



# Briley Township

## Montmorency County, Michigan

# Zoning Ordinance

Adopted: 04/08/1976      Effective: 6/8/1976

Amended:

4/5/1979	6/13/1991	4/3/1997	7/9/2009
11/7/1980	7/26/1991	7/17/1999	12/17/2014
11/2/1983	12/27/1991	4/27/2000	10/17/2015
10/17/1985	4/24/1992	11/13/2001	10/19/2016
2/15/1986	1/20/1994	6/13/2002	3/20/2018
8/5/1989	11/25/1994	4/11/2003	7/17/2019
6/28/1990	4/3/1997	11/18/2006	10/10/20

Table of Contents

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Pg.	Chap	Sec.	Description
1			Title and Cover
2			TABLE OF CONTENTS
3	I	100	Title and Purpose
4	II	200	Definitions
7-9	III	300	Zoning Districts and Maps
10	IV	400	R-1, Restricted Residential District
11	V	500	R-2, General Residential District
12	VI	600	A-1, Agricultural District
13	VII	700	FR, Forest and Recreational District
14	VIII	800	C-1, Light Commercial District
15	IX	900	OT, Old Town District
16	X	1000	C-2, Heavy Commercial District
17	XI	1100	I, Industrial District
18	XII	1200	ZONING SETBACKS AND AREAS CHART
19	XII	1220	Special Approvals
20		1250	Site Plan Review
22	XIII	1300	GENERAL PROVISIONS
25		1300	Unlisted Property Provisions
25		1301	Non-Conforming Building & Uses
25		1302	Condemnations to remove non-conforming uses
25		1303	Non-Conforming Lots
26		1304	Unattached Accessory Buildings and Structures
26		1305	Parking Requirements
28		1306	On Site, Community, and Utility Scale Energy Installations
28		1307	Reserved for Future Use
28		1308	Fences
28		1309	Outdoor Lighting
29		1310	Private Roads
29		1311	Area Height and Use Exceptions
29		1312	Signs
30		1313	Waterfront Greenbelt Requirements
30		1314	Farm Animals and /or Domestic Animals
31		1315	Reserved
31		1316	Temporary Use of Travel Trailers and Motor Homes
31		1317	Towers
31		1318	Condominiums and Planned Unit Developments
31		1319	Reserved
31		1320	Home Occupation Conditions
32		1321	Wellhead Protection District
32		1322	Cargo Containers
33	XIV	1400	Zoning Officials and Bodies
33	XV	1500	Zoning Permits
35	XVI	1600	Enforcement and Penalties
36	XVII	1700	Appeals
36	XVII	1702	Hearings and Orders by the Zoning Board of Appeals (Variances)
37	XVIII	1800	Fees

appendix: Michigan Planning Enabling Act Public Act 33 of 2008

CHAPTER I  
TITLE AND PURPOSE

SECTION 100 This Ordinance shall be known and may be cited as the:  
BRILEY TOWNSHIP ZONING ORDINANCE

SECTION 101 PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts; to encourage and regulate the use of land and location of buildings and structures for residence, trade, and industry, or to regulate dimensions of yards, and other spaces; to provide for administration, enforcement, penalties for violation, and amendment of this ordinance.

SECTION 102 AUTHORITY

An ordinance enacted under P.A. 33 of 2008, MCL125.3801, et.seq. governing the unincorporated portions of the Township of Briley. Montmorency County, Michigan.

Section 103 SEVERABILITY

Sections of this Ordinance shall be deemed to be severable and should any Section, paragraph, or provision be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 104

This Ordinance supercedes all previous ordinances. Variances previously approved are no longer precedent setting.

## CHAPTER II DEFINITIONS

### SECTION 200. Common use of Terms:

Unless defined in Section 201, words and terms used in this Ordinance shall be deemed to be used in the context of their ordinary and common usage.

### SECTION 201. DEFINITIONS:

When used in this Ordinance, the following words and terms shall have the meanings as defined in this section:

**Accessory building or structure:** a supplemental building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

**Accessory use:** a naturally and normally incidental and subordinate to the main use of the land or building.

**Agriculture:** the use of land or tilling of the soil, raising of trees or field crops or animal husbandry, as a source of significant income.

**Alterations:** any change, addition or modification in construction or type of use of occupancy; and change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to as "altered" or "reconstructed."

**Architectural features:** architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**Bed and Breakfast:** any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family, are rented to transient public for compensation.

**Billboard:** a piece of construction upon which a sign or advertisement is displayed for the purpose of informing the general public, but not including bulletin boards used to display official court or public office notices.

**Building height:** the building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roof, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the average wall line.

**Campgrounds:** any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

**Churches:** a building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

**Clinic:** a building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like. Patients are not lodged overnight.

**Club:** buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.

**Dwelling, single-family:** a building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:

Building Standards:

1. It complies with the minimum square footage and minimum width requirements of this Ordinance, as measured on the outside walls, for the district in which it is located in accordance with Chapter 12, Section 1201, Schedule of Regulations. The above square footage shall not include such appurtenances as porches, breezeways, carports or garages.

2. The dwelling complies with all pertinent building and fire codes

**Dwelling, two family:** a building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 201.

**On-site Energy Systems** means an accessory use on a lot for the purpose of generating electricity or radiant heat by means of devices mounted on buildings or on the ground for collection, storage, and distribution on site. Amended 7/17/19

**Community Energy Systems** allows residents, organizations, businesses to invest in systems located at optimal sites with costs shared and benefits divided among participants. Amended 7/17/19

**Utility Scale Energy Systems** means principle use of property as a system to produce electrical energy for sale back into electrical energy grid system and not primarily consumed on site. Amended 7/17/19

**Economy Efficient Dwelling** defined as: A dwelling that is more than 240 sq ft and less than 500 sq ft with a minimum side elevation of no less than 12 ft and no more than 20 ft, minimum length of 20 feet and a maximum length of 30 ft built to all Michigan building and sanitary codes and qualifies for a certificate of occupancy.

**Farms:** all of the contiguous neighboring or associated land operated as a single unit on which genuine agriculture is carried on directly by the owner-operator, manager or tenant farmer, by his own labor, or with assistance of members of his household or hired employees; provided however, the land be considered a farm shall include a continuous parcel of ten (10) acres or more in area.

**Fences:** any permanent or temporary means, partition, structure or gate erected as a dividing structure, barrier, or enclosure and not part of a structure requiring a building permit. (see section 1308)

**Gas and oil processing facilities:** any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil or allied products or substances; and the jurisdiction or control of the Supervisor of Wells, Department of Natural Resources or Public Service Commission; not including industrial facilities such as crackling plants, large oil storage facilities and heavy industrial operations and facilities.

**Gasoline service station:** any land, building or structure used for sale or resale of motor fuels, oils or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles. Provided further that gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than (15) feet from all street right-of-ways.

**Historical farm:** an existing farm or land which has previously been used for genuine agricultural purposes and may be so used again without extensive tree clearing operations.

**Home occupation or home based business:** an occupation or profession customarily carried on by an occupant or a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes, provided that the conditions of Section 1320 are met.

**Recreational Vehicle**, any self-contained vehicle, without a sewer hookup, whether self-propelled or non-self-propelled, used or adapted to be used, or so constructed, as to permit its being used as a conveyance upon the public streets or highways and for occupancy as a temporary dwelling place for one or more persons, office or other business.

**Mobile home:** any dwelling adapted to be used or so constructed as to permit its being moved upon the public streets or highways and for occupancy as a dwelling place for one or more persons, office or other business.

Such dwelling shall be installed, with the wheels removed, pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device. All construction and all plumbing, electrical apparatus insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department being 24 CFR 3280.

Dwelling shall have a perimeter wall and no exposed towing mechanism, undercarriage or chassis.

Mobile Home is further defined by the Mobile Home Commission Act, MAL 125.1101 et al.

**Recreational Vehicle Park:** any parcel or tract of land upon which three or more Recreational Vehicles are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use, accessory and incidental to such vehicles.

**Mobile home park:** any parcel or tract of land upon which three or more mobile homes are located, regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use, accessory and incidental to such mobile homes. Mobile Home Park is further defined by the Mobile Home Commission Act, MAL 125.1101 et al.

**Indoor commercial recreational facilities:** public or private recreational facilities where activities are limited to the inside of structure, including theaters, skating rinks, bowling alleys, curling rinks, and other indoor sports and entertainment facilities.

**Outdoor commercial recreational facilities:** public or private recreational facilities where activities occur outside of structures including: outdoor theaters, race tracks, athletic fields, stables, RV parks, campgrounds, and other entertainment facilities.

**Roadside stands:** an accessory and temporary structure to use for selling agricultural products raised on farm premises. Not to exceed 100 square feet, and be removed when not in use.

**Stable:** a stable used for housing horses. Located not less than one hundred fifty (150) feet from any adjoining property.

**Site plan:** a plan used to show existing and proposed activities for a certain area. See Section 1250.

CHAPTER III  
ZONING DISTRICTS AND MAPS

Section 300. DISTRICTS:

For the purpose of this Ordinance, the Township of Briley is hereby divided into the following Districts:

R-1	Restricted Residential District
R-2	General Residential District
AG	Agricultural District
FR	Forest and Recreational District
C-1	Light Commercial District
C-2	Heavy Commercial District
I	Industrial District

SECTION 301. BOUNDARIES

The boundaries of those Districts are hereby established as shown on the Briley Township Zoning Map which accompanies this Ordinance, and the map with all notations, references, and other information shown thereon; shall be as much of a part of this Ordinance as if fully described herein. If there are any questions as to the interpretation of District Boundaries the Board of Appeals shall make that determination.

SECTION 302. DISTRICT REQUIREMENTS:

All buildings and uses in any District shall be subject to the provisions of General Provisions and General Exceptions.

SECTION 303. AREA AND BULK REQUIREMENTS FOR ALL DISTRICTS:

For each District in this Ordinance, see also Section 1201- Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted, the maximum density permitted and minimum yard requirements (setbacks).

SECTION 304. ACCESSORY USES ASSUMED:

For each District established in this Ordinance, it shall be assumed that customary accessory buildings and uses which are incidental to any Principal Use or Uses permitted by Special Approval are permissible as part of the main use. (See Section 1304).

SECTION 305. ZONING MAPS See pages 8 and 9.

Insert Zoning Map of Atlanta here



Insert Zoning Map of Briley

CHAPTER IV  
R-1 RESTRICTED RESIDENTIAL DISTRICT

PREAMBLE:

This District is designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one (1) family detached dwellings along with other residentially related facilities, which serve the residents in the district.

Please refer to Table 1201 on page 18 for the standards of this district

**SECTION 400. PRINCIPAL USES PERMITTED:**

Amended 11/2006, 11/2014

No building or land shall be used and no building shall be erected in an R-1 District without special approval except for one or more of the following specified uses:

1. Dwellings, single-family, and subsequent accessory buildings
2. Home Occupations (Wholly contained in dwelling unit)
3. Adult and Child Family Care Group Home in accordance with MCL 125.3206
4. Bed and Breakfast Establishments

Please refer to Section 1220 on page 19 for special approval procedure

**SECTION 401. USES ALLOWED BY SPECIAL APPROVAL**

The following uses may be allowed in R-1 Restricted Residential Districts by Special Approval as set forth in SECTION 1504: Amended 11/2014

1. Churches
2. Site Condominiums, Planned Use Developments
- 3 Canoe/kayak liveries, marinas
4. Restaurants
5. Cargo Containers

CHAPTER V  
R-2 GENERAL RESIDENTIAL DISTRICT

PREAMBLE:

The R-2 General Residential District is a residential district with more uses allowed. Intent is a limited mixture of housing types to provide a wider range of housing opportunities.

Please refer to Table 1201 on page 18 for the standards of this district

SECTION 500. PRINCIPAL USES PERMITTED

Amended 11/2006

No buildings or land shall be used and no building shall be erected in an R-2 General Residential District except for one (1) or more of the following specified uses:

1. Dwellings, single-family, and subsequent accessory buildings
2. Publicly owned and operated parks, parkways, and recreational facilities
3. Historical Farms
4. Home Occupations (Wholly contained in dwelling unit)
5. Dwellings, two family
6. Adult or Child Family Care Group Home in accordance with MCL 125.3206
7. Economy Efficient Dwellings

Please refer to Section 1220 on page 19 for special approval procedure

SECTION 501. USES ALLOWED BY SPECIAL APPROVAL

The following uses may be allowed in R-2 Districts by Special Approval as set forth in Section 1504 of this Ordinance: amended 11/2014

1. Multiple Family Dwellings
2. Churches
3. Cemeteries
4. Home Occupations (utilizing space outside of dwelling unit)
5. Bed and Breakfast
6. Planned Unit Developments
7. Indoor Commercial Recreational Facilities
8. Golf Courses
9. Second building with assurance of a principle building erected within one year.
10. Cargo Containers

## CHAPTER VI AGRICULTURAL DISTRICT

**PREAMBLE:** In recognition of limited agricultural land in the township this district is set aside to protect our agricultural soils for agricultural uses. Areas are determined by soil characteristics, and not necessarily on current land use or ownership.

Please refer to Table 1201 on page 18 for the standards of this district

### SECTION 600. PRINCIPAL USES PERMITTED:

Amended 9/2015

Any building shall be erected in an A-1 Agricultural District except for uses listed in Section 601

600.1 Solar Farms amended 3/18

600.2 Farm related business to produce, process, and sell on site amended 7/19

Please refer to Section 1220 on page 19 for special approval procedure

### SECTION 601. USES ALLOWED BY SPECIAL APPROVAL:

The following uses may be allowed in A-1 Agricultural Districts by Special Approval as set forth in Section 1504 of this Ordinance: amended 9/2015

601.1 Commercial uses

601.2 Industrial Uses

CHAPTER VII  
FR- FOREST AND RECREATIONAL DISTRICT

PREAMBLE:

The Forest and Recreational District is designed to promote the use of wooded and rural areas in a manner that will retain the basic attractiveness of natural resources, and provide outdoor recreation for tourists and residents.

Please refer to Table 1201 on page 18 for the standards of this district

SECTION 700. PRINCIPAL USES PERMITTED:

Amended 9/2015

Any building shall be erected in an FR- Forest and Recreation District except for uses listed in Section 701

Solar Farms amended 3/18

Please refer to Section 1220 on page 19 for special approval procedure

SECTION 701. USES ALLOWED BY SPECIAL APPROVAL:

The following uses may be allowed in FR- Forest and Recreation District by Special Approval as set forth in Section 1504 of this Ordinance: amended 9/2015

1. Commercial uses
2. Industrial Uses

## CHAPTER VIII C-1 LIGHT COMMERCIAL

### PREAMBLE:

The (C-1) Light Commercial district establishes a business district that is more selective than C-2, it provides for the establishment of neighborhood shopping areas, and professional office areas that are compatible with, and of service to residential uses. Tourist Services are included as being in character with the District.

Please refer to Table 1201 on page 18 for the standards of this district

### SECTION 800. PRINCIPAL USES PERMITTED:

Amended 11/2006

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

1. Antique, Card, Curio, and Gift Shops
2. Art Galleries, Bakeries, Business and Professional Offices, Florists Shops, Hardware Stores
3. Jewelry Stores, Lodging, Boarding or Rooming Houses, Music Shops, Pet Supplies and Veterinary Clinics
4. Printing, Publishing, Blueprint, Photography Shops, Radio and Television Sales and Service
5. Real Estate Offices, Restaurants, Second-Hand Stores (without outside display or storage)
6. Sign Painting Shops, Taverns and Bars, Upholstering, Interior Decorating
7. Indoor Recreational Facilities
8. Adult or Child Family Care Group Home in accordance with MCL 125.3206
9. Any generally recognized retail business which supplies commodities such as, yet are not limited to: groceries, meats, dairy products, baked goods, restaurants, or other foods and beverages, hardware, and dry goods.
10. Existing residences, or residences occupied in connection with or as a part of a permitted use.

Please refer to Section 1220 on page 19 for special approval procedure

### SECTION 801. USES PERMITTED BY SPECIAL APPROVAL

Amended 11/2006

The following uses may be allowed in C-1 Light Commercial District as set forth in Section 1504 of the Ordinance:

1. Churches
2. Gas Stations
- 3 Historical Farms
4. Single-family and multi-family dwellings, and subsequent accessory buildings

CHAPTER IX  
OT OLD TOWN COMMERCIAL

Enacted 7/2009

**PREAMBLE:**

The (OT) Old Town District establishes a business district that is more selective than C-2, it provides for the establishment of neighborhood shopping areas, and professional office areas that are compatible with, and of service to residential uses which are also encouraged. Tourist Services are included as being in character with the District.

Please refer to Table 1201 on page 18 for the standards of this district

**SECTION 900. PRINCIPAL USES PERMITTED:** amended 11/2014

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

1. Antique, Card, Curio, and Gift Shops
2. Restaurants, Taverns, Bars, Delis
3. Professional offices including but not limited to attorneys, accounting, real estate offices.
4. Existing residences, or residences occupied in connection with or as a part of a permitted use.
5. Any generally recognized retail business which supplies such commodities as but are not limited to : Groceries, meats, dairy products, baked goods, restaurants, or other foods and beverages, hardware, dry goods.

Please refer to Section 1220 on page 19 for special approval procedure

**SECTION 901. USES PERMITTED BY SPECIAL APPROVAL**

The following uses may be allowed in (OT) Old Town District by special approval

1. Churches
2. Gas Stations
3. Multi-Family dwellings, and subsequent accessory buildings
4. Veterinary Clinics
5. Lodging
6. Indoor commercial recreational facilities
7. Other small commercial activities

## CHAPTER X C-2 HEAVY COMMERCIAL

### PREAMBLE:

The C-2 Heavy Commercial District allows for heavier traffic, more parking, longer business hours more noise and outside uses. To be located along M-32 and portions of M-33, yet isolated from residential uses as much as possible.

Please refer to Table 1201 on page 18 for the standards of this district

### SECTION 1000. PRINCIPAL USES PERMITTED:

Amended 11/2006

No building or land shall be used and no building shall be erected in C-2 General Business District except for one (1) or more of the following specified uses:

1. Appliances Sales and Services
2. Indoor Recreational Facilities
3. Cemetery
4. Plumbing
5. Electrical Sales, Service
6. Contracting Offices
7. Civic, Social and Fraternal Buildings
8. Furniture Stores
9. Grocery Stores
10. Motels and Hotels
11. Nurseries, Garden Supply, Greenhouses, Farm Markets
12. Parking Lots, Public Buildings, Fast Food Drive throughs
13. Any generally recognized retail business which supplies such commodities as but are not limited to : Groceries, meats, dairy products, baked goods, restaurants, or other foods and beverages, hardware, dry goods.
14. Adult or Child Family Care Group Home in accordance with MCL 125.3206
15. Any use permitted in Section 800 of this Ordinance
16. Existing residences, or residences occupied in connection with or as a part of a permitted use.

Please refer to Section 1220 on page 19 for special approval procedure

### SECTION 1001. USES PERMITTED BY SPECIAL APPROVAL

Amended 11/2006, 11/2014

The following uses may be permitted in C-2 Heavy Commercial District by Special Approval

1. Churches
2. Outdoor Commercial Recreational Facilities
3. Gas Stations
4. Kennels
5. Other Large Commercial or Industrial Activities
6. Multi-family and single-family dwellings, and subsequent accessory buildings



## CHAPTER XI I-INDUSTRIAL DISTRICT

### PREAMBLE:

The I- Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial operations, subject to certain performance requirements relative to their impact on the community.

Please refer to Table 1201 on page 18, and Section 1102 for the standards of this district  
SECTION 1100. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected in an I-Industrial District except for (1) one or more of the following specified uses:

1. All generally recognized manufacturing, processing, research and experimental laboratories
2. Any storage wholesale, transportation and/ or terminal
3. Contractors yards, equipment storage and materials handling operations
4. Any repair operations and/or maintenance activities for vehicles of any kind, including farm implement, conveyors, and other equipment or machinery
5. Neighborhood Orientated Business

Solar Farms amended 3/18

Please refer to Section 1220 on page 19 for special approval procedure

### SECTION 1101. USES PERMITTED BY SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions herein imposed for each use.

1. Salvage Operations
2. Other Large Commercial or Industrial Activities

### SECTION 1102. REQUIRED CONDITIONS

Whenever any use permitted in this Chapter faces an R-1 or, R-2, District by sharing a common front boundary, the Industrial developer shall provide and maintain a front yard no less than forty (40) feet deep and /or buffer fence, as may be required by the Township Planning Commission depending on the character of the industrial use and specific site conditions. The required front yard shall not be used for employee parking lot purposes, but guest and/or visitor parking may be permitted.

Whenever an industrial use permitted in this Section requires the use of a storage area or operational activity which is not within the confines of a closed building, adequate greenbelt, screening devices, and/or buffer walls may be required by the Township Planning Commission, whenever said storage operational activity abuts a Residential District boundary, or a public street that extends beyond or through the industrial use area to serve non-industrial structures and uses. The land area shall control the height of industrial structures. Therefore, the minimum yard setbacks shall be increased by one (1) foot for each foot of building height above twenty (20) feet when adjacent to non-industrial districts.

Any industrial activity that produces glare, noise, vibration, smoke, dust, odors, and similar or related nuisances, shall confine these nuisances to the Industrial District and must conform to State and Federal Environmental Regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous shall require Special Approval by the Township Planning Commission.

## CHAPTER XII

### SCHEDULE OF REGULATIONS, SPECIAL APPROVALS, SITE PLANS

#### SECTION 1200. PREAMBLE

Use of all lands in Briley Township shall be subject to minimal lot size, minimum size of lot dwelling unit, maximum height of structure, minimum setback of buildings from lot lines, maximum percent of lot coverage, and minimum ground floor area per dwelling unit as set forth in the following schedule and notes for each Zoning District. No building may be constructed without complying with the standards unless a variance for such building is granted by the Zoning Board of Appeals.

#### Section 1201. Zoning Districts Requirements for Principal and Accessory Buildings on Lots:

District	Min	Min	Setbacks			Max height	Min Floor	Min width
	Lot Area	Lot width	Front	Side	Rear			
<b>R-1 Single Family</b>	20,000 sq. ft	100	30	(a)	20	35	768	20
<b>R-2 Gen. Residential</b>	20,000 sq. ft.	100	30	(a)	35	35	600(b)768	14
<b>A-1 Agriculture</b>	40,000 sq. ft.	100	40	10	35	35	768	14
<b>FR Forest/Recreational</b>	40,000 sq. ft.	150	40	20	40	35	768	14
<b>OT Old town</b>	Platted		(g)	(e)	(g)	35	N/A	N/A
<b>C-1 Lgt. Commercial</b>	12,000 sq. ft.	NA	40(f)	5(e)	10	35	N/A	20
<b>C-2 Hvv. Commercial</b>	12,000 sq. ft.	100	25(f)	10(e)	10	35	N/A	20
<b>I-Industrial</b>	5 acres	150	30(f)	10(e)	20	40	N/A	NA

(a) Lots up to 80 ft. in width require minimum side yards equal to 10% of lot width, but not less than 6 feet

Lots over 80 ft. but less than 125 feet require minimum side yards equal to 12.5% of lot width.

Lots over 125 feet in width require minimum side yards of 15 feet.

(b)- 600 S.F. for multiple and two family dwellings

(c)- On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both front lot lines shall be a required front setback. The owner shall elect, and so designate on the application for zoning permit, which of the two remaining yards shall be the required side yard and the required backyard.

(d)- Reserved.

(e) – Parking may be permitted in the front yard provided there is at least a ten (10) foot landscaped buffer area between the ROW and the off-street parking lot. If parking and loading space are confined to the back and side yards, the required front yard setback may be reduced to twenty (20) feet provided that a reasonable sense of consistency is established with abutting properties.

(f) – Yard setback of ten (10) feet, unless by doing so a situation would result that a reconstructed building is not going to be compatible with adjacent buildings.

(g) - The half-block portions of the village plat of Atlanta (old business district) OT previously called the B-3 District shall be exempt from Lot Area, Minimum lot width, front setback 10' or in line with adjacent buildings, side setback 5' or fireproof construction, and minimum floor area.

SECTION 1220. USES ALLOWED BY SPECIAL APPROVAL: Amended 11/2006, 11/2014, amended 10/20; previously section 1504

Every zoning district allows certain land uses under listed Special Land Uses, and that because of more intense use, they are to be approved in a public manner. Uses allowed by Special Approval shall be subject to the general provisions of the applicable Zoning District and shall only be permitted if they meet the standards for such use and section if approved as provided by Section 1223.

**1221 Special Land Use Application**

Application for a Zoning Permit for a special land use that is allowed in any Zoning District shall be submitted through the office of the Zoning Administrator to the Planning Commission. Please be aware that special approvals require public hearings and that they comply with Due Process of law. The application and documentation shall be submitted 30 days prior to public hearing and review.

Application shall be submitted through the office of the Zoning Administrator, on a special form provided for that purpose and shall be accompanied by the fee prescribed in the Schedule of Fees adopted by the Township Board, and shall include the following:

- 1) The Applicant's name, address, and telephone number.
- 2) The legal description, addresses, and tax identification numbers of the proposed site.
- 3) A signed statement that the Applicant is the owner of the proposed site, or is acting as the owner's representative.
4. A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the standards for special land use approval . This information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, market studies (to determine demand and/or use saturation), fiscal impact analysis or reports and/or information from officials representing state, county, or local police, fire, or health departments, the county road commission or Michigan Department of Transportation and/or state, county, or local environmental regulatory agencies.
5. Basic Site Plan showing the development plan of the total property, including location of all existing and proposed structures, types of buildings and their uses.
6. Sewage and waste disposal facilities, and water supply existent or proposed for installation.
- 7) A statement of the existing uses on all adjacent properties.
- 8) A statement by the applicant appraising the effect of his/her proposed use in the neighborhood. Would proposed use diminish the value of land, buildings, or structures in surrounding neighborhood.
- 9) Such other information as may reasonably be requested' or needed by the Zoning Administrator and Planning Commission.

**1222 Procedure**

1) The zoning administrator shall review the application and information submitted under Section 502 of this Ordinance to determine if all required information was supplied. If the zoning administrator determines that all required information was not supplied, he/she shall send written notification to the Applicant of the deficiencies. The application for the special use permit cannot proceed until all required information has been supplied.

2. The Zoning Administrator shall forward a copy of the application along with the proposed disposition and reasons therefore to the Planning Commission Secretary promptly. The secretary shall give notice as required by under P.A. 33 of 2008, MCL125.3801, et.seq. and provide digital copies (jpeg,txt,doc,pdf) to the planning commission members. The Planning Commission shall hold a public hearing on an application.

3. Each application shall be considered by the Planning Commission as a separate case, and approval or denial of an application shall not require approval or denial of any subsequent application. The Planning Commission may approve an application under this section subject to conditions that it may require of the applicant for the proposed use.

## 1223 Special Land Use Hearing

A) After the public hearing and review, the Planning Commission shall approve, with conditions if necessary, or disapprove with conditions the special approval request if it finds that all of the following standards have been met:

- 1) Standards required under each listed special land use have been or will be met
2. The location, use, and the nature of the proposed use will not be in conflict with any principal permitted uses of the District, or immediate neighborhood.
3. The proposed use will not create a major traffic problem or hazard.
4. The proposed use will not be more objectionable to adjacent and nearby properties than the operation of any permitted principal use of the District by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste and sewage.
5. The proposed use will not discourage or hinder the appropriate development and use of adjacent premises and the neighborhood.

B) When granting a special approval request, the Planning Commission may attach reasonable conditions to the approval. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to insure compliance with those standards.

C) Notification: The Planning Commission shall notify the Zoning Administrator of its decision so he/she can take appropriate action. Special Land Use approvals are not appealable through the Zoning Board of Appeals.

**SECTION 1220. USES ALLOWED BY SPECIAL APPROVAL:** Amended 11/2006, 11/2014,  
previously section 1504

1. Uses allowed by Special Approval shall be subject to the general provisions of the applicable Zoning District, and shall only be permitted if approved as provided by this Section

Application for a Zoning Permit for a use that is allowed in any Zoning District by Special Approval shall be submitted to the Planning Commission through the office of the Zoning Administrator. Please be aware that special approvals require public hearings and that they comply with Due Process of law. The application and documentation shall be submitted 30 days prior to public hearing.

Each application shall be on a form provided by the administrator, and shall include:

- A. A statement of the existing uses on all adjacent properties.

- B. A statement by the applicant appraising the effect of his/her proposed use in the neighborhood.
  - C. Such other information as may reasonably be requested, or needed by the Zoning Administrator and Planning Commission.
2. The Zoning Administrator shall forward a copy of the application along with the proposed disposition and reasons therefore to each member of the Planning Commission promptly. The Planning Commission shall hold a public hearing on an application made pursuant to this Section and shall give notice thereof as required by under P.A. 33 of 2008, MCL125.3801, et.seq.
3. Each application shall be considered by the Planning Commission as a separate case, and approval or denial of an application shall not require approval or denial of any subsequent application. The Planning Commission may approve an application under this section subject to conditions that it may require of the applicant for the proposed use.
4. The Planning Commission may grant the application only if it determines that the proposed use meets the following requirements:
- A. The Sewage and Water Systems meet the applicable health and sanitary codes.
  - B. The location and nature of the specific proposed use will not be in conflict with any principle use permitted in the Zoning District and neighborhood.
  - C. The use will not be any more objectionable to adjacent and nearby properties than would be any permitted principle use of the Zoning District by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, disposal of waste and sewage, or the like.
  - D. The proposed use will be consistent with the existing and anticipated uses of the Zoning District and neighborhood.

**1250 Site Plans**

All zoning permit applications shall include a basic site plan, unless a detailed site plan is required per section 1256

**1251 Basic Site Plan**

The Zoning Administrator shall not issue a zoning permit for the construction or change of use of the buildings and structures identified in this section, unless a basic site plan has been reviewed and approved by the Zoning Administrator.

**1252 Basic Site Plan Requirements**

In addition to information required on zoning permit application:

- A) Vicinity Map. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties and their uses. (can be inset into unused corner of site map)
- B) Map of site showing
  - 1) Property Layout, show property lines and known easements
  - 2) Map scale and North Arrow
  - 3) Location of existing man-made structures
  - 4) Location of planned accessory uses, outside storage areas
  - 5) The site plan shall include an affidavit signed by the property owner that he has complied with all applicable State and Federal laws and regulations directed to the use and development of real property, including all State and Federal environmental protection legislation
- C) FEES. Fees must be paid as established by resolution of the Township Board

**1253 Basic Site Plan Review Procedure**

The Zoning administrator shall review submitted materials, After site visit and completing findings of fact, if said use is allowed, and meets any special conditions for that use, permit shall be issued. If the site plan is disapproved by the Zoning Administrator, notification of such disapproval and reasons shall be given to the applicant within 10 days, application may be resubmitted with corrections within 30 days at no additional costs.

**1255 Detailed Site Plan**

It is recognized that there is value to the public in establishing safe and convenient traffic movements to higher density areas, both within the site and in relation to an access street. That there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further there is benefit to the public conserving natural resources. Toward this end, this section requires a site plan review by Briley Township Planning Commission, for certain buildings, and uses that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land uses.

**1256 BUILDINGS, STRUCTURES, AND USES REQUIRING DETAILED SITE PLAN APPROVAL**

The Zoning Administrator shall not issue a zoning permit for the construction or change of use of the buildings and structures identified in this section, unless a detailed site plan has been reviewed and approved by the Planning Commission.

The following require a detailed site plan review and public hearing:

- 1 Construction of Multi-family building containing two or more dwelling units
- 2 Site Plan Condominiums and Planned Unit Developments
- 3 Mobile Home, Recreational Vehicle Parks, and campgrounds
- 4 Construction or Outside Renovation of Industrial Structures
- 5 Construction or Outside Renovation of Commercial Structures
- 6 Extractive Uses

**1257 Detailed Site Plan Application**

Required Data for Detailed Site Plan: The site plan shall be of such scale and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity. Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- A. Such plan shall include the name and address of the property owner, developer and designer.
- A. Property Identification. The property shall be identified by lot lines and location, including boundary dimensions, angles and size, and correlated within the legal description of said property. Such plan shall further include the name and address of the property owner, developer and designer.
- B. The site plan shall show the scale of the drawings and north point.
- C. Physical Features. The site plan shall show land elevations and natural features, such as woods, streams, rivers, lakes, drains and similar features.
- D. Existing Man-made Features. The site plan shall show existing `man-made features, such as buildings; structures; high tension towers; pipelines; and existing utilities, such as water and sewer lines; excavations; bridges; culverts; drains; and easements. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- E. Building Features. The site plan shall show the building location; proposed finished floor and grade line elevations; size of proposed principal and accessory buildings, their relation to one another and to any existing structure on the site; the height of all buildings, and square footage of floor space.
- F. Density. Site plans for residential developments shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- G. Vehicular and Pedestrian Circulation. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
- H. Parking. The site plan shall show the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes, service parking, and handicap parking (See Section 1305 Parking Requirements). Site Plans shall show off-street loading areas.
- I. Landscaping. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, buffering, screening or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
- J. Waste. The site plan shall show storage and disposal facilities for solid waste generated, including locations of dumpsters.
- K. Lighting. The site plan shall show the location of all exterior lighting, including size, type, and area illuminated. See section 1309 outdoor lighting
- L. Hazardous Materials. The site plan shall include information on the storage and use of hazardous materials and the disposal of hazardous waste, which must be in compliance with State and Federal Regulations.
- M. Outside Storage. The site plan shall show all outside storage areas.
- N. Vicinity Map. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties, and their uses.
- O. Compliance with State/Federal Laws. The site plan shall include an affidavit signed by the property owner that he has complied with all applicable State and Federal laws and regulations directed to the use and development of real property, including all State and Federal environmental protection legislation.
- P. Groundwater Protection Information: The site plan shall include the groundwater protection information

**1258 Time of Review.**

Reviews of detailed site plans shall be held at regular meetings established by the Planning Commission, said regular meetings to be approved by the Township Board.

**1259 Procedure**

Upon presentation of 2 copies of detailed site plan to zoning administrator at least 15 days prior to next meeting, said administrator shall provide one copy to Planning Commission Chair. The Chair shall forward digital copies (JPEG or PDF) to members of PC as soon as possible. Planning Commission members are encouraged to personally visit site before meeting. During the Planning Commission meeting, the standards from section 409 will be reviewed and acted upon

**1260 STANDARD FOR SITE PLAN REVIEWS:**

In reviewing the site plan, the Planning Commission shall determine whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by applicant. In addition each site plan shall conform to the standards listed below:

- A. The site shall be developed without impeding the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The Landscape shall be preserved in its natural state, as practical, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties or resources.
- D. The site plan shall provide reasonable visual and sound privacy for all dwelling units within reasonable distance for the proposed use. Fences, walks, barriers, and landscaping shall be used where appropriate, for the protection and enhancement of property, and for the privacy of its occupants.
- E. There shall be proper relationship between existing and proposed streets within the vicinity to assure the safety and convenience of pedestrian and vehicular traffic.
- F. All buildings or groups of buildings shall be arranged to provide emergency services access.
- G. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- H. There shall be provided a pedestrian traffic system, which is insulated as completely as reasonable from the vehicular traffic system.
- I. Outside storage areas, including areas for storage of solid waste which face or are visible from residential districts or use, shall be screened.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
- K. Offstreet loading and unloading. Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading and standing of all vehicles to avoid undue interference with public use of dedicated streets or alleys.

**SECTION 1261. SITE PLAN APPROVAL**

Upon approval of a site plan, the secretary shall within five (5) days provide to the Zoning Administrator and applicant one certified? copy of the approved site plan. If the site plan is disapproved by the Planning Commission, notification of such disapproval and reasons shall be given to the applicant within 10 days, application may be resubmitted with corrections within 30 days at no additional costs. Request for appeal may be made in writing from the applicant to the zoning board of appeals within (30) days of disapproval by the Planning Commission.

**SECTION 1262. EXPIRATION OF Zoning Permit:**



Any permit issued shall become invalid if the authorized work is not commenced within six (6) months, or completed within one year, or upon such time as set by the Planning Commission at the hearing.

**SECTION 1263 AMENDMENT REVISION OF SITE PLAN:**

A site plan and site plan approval issued, may be amended by the Planning Commission upon request of the applicant. Any amendments that affect standards of approval, shall require reapplication. Such amendment shall be made upon application and in accordance with the procedure in Section 1257 of this Ordinance. Any fees paid in accordance with such application may be waived or refunded at the discretion of the Planning Commission.

**SECTION 1264 PERFORMANCE GUARANTEE:** The applicant may be required to post performance guarantees to insure completion of project.

## CHAPTER XIII GENERAL PROVISIONS

**SECTION 1300. UNLISTED PROPERTY PROVISIONS:**

The Township Planning Commission shall have the power upon written request to classify and grant a use not listed with a comparable permitted use in a District, giving due consideration to the Preamble of that zoning district. Petition for such classification and permit shall be made through the office of the Township Zoning Administrator. In granting of permit for any such classified use, the Planning Commission may attach such condition and safeguards as may be deemed necessary for the protection of the public welfare, and for the proper use and development of the general neighborhood and adjacent properties. If deemed incompatible, then such use shall only be provided for the due amendment to the ordinance.

**SECTION 1301. NON-CONFORMING BUILDINGS AND USES:**

The lawful use of an existing structure or premises as existing on the date of enactment, or amendment, may be continued although the use does not conform with the ordinance or amendment. A structure on which actual construction was lawfully begun prior to the enactment of this Ordinance, or any amendment, and on which construction materials have been permanently fixed in place may be continued although the structure or planned use does not conform with the Ordinance or amendment. A structure or premises having nonconforming use status may be restored, reconstructed, extended, or substituted within the following conditions:

- A) The restoration, reconstruction, extension, or substitution must not be more alien to uses permitted in the Zoning District in which the premises are located than the original nonconforming use.
- B) Lawful non-conforming uses or structures in existence at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this Ordinance.
- C) A zoning permit granted pursuant to this section may contain conditions and restrictions on not only the reconstruction restoration, extension, or substitution applied for, but may also contain conditions and restrictions on the original non-conforming use.

**SECTION 1302. CONDEMNATIONS TO REMOVE NON-CONFORMING USES:**

The Township may acquire by purchase, condemnation, or otherwise, private property or an interest in private property, for the removal of non-conforming uses. The cost and expense, or a portion thereof, of acquiring the property may be paid from general funds or assessed to all special districts.-The Township Board may institute proceedings for condemnation of non-conforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of 1911, as amended, beginning Section 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

SECTION 1303. NON-CONFORMING LOTS:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the date of adoption or amendment of this Ordinance. Additions, alterations, and improvements not in ordinance provisions may be appealed to the Zoning Board of Appeals.

SECTION 1304. UNATTACHED ACCESSORY BUILDING AND STRUCTURES:

On property zoned R-1 or R-2, all unattached buildings or structures are allowed provided that:

The total floor area of all accessory buildings and structures shall not occupy more than Twenty (20%) of lot area.

Temporary structures are to be treated as permanent for zoning purposes.

No detached accessory building shall be located closer than fifteen (15) feet to any other Building, and shall meet all other setback requirements for the district in which it is located, except in the case of the rear property line, a 10 foot setback will be allowed.

A zoning permit shall be required for all accessory buildings containing ground floor area of (100) one hundred square feet or more.

SECTION 1305. PARKING REQUIREMENTS:

There shall be provided in all Districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.

Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Planning Commission may grant an exception by reducing the total number of spaces required.

The storage of merchandise, motor vehicles for sale, trucks, or vehicles for the purpose of repair is prohibited on required off-street parking lots.

Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.

For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern.

For those uses not specifically mentioned in the Schedule of Parking, requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers as being similar in type.

The requirements of this Section are not applicable to uses within the C-1 (Old Business District).

The minimum number of off-street parking spaces required by use shall be in accordance with the following schedule:

MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE

COMMERCIAL

- Auto wash-automatic 1 per employee, plus 2 per 20 feet of wash line
- Auto wash-self service 2 per wash stall plus the wash stall
- Banks, business offices, 1-per100 square feet of floor area planned shopping center
- Barber, beauty shop 1 per employee plus 2 per service chair
- Billiard hall, dance building 1 per 3 persons of stated legal capacity of hall, rinks or assembly building
- (no fixed seats), restaurants, taverns

Bowling alley	5 per bowling lane
Doctor or Dentist Office	1 per 100 square feet of waiting room
Funeral home-mortuary	1 per square feet of slumber room
Furniture, appliances	1 per 150 square feet of floor area, other retail stores, plus 1 per employee
Plumber, Electrician	
Minor repair services,	
Vehicle Sales,	
Gasoline Station	2 per service stall, plus 1 per employee
Hotels, Motels, tourist homes, lodges, bed & breakfast inns	
	1 per rental unit, plus 1 per employee
Laundromat	1 per 3 machines for washing

#### INDUSTRIAL / MANUFACTURING

Welding Shop	2 per employee
Industrial Office or Research	1 ½ spaces per employee
Warehouse and Wholesale	1 per employee

#### INDUSTRIAL & PUBLIC

Church or temple	1 per 2 seats
Golf, swim, tennis club	1 per 2 persons of stated legal capacity membership
Hospital, clinics & similar	1 for each 2 beds and 1 for each 2 employees establishments or staff member
Mini-Golf Course	1 ½ per hole/green
Nursery, elementary, junior	Same as state regulations or senior high school
Nursing Home	1 per three beds
Par 3 Golf Course	3 per hole green
Public Golf Course	4 per green or golf holes plus 1 per employee
Sport Arena, stadium, auditorium	
Or theater	1 per 2 seats of stated legal capacity

#### RESIDENTIAL

Dwellings/Mobile homes	2 per dwelling
Elderly housing	2 per unit
Rooming House	1 per bed of capacity
Trailer Court	2 per unit

#### NOTES OF INTERPRETATION FOR SCHEDULE 1305 (9):

Square feet refers to square feet of floor area, actual usable floor area for the activity conducted therein.

One (1) per unit of measure, shall be interpreted to mean one (1) per each unit, e.g. as one (1) per each three (3) persons.

Space requirements are cumulative, hence, a country club may require parking for the golf use as well as restaurant or bar use.

Employees refer to all permanent staff and part time equivalents.

Legal capacity is the occupancy load as permitted by design, fire, or health standards.

SECTION 1306. On Site, Community, and Utility Scale Energy Installations

The use of renewable energy systems is encouraged throughout the township.

**1306A** On site energy systems No discharge electrical energy sources such as solar, wind, and water, and No discharge radiant energy sources such as closed geothermal are allowed in all districts under the following conditions:

1. Placed not to cast shadows on adjacent property (use winter solstice angle)
2. Placed to reduce glare at common areas or adjacent uses

**1306B** On site Discharging energy systems

1. Interior wood burning appliance: allowed in all districts without conditions
2. Exterior wood burning appliance allowed in districts except OT and C1 under following conditions:
  - a. Wood burning only, no debris, garbage
  - b. Sited to limit smoke trespass to adjacent properties
3. Groundwater geothermal: *system that recovers heat from extracted groundwater and discharges to the surface.*
  - a. excess water must be disposed into a water body or disposed onsite without infringing on adjacent properties

**1306C** Community energy systems, and utility scale energy systems are allowed in AG and FR and shall meet the following conditions:

1. Shaped to fit landscape, no giant square grids
2. Underplanted with pollinator species, or collocated with other agricultural uses
3. Requires Site Plan review

SECTION 1307. RESERVED FOR FUTURE USE

SECTION 1308. FENCES

Amended 11/2006, 11/2014

1. Barbed wire and Electrical fences are only allowed for garden and livestock enclosures. Single wire fences are prohibited.
2. No fence shall be constructed in a manner which obscures vision of vehicles needing access to roads or highways.
3. Emergency Vehicle access to dwelling must be provided with 14 foot opening, gated or not.
4. Snowfences are allowed October 15 through April 15.
5. Fences in residential districts (R-1 & R-2) shall not exceed 8 feet, and only allowed in back and side yards. Amended 3/18
6. Fences in residential districts (R-1 & R-2) shall not exceed 4 feet in Waterfront Greenbelt Overlay District, and in front yards.
7. Fences placed on property line must face good side towards outside.

The Township Planning Commission may require that a fence be erected for screening and safety purposes as a condition of allowing a use by special approval and may set specifications for same.

SECTION 1309. OUTDOOR LIGHTING amended 11/2014

No outdoor lighting shall be constructed or used on premises in Briley Township which shall cause a direct glare upon or interfere with persons using a public road or any adjacent or nearby premises. "Direct Glare" is the focus area of the lighting fixture and this focus area shall not focus on adjacent properties or public roads. ZBA 7/9/12



SECTION 1310. PRIVATE ROADS

The application, review, and approval of a private road shall follow the same procedure for Uses subject to special approval, as specified in section 1504. Shall also comply with following standards.

- 1-6 dwellings 30 ft. ROW 18 foot surface
- 7-20 dwellings 40 ft. ROW 24 foot surface
- >20 dwellings 66 ft. ROW 30 foot surface

SECTION 1311. AREA HEIGHT AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

**Essential Services.** Essential services provided by a public entity shall be permitted as authorized and regulated by law and other Ordinances.

**Voting Place.** This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

**Height limitations.** Shall not apply to belfries, chimneys, church spires, conveyors, fire towers, flagpoles, monuments, ornamental towers, spires, smoke stacks, stage towers, scenery lofts, tank and water towers, and farm silos; provided however, that height limit for any structure permitted as a use authorized by special approval may be set by the Planning Commission

**Yard Regulations.** When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Appeals.

**Projections into Required Open Spaces.** Outside stairways, fire escapes, vestibules, balconies, bay windows and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered a part of the building and shall not extend into any required yard or open space.

**Architectural Features.** Features such as, but not limited to, window sills, cornices, eaves and bay windows may extend or project into required yard not more than four (4) inches for each one (1) foot of width of such side yard.

Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard.

SECTION 1312. SIGNS: amended 11/2006, 11/2014

No publicly displayed sign, sign structure, symbol or notice on a premises to indicate the name of the occupant, to advertise the business hereon or transacted, or directing to some other locale, shall be constructed or maintained unless it complies with the following types and requirements for the respective use districts set forth:

Allowed signs	Area	Setback	Allowed Districts
Residential name, Home Occ.	4 sq. ft.	5	All
Temporary	32 sq. ft.	10	All
Business Identification	164 sq. ft.	10	C-1, C-2, AG, FR, I
Billboards	300 sq. ft.	25	OT, C-1, C-2, I

1. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed

back to back, and are not more than 42” apart, the sign area shall be computed by the measurement of one of the faces.

2. Any sign exceeding 32 square feet shall require a zoning permit.

The following conditions shall apply to all signs and billboards erected in any use district:

One on- premise sign for advertising of premises, for rent, lease, and /or for sale shall be permitted in all districts. Any such sign which exceed thirty two (32) square feet shall require approval by the Zoning Administrator.

Directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal Governments shall be permitted in all districts.

No sign shall be permitted that is affixed to trees, rocks, shrubs or similar natural features, and any sign which is insecurely fixed, unclean, in need of repair, or imitates official traffic control devices shall be prohibited.

Signs shall not exceed heights allowed in zoning district.

Abandoned signs shall be removed within 6 months of being notified by the township.

Non-Conforming signs can be amortized over 5 1/2 years before removal.

#### SECTION 1313. WATERFRONT GREENBELT OVERLAY DISTRICT

All uses of land within seventy (70) feet measured horizontal and perpendicular to the ordinary high-water mark of a stream, river, or lake listed in Subsection two (2) shall comply with a Soil Erosion Permit if applicable; and the following requirements:

No dwelling unit, cottage, cabin, garage, shed, or commercial structure shall be constructed within such area.

All such area must be maintained in its natural tree shrub condition, or with a maintained lawn, or a combination of both; except that selective tree cutting, pruning planting may occur to promote healthy vegetation growth.

No excavating, filling, or grading may occur within such area unless accompanied by immediate steps to prevent erosion and silting into adjacent waters.

No fertilizers or other chemicals may be used, sprayed, or spread on the ground within such area.

No septic system may be used or maintained within such area.

Pumphouses are allowed as long as small as possible to cover pump and must use colors or materials that blend with the environment. Amended 11/2006

The requirements of Subsection Two (2) shall apply to all lands within seventy (70) feet of the high-water mark of streams, rivers, lakes, and / or impoundment thereof; Haymeadow Creek, Barger Creek, Crooked Creek, Brush Creek, Canada Creek, Packer Creek, Van Helen Creek, Thunder Bay River, Pug Lakes, Muskellunge Lake, Valentine Lake, Jackson Lake, Bear Den Lake, DeCheau Lake, Lake Inez, Lake Fifteen, Crooked Lake, Bass Lake and McCormick Lake.

#### SECTION 1314. DOMESTIC ANIMALS:

The keeping of farm animals for domestic purposes on residential lots shall be subject to Planning Commission review, who shall consider the character of the surrounding area, the lot size, and the design and placement of animal housing structures on the premises, these review requirements shall not apply to active farms or any property encompassing twenty (20) acres or more.

Domestic Household pets, including dogs, cats, but not including poisonous or dangerous reptiles, or wild or dangerous animals, may be kept as an accessory residential use on any premises, without a permit provided no more than three (3) animals of any one species are to be

kept and reasonable control is maintained to prevent nuisances to adjoining residentially used properties. The keeping of more than three (3) domestic pets of any one species shall be interpreted to be a kennel; except on active farms encompassing an area of twenty (20) acres or more in which case the number of domestic animals shall not be restricted.

SECTION 1315. Reserved. Previously Gas and Oil processing facilities  
removed per MCL 324.6150, 11/2014

SECTION 1316. TEMPORARY USE OF TRAVEL TRAILERS AND MOTOR HOMES  
Removed 3/18 to transfer to separate ordinance

SECTION 1317. TOWERS

Towers are allowed in all districts under the following considerations:

Towers shall be set back from property lines at least their height. Height shall be determined from ground level to top of highest attachment, including structure if on a building.

Tower shall accommodate both the applicant's antenna and comparable antennas for at least two additional users. New towers will not be allowed if other sites are available.

Shall be removed within 12 months of non-use.

Special regulations apply to towers near the airport. Refer to FAA and airport plan

SECTION 1318. CONDOMINIUMS, PLANNED UNIT DEVELOPMENTS

The purpose is to permit and encourage design flexibility within zoning districts allowed, to allow for more open spaces and reduce infrastructure.

1. Shall submit concept/preliminary plan addressing issues in Section 1254 of this ordinance to zoning administrator.
2. Lot size variations allowed as long as they maintain setbacks, but density increases can be allowed over and above existing district requirements. Configurations must allow adequate light and ventilation between structures.
3. Require at least 40% open space of gross area, and at least 25% of gross area shall be common open space for the collective enjoyment by occupants of development. Developer must file a restrictive covenant with the Register of Deeds guaranteeing those common open areas will remain open for open space uses desired by occupants. Homeowners Association is required to share costs of common open property and access. Private streets must meet provisions of Section 1310.
4. Thirty (30) foot buffer from property line to development.
5. Maximum building height (35) thirty-five feet.

SECTION 1319 Reserved

SECTION 1320. HOME OCCUPATION CONDITIONS:

No stock in trade may be kept except such that is stored in the principal structure from which the home occupation is conducted.

No display of goods or signs pertaining to such use, except as allowed in SEC. 1312 is visible from the street.

No person other than the occupants of the dwelling unit may be employed at the place of the home occupation.

Vehicular traffic of the home occupation shall not be of greater volume than normally associated with a residential property.

No such home occupation shall require interior or exterior building alterations, nor occupy more than 20 percent (20%) of the living space, to accommodate the home occupation.



No such home occupation shall be a nuisance, cause pollution, or otherwise alter the character of the neighborhood.

No such goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.

Any such home occupation shall be subject to inspection by the zoning administrator of the township and may be terminated by order of such administrator whenever the same fails to comply with the zoning ordinance.

#### SECTION 1321. WELLHEAD PROTECTION DISTRICT:

See Overlay District Map

The following restrictions apply to both residential and commercial uses:

Site shall have modern sanitation including operating septic system designed to reduce groundwater pollution.

All abandoned wells must be plugged

Floor drains shall be routed to septic system or maintained holding tank.

Sales, use or generation of hazardous substances, must be contained to isolate from possible groundwater contamination.

#### SECTION 1322 CARGO CONTAINERS

Cargo containers are allowed in Briley Township under special approval in the following circumstances

A) Cargo containers are to be treated as accessory storage uses and are only permanently allowed in Residential districts with following restrictions:

- 1) Application shall show that container is an accessory use to permitted use, and meets placement criteria
- 2) Must meet setbacks of underlying zoning district, and may be required to fence or screen from adjacent properties and rights of way pursuant to the provisions of the underlying districts.
- 3) Must be anchored to ground
- 4) Shall not show alpha numeric signage or writing
- 5) Same parcel as principle use and included in calculating overall lot coverage
- 6) No utility hookups
- 7) Venting shall be provided as follows:
  - a) 144 square inches in door
  - b) 256 square inches in opposite corner as high as possible
- 8) Materials stored are subject to review and approval of Fire Department
- 9) Limit of one per parcel

B) Cargo containers may be temporarily placed on residentially zoned properties, or on properties the primary use is residential, for the limited purpose of loaded or unloading household contents, not to exceed 30 days in a calendar year.

C) Cargo containers may be temporarily placed on building sites by licensed contractors for storage of equipment and materials to be used for construction on site. Container must be removed at or before final occupancy.

D) Existing cargo containers shall have 120 days to come into compliance from effective date of ordinance in which these provisions are codified.

## Chapter XIV Zoning Officials and Bodies

### SECTION 1400. ZONING ADMINISTRATOR:

The Zoning Administrator shall be appointed by the Township Board and shall serve at its pleasure. The salary shall be set at the annual meeting of the township. The administrator shall have such duties and responsibilities as are herein set forth and as may be directed by Resolution of the Township Board.

### SECTION 1401. DEPUTY ZONING ADMINISTRATOR:

The Deputy Zoning Administrator shall have the same duties and authority as the Zoning Administrator. The Deputy Zoning Administrator acts in the Zoning Administrator's stead in the administrators absence.

### SECTION 1402. PLANNING COMMISSION:

Amended 11/2006

The Planning Commission shall be appointed by the Township Board as provided by under P.A. 33 of 2008, MCL125.3815, et.seq. and shall have such duties and responsibilities as are herein set forth. The Planning Commission shall establish rules and procedures for the discharge of its duties and the conduct of its hearings. Compensation shall be set by the Township Board.

Planning Commission may amend ordinance per MCL 125.3813.

### SECTION 1403. ZONING BOARD OF APPEALS:

Amended 11/2006

The Zoning Board of Appeals shall consist of three (3) members who shall be appointed by the Township Board as provided by P.A. 33 of 2008, MCL125.3815, et seq. One member shall be from the Township Board, one member from the Planning Commission and one member from the general public. Not more than two alternates may be named. An alternate may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be able to attend one or more meetings. An alternate member may also be called to serve as a member on a case in which the member has abstained for reasons of conflict. The alternate member appointed shall serve until in the case until a final decision is made. The alternate member has the same voting rights as a regular member (MCL 125.3817)

The Zoning Board of Appeals shall establish rules and procedures for the discharge of its duties and the conduct of its hearings. Compensation shall be set by the Township Board.

## CHAPTER XV ZONING PERMITS

### SECTION 1500. REQUIREMENT OF ZONING PERMIT:

A Zoning Permit shall be required for each of the following:

1. An activity or use of land previously vacant.
2. Changing the existing use of land or a building to any non-residential or non-agricultural use, unless such land had previously been used for a non-residential and non-agricultural purpose allowed in the Zoning District.

3. Erection, enlargement, or relocation of a building other than a residential or agricultural accessory building exempt from the applicable building code.

SECTION 1501. VALIDITY:

A Zoning permit issued for which its purposes have not been commenced within one (1) year shall thereafter be invalid.

SECTION 1502. USES PROHIBITED WITHOUT PERMIT:

Any activity on or use of land in Briley Township for which a Zoning Permit is required and for which a Zoning Permit has not been issued is prohibited and is a violation of this Ordinance.

SECTION 1503. ZONING PERMIT APPLICATION AND ISSUANCE:

1. An application for a Zoning Permit shall be made to the Zoning Administrator on a form provided by the Township and shall include and be accompanied by the following:

- A. The name and address of the applicant and the owner of the premises
- B. A complete description of the premises.
- C. A complete narrative description of the proposed use and all existing and surrounding uses of the premises.
- D. A site plan if needed, see section 1251
- E. A description of the property water supply and sewage facilities, existing and proposed.
- F. The required application fee.

2. The Zoning Administrator shall upon receipt of an application inspect the premises as soon as is practical:

- A. If inspection and application review shows that the proposed use will conform to this ordinance, a zoning permit shall be issued.
- B. If inspection and application review show that the proposed use is a use allowed by special approval, the applicant shall be informed of such determination and shall forward a copy of the form described in Section 1504 to the applicant with instructions as to the completion and return of the same.
- C. If inspection and application review show that the proposed use would violate this ordinance, The administrator shall deny the permit and inform the applicant fully of the reasons for such denial.
- D. Administrator may impose performance guarantees. amended 11/2006

3. If an application is denied, the applicant may modify their application and resubmit the modified application within thirty (30) days of the denial without the requirement of paying an additional fee.

## CHAPTER XVI ENFORCEMENT OF PENALTIES

### SECTION 1600. ENFORCEMENT OF ORDINANCE:

The Zoning Administrator shall, on own motion, and shall upon receipt of a written complaint, investigate an alleged violation of this Ordinance. If as a result of such investigation the Zoning Administrator determines that a violation of this Ordinance exists; The administrator shall forthwith send a notice of violation to the occupant, and/or the owner of the premises. A notice that the recipients shall within thirty (30) days after receipt of same, correct the violation, or in the alternative, appeal as detailed in Section 1700. If not in compliance, a citation will be issued.

### SECTION 1601. PENALTIES

Any person, firm or corporation who violates, neglects, omits, or refuses to comply with the provisions of this Ordinance or any permit or exception granted hereunder or any lawful requirement of the Zoning Administrator, shall be responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine determined by the court not to exceed five hundred (500) dollars per occurrence.

amended 11/2006

Additionally, the violator shall pay costs in connection with the violation, which may include all direct or indirect expenses to the Township. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order necessary to enforce this Ordinance, in accordance with Section 8302 of Act No. 236 of the Public Acts of 1961.

In no case, however, shall costs of less than fifty (\$50.00) dollars or more than five hundred (\$500.00) dollars be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as authorized under Michigan Law. Each day's violation of this Ordinance that continues to exist constitutes a separate violation.

### SECTION 1602. CIVIL ENFORCEMENT

The Township or any other interested person may institute civil proceedings to prevent, enjoin, abate, restrain, or remove a violation of this Ordinance. Prosecution under Section 1601 shall not prevent a concurrent or subsequent action under this Section.

## CHAPTER XVII APPEALS

### SECTION 1700. TIME AND PROCEDURE FOR APPEAL:

A person affected by a denial, order, or determination issued by the Zoning Administrator or Planning Commission pursuant to this Ordinance may appeal such denial, order, or determination by filing a written claim of appeal with the Zoning Administrator within thirty (30) days from receipt of such denial, order, or determination.. Every such denial, order or determination shall include a statement which reasonably informs a person of this right, the procedure, and fee required for making the appeal.

### SECTION 1701. SCHEDULING AN APPEAL:

The Zoning Administrator shall forthwith deliver a claim of appeal with a notation of time and date received to the Chairman of the Zoning Board of Appeals. The Chairman shall schedule a hearing within forty-five (45) days on the appeal and give notice to all interested parties at least ten (10) days prior to the hearing. The Chairperson is responsible for notification and all related paperwork for cases.

### SECTION 1702. HEARINGS AND ORDERS BY THE ZONING BOARD OF APPEALS,

#### RE: VARIANCES

The Zoning Board of Appeals shall hear all matters properly before it, and shall give every interested person an opportunity to be heard. The Zoning Board of Appeals may reverse or affirm, wholly or in part, the denial, order, or determination appealed from, and may issue such orders as are necessary to carry out its decisions. Upon its specific finding that a denial or order appealed from creates a practical difficulty or unnecessary hardship even though such denial or order may itself conform to the strict letter of this Ordinance, the Zoning Board of Appeals may issue its order in variance of modification of the provisions hereof to effectuate the spirit of the Ordinance, the public safety, or substantial justice.

- 1.No variance granted before June 13<sup>th</sup>, 2002 shall set precedence because of significant changes in the ordinance.
- 2.No appeals for Planned Unit Developments or special land uses are allowed.
- 3.The burden of proof during hearing shall be clear and convincing.
- 4.No use variances are allowed.
- 5.Only dimensional variances are appealable on nonconforming lots, downtown, and rebuilds.

The ZBA must function solely to provide relief for the rare, exceptional situation where conforming to the ordinance would be impossible or extremely onerous.

The Zoning Board of Appeals must review and satisfy the following conditions in order for a variance to be granted:

- a) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, building, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

b) Whether a grant of the variance applied for would do substantial justice to the applicant as well to other property owners in the district or whether a lesser relaxation than

that applied for would give substantial justice to the owner of the property involved and be more consistent with justice to other property owners.

c) Whether the problem is unique to the property owner's own land or whether it is a problem shared by all others in the district.

d) Whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

e) Whether the problem was self-created.

The Board of Appeals may impose such conditions as it deems appropriate in granting a variance or modification order. All decisions of the Zoning Board of Appeals shall be in writing and briefly state its findings of fact, interpretation of the Ordinance, its conclusions, and shall include its orders for the disposition of the matter. All rulings shall be enforced by the Zoning Administrator unless a stay is ordered by circuit court.

#### SECTION 1703. APPEALS FROM AN ORDER OF THE ZONING BOARD OF APPEALS: Amended 11/2006

P.A. 33 of 2008, MCL125.3801, et.seq. provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to a Circuit Court. Any appeal must be filed within thirty (30) days after this decision and order is adopted by the Zoning Board of Appeals.

## **CHAPTER XVIII FEES**

#### SECTION 1800. FEES ESTABLISHED BY TOWNSHIP BOARD:

Fees shall be established by Resolution of the Township Board for Applications for Zoning Permits, and the filing of a claim of appeals to the Zoning Board of Appeals. The Township Board may by Resolution, amend the fees established pursuant to this Chapter.