fed and not required to graze or forage;
    - c. 9 square feet if animals are kept exclusively indoor.

C. The following minimum setbacks shall be provided:

1. To minimize odor and to avoid nuisance problems, stables and piles of manure, which are a part of or incidental to either Light or Traditional agricultural operations, or Stables shall be located at least fifty (50) feet from any street right-of-way line or lot line and at least five hundred (500) feet from any existing residential dwelling unit not located on the premises.

NOTE: If small animals such as poultry, fowl and rabbits are kept exclusively indoors the minimum distance from an existing residential dwelling unit not located on the premises shall be two hundred fifty (250) feet.

NOTE: The minimum setback from existing residential dwelling units not located on the premises may be reduced providing the owners of all existing properties within the minimum distance of the proposed site grant written permission to the applicant. This written permission shall reference the Deed Legal Description of all signatories, be prepared by the applicant or his representative, be recorded in the Marquette County Register of Deeds Office upon receiving zoning approval and shall run with the land regardless of transfer of ownership unless otherwise specified in the Conditional Use permit.

2. Manure shall be piled, stored, removed and/or applied to land in accordance with the Marquette County Health Department regulations; however, manure shall not be applied to any land that is closer than one hundred (100) feet to a



residential lot line.

- D. A one hundred (100) foot wide area of vegetative cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, manure application area, and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
- E. In areas with a slope of five (5) percent or less: corrals, unvegetated exercise areas, and manure piles shall be a minimum of one hundred and fifty (150) feet from a well and two hundred (200) feet from any surface water, unless the location of the surface water is upgrade or there is adequate diking to comply with the Marquette County Health Department standards.
- F. Corrals, unvegetated exercise areas, manure piles, and manure application areas are prohibited on lands with slopes greater than five (5) percent, in areas designated as ten (10) year floodplains, in any waterways, and on soils classified as very poorly drained by the U.S.D.A. Soil conservation Service in any pertinent Soil Survey.

## OPEN SPACE PRESERVATION OPTION

### INTENT

It is the intent of this section to offer an Open Space Preservation Option to developers as authorized by Public Act 177 of 2001 for the purpose of:

1. Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
2. Allowing innovation and greater flexibility in the design of residential developments;

3. Encouraging a less sprawling form of development, thus preserving open space.

For the purpose of this section the term “open space” shall refer to a natural state preserving natural resource, natural features, or scenic or wooded conditions; agriculture use’ or a similar use of condition. Land dedicated for open space does not include a golf course, street rights-of-ways, or submerged land areas but may include a recreational trail, picnic area, children’s play area, greenway or linear park.

#### ELIGIBILITY CRITERIA

To be eligible for open space preservation consideration, the applicant must present a proposal for residential development that meets each of the following:

1. Minimum Project Size: The minimum size of an Open space preservation development shall be five (5) acres of contiguous land.
2. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restriction that indicates that the development will be completed in its entirety as proposed.
3. Minimum Project Size: The minimum size of an Open space preservation development shall be five (5) acres of contiguous land.
4. Guarantee of Open Space: The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documentation shall be presented that binds all

successors and future owners in fee title to commitments set forth in the applicant's proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space preservation site plan.

#### PROJECT DESIGN STANDARDS

A proposed open space preservation project shall comply with the following project design standards:

1. The open space preservation option is applicable only in the R-2, R-3, RR-1, RR-2, LR, and RRP districts.
2. The open space preservation option is restricted to residential development.
3. Unless specifically waived or modified by the Planning Commission, and excepting the minimum lot area, all Zoning Ordinance dimensional requirements for the underlying zoning district and other Township regulations shall remain in full force.
4. The developer shall maintain a minimum of fifty percent (50%) of the gross area of the site as dedicated open space. Land dedicated for open space does not include a golf course, street rights-of-ways, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park. The dedicated open space may be, but is not required to be, dedicated to the use of the public.
5. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
  - a. recorded deed restrictions in perpetuity,
  - b. covenants that run perpetually with the land, or

- c. a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
- 6. Such conveyance shall assure that the open space “will be protected from all forms of development and shall never be changed to another use.” Such conveyance shall:
  - a. Indicate the proposed allowable use(s) of the dedicated open space.
  - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - c. Provide standards for scheduled maintenance of the open space.
  - d. Provide for maintenance to be undertaken by the Township of Forsyth in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- 7. The dedicated open space shall forever remain open space, subject only to uses set forth on the approved site plan. Further subdivision of open space land or its use for other than recreation or conservation shall be strictly prohibited.
- 8. Accessory structures related to a recreation, or conservation use may be erected within the dedicated open space, subject to the approved open space preservation site plan. These accessory structures shall not exceed, in the aggregate, one percent (1%) of the total required open space area.
- 9. The number of dwelling units allowable within an open space preservation project shall be determined in the following manner: The applicant shall prepare and present to the

Planning Commission a design of the area that is consistent with the existing Township zoning requirements. The Planning Commission shall review the design and determine the number of lots that could be feasibility constructed on the property. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space preservation project.

10. To encourage flexibility and creativity consistent with the open space preservation concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process.

Any regulatory modification approved by the Planning Commission shall result in a higher quality of development than would be possible using conventional zoning standards. The regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space preservation site plan may be appealed to the Zoning Board of Appeals.

11. Direct access onto a County road maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and having four hundred (400) feet of road frontage shall be required for all developments receiving approval under the open space preservation option.
12. Construction of publicly dedicated roads as a means of providing access and circulation is encouraged.
13. Development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a

condition of approval, may require that the open space preservation site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

### PROJECT STANDARDS

In considering any application for approval of an open space preservation site plan, the Planning Commission shall make the determinations on the basis of the standards for site plan approval set forth in Article IX Site Plan Requirements and Review as well as the following standards and requirements:

1. Compliance with the project design standards outlined above.
2. The open space preservation project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
3. The proposed open space preservation project shall be protective of the natural environment.
4. Compliance with all applicable federal, state, and local regulations.

### APPLICATION AND APPROVAL PROCESS

The application for approval of an open space preservation proposal shall be in accordance with procedures for consideration of a conditional use permit. The required materials and fees shall be submitted to the Township Zoning Administrator.

Approval of an open space preservation proposal shall be upon issuance of a conditional use permit. All improvements and uses of the site shall conform with the approved open space preservation site plan and comply fully with any conditions imposed by the Planning

Commission.

The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation site plan unless an amendment is adopted by the Township Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.

1. Following final approval of the open space preservation site plan by the Planning Commission, a zoning compliance permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable township, county, state or federal permits.
2. If construction has not commenced within twenty-four (24) months of final approval, all Township approvals become null and void. The applicant may make written application to the Planning Commission for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.
3. The Planning Commission may require that a performance guarantee, in accordance with the provisions of Financial Guarantees of Article LX, be deposited with the Township to insure completion of the improvements.

#### REVISION OF APPROVED PLANS

Minor changes to an approved open space preservation site plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Article IX, subject to the finding of all of the following:

1. Such changes will not adversely affect the initial basis for granting approval;
2. Such minor changes will not adversely affect the overall open space in light of the intent and purpose of such development as set forth in this section; and
3. Such changes shall not result in the reduction of open space area as required herein.

Changes, which are a substantial departure from the approved site plan or alter the character of intent of the development, will require the resubmission of the proposal to the Planning Commission.

#### OUTDOOR HEATING UNITS

Shall conform to the following requirements:

1. Minimum setback requirements shall be the same as principal buildings in the subject district.
2. Minimum lot size of (1/2) one-half acre.
3. Installation shall be as per manufacturer's requirements, except as noted above.



PRIVATE ROAD ORDINANCE  
FORSYTH TOWNSHIP ZONING ORDINANCE  
ARTICLE VII

**PRIVATE ROADS IN FORSYTH TOWNSHIP**

SECTION I

DEFINITIONS

- A. “Driveway” – A vehicular access way serving one lot.
- B. “Common Driveway” – A vehicular access way serving two lots with recorded easement and maintenance agreements between landowners.
- C. “Route” – A way for public or private passage and used for all purposes of travel or transportation to which it is adopted and devoted between different places. ( Route Labeling and Structure Numbering Ord. 6-78)
- D. “Private Road “ – A privately owned road, lane, trail serving more than two lots not used as a through fare, but used to access private residences.
- E. “Public Easement” – An easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, which confers the right of unobstructed public access by motor vehicle or foot but does not obligate the municipality to repair or maintain the easement.
- F. “Public Road” A way or public easement for highway purposes held by any governmental body.
- G. “Road” – A route that travels generally East and West in direction (Route Labeling and Structure Numbering Ord. 6-78). Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads.
- H. “Seasonal Road” – Any road intended to provide access only during the months of May through October. These roads are not normally maintained or snow plowed during the winter.

- I. “Through Roads” – These are roads, streets, drives, that serve as connections to public roads, providing circulation and access to commercial areas and residential developments. Through roads must accommodate both a regular flow of passenger vehicles and commercial traffic including trucks.
- J. “Drive” – A route that travels generally North and South in direction.
- K. “Professional Engineer” – An engineer registered in the State of Michigan.
- L. “Right-of-Way” – A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or location of utilities. Legally established lines or boundaries delineate the right-of-way.
- M. “Lot” – A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage lot area, set backs and open space as defined in the current Forsyth Township Zoning Ordinance.

## SECTION II

### FEE AND APPLICATION

- A. The application fee for a Private Road Permit will be established by the Forsyth Township Board and must be paid at the time of the application.
- B. Application Requirements – The following information shall be submitted to the Forsyth Township Zoning Office as part of the application for a Road Permit.
  - 1. Name of Applicant (s)
  - 2. Name of the owner (s) of record of the land.
  - 3. Any legal encumbrances on the land upon which the proposed road is located.
  - 4. Statement of whom will own the road following construction, by what legal instrument, and who will be responsible for road maintenance.
  - 5. The estimated volume and type of traffic to use the road.
  - 6. The anticipated starting and completion dates of each phase of road construction.

7. A description of erosion, sedimentation, and dust control measures to be employed during and following construction.
8. A description of storm water management and drainage provisions, together with supporting assumptions and calculations.
9. An illustrated plan prepared by a professional engineer showing;
  - a. The scale; the direction of magnetic North; the starting and ending point of the proposed road with relation to established roads and any planned or anticipated future extensions of the boundary lines of all properties abutting the proposed road, including any new lots to be created.
  - b. Proposed locations of driveways off the private road.
  - c. All natural waterways, the location and profile (including size and capacity) of all existing and proposed water management and drainage structures, including sewer or septic systems, water lines or private wells.
  - d. The design and profile of the 50 feet of the proposed road closest to any public or private road intersection; if proposed to be over 300 feet in length, the design of the emergency vehicle turnaround.
  - e. The location of all existing and proposed structures.
  - f. A cross section of the proposed road, showing the types and depths of material to be used in the road base and surface.

### SECTION III

#### STANDARDS FOR APPROVAL

The proposed private road shall meet the following standards:

- A. The minimum right-of-way width shall be sixty-six (66) feet, the applicant can request a reduction in right-of-way width in order to protect natural features provided that in no case may the right-of-way be less than 50' as a result of space saving features such as curb and gutter.
- B. Adequate sight distance of 10 times speed limit in feet (e.g., 45mph zone requires 450 feet) visibility in each direction. This shall be measured from where the driver's seat of a vehicle would be situated fifteen (15) feet from the edge of the shoulder, with the height of eye at 3-1/2 feet, to the top of an object at 4 1/2 feet above the pavement.
- C. Drainage will neither erode the proposed road nor wash directly onto the public road or other private property.
- D. Roads and right-of-way over 300 feet long must have an adequate place for emergency vehicles, school buses, garbage trucks, etc. to turn around.
- E. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty (30) feet from the point of intersection.
- F. Parcels fronting on private roads shall meet the required front yard setback and lot

width for their district as set for in Article V, Area, Height and Placement Regulations, General Area Regulations.

- G. All division of land shall be in compliance with the Forsyth Township Land Division Ordinance.
- H. The angle of intersection with the public road must be as close to 90 degrees as possible, but never less than 60 degrees.
- I. For roads servicing any permanent, year-round structure, it is required that private roads and rights-of-ways that are over 300 feet long meet current Marquette County Road Commission paved road specification to facilitate emergency vehicle access. Private roads must be paved to meet current Marquette County Commission paved road specifications if any of the following occur.
  - 1. The road serves more than six (6) residential lots.
  - 2. The road provides access to any multiple family developments (s).
  - 3. The road provides connection between any two public roads.
  - 4. The road provides access to industrial or commercial property.

#### SECTION IV

##### ROAD PERMIT DENIAL / RIGHT TO APPEAL

If any of the applicable conditions as outlined above are not met or there is information missing from the application, the Forsyth Township Zoning Staff may deny the Road Permit application. If the applicant feels that the Forsyth Township Zoning Staff has erred in their interpretation of this Ordinance, the applicant may file an administrative appeal with the Forsyth Township Board of Appeals within thirty (30) days of the denial.

If the applicant feels that the denial of the Road Permit creates an undue hardship, the applicant may request a variance from the Forsyth Township Board of Appeals pursuant to standards for a variance as set forth in the Township Zoning Ordinance. If these standards are not met, the applicant must acknowledge added risk and sign a Hold Harmless Agreement, to be registered with the land at the Marquette County Register of Deeds.

## SECTION V

### CONSEQUENCES OF NONCOMPLIANCE WITH THIS ORDINANCE

Any parcel accessed by a private road created in noncompliance with the Ordinance shall not be eligible for any zoning approvals, such as land splits, conditional land use approval or site plan approval. In addition, violation shall subject the violator to the fines and enforcement actions set forth, in Section VII of this Article, and as may otherwise be provided by law.

## SECTION VI

### EXISTING PRIVATE ROADS

Private roads that were created prior to the adoption of this ordinance shall be subject to all the conditions specified in the ordinance for any extension to the existing private road. Any parcel accessed by an extension of an existing private road created in noncompliance with this ordinance shall not be eligible for any zoning approvals, such as zoning compliance, land splits, conditional land use approval or site plan approval.

## SECTION VII

### FINES AND ENFORCEMENT

Any person who violates any of the provision of this ordinance shall be deemed responsible for a civil infraction and shall be subject to a fine of not more than \$500.

## SECTION VIII

### 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 of portion thereof.

ARTICLE VII-A  
CONDOMINIUM AND SITE CONDOMINIUM  
**PURPOSE**

- A. The purpose of this section is to provide for the review and approval process for all condominium and site condominium projects within the Township.

**GENERAL REQUIREMENTS**

- A. Each applicant shall comply with the following general requirements:
1. The applicant shall pay a reasonable fee, determined by the Forsyth Township Board, prior to submitting a condominium subdivision plan for review.
  2. No construction, grading, work or other development shall be done upon the land intended to be used for a site condominium until a final condominium subdivision plan has been approved, except with the express permission of the Planning Commission. This requirement shall include contractible, conversion, and expandable site condominiums.
  3. A required site plan for building, structure, or use to be placed on a condominium unit requires site plan approval under Article IX Site Plan Review before a zoning compliance permit may be issued.
  4. The Planning Commission shall have the authority to review and approve or deny preliminary and final condominium subdivision plan based on whether or not the plan complies with the provisions of this Ordinance.
  5. Each condominium unit shall be located in a Zoning District that permits this proposed use.



6. For the purpose of this Article, each site condominium unit shall be considered equivalent to a single lot and shall comply with all regulation of the Zoning District in which located. In the case of a site condominium containing single-family detached condominium units, no more than one single structure shall be located on a condominium unit, nor shall a dwelling unit be located on a condominium unit with any other principal structures or use. Required setbacks shall be measured from the boundaries of a condominium unit. Ground floor coverage and floor area ratios shall be calculated using the area of the condominium unit.
7. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and as provide in Section 48 of the Condominium Act, shall comply with all regulations of the Zoning District in which it is located and shall be approved by the zoning administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
8. Each condominium unit that results from a subdivision of another condominium unit if such subdivision is permitted by the condominium documents and as provided in Section 49 of the Condominium Act, shall comply with all regulations of the Zoning District in which it is located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws as part of the master deed.
9. Revisions to the final, approved condominium subdivision plan shall be submitted for review and approval or denial by the Planning Commission.
10. Any amendment to the master deed or bylaws that affects the approved

preliminary or final condominium subdivision plan shall be reviewed and approved by the Planning Commission. The Planning Commission may require review of any amended condominium subdivision plan if in its opinion such changes in the master deed or bylaws require corresponding changes in the approved condominium subdivision plan.

11. The Planning Commission may require as a condition of approval that the applicant enter into a development agreement incorporating the terms and conditions of final condominium subdivision plan approval and record the same with the Marquette County Register of Deeds.
12. All streets and roads proposed for any site condominium shall at a minimum conform to the standards and specification promulgated by the Marquette County Road Commission for construction of roads in single –family residential subdivisions.
13. Monuments shall be set in accordance with the Condominium Act and all other State rules and regulations. The Planning Commission may grant a delay in the setting of required monuments for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk, cash, a certified, check or any irrevocable bank letter of credit in an amount determined by resolution of the Planning Commission.
14. Such deposit shall be returned to the developer upon receipt of a certificate by a registered surveyor that monuments and irons have been set as shown on the condominium subdivision plan.
15. If the developer defaults, the Township Board shall promptly require a registered

surveyor to set the monuments and irons in the ground as shown on the condominium subdivision plan, at a cost not to exceed the amount of the security deposit.

16. All right-of-way and utility easements shall be described separately from individual condominium lots. The right-of-way and utility easements shall be separately described for their individual purpose, such as; access, roadway, or location, installation, maintenance and replacement of public utilities. Utilities placed within the road rights-of- ways are subject to the requirements imposed by Forsyth Township, Marquette County Road Commission and/or State of Michigan.

17. All condominium projects shall comply with applicable federal and state statues and local ordinances.

#### APPLICATION AND APPROVAL PROCESS

- A. The application process shall consist of a pre-application conference, review and approval of a preliminary condominium subdivision plan and approval of a final subdivision plan.
- B. Before submitting any formal documents for approval of a condominium subdivision plan, the applicant shall meet with the Zoning Administrator for a pre-application conference. It shall be the responsibility of the Zoning Administrator to contact and invite appropriate officials to such a meeting, including a representative of the Planning Commission. The general outline of the proposed site condominium, evidenced by sketch plans, is to be reviewed at the meeting. The applicant will present the proposal to the Planning Commission.
- C. The Preliminary Condominium Subdivision Plan requirements:

1. A preliminary condominium subdivision plan shall be filed for approval with the Planning Commission.
2. The preliminary condominium subdivision plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary condominium subdivision plan shall include information required in Section 66 of the Condominium Act, State of Michigan. The preliminary site plan shall also include all information required in Article IX herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of submittal. In such case, the location and dimensions of condominium units rather than individual buildings and required yards shall be shown on the preliminary condominium subdivision plan.
4. A final condominium subdivision plan for any phase of development shall not be filed nor reviewed by the Planning Commission unless a preliminary condominium subdivision plan has been approved by the Planning Commission and is in effect.

D. The Final Condominium Subdivision Plan requirements:

1. A final condominium subdivision plan shall be filed for review for each phase of development shown on the approved preliminary condominium subdivision plan.
2. A final condominium plan shall include all information required in Section 66 of the Condominium Act, and the master deed and bylaws. The final condominium subdivision plan shall also include all information required in

Article XIII, herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of site plan application. In such case, the location and dimensions of condominium units rather than individual buildings and required yards shall be on the final condominium subdivision plan.

3. The applicant shall provide proof of approvals by all local, county and state agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the County Drain Commissioner, County Road Commission, and the District Health Department. The Planning Commission shall not approve a final site plan until each County and State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

**ARTICLE VIII**  
**OFF STREET PARKING**

REQUIREMENTS

In all districts there shall be provided at the time any building, structure, or use is established, enlarged or increased in capacity, off street parking spaces for motor vehicles. Off street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of spaces are provided elsewhere in conformance with this ordinance.

PLANS

Plans and specifications showing the required off street parking spaces, including the means of access and interior circulation, shall be part of any application for a Zoning Compliance Permit for the erection or enlargement of a building. Where off street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required.

LOCATION OF OFF STREET PARKING AREAS

Required off street parking facilities shall be located on the same lot within three hundred (300) feet of the principal building, except that this distance shall not exceed one hundred fifty (150) feet for single family and two family dwellings and mobile homes. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use. Ownership shall be shown of all lots or parcels intended for use as parking.

REQUIRED MINIMUM OF OFF STREET PARKING SPACES

The minimum number of off street parking spaces shall be determined in accordance with “usable floor area” where specified and with the following schedule:

USE		NUMBERS OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1	Single and two family dwellings.	2/dwelling unit.
2	Rooming houses, fraternities, sororities, dormitories, and convalescent homes.	1.4 times maximum lawful number occupants.
3	Hotels, motels, cabins, and tourist sites.	1.2/room in addition to spaces for restaurant facilities
4	Apartments and townhouses.	2/dwelling unit or floor area in square feet divided by 440, or whichever is greater.
5	Mobile Home subdivisions and Parks.	2/mobile home.
6	Churches, theaters, facilities for spectator sports, auditoriums, and concert halls.	0.5 times the seating capacity.
7	Golf course.	7/hole.
8	Barber shops and beauty shops.	2 plus 1/chair
9	Bowling alleys.	5/lane in addition to spaces required for restaurant facilities.
10	Fast-food take-out establishments and drive-in restaurants.	0.10 times square foot of floor area.
11	Restaurants (excluding drive-ins).	1.2/100 square foot of floor area.
12	Furniture, appliance, household, equipment, carpet and hardware stores, repair shops (including shoe repair), contractor's show-rooms, museums, galleries, and others.	1/800 square foot of floor area.
13	Funeral Parlors	1/50 square foot of floor area

USE		NUMBERS OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
14	Gasoline service stations.	1/pump, 1/lift, (in addition to stopping places adjacent to pumps).
15	Laundromats and coin operated cleaners.	0.5/machine
16	Doctors' and dentists' offices and clinics.	1/100 square foot of waiting room area and 1/working staff.
17	Banks	1/150 square foot of floor area
18	All other retail stores and service establishments.	1/150 square foot of floor area and outdoor sales space.
19	Offices	1/300 square foot of floor area
20	Warehouses	1/500 square foot of floor area
21	Motor vehicle sales and service establishments.	1/300 square foot of usable floor area of sales room and 1 for each auto service stall in the service room.
22	Pool hall or club.	1/game table or 1/150 square foot of floor area in game rooms, whichever is greater.
23	Supermarkets (self-service).	1/150 square foot of floor area.
24	Car wash.	1/stall and adequate waiting space shall be provided off the street right-of-way.
25	Other commercial uses.	0.75 times maximum number of employees on premises at any one time or 1/800 square foot of floor area, whichever is greater.
26	Other industrial uses.	0.75 per employee on premises at any time or 1/1600 square foot of usable floor area, whichever is greater.
27	Elementary and junior high schools.	1 per each working staff
28	High schools, colleges and universities	1 per teacher, employee, or Administrator, and 1/5 students.
29	Private clubs, lodges, and private/public halls.	0.35 times established capacity or 1/100 square feet of usable floor area, whichever is greater.
30	Hospitals.	1 for each 4 beds and 1 for each 2 employees and/or staff.



31	Where calculation, in accordance with the foregoing list, results in requiring a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one (1) space.
32	Required off-street parking shall be provided on lots with contiguous ownership.
33	For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Board of Appeals considers as being similar in type.
34	For the purpose of computing the number of parking spaces required, the definition of "usable floor area" shall be used.
35	Use of any required parking spaces for storage of merchandise, motor vehicle for sale, trucks, or repair of vehicles is prohibited.

AREA DESIGN

- A. There shall be provided a minimum access drive of ten (10) feet in width and, where a turning medium is necessary, it will be of such an arc as to reasonable allow an unobstructed flow of vehicles.
- B. The following minimum design standards shall be observed in laying out off-street parking facilities:

<u>PKG ANGLE</u>	<u>STALL W</u>	<u>STALL L</u>	<u>CURB-CURB</u>	<u>AISLE W</u>
0-15	9 feet	23 feet	30 feet	12 feet
16 to 37	10 feet	19 feet	47 feet	11 feet
38 to 57	10 feet	19 feet	54 feet	13 feet
58 to 74	10 feet	19 feet	61 feet	18 feet
57 to 90	10 feet	19 feet	63 feet	24 feet

- C. All off-street parking shapes shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- D. All parking lots of five (5) or more vehicles, adjacent to a right-of-way, will be required to have a buffer strip of eighteen (18) inches minimum, in width, of planting or curbing.
- E. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust free surface resistant to erosion.
- F. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- G. Any off-street parking area providing space for five (5) or more vehicles shall. Be effectively screened on any side, which adjoins or faces a residential lot or institution by a wall, fence, or compact planting not less than four (4) feet in height, nor more than six (6) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- H. All off-street parking areas that make it necessary for vehicles to back out. Directly onto a public road are prohibited, except those parking areas for one or two family dwellings.

## **ARTICLE IX**

### **SITE PLAN REQUIREMENTS AND REVIEW**

The purpose of the Site Plan Review is to determine compliance with the provisions set forth herein and to promote the orderly development of the Township, the stability of land values, investments and general welfare. The Site Plan Review will help prevent the impairment or depreciation of land values and development by the erection of structures, additions or alterations thereto without proper attention to siting and appearance. The term “site plan” includes all documents, plans or drawings required by this ordinance. The provisions in this section shall apply to all Site Plan Review procedures. The procedures of this section shall be minimum requirements.

#### SITE PLAN REQUIREMENTS

- A. A site plan and appropriate fee are required and shall be submitted to the Zoning Administrator when application is made for:
  - 1. Zoning Compliance Permits for:
    - a. Any proposed construction.
    - b. Any commencement of a new use.
    - c. Any proposed change in use.
  - 2. Conditional Use Permit.
  - 3. Variances.
  - 4. Class “A” Nonconforming Use Designations.

B. The site plan for single and two-family dwelling, residential accessory uses and structure and seasonal dwelling shall be submitted to the Zoning Administrator for approval, approval with conditions or denial and shall contain the following information:

1. A legal description of the site.
2. All lot lines and dimensions of the lot.
3. All road and easements.
4. All existing and proposed building shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines.
7. Building dimensions, including height for all proposed construction.
8. Natural features affecting development (rock, water, etc.)
9. Water and sewage location.

All decisions of the Zoning Administrator shall be in writing and forwarded to the applicant. Submittal of some of the above-required information may be waived if deemed appropriate by the Zoning Administrator.

SITE PLAN REQUIREMENTS FOR ALL USES  
OTHER THAN GENERAL REQUIREMENTS

Site Plans for all uses and developments except for one and two-family dwellings, residential accessory uses and seasonal dwellings shall contain the following information and data.

REQUIRED INFORMATION

Every application will be accompanied by the following informational requirements unless the proposed structure contains less than 1500 square feet of gross floor area, the land use activity requires less than six (6) off-street parking spaces, and the specific informational requirements are waived in writing by the Zoning Administrator and approved by the Planning Commission. Additionally, in the event the Zoning Administrator feels the change from one permitted use to another permitted use on the site should not require a Site Plan Review, he/she shall forward to the Planning Commission a brief written statement describing the change involved and indicate why he/she thinks a Site Plan Review should not be required. The Planning Commission at its next meeting shall either concur by waiving the Site Plan requirement, or require that a Site Plan Review be initiated.

Zoning actions involving a site plan for all uses and developments except for one and two-family dwellings, residential accessory uses and seasonal dwelling shall contain the following information and data (applicants may request a waiver for any given line item if they feel the requirement is not relevant to their site).

1. An application form as provided by the Township Zoning Administrator shall be fully completed in ink and signed by the petitioner or representative.
2. A minimum of nine (9) copies of all plans, documents/or drawings, signed and sealed by a registered land surveyor, professional engineer, or architect.
3. The name of the proposed project/development/activity; the date, north arrow, and scale adequate to illustrate the proposed activity. Also the name, address and telephone number of all fee interest holders and type of ownership.
4. A complete legal description of the parcel (s) as it appears on the deed, and the gross and net area of the proposed site plan in acres.
5. Any proposed deed restrictions or covenants affecting the proposed plan and future on or off-site development.
6. The location of all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines, and zoning of the subject and all adjacent property.
7. The location of all existing and proposed drives.
8. The existing and proposed pavement width, condition, and type, and the location of any acceleration or deceleration lanes existing or proposed.
9. The existing or proposed vehicular, circulation systems including all relevant dimensions; parking spaces sizes and numbers; customer / employee parking areas.

10. The definition and location of all loading areas, truck docks, service drives, and truck wells, with relevant dimension.
11. The designated access locations for fire vehicles and emergency apparatus along with fore lane widths, type of road surfacing, and any turnaround areas along with all relevant dimensions.
12. The locations, names and widths of all existing and proposed public and private rights-of-way within 100 feet of the sites' parcel lines, including roads, railroads, easements, clear view triangles, utility licenses, and the jurisdiction or ownership status of each.
13. The locations of all permanent or temporary signs, existing or proposed, including their design, area size, height, illumination and the type of construction.
14. Any existing and proposed exterior lighting plans which may be anticipated for parking areas, and general information regarding maximum illumination and candlepower of proposed lighting systems.
15. The locations of all proposed trash and refuse receptacles and the method to be used for screening these areas.
16. Size and location of existing or proposed public and private utilities.
17. The existing and proposed topography of the site with elevations utilizing two (2) foot minimum contour intervals five (5) foot intervals may be used where grades are in excess of ten percent (10%). Spot elevations are also acceptable. All benchmark datum, locations, descriptions and elevations shall be noted.

18. The location and names of all existing and proposed water courses, water bodies, flood plains, surface drainage ways, either natural or man-made, within 200 feet of the site's parcel lines.
19. A complete landscaping plan, including the location of all greenbelts, buffer yard, dimensions and heights of fencing or screening with specific indication of all landscape materials to be utilized.
20. A complete set of sealed architectural floor plans including all relevant square footage calculations, exterior building elevations, and the existing and proposed building grades, heights, and signs. Multiple unit proposals shall include all density and area calculations.
21. Any other information necessary to establish compliance with this ordinance or any other applicable ordinance, such as a review by other governmental agencies. For example, assessment of site, well, septic and potential ground water impact study may be requested by reviewing authorities from the Marquette County Health Department or any available information relative to on-site soil conditions, profiles, inventories, borings and the source of all related reference material, if deemed applicable.

#### PROCEDURES FOR SITE PLAN REVIEW

Upon request, an application form shall be provided to the petitioner by the Township Zoning Administrator. All questions on the form shall be completed in ink and signed by the petitioner or his representatives, and returned to the township Zoning Administrator along with the proposed site plan, specifications



and the required payment of a non-refundable fee, as outlined in the “Schedule of Fees”, to offset processing and review costs. If the Township Zoning Administrator determines that the site plan submission does not include all of the required information as required herein, a written notice of denial, including all the reasons for rejection along with instructions for revising the submission to make it acceptable, will be provided to the petitioner within ten (10) days of the original application submission.

- A. It shall be the responsibility of the township Zoning Administrator to forward the completed application along with all other final plan documents to the Planning Commission or Zoning Board of Appeals for review and consideration at their next scheduled meeting if all of the requested information has been received at least ten (10) days prior to the date of the next scheduled meeting.
- B. The Planning Commission or Zoning Board of Appeals shall base its review and evaluation of the site plan upon the specific requirements and standards as established within each individual Zoning Site Plan approval.

GENERAL STANDARDS FOR SITE PLAN REVIEW

- A. Site plans for uses identified in paragraph B “Site Plan Requirements” of this article shall, within ten (10) day of application, be approved or denied in writing by the Zoning Administrator. If denied, the reasons shall be set forth in detail and be limited to any defect in form or required information, any

violation of provision of this or any other ordinance, or the inadequacy of any utility required. Required corrections will be identified by reference to the applicable sections of this article.

- B. Site plans for uses identified in “Site Plan Requirements”, for all uses other than “General Residential” of this article shall be reviewed by the Planning Commission within thirty (30) days of application. These site plans shall be approved or denied within forty-five (45) days of application. If denied, the reasons shall be set forth in detail and be limited to any defect in form or required information.
- C. Any violation of provision of this or any other ordinance, or the inadequacy of any utility required corrections will be identified by reference to the applicable sections of this article.
- D. Site plans required for those cases identified under zoning actions requiring a Site Plan variances, Class “A” Nonconforming uses shall be forwarded to the Zoning Board of Appeals. The Zoning Board of Appeals shall review said site plan within thirty (30) days of application. Approval or denial shall be accomplished in accordance with Article XIV.

GENERAL STANDARDS FOR SITE PLAN APPROVAL

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of the

buildings. This site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

- B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, about a residential zone or public thoroughfare, shall be screened or vertical fence consisting of structural (fence) or plant materials no less than six (6) feet in height.

- H. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- I. The proposed plan shall reflect a property relationship between existing and proposed streets and highways within the vicinity. Every structure shall have adequate pedestrian access to public right-of-way, walkway or other common use areas.
- J. Physical improvements to the site, including vehicular and pedestrian circulation systems, water, sewer service, storm drainage, electric power, and telephone utilities, as well as land balance, grading and erosion control measures shall be designed and constructed in strict compliance with all the requirements of the individual, Federal, State, County or local agencies adopted standards and specifications.
- K. Accessibility, ingress and egress to the site shall be designed to assure safety and convenience to the general public. All parking areas located within the proposed site plan shall be in compliance with the requirements set forth in this ordinance.

#### PLANNING COMMISSION REVIEW

Upon receipt of the complete site plan submission along with the receipt of comments from any affected Federal, State, county or local approving agencies, the Planning Commission shall proceed with the review of the site plan

documents to determine compliance with the requirements and general intent of the Zoning Ordinance.

The Planning Commission, at its option, may schedule and conduct a public hearing prior to the final approval of any site plan required by this Ordinance. Within thirty (30) days, the Planning Commission shall respond to the petitioner through the Township Zoning Administrator with a written approval, approval with conditions of modification or denial. If approved, the Planning Commission Chairman, and the Township Zoning Administrator shall sign and date three (3) complete sets of the site plan. One (1) approved, signed and dated set shall be returned to the petitioner and the other two (2) copies shall be retained by the Township for record purposes. If the site plan is denied approval, the reasons will be set forth in writing and forwarded to the petitioner by the Township Zoning Administrator.

REVISIONS – MODIFICATION – OR CORRECTIONS TO  
AN APPROVED SITE PLAN

Once a site plan has been reviewed and approved by the Planning Commission, it shall become a part of the record of approval. Subsequent actions relating to the authorized activity shall be consistent with the approved site plan unless a change conforming with this Zoning Ordinance, received mutual agreement of the petitioner and the Planning Commission. Except for minor changes, any changes

requested specifically by the petitioner shall require a resubmission of the revised site plan and payment of an additional review fee.

#### FINANCIAL GUARANTEES

To insure the construction and installation of the necessary site improvements, and unless the site plan review requirements have been specifically waived in accordance with the applicable section of this article, the Planning Commission may require that a cash deposit, certified check, bond irrevocable bank letter of credit or other financial guarantee be provided by the petitioner prior to the issuance of the official site plan approval and Certificate of Occupancy. Surety may be provided in an amount sufficient to fulfill the faithful performance of the agreement. The Planning Commission, at its option may authorize proportional rebates of the financial guarantee to the petitioner as the construction work progresses and upon the completion of significant phases of the scheduled improvements.

#### FINAL APPROVAL OF PROJECT

When the site has been substantially developed in compliance with the approved site plan documents, the petitioner shall request an on-site inspection by the Township Zoning Administrator. The joint on-site inspection shall require the review and approval of all the required plan elements to the satisfaction of the Township Zoning Administrator in strict accordance to the requirements as set forth in this ordinance.

After the joint field inspection has been completed, and the site has been approved by the Township Zoning Administrator, a letter of acceptance will be forwarded to the petitioner by certified mail, return receipt requested in addition to the release of any remaining financial surety. If there are deficiencies on the site and the improvements are not in compliance with the approved site plan documents, a similar certified letter setting forth the reasons for such denial shall be sent to the petitioner. Until such time as the stated deficiencies are corrected, an official letter of acceptance will not be authorized nor will the financial surety be released.

#### TIME LIMIT TO IMPLEMENT APPROVED SITE PLAN

The approved site plan shall be implemented and all required improvement completed no later than two (2) years after the date of initial approval. The Planning Commission, at its option, may authorize a one (1) year extension to the initial approval if extenuating circumstances justify an extension of time.

#### ORDINANCE INTERPRETATION AND APPEALS

An individual aggrieved by an action of the Zoning Administrator or the Planning Commission in the approval, conditional approval, or denial of a site plan submission may appeal any interpretations of this Ordinance to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within the working (10) days after the date of the decision of the Zoning Administrator or the Planning Commission.

An appeal shall stay all proceeding in furtherance of the action appealed, unless the Zoning Administrator certifies to the Zoning Board of Appeals, that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

#### ZONING BOARD OF APPEALS PROCEDURE

The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Zoning Board of Appeals shall approve the final site plan if the requirements of this section and other applicable ordinance requirements are met. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

#### LAND CLEARING

No person shall undertake or carry out any such activity or use, including any grading, clearing, cutting and filling excavating, or tree removal associated therewith for which site plan approval is first required by this Ordinance. Nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetland permits, or floodplain permits. Any violation of this provision is subject to the fines and penalties prescribed in Article XV of this ordinance for each day of the violation from the day of discovery of this incident until a restoration plan, or a site plan has been approved.



## **ARTICLE X**

### **APPLICABILITY OF LANDSCAPE REQUIREMENTS**

This section shall apply to all new construction and to enlargement of existing structures.

### **REQUIRED OBSCURING SCREENS/FENCES**

In districts C-1, C-2, I-1, and I-2, wherever any parking lot, trash collection, outdoor storage merchandising, or service area lies within fifty (50) feet of any R-1, R-2, R-3, MH-1, or LR District, an obscuring fence or screen of sufficient length and height to block its view thereof from the adjoining district shall be required except where the view is blocked by change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, a planting screen cannot be expected to thrive, an opaque fence, i.e. a chain link fence with interwoven slats, or a masonry wall consistent with the aesthetic appearance of adjacent districts may be substituted.

### **PLANTING SCREEN SPECIFICATIONS**

All planting screen required by this ordinance shall consist of plants at least thirty (30) inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five (5) feet. One of the plant materials in the following list shall be used and plants shall be approved by: The Planning Commission at the time of site plan review and approved plants shall be located no farther apart than the distance indicated in each case.

<u>PLANT</u>	<u>DISTANCE APART</u>
Honeysuckle	Five Feet
Hemlock	Four Feet
Lilac	Three Feet
Privet	One and One-half Feet
Arbor Vitae	Four Feet
Pfitzer	Four Feet
Scotch Pine	Five Feet

Substitution of other plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

#### PARKING LOT PLANTING

Where the provision of off-street parking for fifty (50) or more vehicles is required, there shall be landscaped space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) square feet for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous but there shall be at least one tree in each separate area. Required trees shall be at least twelve (12) feet high when planted or when this ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned except to remove dead wood, in such a manner as to prevent growth to a height of at least fifteen (15) feet or to reduce existing height

below fifteen (15) feet. The following varieties of trees are prohibited in meeting the requirements of this ordinance:

Poplars

Seed-bearing Locusts

Willow

Box Elders

American Elm

All plant materials shall be kept pruned to minimize visibility through them between the heights of three and eight (3 and 8) feet except where located so as to create no hazard to drivers or pedestrians.

Whenever plantings are not maintained as required in this ordinance, a written 30-day notice will be issued to the occupant and person assessed for taxes on the affected lot. Non-compliance will result in pruning or replacement of the plantings by Forsyth Township with the cost thereof assessed to the owner of record.

#### TIME OF COMPLETION

All plantings required by this ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Zoning Administrator may grant an appropriate delay not to exceed 210 days.

## **FENCE ORDINANCE**

### **APPLICABILITY OF FENCE REQUIREMENTS**

This section shall apply to all new fences and enlargement of existing fences.

#### **DEFINITIONS**

For the purpose of this Ordinance, certain terms are herewith defined as follows.

1. *FENCE* – any partition, structure, or gate erected as a dividing marker, barrier or enclosure, including hedges or living bushes or shrubs, within or along the bounds or a lot or parcel
2. *HEIGHT* – the distance from the grade (ground) to the top of the highest point of the fence at any given point along the fence
3. *ADJACENT GRADE* – the average grade measured at a point three feet on each side of the fence

#### **FENCE PERMIT**

Prior to erection, installation, or enlargement of any fence, an application for a Fence Permit must be submitted and approved. A Fence Permit shall be applied for at the Township Assessing/Zoning Office. Compliance review and inspection by the Zoning Administrator will be conducted. The land owner shall assume full liability arising from any fence. Any permit issued under the provisions of this ordinance in which construction has not been completed within two (2) years from the date of issuance shall expire.

#### **REGULATIONS OF FENCES AND PERMITTED INSTALLATION**

1. For all fences the installing or requesting party shall construct the fence with the “post side” or “bad side” facing the installing party’s property. This provision shall apply to both side yard and rear yard fences.
2. Fence regulations shall be divided up with the zoning district.
  - a. Residential Areas (R-1, R-2, R-3, MH-1, MH-2, RR-1, RR-2, LR, SD, RRP)
    - i. Fences shall not contain electrification, barbed wire, razor wire, spikes, nails, or other sharp pointed instruments affixed, placed upon or allowed to exist in any manner attached to a fence or part of a fence. Excepting electrification and barbed wire which can be used in districts where animal husbandry is a permitted use.
    - ii. No person shall install, construct, or maintain any fence on easements, right-of-ways or any properties not owned, leased, or rented by that person.

- iii. Materials shall consist of cyclone-type metal links and posts, wood components, or equivalent materials, or natural vegetation
- iv. Fences on all lots of record, in all residential districts which enclose property and/or within a required side and rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the minimum required front yard setback, whichever is greater.
- v. Fences shall be constructed to allow ample space for maintenance, without having the applicant trespass on the neighboring property to maintain their fence.
- vi. Fences up to four (4) feet in height may be erected from the front edge of the dwelling to within fifteen (15) feet of the right-of-way unless the fence is of chain link, split rail, or other see-through material which can then be erected from the front edge of the dwelling to and along the road right-of-way. At an intersection, the fence must be erected twenty five (25) feet of corner right-of-way.
- vii. Consideration shall be given to whether a proposed fence enhances the neighborhood or blocks scenic views for nearby property owners and be aesthetically pleasing and in keeping with the character of the neighborhood, as interpreted by the Zoning Administrator.
- viii. All fences shall be maintained in good condition. Including by not limited to paint, stain, and repair of damaged portions, rusted metal, holes, loose components, and sagging fence portions.
- ix. Abandoned and/or un-maintained fences shall be repaired or removed within 14 days of written notice given by the Zoning Administrator.
- x. A permit, application, and inspection shall be required. Compliance review by the Zoning Administrator will be conducted. The land owner shall assume full liability arising from any fence.

b. Commercial and Industrial Districts (C-1, C-2, I-1, and I-2)

- i. Fencing proposals shall be included in any plans submitted for Site Plan Review, and will be approved or denied by the Planning Commission.

**SPECIAL USE FENCES**

1. Swimming pools - All swimming pools with a water depth of two feet or greater at any point shall be enclosed with a six foot high fence, not closer than four feet from the pool's edge on any side. Gates in the fence shall have a self-latching catch or lock located not closer to the grade than four feet and otherwise made inaccessible from the outside to small children.

**EXEMPTIONS**

1. Temporary fences made of woven wire material placed around flower and / or vegetable gardens do not exceed four (4) feet in height will not require a Zoning Compliance Permit.
2. Wood or plastic snow fences for the purpose of limiting snow drifting between November 1 and April 1, protecting construction and excavation sites, and protecting plants during grading and construction is permitted for up to 180 consecutive days or for intervals not exceeding an aggregate of 180 days in any calendar year.

**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.

10/22/2009

ARTICLE XI  
SIGNS

INTENT

It is hereby determined that the regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

ENLARGEMENT FACTOR

Whenever a sign is placed fifty (50) feet or more from the front lot line, its area may be increased pursuant to the following schedule:

<u>Setback in Feet</u>	<u>Percent</u>
50 to less than 100	10
100 to less than 150	20
150 to less than 200	30
200 to less than 250	40
250 or more	50

## PERMITTED SIGNS

- A. Signs permitted in the Family Residential District, R-1; Family Residential District, R-2; Mobile Home Residential District, MH-1; and the Mobile Home Park District, MH-2:
1. One sign not exceeding 32 square feet and eight feet in height shall be permitted at each vehicle entrance to a platted subdivision or mobile home park.
  2. Signs shall be removed within 30 days of completion of the project.
  3. Signs permitted by this section are exempt from the setback requirements of Article V and must be located within the parcel boundaries excluding right-of-way lines.
- B. Signs permitted in the Multiple Family Residential District, R-3:
1. Signs as permitted in the preceding section are permitted as well as one sign identifying or advertising each premises per vehicle entrance (but one sign is permitted if there is no vehicle entrance) having an area not exceeding ten (10) square feet and a height not exceeding eight (8) feet.
  2. Signs permitted by this section are exempt from the setback requirements of Article V.
- C. Signs permitted in the Commercial C-1, Commercial C-2, Industrial I-1, and Industrial I-2:
1. Freestanding (ground) signs advertising goods, services, events, facilities or attractions available at the premise are permitted an area not to exceed thirty-



two (32) square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be allowed a maximum of 100 square feet of sign area for each developed parcel.

2. Where any premises has more than one occupant, the permitted area shall be divided among them in the same proportion as floor space and out door sales are occupied by them.
3. Where the premises has more than two occupants and has a distinct name from that of the occupants, free standing signs are permitted to have an area not exceeding eight (8) square feet of sign area for each ten feet or fraction of street frontage, with a maximum of 200 square feet, to identify the developed premises.
4. Signs shall be subject to the following setback requirements; minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than 50 feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than 50 feet.
5. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it is at or above grade.
6. No on-premise sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
7. The maximum height for a sign shall be 30 feet, proportionate to lot and building size.

8. Each premises is allowed to have one wall (facia) sign having an area not to exceed 30 percent of the background area used for copy.
9. Signs for nonprofit organizations (churches, school, museum, library and similar uses) shall be permitted a maximum of 32 square feet for all free-standing signs.

#### OFF PREMISE SIGN

1. The maximum surface display area of an off premise sign situated adjacent to M-94, M-35 and M-553 shall be 300 square feet.
2. The maximum surface display area of an off premise sign adjacent to a county road shall be 16 square feet.
3. No more than three off premise signs may be located per linear mile of street or highway regardless of the fact that such off premise sign may be located on different sides of the street or highway.
4. Double-faced billboard structures (i.e., structures having back-to-back off premise sign faces) and V-type off premise sign 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 (i.e., two parallel billboard facts facing the same direction and side by side to one another) or stacked billboard faces (i.e., two 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 will be considered as two off premise signs and shall be prohibited.

5. Individual signs must be at least 300 feet apart, in all horizontal directions.
6. No off premise sign shall be located within 200 feet of a residential zone and /or existing residence, church, or school. If the off premise sign is illuminated, this required distance shall be 300 feet.
7. No off premise sign shall be located closer than 75 feet to a property line adjoining a public right-of-way, or 10 feet from any interior boundary lines of the premise on which the off premise sign is located.
8. The height of an off premise sign shall not exceed 30 feet above the grade of the ground on which the off premise sign sits or the grade of the abutting roadway, whichever is higher.
9. No off premise sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
10. An off premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare of reflection onto any portion of any adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall an off premise sign have flashing or intermittent lights that rotate or oscillate.
11. An off premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. An off premise sign must be maintained so as to assure

proper alignment of structure, continued structural soundness and continued readability of message.

12. An off premise sign established within a business, commercial or industrial area as defined in the Highway advertising Act of 1972 (PA 106 of 1972 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 there under, as such may from time to time be amended.

#### SIDEWALK / SANDWICH SIGNS

- A. Sidewalk / sandwich signs shall be permitted during the hours a business is open to the public, but in no instance shall a sign be left out after closing.
- B. Sidewalk/sandwich signs shall be of A-frame construction with a minimum spread of two feet. The maximum height shall be five feet. The sign shall be sturdy and stable.
- C. The surface of the sidewalk/sandwich sign shall be durable. Loose paper faces shall not be permitted. Sidewalk signs shall not be illuminated by any means except natural light and existing streetlights.
- D. Sandwich sidewalk signs shall be on premises and shall not hinder safe vehicle or pedestrian passage.

#### EXEMPTIONS FROM SIGN REGULATIONS

- A. Signs having an area of not more than two (2) square feet, the message of which is limited to conveying street numbers, name of premises, name of the owner of

the premises and the name of the occupant of the premises.

- B. Signs having an area of not more than six (6) square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of the property, or traffic or parking thereon or advertising the premises for sale or rent.
- C. The flag of any state or nation respectfully displayed.
- D. Signs located on the rolling stock of common carriers or on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highway, or lawfully parked upon any other premises for a period not exceeding four (4) hours or for a longer period where the primary purpose of such parking is not the display of any sign.
- E. Labels identifying the source, brand name, or manufacturer of merchandise exhibited for sale.
- F. Signs indicating only the name and date of erection of a building and having an area not exceeding six (6) square feet.
- G. Signs posted by duly constituted public authorities in pursuance of their public duties are exempt from regulation under this ordinance.

#### NONCONFORMING SIGNS

It is intended to eliminate nonconforming signs as rapidly as the police power of the Township permits. Any lawfully erected signs, the maintenance of which is made nonconforming by this ordinance, may continue to be maintained exactly as such existed at the time of enactment of this ordinance. No sign shall be designated as Class A Nonconforming (see Article XII). No nonconforming sign:

- A. Shall be changed to another nonconforming sign.
- B. Shall have any changes made in the words or symbols used or the message displayed on the sign, or a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message.
- C. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
- D. Shall be re-established after the activity, business or usage to which it relates has been discontinued for thirty (30) days or longer.
- E. Shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the reproduction cost.
- F. The Zoning Board of Appeals shall permit variances from this Article only upon the grounds established by law for the granting of zoning variances.

#### OBSOLETE SIGNS

It is unlawful to maintain, for more than thirty (30) days, any sign, which has become obsolete because of discontinuance of the business, service, or activity which it advertises; removal from the location to which it directs; or for any other reason. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this section.

#### DIRECTIONAL SIGNS

In addition to the signs permitted in Article XI, off-premises signs may be permitted by the Zoning Board of Appeals; that such establishment has no other sign visible from the same road; that consent of the property owner has been obtained; and that placement of the sign

will not cause any hazard or significant obstruction of any scenic view; provided however, that no such sign shall have an area exceeding one hundred (100) square feet, a height in excess of ten (10) feet or shall be located in any Family Residential R-1, R-2, Mobile Home Subdivisions MH-1, Lake Residential LR Districts.

#### SIGN ILLUMINATION

No sign shall be illuminated by other than electrical means. All lighting for illumination of signs shall be directed away from and shall be shielded from, any residential districts. No signs, which have an adverse affect on driver visibility, will be permitted.

#### TEMPORARY SIGNS

A temporary sign is one that is not permanently installed in the ground or affixed to any structure and which is erected for a period of time as permitted in this Ordinance. The following signs are declared to be temporary and are subject to the following regulations

#### REAL ESTATE SIGNS

- a. The advertising of single or two family residential properties for sale, rent or lease shall be limited to one sign whose area shall not exceed six square feet with a minimum height of four feet.
- b. The advertising of commercial, industrial or multi-family residential property shall be limited to one sign whose area shall not exceed 32 square feet with a maximum height of eight feet.
- c. There shall be one real estate sign per parcel for each public road frontage.
- d. Freestanding temporary off premise real estate signs that provide

information as to the location of real estate that is for sale or rent shall be limited to 3 square feet in area with a maximum height of 4 feet.

- e. Setback for temporary signs shall be a minimum of 5 feet when the right-of-way width from the centerline of the road to the property line is less than 50 feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than 50 feet.

#### TEMPORARY BANNERS IN COMMERCIAL DISTRICT

1. Only one banner per establishment is allowed at a time.
2. All banners shall be attached to a building wall or permanent projection from the wall.
3. No paper banners shall be allowed.

#### CAMPAIGN OR ELECTION SIGNS

1. Individual signs shall not exceed nine square feet.
2. The posting of signs shall have the owner's written consent.
3. No posting of campaign or election signs shall be permitted on the public right-of-way, project onto or overhang onto any public right-of-way, or placed on any public property.
4. All signs shall be constructed of durable materials and erected in a manner so as to avoid collapse from inadvertent contact, wind or weather.



5. All campaign and election signs shall not be erected more than 30 days before election and shall be removed within 10 days of the election for which it was made.

ADVERTISE A NONPROFIT ANNUAL OR ONE TIME EVENT SUCH AS A FAIR OR OTHER EVENT OF GENERAL PUBLIC INTEREST.

1. Individual signs shall not exceed 16 square feet.
2. Signs may be posted for a period of not more than two months.
3. The sign shall not be contrary to the spirit and purpose of this Ordinance.
4. All signs must be removed no later than 10 days after the end of the event.

CLUSTER SIGN

- a. A sign that lists and identifies a number or group of institutions, residences, organizations, churches and/or businesses and which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages in permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of 60 square feet.
- b. Signs permitted by this Section are exempt from the setback requirements however, shall not be located on the right-of-way and shall not interfere with traffic visibility. Circuses, carnivals, or other

transient enterprises may be permitted in any district, upon approval by the Zoning Board of Appeals, based on finding that the location of such an activity will not adversely affect adjoining properties, public health, safety, morals, and the general welfare.

### HOME OCCUPATION

One sign, not to exceed six square feet, shall be permitted to advertise a home occupation. The sign shall not have mechanical parts. It may be attached flush on the building or placed in the front of the lot or parcel. The maximum illumination shall be with a 50 watt bulb provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of any adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall the sign have an adverse affect on driver visibility.

### MISCELLANEOUS SIGNS

- A. The following signs shall not exceed six square feet.
  - 1. Signs which announce no hunting or trespassing.
  - 2. Signs which identify the name of a farm or farming operation.
  - 3. Residential identification signs, which have an occupant's name and/or house number.

### PROHIBITED SIGNS

- A. The following signs shall be prohibited in the township:
  - 1. No commercial vehicle or trailer may be parked on a residential lot, business premises, an industrial lot, or undeveloped parcel for a time exceeding 48 hours for the intended purpose of advertising a product

or serving as a business sign.

2. No sign shall use high intensity lights or flashing lights, spinners, or animated devices or traffic signals.
3. No signs shall simulate or in any way be confused with the lighting of emergency vehicles or traffic signals.
4. No sign shall be placed on the roof of any structure.
5. No sign shall be placed on wheels and used for 72 consecutive hours.  
The use of a sign on wheels shall be limited to three times a year regardless of the duration the sign is used.
6. Signs shall not be placed on public or private tower, except as approved by the Planning Commission.

#### SIGNS STANDARDS

- A. The following signs are declared to be a nuisance:
  - a. A sign structure which is likely to cause injury.
  - b. A sign which advertises a closed business, past event, or past political election.
  - c. A sign which is no longer legible.
  - d. A sign which is otherwise untimely or unsafe.
  - e. A dilapidated sign structure with structural defects or supports with broken or rotten wood.
  - f. A sign constructed from materials that are remnants or manufactured for different purpose.



nearest edge of the sign to the right-of-way.

- D. The side yard setback for signs shall be the same as required for the main structure or building.
- E. The posting of all signs shall have the property owner's written consent.

#### MEASUREMENT OF SIGN AREA

- A. Allowable area for signs shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle including any frame. A decorative masonry base shall not be included in the sign area measurement.
- B. Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, contain the same message and are separated by no more than 2 feet.

## **ARTICLE XII**

### **NONCONFORMING STRUCTURES, LOTS OF RECORD AND USES**

#### INTENT

It is the purpose of this Article to provide for the regulation of legal nonconforming structures, lots of record and uses and also to specify circumstances and conditions under which nonconformities shall be permitted to continue. Nonconforming structures, lots of record and uses are those, which do not conform to one or more provisions or requirements of this ordinance but were lawfully established prior to the time of its applicability. Any structure or use created in violation of this or the preceding Forsyth Township Zoning Ordinance shall not be considered a nonconforming use or nonconforming structure.

Any nonconformity, which has a deleterious effect on property values or orderly development patterns, shall not be permitted to continue without restriction. The continuous unrestricted existence of such nonconformities can often be construed as being at variance with the general purpose of Zoning Districts, i.e. the creation of compatible groupings of structures as well as permitted and conditional uses. It is the intent of this ordinance to permit these nonconformities to continue until they are discontinued, damaged or removed, but not to encourage their survival.

It is further the intent of this ordinance that such nonconformities shall not be enlarged, expanded, extended or moved, except as provided herein' not be used as grounds for adding other lots, structures, or uses, prohibited elsewhere in the district.

## CLASS A NONCONFORMING USES AND STRUCTURES

Class “A” Nonconforming uses or structures are those, which have been designated by the Zoning Board of Appeals, after application by an interested person or the Zoning Administrator, upon finding that:

- A. Continued use would not be contrary to the public health, safety, or welfare, or to the spirit of this ordinance.
- B. The use of said structures does not and is not likely to significantly depress the value of nearby properties.
- C. The use of said structure was lawful at the time of its inception.
- D. No useful purpose would be served by strict application of the provisions or requirements of this ordinance with which the use or structure does not conform.

## NONCONFORMING LOT OF RECORD

A nonconforming lot of record may be used for any principal use permitted in the Zoning District in which the lot is located, provided that for any use which is to be served by an individual potable water well and sanitary septic system, the nonconforming lot shall be of a size and design to meet the minimum requirements of the Marquette County Health Department. The partitioning or sale of nonconforming lots of record is not permitted if such act of partition or sale results in an increase or greater degree of nonconformity.

## PROCEDURE FOR OBTAINING CLASS “A”

### DESIGNATION AND CONDITIONS

A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including

such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information, as it considers necessary. The notice and hearing procedures before the Zoning Board of Appeals shall be pursuant to Article IX & XIII of this ordinance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions may be attached, including a time limit where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this ordinance. No vested interest shall arise out of a Class “A” designation.

CRITERIA PERTAINING TO CLASS “A” NONCONFORMING

USES AND STRUCTURES

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of the Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such Class “A” Nonconforming Use or Structure shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board of Appeals
- B. No such Class “A” Nonconforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at effective date of adoption or amendment of this Ordinance, except with



specific approval of the Zoning Board of Appeals.

- C. No Class “A” Nonconforming Use or Structure shall be extended to displace a permitted (conforming) use.
- D. Class “A” Nonconforming Use or Structure shall not be changed to another nonconforming use, except with specific approval of the Zoning Board of Appeals. Before granted such approval, the Zoning Board of Appeals shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
- E. No Class “A” Nonconforming Use shall be expanded to add another nonconforming use, except with specific approval of the Zoning Board of Appeals. The proposed nonconforming use shall satisfy the standards as set out in Article XIII, pages 9 thru 11.
- F. Class “A” Nonconforming Structures shall not be altered or expanded without the specific approval of the Zoning Board of Appeals, except that structural alterations which do not add to the bulk of structure or increase the intensity of use of the structure may be permitted without prior approval of the Zoning Board of Appeals, provided all regulations contained in this ordinance are met.

#### REVOCAION OF CLASS “A” DESIGNATION

Any Class “A” designation shall be revoked, following the same procedure for designation, upon finding that as result of any change of conditions or circumstances the use of structure no longer qualifies for a Class”A” designation.

REGULATIONS PERTAINING TO CLASS “A”  
NONCONFORMING USES AND STRUCTURES

No Class “A” nonconforming use shall be resumed if it has been discontinued for a continuous period of nine (9) months or if it has been changed to a conforming use for any period. No Class “A” structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

REGULATIONS PERTAINING TO CLASS “B”  
NONCONFORMING USES AND STRUCTURES

All nonconforming uses and structures not designated as Class “A” are Class “B” nonconforming uses or structures. It is the purpose of this ordinance to eliminate Class “B” nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class “B” nonconforming use shall be resumed if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty percent (50%) of the assessed value.

No Class “B” nonconforming structure shall be enlarged or structurally altered. No Class “B” nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.

## ARTICLE XIII

### ADMINISTRATION OF THE ORDINANCE

#### THE ZONING ADMINISTRATOR

The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Forsyth Township Board and shall serve at their pleasure. He shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of Forsyth Township. He shall administer the provisions of this ordinance and shall have all administrative power in connection therewith which are not specifically assigned to some other officer or body. The Zoning Administrator shall be required to make inspections of building or premises necessary to insure compliance with this ordinance, and the Zoning Administrator shall grant Zoning Compliance Permits ONLY when requirements of this ordinance are met. Permanent access to or use of public or public related utilities shall not commence until written Certificate of Occupancy is granted by the Marquette County Building Codes Department.

It shall be unlawful for the Zoning Administrator to approve plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this ordinance, nor shall the Zoning Administrator vary or change any terms or requirements of this ordinance. He shall have no power to vary or waive ordinance requirements. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify, in writing by certified mail, the person responsible for

such violation, indicating the nature of the violation and ordering the action necessary to rectify the violation. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provision.

#### ADMINISTRATIVE STANDARDS

Whenever, In the course of administration and enforcement of this ordinance, it is necessary or desirable to make any administrative decision then, unless other standards are provided in this ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood.

#### ADMINISTRATIVE PROCEDURES

- A. The Zoning Administrator shall provide to the Zoning Board of Appeals and/or Planning Commission a written summary of facts and a recommendation based upon reference to this ordinance.
- B. In the case of a proposed amendment to this ordinance, the requirements of Sections 9, 11, and 14 of Public Act 184 of 1943, as amended, shall apply. Where a public hearing is required in the administration of this Ordinance, the Zoning Administrator shall fulfill the requirements for each type of zoning request, as indicated:
  1. Ordinance Amendment:

- a. This hearing shall be preceded by public notice which shall be given by two (2) publications in a newspaper of general circulation in the township; the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days before the scheduled hearing, notice of the time and place of the hearing shall also be given by mail to each utility company and to each railroad operating within the district or zone affected that registers its name and mailing address with the Township Zoning Administrator for the purpose of receiving such notice.
- b. Notifying, by personal service or by mail, not less than twenty (20) days before the scheduled hearing all owners, residents or managers of property within 300 feet of all property to be affected by a zoning decision.
- c. All notices shall include the time, place and nature of the public hearing. The legal description, street address and name of the applicant (property owner

if different) and where and when written comments will be received.

2. Conditional Use, Home Occupation and Zoning Appeals

Requests:

- a. This hearing shall be preceded by public notice which shall be given by one (1) publication in a newspaper of general circulation in the Township, to be printed not more than fifteen (15) or less than five (5) days before the scheduled hearing, notice of the time and place of hearing, shall also be given by mail to each utility company and to each railroad operating within the district or the zone affected that registers its name and mailing address with the Township zoning Administrator for the purpose of receiving such notice.
- b. Notify by personal service or by mail, not less than fifteen (15) days before the scheduled hearing, all owners, residents or managers of property within 300 feet of the property to be affected by a zoning decision.
- c. All notices shall include the time, place and nature of the public hearing. The legal description, street address and name of the applicant (property owner if different) and where written comments will be received.

C. A permanent record of public hearings shall be maintained and reflect:

1. That all interested parties at the hearing had the opportunity to present and/or rebut information either supporting or opposing the zoning action under consideration.
2. A comprehensive summary record of the hearing including an exact record of motion, votes, and other official actions.
3. Set forth, in writing and in detail, any denial, approval, conditional approval, or other action and the facts supporting that action.
4. A file of the record, written testimony, or documents submitted with regard to the hearings and decision with the Township Clerk, to be open to public inspection.
5. Annotate the property record card with reference to case number, date and zoning action taken.
6. Amend Zoning Orders Book and Map for all zoning actions.
7. That compliance with all other requirements under the law shall be met.

#### **SPECIAL ZONING ORDERS BOOK AND MAP**

The Zoning Administrator shall keep in his office a book, to be known as the Special Zoning Orders Book, in which he shall list, with a brief description all rezoning, variances, conditional use permits, designations of Class “A”

nonconformance's, and any terminations of any of them. Each item shall be assigned a number when entered.

The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection. The Zoning Administrator shall submit to the Planning Commission quarterly and the Township Board monthly reports summarizing the type and nature of uses permitted by right; actions taken pertaining to complaints, both written and verbal, of violations of this ordinance.

#### OTHER PROCEDURES

All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this ordinance shall be filed with the Township Clerk and shall be open to public inspection.

#### ZONING COMPLIANCE PERMITS

##### ISSUANCE OF ZONING COMPLIANCE PERMITS

Hereafter, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a Zoning Compliance Permit from the Zoning Administrator.

- A. Upon the furnishing, in writing over the signature of the applicant, such information as may be necessary to establish that the proposed use, structure, or addition, is in full compliance with all provisions of this ordinance.



- B. A finding by the Zoning Administrator that such is the case.
- C. Payment of a permit fee as established by the Township Board.

No Zoning Compliance Permit shall be issued where it appears that any land area required to conform to any provision of the ordinance is also required as part of an adjoining property to keep the development or use thereof in conformity with this ordinance or to keep it from becoming more nonconforming, if such land area was at any time subsequent to the commencement of development or use of such adjoining property in common ownership with such adjoining property. Any Zoning Compliance Permit based on any materially false statement in the application or supporting documents is absolutely void “ab initio” and shall be revoked. No Zoning Compliance Permit shall remain valid if the use or structure it authorized becomes nonconforming.

#### REQUIREMENTS

The Zoning Administrator shall require that all applications for Zoning Compliance Permits be accompanied by plans and specifications including a site plan, as specified in Article IX.

- A. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator, after such copy has been approved or disapproved, and the same attested to by the Zoning Administrator’s signature on such copy. The Zoning administrator shall retain the original copy, similarly marked, for his files. Whenever the building, structures and/or uses, as set forth in the application, are in conformity with the provisions of this ordinance, the Zoning Administrator shall issue the applicant a Zoning Compliance

Permit within ten (10) days of the filing thereof. Where action by the Board of Appeals or the Planning Commission is required in any case, as set forth in this ordinance, the Zoning Administrator shall issue such permit promptly following such action.

- B. Any individual aggrieved by an action of the Zoning Administrator in the approval, conditional approval or denial of a Zoning Compliance Permit shall appeal any interpretations of this ordinance to the Township Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within ten (10) days after the date of decision of the Zoning Administrator.

#### VOIDING OF ZONING COMPLIANCE PERMITS

Any Zoning Compliance Permit granted under this ordinance shall become null and void and fees forfeited, unless the construction is completed on the exterior for any building or structure and any and all accessory buildings thereto within three hundred sixty five (365) days of the date of the commencement of construction or unless construction is completed within five hundred forty five (545) days of the date of issuance. The requirement that construction shall be completed on the exterior of any building or structure and any and all accessory buildings thereto within three hundred sixty five (365) days of commencement of construction may be waived by the Zoning Administrator for any period of time up to a maximum of one hundred eighty (180) days, upon application and cause shown. The Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal. Upon the renewal of any Zoning Compliance Permit, the

completion requirements set forth in the first sentence of this section shall once again apply to that Zoning Compliance Permit

### **CONDITIONAL USES**

#### **INTENT**

The formulation and enactment of this ordinance is based upon the division of Forsyth Township into districts in each of which are permitted uses, which are mutually compatible. In addition to such permitted uses, there are certain other uses which may be necessary or desirable to allow in some locations in selected districts but, because of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of Forsyth Township. These uses are conditional uses because of their peculiar location, need or nature of the services offered, and may have to be established in a district in which they cannot be reasonable allowed as a permitted use.

#### **AUTHORITY TO GRANT PERMITS**

The Planning Commission, as hereinafter provided, shall have the authority to grant Conditional Use Permits, subject to such conditions of design, operation, and safeguards as may be determined for all conditional uses specified in the various district provisions of this ordinance.

#### **APPLICATION AND FEE**

Application for an Conditional Use Permit permissible under the provisions of this ordinance shall be made to the Planning Commission, through the Zoning Administrator, be filing an official conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution by

the Forsyth Township Board **except that such fee shall not be required where Forsyth Township or any official body thereof is the moving party.**

DATA, EXHIBITS, AND INFORMATION

REQUIRED IN APPLICATION

An application for a Conditional Use Permit shall contain the following:

- A. The applicant's name and address, in full.
- B. A statement that the applicant is the owner involved or is acting on the owner's behalf.
- C. The address of the property involved and a legal description of the land included in the site plan and/or lot.
- D. Site plan as required in Article IX.
- E. A statement of supporting data, exhibits, and information and evidence regarding the request for permit.

REQUIRED STANDARDS AND FINDINGS

FOR MAKING DETERMINATIONS

CONDITINAL USE AND ORDINANCE AMENDMENTS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings and shall find and record adequate data, information and evidence showing that such a use on a proposed site, lot, or parcel is appropriate or meets the following requirements:

- A. Relationship to the general safety, health, and welfare of the community-at-large. This includes:

1. Accessibility of the property in question to fire and police protection.
  2. Traffic conditions, creating or adding to hazardous situation.
  3. Transportation design requirements, if any, which will be needed to accommodate traffic impact from the use intended.
- B. Any potential decrease in the market value of adjacent building, uses, and structures that are permitted by right under current zoning, in the proposed use is approve.
- C. Harmony with the Township Land Use Plan. This considers whether the location and size of the proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets, parks and drainage systems will be in harmony with the Township Land Use Plan, and the character of land use which is intended by said Township Plan for the area or district in question.
- D. Impact from the applicant's proposed use, its location and intensity and the height of its buildings, walls, fences, and other structures upon the appropriate character of development existing or planned for the area.
- E. Any hazards arising from storage and/or use of flammable or toxic fluids.
- F. That the operations in connection with any Conditional Use shall not be environmentally objectionable to nearby properties by reason of noise, fumes, pollution, vibration, or light to an extent, which is more than would be expected of any use permitted by right for the district in which the Conditional Use is proposed.

### VOIDING OF CONDITIONAL USE PERMITS

Any Conditional Use Permit granted under this ordinance shall become null and void and the fee forfeited unless construction and/or use is commenced within two hundred ten (210) days of the date of issuance. A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the Planning Commission to terminate and cancel such Conditional Use Permit.

### ADDITIONAL DEVELOPMENT REQUIREMENTS

#### FOR CERTAIN USES

A Conditional Use Permit shall not be issued for the use specified in this subsection unless it complies with any additional conditions specifically noted in Article IV, Zoning District Regulations. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body.

### PLANNING COMMISSION ACTIONS

Upon holding a public hearing and finding that the requirements of the ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days: Reference to the appropriate sections of this ordinance:

- A. Approve/disapprove request for conditional use.
- B. Forward to the Forsyth Township Board their recommendations for

approval/disapproval for a requested ordinance amendment.

APPEALS OF CONDITIONAL USE PERMITS

Any individual aggrieved by an action of the Planning Commission in the approval, conditional approval or denial of a Conditional Use Permit shall appeal any interpretations of this ordinance to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within ten (10) days after the date of decision of the Planning Commission.

## **ARTICLE XIV**

### **ZONING BOARD OF APPEALS: POWERS, DUTIES, AND RULES**

#### **BOARD OF APPEALS ESTABLISHED**

“A five member Board of Appeals is hereby established. Appointment of members shall be in accordance with Sec. 18 of Act 184 of 1943 as amended. The Board of Appeals shall perform its duties and exercise its powers in such a way that the objectives of this ordinance are observed, the public health and safety is secured and substantial justice is done.”

#### **DUTIES**

The Board of Appeals shall hear and decide only such matters as are specifically authorized. The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any changes in the terms of this ordinance, but does have the power to authorize a variance as defined in this ordinance and to act on those matters where this ordinance may require an interpretation.

#### **VARIANCE**

The Board of Appeals may authorize, upon an appeal, a variance from the strict application of the provisions of this ordinance where, by reason of existing use, exceptional narrowness, shallowness, shape or contour of a specific tract of land, at the time of enactment of this ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in practical difficulties to, or undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a Conditional Use Permit is required.



The Board of Appeals shall not grant a variance from the terms of this ordinance unless and until the following is performed:

A written application for a variance is submitted, including the following as is appropriate:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in that same district.
- B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- C. That the special conditions and circumstances do not result from the applicant's action.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- E. That any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- F. The Board of Appeals will require a site plan. Refer to Article IX for site plan information.
- G. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance.
- H. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this

ordinance.

- I. Any variance granted under the provisions of this ordinance shall become null and void and fees forfeited unless the construction and/or use authorized by such variance or permit is commenced within two hundred ten (210) days of the date of issuance. The violation of a requirements, condition or safeguard shall be considered to be a violation of this ordinance and grounds of the Board of Appeals to cancel such variance permit.
- J. No application for variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty five (365) days from date of such denial, except on grounds of new evidence of proof of changes in conditions found by the Board of Appeals to be valid.

#### STANDARDS

NOTE: The burden of showing a variance is warranted shall fall on the applicant. If the Board of Appeals finds the ordinance requirements can be met or that the criteria for getting a variance have not been met, then a variance is not warranted.

Where there are practical difficulties or an unnecessary hardship preventing a property owner from conforming to the strict letter of the ordinance, the Board of Appeals has the power in passing on appeals to vary or modify any of its rules, regulations, or ordinance provisions by granting variances. Typically, the following conditions must be met:

- A. An existing lot due to narrowness, shallowness or irregular shape cannot physically meet dimensional zoning requirements or the topography or natural characteristics of the site inhibit the lawful location of a structure or its

accessories (such as septic systems, garage, shed).

- B. The physical hardship is unique and is not shared by neighboring properties in the same zone. If Board of Appeals finds that the hardship is not unique, but common, amending the ordinance or a rezoning should be pursued. Forward to the Forsyth Board their recommendation for approval/disapproval for a requested ordinance amendment.
- C. The hardship or practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested or is necessary as the result of governmental action such as road widening.
- D. The appellant must show that a variance:
  - 1. Will not be contrary with the intent and purpose of this ordinance.
  - 2. Will not cause a substantially adverse affect upon adjacent properties.
  - 3. Will relate only to the property under control of the appellant.
  - 4. Will not jeopardize the preservation of a substantial right, although the spirit of the ordinance shall be observed, public safety secured and substantial justice done.
  - 5. Will not essentially alter the character of the surrounding area.
  - 6. Will not increase the hazard from fire, flood or similar dangers.
  - 7. Will not increase traffic congestion.
  - 8. Will not produce nuisance conditions to occupants, or nearby premises, whether by reason of dust, noise, fumes, odor, vibrations, smoke or light.

9. Will not impair public health, safety, comfort, or general welfare of the residents of the Township.

E. The variance is the minimum necessary to permit reasonable use of the land and buildings.

#### INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirements, permit decision, or refusal, made by the Zoning Administrator, other administrative official, or other administrative body in carrying out or enforcing any provision of this ordinance. Including interpretations of the Zoning Maps. When the Zoning Administrator has a question or determines that there is ambiguity regarding the application of this Ordinance to a specific application or issue, the Zoning Administrator may file an application for interpretation, which shall outline sufficient information for the Zoning Board of Appeals ruling.

#### APPEALS TO THE BOARD OF APPEALS

The Zoning Board of Appeals shall hear all appeals of any action or decision of the Zoning Administrator, except as otherwise provided in this Ordinance, or of the Planning Commission only as provided in Article IX, page 11 (Site Plan Appeal) and Article XIII, page 12 (Conditional Use Appeal), where the application for appeal alleges error in fact, interpretation of requirements within this Ordinance or the zoning district maps. In exercising its authority to decide appeals, the Zoning Board of Appeals may reverse, affirm wholly or partly, or modify any order, requirement, or decision of the Zoning Administrator or the Planning Commission. In doing so, the Zoning Board of Appeals may make such order,

requirement, decision or determination as to assure that the spirit and purpose of the Ordinance is observed and that substantial justice done.

#### WHO MAY APPEAL

Appeals to the Board of Appeals may be filed by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County or State.

#### PROCEDURES AND REVIEW

The Zoning Board of Appeals shall hold a public hearing on all applications for appeals, variances, interpretations and Class A Nonconforming structures in accordance with Article XIII, Administrative Procedure. The Public Hearing shall be heard within forty-five (45) days or the date the application is filed unless a time extension is agreed to by both the applicant and the Zoning Board of Appeals. The Zoning Board of Appeals shall hold a Public Hearing and make its decision at the Public Hearing or at a subsequent public meeting, within thirty (30) days thereof. At the hearing, any party or parties may appear personally or by agent or by attorney. The Zoning Board of Appeals may adopt its own rules of procedure, which shall include provision for all interested persons to have a reasonable time to present their views on any application. The Zoning Board of Appeals shall maintain a record of all its proceedings showing the vote of each member upon each question. No decision shall be made by vote of less than a majority of the total membership of the Board, and not just a majority of those in attendance. The concurring vote of the majority of the Board shall be necessary to reverse any other, requirement, decision, or determination of the Zoning Administrator or the Planning Commission, or to decide in favor of an applicant on any matter or to affect any variation in this Ordinance.

### DUTIES ON MATTERS OF APPEALS

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Board of Appeals shall be to the Circuit Court of Marquette County, as provided by law.

### DECISION RECORD

All decisions and findings of the Zoning Board of Appeals shall be final and may be appealed only to the appropriate Circuit Court. All decisions and findings shall be incorporated in a written document specifying the reasons for the decision and specific findings of fact. The Public Hearing Record shall be filed with the Township Clerk and be available for public inspection at the Township office during regular business hours.

## **ARTICLE XV**

### **VIOLATIONS AND PENALTIES**

#### NUISANCE PER SE; ABATEMENT

Uses of land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, raised, or converted in violation of any provision of this ordinance are hereby declared to be a nuisance per se. The Zoning Administrator shall forward the complaint to the Township Attorney for review and appropriate action and if deemed appropriate, the Circuit Court for the County of Marquette shall, after a hearing wherein the owner and/or agent is adjudged guilty of maintained a nuisance per se, order such nuisance abated. Anyone continuing to violate the provisions of this ordinance, after ordered to abate said violation by the Circuit Court for the County of Marquette, shall, upon complaint by the Prosecuting Attorney for the County of Marquette and upon conviction thereof, be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution thereof, or imprisonment in the Marquette County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance or the orders of the Circuit Court for the County of Marquette.

## **ARTICLE XVI**

### **LEGAL STATUS**

#### CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this ordinance. The provisions of this ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed. This ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provisions of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection regulation.

#### VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provision of this ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.



Whenever any condition or limitation is included in an order authorizing a Conditional Use Permit, variance, Zoning Compliance Permit, Site Plan Approval, or designation of Class a Nonconformance, it shall be conclusively presumed that the authorizing officer of body considered such condition or limitation necessary to carry out the spirit, the purpose of this ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the office of the board would not have granted the authorization which the condition or limitation pertains except in the belief that the condition or limitation was lawful.