

Article III: General Provisions

Section 3.01 The Effect of Zoning

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
3. In the event that any lawful use, activity, building or structure which exists or is under substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion.

Section 3.02 Nonconformities

1. If a nonconforming building or structure, a building that contains a nonconforming use, or a nonconforming use of land was lawful at the time of enactment of this Ordinance, or any subsequent amendment, then that nonconformity may be continued although it does not conform to the provisions of this Ordinance, or any subsequent amendment, under the terms and conditions of this Section.
2. Normal maintenance and incidental repairs, including repair or replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed on any nonconforming building or structure or on any building containing a non-conforming use. A nonconforming building or structure or a building that contains a nonconforming use which is unsafe or unlawful due to lack of repairs or maintenance, as determined by the Zoning Administrator or County Building Official, may be restored to a safe condition.
3. If a property owner has an intent to abandon a nonconforming use, building or structure and in fact abandons this nonconforming use or structure for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, building or structure, the zoning administrator shall consider the following factors:
 - A. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
 - B. Whether the property, buildings, and grounds have fallen into disrepair.
 - C. Whether signs or other indications of the existence of the nonconforming use have

- been removed.
- D. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
 - E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use, building or structure.
4. A nonconforming use, building or structure that is damaged by fire, collapse, explosion, an act of God, or an act of the public enemy following the effective date of this Ordinance, or any subsequent amendment, may be reconstructed, repaired or restored, and resumed under the terms and conditions of this subsection. Except as provided herein, if a nonconforming building or structure can be reconstructed, repaired or restored in complete conformance with this Ordinance, then such complete conformance shall be required. However, if the Planning Commission finds that the cost of complete conformance with this Ordinance would be unreasonable due to site specific circumstances, then the nonconforming building or structure shall be reconstructed, repaired or restored to the greatest degree of conformance found by the Planning Commission to be reasonable. In addition, any such reconstruction, repair and restoration, or resumption shall be started within twelve (12) months following the damage, or other reasonable time as determined by the Planning Commission.
 5. To avoid undue hardship, nothing in this Ordinance is deemed to require a change in the plans, construction, or designated use of a building or structure on which substantial construction has been lawfully begun prior to the effective date of this Ordinance, or any subsequent amendment.
 6. Any national emergency that imposes limitations on construction and repairs shall automatically extend any time limitations from the time of the termination of the emergency.
 7. Nothing contained in this Ordinance shall be construed to approve, authorize, or condone any use that is otherwise unlawful, or constitutes a hazard or a nuisance.
 8. If two (2) or more contiguous lots, parcels or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth and/or area requirements of this Ordinance, then those contiguous lots, parcels or portions of lots shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth and/or area requirements established by this Ordinance.

Section 3.03 Essential Services Clause Pertaining to Utilities

The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the Township of Hayes in any Use District.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.04 Principal Uses

No lot may contain more than one (1) principal structure or use, except where specifically provided for in this Ordinance. Upon determination by the Planning Commission, groups of apartment buildings, offices, retail business buildings, agricultural structures, or other similar groups of buildings may be considered principal structures or uses.

Section 3.05 Accessory Buildings

1. A building which is structurally connected to principal building by a roofed porch, breezeway or similar structure, shall be considered part of the principal building and thus not subject to the regulations for accessory structures.
2. A detached accessory building shall be located no closer to a front, side or rear lot line than the permitted distance for the principal structure on the same lot, except as otherwise provided in this Section.
3. An accessory building shall comply with all setback requirements and shall be located no less than ten (10) feet from any other building.
4. An accessory building shall be for personal use by the owner or occupant of the property, unless otherwise authorized by this ordinance.
5. A mobile home shall not be used as an accessory building.
6. An accessory building shall not be used, in whole or in part, as a dwelling.

7. Dimensional and Approval Requirements for Accessory Buildings

	A-1 Zoning District	CR Zoning District	R-1 and RR-1 Zoning District	R-2 and R-3 Zoning Districts	R-4 Zoning District	R-5 Zoning District	C-1, C-2, I-1 Districts								
Setbacks for Accessory Buildings	Meet district setbacks	25 feet	Meet district setbacks and must be located closer to the principal structure than to the road right of way. ^(a)	Meet district setbacks and may not be located in the front yard	Meet district setbacks and may not be located in the front yard	Meet District setbacks ^(b)	Meet District setbacks and may not be located in the front yard								
Number of Accessory Buildings per Parcel	No limit	Maximum 1	Maximum of 3	Maximum 2	Max 1 dwelling unit	Maximum 1	No Limit								
Maximum Height	35 feet	25 feet	25 feet	25 feet	25 feet	14 feet	District height Regulations								
Maximum Size (subject to lot coverage restrictions)	No limit	1,200 sf	<table border="1"> <thead> <tr> <th>Parcel Size</th> <th>Sq. Footage Per bldg & Cumulative Total</th> </tr> </thead> <tbody> <tr> <td>< 2 acres</td> <td>900 sf -total ^{(c),(d),(f)}</td> </tr> <tr> <td>2-5 acres</td> <td>2,400 sf/bldg 3,000 sf- total ^{(e),(f)}</td> </tr> <tr> <td>>5 acres</td> <td>3,000 sf/bldg 3,600 sf-total ^{(e),(f)}</td> </tr> </tbody> </table>	Parcel Size	Sq. Footage Per bldg & Cumulative Total	< 2 acres	900 sf -total ^{(c),(d),(f)}	2-5 acres	2,400 sf/bldg 3,000 sf- total ^{(e),(f)}	>5 acres	3,000 sf/bldg 3,600 sf-total ^{(e),(f)}	900 sf - total	500sf/dwelling unit	200 sf	No limit ^{(e),(f)}
Parcel Size	Sq. Footage Per bldg & Cumulative Total														
< 2 acres	900 sf -total ^{(c),(d),(f)}														
2-5 acres	2,400 sf/bldg 3,000 sf- total ^{(e),(f)}														
>5 acres	3,000 sf/bldg 3,600 sf-total ^{(e),(f)}														
Approval Requirements	None	ZA, Zoning Permit	ZA, Zoning Permit	ZA, Zoning Permit	PC Review & Approval	ZA, Zoning Permit	PC Review & Approval								

- (a) An accessory structure, on a lakefront lot, shall not be closer to the waterfront than the principal structure
- (b) One accessory building having a floor area less than two hundred (200) square feet shall comply with the district front yard setback for principal structure, but the minimum side and rear yard setbacks shall be reduced to ten (10) feet.
- (c) At the discretion of the property owner, the square footage may be increased up to 1,200 sf when the dwelling does not have an attached garage. An attached garage shall not be constructed at a later time if an accessory building, which exceeds 900 sf in size, is located on the property.
- (d) shall be located at least 25 feet from any public or private road right-of-way or easement.
- (e) must be located at least 100 feet from the public road right-of-way, or 25 feet from any private road right-of-way or easement.
- (f) Landscaping for screening purposes shall be required and approved by the Planning Commission, unless specifically waived or modified due to building location, adequate existing vegetation and/or topographic screening, with commitment to maintain such. Plant material sizes and spacing shall comply with the requirements of Section 3.24 of this Zoning Ordinance. Landscaping may consist of earthen berms and/or living plant materials planted in staggered rows so as to maintain effective year round screening.

8. Accessory Building as a Principal Use, except on small parcels

One (1) accessory building as a Principal Use shall be allowed per lot in all districts EXCEPT on a lot of record or combination of lots which are less than one (1) acre in size, provided the subject lot is a conforming lot (see Section 4.13) or a nonconforming lot of record, and the proposed accessory building meets the following dimensional requirements:

A. Setbacks:

- 1) Front and Rear One hundred (100) feet
- 2) Side Twenty-five (25) feet

B. Max. height and size: per chart in Section 3.05.7

Section 3.06 Temporary Dwelling Occupancy during the Construction of a Dwelling

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

- 1. The location shall conform to the provisions governing yard requirements of temporary dwellings in the district where located.
- 2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional six (6) month extension may be obtained from the Zoning Administrator provided the property owner can demonstrate need for the extension, such as by presenting evidence the project encountered unforeseen difficulties beyond the control of the property owner. The temporary dwelling, unless the basement of the dwelling, shall ceased to be used as a dwelling, removed or dismantled upon completion of construction of a dwelling complying with the requirements of this Ordinance.
- 3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by local health department, and shall precede occupancy of the temporary dwelling.
- 4. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto.
- 5. No annexes shall be added to temporary dwellings.

Section 3.07 Temporary Buildings during Construction

Temporary buildings for use incidental to construction work, and all debris, shall be removed within thirty (30) days after the completion or abandonment of the work. No structure shall be used for temporary dwelling purposed that do not comply with the requirements of the Ordinance or any applicable building codes.

Section 3.08 Water Supply and Sewage Disposal Facilities

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with the local health department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by local health department shall be filed with application for a Zoning Permit.

Section 3.09 Storm Water Retention

Stormwater drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe or through other stormwater facilities that will be developed at the same time as the proposed new use. Stormwater management efforts shall be consistent with the provisions of the Charlevoix County Stormwater and Soil Erosion Control Program. In the case of conflicting regulations, between the Township Zoning Ordinance and the Charlevoix County Stormwater and Erosion Control Program, the more stringent of the two shall apply. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state trunkline ditch, i.e.US-31.

Section 3.10 Non-commercial Wind Turbine Generators

1. Non-commercial wind turbine generators and associated anemometer towers erected prior to a noncommercial wind turbine generator may be located in any district, provided the WTG or anemometer tower is setback from the property line a distance at least equal to the total height.
2. The minimum site area for a non-commercial wind turbine generator or associated anemometer tower shall be three (3) acres.
3. The maximum height shall be one hundred ten (110) feet.
4. Minimum blade clearance above the ground shall be fifteen (15) feet.
5. A non-commercial wind turbine generator or associated anemometer tower shall not be artificially lighted.

Section 3.11 Mobile Homes

1. Newly sited mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:
 - A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
 - B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.
 - C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.

- D. Mobile homes shall not be used as an accessory building.
2. Replacement of lawfully existing non-conforming mobile homes shall be allowed provided the site and age of replacement would be in greater compliance with the Zoning Ordinance, and is located in compliance with the applicable district setbacks. The replacement would not increase the non-conformity or would not be contrary to the intent of the Ordinance and shall comply with the additional standards A-D listed above in subsection 3.11.1.

Section 3.12 Recreational Vehicles

Temporary occupancy of travel trailers, motor homes and other similar vehicles shall not exceed ninety (90) days in any calendar year and shall not be connected to utility, water supply and sanitary sewer. No more than two (2) recreational vehicles shall be allowed on parcels with an existing dwelling unit. They are to be located in a side or rear yard and the placement must comply with district setbacks. In the event that two or more recreational vehicles occupy a parcel for longer than the ninety (90) day limit, they shall then be required to be stored within an enclosed structure.

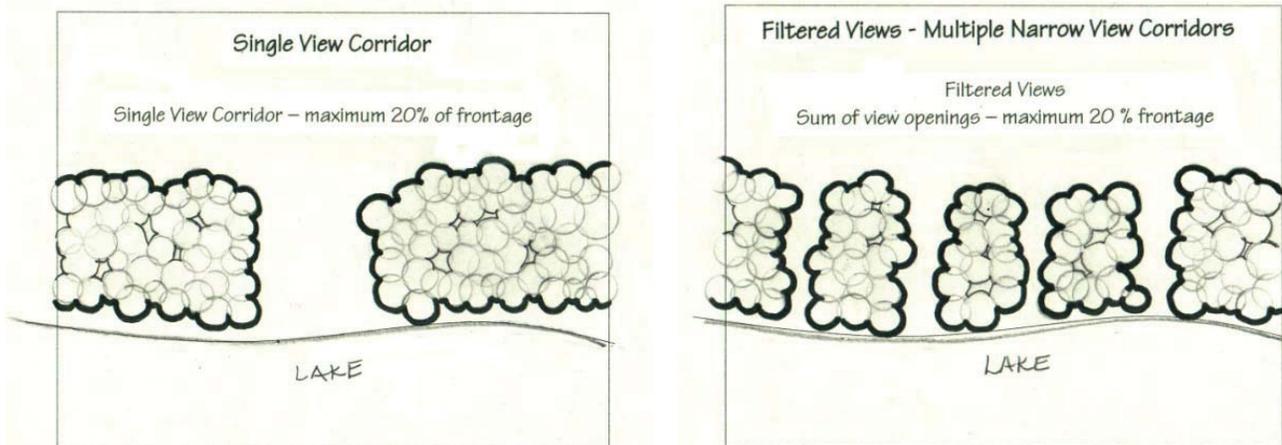
Section 3.13 Animals

The keeping of poultry, pigs, horses or other such livestock is allowed in the Agricultural and Rural Residential Districts. In other districts, provided the parcels of land are five (5) acres or greater in size, the keeping of poultry, pigs, horses or other such livestock is allowed, as provided for under the Michigan Right to Farm Act.

Section 3.14 Waterfront Regulations

- 1. Intent:
 - A. The waterways and lakes in and adjacent to the lands of Hayes Township are invaluable assets to the economy and quality of life, and therefore must be preserved in a natural fashion to maintain health of these waterways as well as the natural beauty of Northern Michigan. Thus, owners of waterfront lots have an added responsibility regarding the preservation and protection of these natural resources, water quality and community scenic and recreational values; therefore a shoreland protection strip shall be required on all waterfront lots.
 - B. For any new construction or renovation of a nonconforming structure located on a waterfront lot, the establishment, restoration and/or maintenance of a shoreland protection strip shall be required. The shoreland protection strip shall include all of the land area located within fifty (50) feet of the high water mark of a lake or a stream abutting or traversing the property in question. The purpose of the strip is to protect the lake by preventing soil erosion, providing a filter for the removal of pesticides, fertilizers and other potential water pollutants, and to maintain a visual barrier. Within the shoreland protection strip, the following development or use restriction shall apply:
- 2. Setback area regulations:
 - A. No structures, except for launching ramps and docking facilities including steps and retaining walls, shall be allowed within one hundred (100) feet of the shoreline on Lake Michigan and Lake Charlevoix, and within eighty (80) feet of Susan Lake at the maximum recorded high water level, and such excepted facilities shall meet the side yard setback for the district in which they are located.

- B. The use of asphalt, concrete, wood or other similar surfaces shall be limited to walkways or stairs necessary for water access, and shall not exceed four (4) feet in width.
- C. The use of pesticides, herbicides and fertilizers is prohibited.
- D. Leaves, grass clippings and similar yard/garden wastes may not be burned or stored.
- E. Neither septic tanks nor septic system filtration fields may be located within the shoreland protection strip.
- F. Natural vegetation cover, including trees, shrubs or herbaceous plants shall be maintained on at least eighty percent (80%) of the lake or stream frontage within the shoreland protection strip. The vegetation on the remaining twenty percent (20%) may be cleared for a single view corridor; or selective trees removed to provide for a filtered view throughout the frontage, provided the cumulative total of the trees removed does not exceed the allowed twenty percent (20%) of the frontage. When trees are removed, root systems shall be left in place for shoreline stabilization. For purposes of this subsection, the natural vegetation coverage within the shoreline protection strip shall be determined by the sum of the area of the waterfront view blocked by all portions of each vegetation plant (trunk, limbs, and leaves) when viewed directly landward behind each plant.



- G. Pruning of trees, shrubs or other native vegetation is prohibited within the shoreland protection strip, except for the removal of dead portions of trees, shrubs or other vegetation. When dead trees, shrubs or other vegetation are removed, root systems shall be left in place for shoreline stabilization. No other trees or shrubs shall be removed.
 - H. Encourage removal of invasive species.
 - I. The shoreland protection strip shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.
3. The shoreland protection strip shall not be altered under any condition, except to remove dead trees or shrubs or to remove invasive species. If the vegetation and/or soil within the shoreland protection strip is altered or disturbed, the following corrective measures shall be required:
- A. Any and all fill material placed within the shoreland protection strip shall be removed. Only soils or rocks, consistent with the composition of the pre-existing

on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited.

- B. The shoreland protection strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed. Any tree greater than 8 inches in diameter which was removed, shall be replaced at a rate of two trees for the first 8 inches in diameter, and one additional tree (8 inch in dia) for each additional 4 inches in diameter of the original tree removed (*i.e. if a 20" tree is removed—5 replacement trees would be required, 2 for the first 8" and 3 for the other [20"-8"] 12 inches of diameter of the removed tree.*) All replacement trees and shrubs shall be planted in a manner to resemble shorelands that have not been disturbed, and shall be suited to soil conditions on the property per recommendations by the Charlevoix Conservation District or the MSU Extension Service.
 - C. The shoreland protection strip shall not be replanted with invasive and/or exotic species such as: Phragmites, Purple Loosestrife, Reed Canary Grass, Crown Vetch, White and Yellow Sweet Clover, Russian Olive, Autumn Olive, Tartarian Honeysuckle and other invasive or exotic species as identified by the Tip of the Mitt Watershed Council
 - D. Where native shoreline vegetation does not exist, a combination of native vegetation shall be introduced in a naturalized planting pattern as exemplified by neighboring shorelands that have not been disturbed.
 - E. Any required replanting shall be installed and maintained in accordance with the requirement of Section 3.24.
4. **Limitation of Boat Dockage**
Not more than one (1) mooring, or one (1) slip, or one (1) dock space for each one hundred (100) feet of lake frontage, as measured along the water's edge of the natural shoreline at the normal high water mark of the lake, may be provided for mooring or dockage of boats in any zoning district in the Township. "One (1) mooring," or "one (1) slip", or "one (1) dock space," as used herein, means space for a single boat which is powered by an engine, including, a sailboat powered by an auxiliary engine, This Ordinance does not intend to limit, and there is no limit on the number or rowboats, dinghies, rubber boats, canoes or small sailboats which may be kept and used on lake or stream frontage provided that no such boat shall have engine power of any kind other than hand or foot power. In computing the number of feet of natural shoreline, as above described, the measurement shall be along the water's edge of normal high water mark of the lake at the natural shoreline undisturbed by an excavation, channel, lagoon or canal. The measurement shall not be made along any man-made channel, lagoon or canal.
5. **Limitation of Funnel Development**
Not more than one (1) single family home or cottage or one (1) condominium unit or one (1) apartment unit shall use or be permitted to use each one hundred (100) feet of lake or stream frontage as measured along the normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational uses of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to a "Public Access Site" as hereafter described.
6. **Marine Sewage Pump-out Facility**

Any dock facility providing dockage for four (4) or more boats with marine sewage holding tanks on board shall provide a marine sewage pump-out facility which shall be capable of providing pump-out service to a local health department approved sewage disposal facility.

7. **Public Access Sites**

Land abutting a lake or stream, which land is under the possession and control of a governmental agency including Hayes Township, the County of Charlevoix, the Charlevoix County Road Commission, the State of Michigan, or other governmental agency, and which governmental agency allows public access across the site to the lake or stream abutting the site, is herein described as a "Public Access Site." Such Public Access Sites may be owned or leased by the public agency, or dedicated to the use of the public, but shall, in any case, be under the exclusive control of one or more public agencies which have the authority to impose regulations and restrictions upon the use of the site and upon access to the abutting lake or stream.

The restrictions of this Section 3.14(1-3) shall not apply to a "Public Access Site", as above described, provided that such sites are subject to governmental control enabling the controlling governmental agency to limit boat docking, moorage and boat launching, prohibit overnight mooring, camping, vehicle parking, and other controls upon use of the site.

The governmental agency shall have the authority to impose such controls and restrictions upon the use of Public Access Sites and the abutting waters as are deemed necessary to protect the lake or stream and adjoining properties from pollution, congestion, other damage, or unreasonable impositions upon the use and enjoyment of others using the site, using other private property in the proximity of the site, or the waters which the site abuts.

If not otherwise prohibited by law, the Hayes Township board shall also have the authority to pass ordinances and adopt rules restricting the use of such Public Access Sites and the use of the abutting lake or stream in such manner as is deemed necessary in the future to protect the lake or stream, the users thereof, and properties in the proximity thereof from pollution, congestion, other damage or unreasonable imposition upon the use and enjoyment of others. Such ordinances may designate different rules, regulations and restrictions for each individual Public Access Site as shall be deemed appropriate for the protection of the particular site, the waters, or private property in the proximity of the particular site.

Section 3.15 Home Businesses

While Hayes Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

1. **Home Occupations:**

- A. Home occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
- B. Home Occupations shall be operated in their entirety within the dwelling or an attached garage and shall occupy no more than twenty-five percent (25%) of the dwelling's ground floor area. Attached and detached residential garages may be

- used for incidental storage.
- C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than two (2) non-resident persons shall be employed to assist with the business.
 - D. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
 - E. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
 - F. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
 - G. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
 - H. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
 - I. There shall be no parking permitted within any setback areas.
 - J. No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.

2. **Cottage Industries:**

- A. Cottage industries may be permitted as a special use in any zoning district in which single-family dwellings are permitted, subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
- B. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
- C. The floor area of such buildings used for a Cottage Industry shall not exceed twenty four hundred (2400) square feet.
- D. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.
- E. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition in excess of that typically associated with the use of the premises for residential purposes.
- F. Traffic and delivery or pickup of goods shall not exceed that normally created by

- residential uses.
- G. Cottage industries shall be conducted only by the person or persons residing on the premises. However, if the Planning Commission finds that additional employees or assistants are necessary to conduct the cottage industry, it may allow up to three such additional employees or assistants.
 - H. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
 - I. To reduce the any adverse impacts from the cottage industry on adjoining properties, the Planning Commission shall approve the hours of operation for the cottage industry.

3. Termination, Extensions, Revisions, and Inspections:

- A. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this Section.
- B. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.
- C. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a special use permit (see Section 6.02).
- D. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
- E. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.

Section 3.16 Fences, Walls and Hedges

Fences, walls, or hedges may be permitted on any property in any District, provided that no fence, or wall exceed a height of six (6) feet, except where specifically allowed by this Zoning Ordinance, and shall be no closer than five (5) feet to the front property line or road right-of-way, and further provided such fence, wall or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences may be located on the lot line in the side or rear yards. Fences shall not exceed four (4) feet in height, nor unreasonably restrict views to the water from neighboring properties. Where a lot borders a lake or stream, fencing shall not be constructed on the waterfront side within the required fifty (50) foot greenbelt.

Section 3.17 Hazardous Substances

All business or industries that store, use or generate hazardous substances, as defined in this Ordinance, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits

and approvals.

Section 3.18 Junkyards, Salvage Yards, Sanitary Landfills

Location of a junkyard, salvage yard or sanitary landfill shall be not less than one hundred twenty-five (125) feet from any public highway. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden fence at minimum of eight (8) feet in height and by well maintained evergreens.

Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

All required licenses from any state or federal agency shall be obtained prior to the issuance of a permit to operate the above listed facilities. The loss of or expiration of any necessary licenses shall prohibit the continued operation of the above facilities on the site until such time as the required licenses are reinstated.

Section 3.19 Access Management

In order to protect public safety, preserve rural character, maintain traffic flow, consider future transportation needs, provide adequate and safe access to property, promote efficiency and economy in public utility requirements, minimize land use conflict, protect natural resources, promote consistent development patterns and enhance the visual characteristics of entryways to Hayes Township, the following site development standards shall apply to all properties with frontage on US-31.

1. Building Setback Requirements. Development of highway corridor property, regardless of zoning district, shall have a minimum front yard setback of fifty (50) feet from edge of the road right-of-way.
2. Property Access Requirements. The access drive shall comply with either subsection (a) or (b) below, whichever results in the least number of possible access drives, and with both subsections (c) and (d).
 - A. Not more than one driveway shall be allowed access to U.S. 31 within a lot of record, as the parcel exists on the effective date of this Ordinance, regardless of the number of future divisions of that parcel; and
 - 1) The access drive and its right-of-way shall be designed and shown on a site plan to accommodate all possible future divisions of the lot of record, as it exists on the effective date of this Ordinance; and
 - 2) The access drive and its right-of-way shall be designed and shown on a site plan to provide access to any adjoining parcel of land which would otherwise become, or is, landlocked.
 - B. The location of a driveway with access to U.S. 31 shall comply with all of the following:
 - 1) The location shall be at least seventy (70) feet from the intersection of any two roads.
 - 2) The location shall be at least two hundred (200) feet from another access drive on the same side of the road.
 - 3) The location shall be either directly across from or a minimum of fifty (50) feet from any access drive on the opposite side of the road.
 - 4) Two access drives on adjacent parcels may share the same driveway entrance, and thereby have zero space between them, but shall comply with other

driveway separation distances noted above.

- C. Where there is a choice, driveways shall access adjacent local or minor streets in preference to U.S. 31, and/or provide a rear service drive to access such local or minor street.
 - D. Access drive width shall be between twenty (20) and thirty-five (35) feet.
3. Prior to review by the Planning Commission. Any site plan for a commercial use proposing new or altered access drives onto U.S. 31 shall be accompanied by written documentation of consultation with the Michigan Department of Transportation.
4. Special Use Review for High-Traffic Uses. In addition to other provisions of this ordinance, when a high-traffic commercial use in the highway corridor adjoins an existing residential use or a residentially zoned parcel, the high-traffic use shall be subject to review as a Special Use. The designation of a proposed use as a high-traffic use shall be determined by the Planning Commission. The designation may include, but is not limited to, gasoline stations, convenience stores and businesses with drive-through service windows.
5. Landscape requirements for Commercial Uses.
- A. Parking areas. In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking area shall be used for interior landscaping. Parking lot landscape areas shall be no less than five (5) feet in any dimension and at least one hundred fifty (150) square feet in any single area. A minimum of one (1) tree at least two and one-half (2.5) inches caliper (diameter at 6 inches above grade) shall be planted in each area.
 - B. Residential buffer area. Where commercial, office, or industrial uses abut an existing residence or residentially zoned property, the intervening side or rear yard of the non-residential use shall provide a completely obscuring wall, fence or landscape screen at least six (6) feet in height, measured from the surface of the ground of the abutting residential district.
 - C. General landscaping. All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs or other suitable plant material. A mixture of evergreen and deciduous trees of species native to northwestern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.
 - D. Landscape preservation. Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.
 - E. Landscape maintenance. All vegetation used to meet the landscaping requirements listed above shall be maintained in a healthy, living condition and any damaged, dead or dying materials shall be replaced within one (1) year of damage or death or the next appropriate planning period, which ever comes first.

Section 3.20 Outdoor Lighting

In order to minimize light pollution, and promote the dark sky principles, all outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light

fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.21 Signs

The purpose of this section is to preserve the desirable character of Hayes Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes right of residents to be free of advertising that could affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

1. Signs Not Requiring a Sign Permit. The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - A. One (1) non-illuminated identification sign per use, not exceeding two (2) square feet of sign surface.
 - B. Street name signs, route markers and other traffic control signs erected or approved by state, county or village agencies when necessary to give proper directions or to otherwise safeguard the public.
 - C. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
 - D. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
 - E. Non-advertising signs marking an historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
 - F. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
 - G. Temporary real estate signs, not exceeding ten (10) square feet per side, on individual lots advertising a premise for sale or rent.
 - H. Signs advertising sales such as garage, estate, auction, moving, and yard sales, which last no more than seven (7) consecutive days, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
 - I. Political and noncommercial signs, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.

2. Size Restrictions.

The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business there transacted, to express non-commercial political views, or directing to some other locale, shall be regulated as follows:

<u>Use District.</u>	<u>Maximum Size of Sign per Side.</u>
Residential Districts (R-1, R-2, R-3, R-4, R-5)	Six (6) square feet
Rural Res, Agric., Cons. Reserve Districts (RR, A, CR)	Twenty-four (24) square feet
Commercial and Industrial Districts (C-1, C-2, I-1)	Thirty-two (32) square feet

3. General Sign Regulations.

In addition to the size limitations stated in Subsection 3.21.2, the following conditions shall apply to all signs and billboards erected in any use district:

- A. No sign, except non-illuminated residential name plates and signs specifically identified in subsection 1 above, shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by a Planning Commission (PC) approved site development plan. After the ZA or PC approval, the required sign permit shall be issued.
- B. No signs or billboards shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
- C. Illumination of signs shall be directed, shaded or designed so as not to interfere with the vision of persons on the adjacent highway, streets or properties. The projected light shall not emanate beyond the sign and unnecessarily illuminate the night sky. Illuminated signs shall not be of the flashing, moving or intermittent type.
- D. In those instances where a business use or tourist service facility is not located directly on a major route, but is dependent upon passer-by traffic for support, not more than two (2) signs per business may be permitted in C-1, C-2 or I-1 Districts subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per six hundred sixty (660) feet of road frontage or per lot, may be allowed, EXCEPT if the signs are directional signs as provided by the Michigan Department of Transportation or part of a local Township approved directional sign program and approved by the Zoning Administrator. No off-premise signs shall be permitted in the Residential Districts (R-1, R-2, R-3, R-4, R-5) or the Conservation Reserve District (CR).
- E. All directional signs located along the highway, to direct traffic to a business off the highway, must conform to the standards used by the Michigan Department of Transportation for such signs. Wherever possible such directional signs will be clustered.
- F. Freestanding signs, pole signs or advertising pylons may be permitted in a required front yard for uses set ten (10) feet or more behind the front property line. No freestanding sign shall exceed a maximum of twenty (20) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
- G. Both sides of any freestanding or overhanging sign may be used for display.
- H. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way (county or state).
- I. Roof position signs or billboards are specifically prohibited.
- J. The number of signs allowed will be decided by the Planning and Zoning Commission at the time of development plan review. Factors considered will include

- building size, location and length of street frontage, and lot size.
- K. In no case shall a sign or signs exceed a total of ten percent (10%) of the building face to which they are attached.
 - L. Portable signs shall be prohibited, except where allowed for in this section or such signs have been approved by the Planning Commission as meeting a special purpose need and/or being appropriate for the particular need. Approved sandwich board portable signs shall not exceed twenty four (24) inches in width by forty eight (48) inches in height.
 - M. Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for period not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
 - N. In the case of Commercial Special Events, which occur no more than once every six (6) months, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, are permitted with Planning Commission approval, for a period of not more than seven (7) days prior to the event and shall be removed within one (1) day of the completion of the event.
 - O. In the case of seasonal recurring events, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, are permitted with seasonal Planning Commission approval, such advertising devices shall not be used for a period of more than twenty-four (24) hours prior to the event and shall be removed immediately following the event.
 - P. Political signs: Political signs shall be removed within five (5) days after the election.
 - Q. The use of any outdoor business or informational sign erected and in use at the date this amendment is enacted, may be continued. Such signs shall be designated as "Nonconforming Signs". The maintenance, reconstruction, alteration, discontinuation, and change in the nonconforming nature of a Nonconforming Sign shall be governed by Article III, Section 3.02 – Nonconformities of this ordinance the same as for other nonconforming uses under this ordinance.
4. Off-premise signs and billboards regulated by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972 and amendments, shall not exceed Thirty two (32) square feet in size. All other off-premise signs shall be subject to the limitations of Subsections 3.21 2 and 3.

Section 3.22 Antenna Co-location on an Existing Tower or Structure

- 1. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- 2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
- 3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 3.23 Parking and Loading Standards

1. For each dwelling, business, commercial, industrial, or similar building hereafter erected or altered, and located on a public highway in the Township, including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable off-street parking in accordance with the following schedule:
 - A. Residential Uses: Two (2) parking spaces per primary dwelling unit.
 - B. Commercial, Service and Office Uses: Two (2) parking spaces per 1,000 square foot of gross floor area. Maximum five (5) parking spaces per 1,000 square feet of gross floor area.
 - C. Industrial Uses: one parking space for every 1,000 square foot of gross floor area.
2. Two (2) or more buildings or uses may collectively provide the required off-street parking. In such a case, the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) percent if a signed agreement is provided by the property owners and, upon approval, the agreement is recorded with the Charlevoix County Register of Deeds for both properties.
3. Parking Lot Deferment: Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
4. In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten (10%) percent shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
5. In case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the most similar use listed.
6. Exits and entrances may be combined or provided separately. Approval of location of such exit and entrance shall be obtained in writing from the Charlevoix County Road Commission and/or Michigan Department of Transportation which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
7. On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on-the-lot space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys.

Section 3.24 Landscaping

All plans requiring Planning Commission review and approval shall be required to provide landscaping, according to the following standards. Wherever in this Ordinance planting is required, it shall be planted prior to obtaining a Certificate of Occupancy (through the County Building Department) if possible and no later than six (6) months from date of issuance. All landscaping thereafter shall be reasonably maintained, including permanence and health of plant materials to provide a screen to adjacent properties and be free of weeds and foreign debris. Spacing and plant sizes, as required by this section shall be provided in any landscape buffer or designated planting.

1. Landscape Elements

The following minimum standards shall apply:

- A. Plant materials and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to Charlevoix County, conform to the current minimum standard of the American Association of Nurseryman, and shall have proof of any required governmental regulations and/or inspections.
- B. A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- C. Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected by sod, seed, shrubs or other form of natural ground cover.
- D. Existing Trees:
 - 1) If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Planning Commission, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Planning Commission.
 - 2) In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled "to remain" are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Zoning Administrator, the owner shall replace them with trees of similar size and type.

2. Plant Material - size and spacing

- A. Plant material shall not be closer than four (4) feet from the fence line or property line, except for vines intended to grow on fence structures.

- B. Where plant materials are installed in two or more rows, planting shall be staggered to provide for maximum screening and shall consist of a mixture of evergreen and deciduous plants to provide effective year round screening.
- C. Maximum plant spacing and minimum allowable sizes shall be as follows:

General Plant Type	Maximum Spacing Center to Center (feet)		Minimum Allowable Size	
	Single Row	Grouping	Height	Caliper
Large Deciduous (Canopy)	30	40		2 1/2"
Large Evergreen	15	20	7'	
Medium-Small Deciduous	10	15		1 1/2"
Columnar Deciduous	8	10	10'	
Narrow Evergreen	5	8	8'	

General Plant Type	Maximum Spacing Center to Center (feet)		Minimum Allowable Size	
	Single Row	Grouping	Height	Spread
Large: Upright Spreader	4 6	6 8	4'	3'
Medium: Upright Spreader	3 4	4 6	3'	2'
Small: Upright Spreader	1 1/2 1 1/2	2 2 1/2	18"	15"
Conical	2	3	2'	

3. Site Landscaping

- A. In addition to any landscape buffer and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding thoroughfare right-of- way, shall be landscaped in grass, groundcover, shrub and/or other natural, living landscape materials.
- B. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area, but may not exceed five (5%) percent of the site area or one half (1/2) of the required site landscaping area.

4. Landscape Buffer

- A. A strip of land with a minimum width of fifteen (15) feet, shall be located between the buildable area and the abutting road right-of-way, and shall be landscaped with a minimum of one (1) canopy or large evergreen tree for each thirty linear feet. The remainder of the landscape buffer shall be landscaped in grass, groundcover, shrub and/or other natural, living landscape materials.
- B. Access ways from public rights-of-way through the required landscape strips shall be permitted, but such access ways shall not be subtracted from the linear dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing requirement set forth in this section.

5. Parking Lot Landscaping

- A. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, with a minimum landscaped space within a designated parking area of fifty (50) square feet.
- B. A minimum distance of three (3) feet shall be established between proposed shrub plantings and the backside of the curb or edge of pavement, and five (5) feet between tree trunk and backside of curb and edge of pavement.
- C. Plant materials sizes shall meet or exceed the sizes specified in subsection 3.24.2.C. above.

6. Installation and Maintenance

- A. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.
- B. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

Section 3.25 Medical Use of Marihuana

- 1. The medical use of marihuana by both qualifying patients and primary caregivers, as those terms are defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, shall be a use by right in all zoning districts. Because of the confidential nature of the medical use of marihuana, no zoning permit shall be required.
- 2. A property at which a primary caregiver is providing medical marihuana services shall have no sign related to the use as a primary caregiver visible from outside the dwelling.