

**Clark Township Zoning Ordinance  
Mackinac County - State of Michigan  
Zip Code 49719**

Updates

July	1980
November	1983
June	1985
February	1986
June	1989
January	1990
July	1991
November	1991
August	1992
December	1996

**Table of Contents**

<u>Subject</u>	<u>Page</u>
Title, Purpose, Resolution	1
Definitions	2-9
Administration & Enforcement	10-11
Board of Appeals	11-12
General Provisions:	
Interpretation of Conflicting Provisions & Limitations	14
Height Limitations	14
Area Limitations	14
Building Permit to Erect or Alter	14
Validity or Severability Clauses	15
Conflict with other laws	15
Zoning District:	
Zoning Control	16
Agriculture Districts	17-22
RS-Resort Districts	23-28
R-2-Rural Residential Single Family	29-35
R-1-Single Family Residential	36-41
C-Commercial	42-46
M-Industrial	47-50
LM-Light Industrial	51-54
SS-Shore Strip	55
P-Parking	56
Special	57-58
Supplementary Regulations:	
Parking of Motor Vehicles	59-61
Signs & Outdoor Advertising	62

Non-Conforming Uses	63
Assessory Uses or Buildings	64-65
Home Occupations	66
Screening	67
Set-Back(Lake, Pond, Stream, River)	67
Special Land Uses	68-73
Blight Elimination	74-75
Condominium/Site Condominium Approval	76-79
Amendment Procedures	80
Effective Date of Ordinance	80

### Table of Articles

<u>Article</u>		<u>Page</u>
I,II,III	Title, Purpose, Resolution	1
IV	Definitions	2-9
V	Administration & Enforcement	10-11
VI	Board of Appeals	11-12
VII	General Provisions-Conflicts & Limitations	13-15
VIII	Zoning Districts	16-58
IX	Supplementary Regulations-Parking, Signs, & Non-Conforming Uses, Accessory Uses or Buildings, Home Occupations, Screening, Set Backs (Lake, Pond, Stream, River), Special Land Uses, Blight Elimination, Condominiums	59-79
X	Amendment Procedures	80
XI	Effective Date of Ordinance	80

Article I

**Title**

This ordinance shall be known and may be cited as: **The Zoning Ordinance of Clark Township**

Article II

**Purpose**

In the interest of the public health, safety, and general welfare, the purpose of this Zoning Ordinance is to prevent the overcrowding of land and buildings, avoid undue concentration of population, provide adequate light and air with due consideration to the character of the zoning district and its peculiar suitability for particular uses, and with the objective of conserving the value of property and encouraging the most appropriate use of the land, **THEREFORE,**

Article III

**Resolution**

Be it ordained by Clark Township in Mackinac County, pursuant to the provisions of the State of Michigan Act as amended, that the ordinance heretofore enacted as the Zoning Ordinance of Clark Township is for; the establishment of zoning districts within which districts the use of land for agriculture, recreation, residence, resorts, industry, trade, soil conservation, water supply conservation and additional uses of land may be encouraged, regulated, or prohibited, and for such purposes may divide portions of Clark Township into districts of such number, shape and area as may be deemed best suited to carry out the provisions of the Act; and to adopt within each district provisions designating and limiting the location, height, number of stories, size of dwelling, buildings, and structures that may hereafter be erected or altered, including mobile homes, and the specific uses for which dwelling, buildings, and structures, including mobile homes, may hereafter be erected, or altered; and for the regulation of the area of yards, courts, and other open spaces and the sanitary, safety, and protective measures that shall be required for such dwellings, buildings, and for the designation of the maximum number of families which may be housed in buildings, dwelling, and structures, including mobile homes hereafter erected, or altered; to provide for the administering of the ordinance; to provide for conflicts with other ordinances, acts, or regulations; to provide for petitions and public hearings; to provide for a method of amending said ordinance; to provide for appeals and for the organization and procedure of the Clark Township Board of Appeals; and to provide for penalties for the violation of said ordinance.

Words in the present tense include the future; words in the singular number include the plural number, the word "shall" is mandatory. For the purpose of these regulations, certain terms and words are defined as follows:

**Accessory Uses:** A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

**Alley:** A passage or way open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

**Apartment House:** A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

**(Condominiums):** \*Ordinance #74, May 10, 1989\* Condominiums may be defined generally as a system of separate ownership of individual units in a multi-unit project. It is a system of ownership of real property whereby a parcel of real estate and the building or buildings existing thereon are owned by more than one person, each of whom has two separate and distinct real property interests: (1) Fee simple ownership of a unit or apartment; and (2) an undivided interest, together with all of the other unit owners in the project, in the common elements.

**Area:** See District

**Basement:** That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

**Boardinghouse:** A dwelling in which lodging or meals, or both are furnished to three or more guests for compensation.

**Boat House:** \*Ordinance #47, July 24, 1979\* An enclosed structure used for sheltering a boat, where the house or shed is constructed over the water or over an access channel to the water. This definition does not include commercial boat shelters.

**Boat Storage Structures:** \*Ordinance #47, July 24, 1979\* An enclosed or unenclosed structure for sheltering boats without direct channel access to the water

**Building:** \*Ordinance #56, October 12, 1983\* A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

**(Accessory) Building:** A building subordinate to, and located on, the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.

**Building Height:** \*Amended December 10, 1996\* The building height shall be measured from the lowest point at grade to the highest point of the roof.

**Building Line:** A line beyond which the foundation wall or any enclosed or covered porch, vestibule or other portion of a building shall not project.

**Care Home:** Includes rest and nursing home, convalescent homes and boarding homes for the aged; established to render nursing care for chronic or convalescent patients but excludes facilities for care of active or violent patients such as feebleminded or mental patients, epileptics, alcoholics, senile phychotics or drug addicts.

**Cellar:** The portion of a building below the first floor joists at least half of whose clear ceiling height is below the level of the adjacent ground. Such a portion of a building shall not be used for habitation.

**Deck:** \*Ordinance #51, April 8, 1980\* A floor-like platform used as an entrance to a building and projecting out from the main wall of the building, with a railing not to exceed three feet in height.

**District:** An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; lot area, building height limits, and other requirements are established; all of the forgoing being identical for the district in which they apply.

**Dwelling:** A building or portion thereof arranged or designed to provide living facilities for one or more families.

**Dwelling, Single Family:** A building containing not more than one dwelling unit.

**Dwelling, Semi-Detached:** One of two buildings, arranged or designed as dwellings located on abutting lots; Separated from each other by a party wall, without openings, extending from cellar floor to the highest point of the roof, along the dividing lot lines; and separated from any other building or structure by space on all other sides.

**Dwelling, Two Family:** A building containing not more than two separate dwelling units.

**Dwelling, Multiple Family:** A building containing three or more dwelling units.

**Dwelling Unit:** A building or portion thereof arranged or designed for permanent occupancy by not more than one family for living purposes and having cooking facilities.

**Dump:** Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of trash, refuse or waste material of any kind.

**Entrances, Temporary:** \*Ordinance #51, April 8, 1980\* An attached shed commonly constructed of wood, for the purpose of protecting the main structure from the elements, such as wind, rain and snow, during the winter season.

**Excavating, Commercial:** The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes:

When primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture. Does not mean grading or filling incidental to improvement of the land.

**Facilities and Services:** Those facilities and services that are normally accepted as necessary for urban living, such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.

**Family:** One or more persons living as a single, non-profit housekeeping unit as distinguished from individuals or groups occupying a hotel, club, fraternity or sorority house. The family shall be deemed to include necessary servants when servants share the common housekeeping facilities and services.

**Farming:** Agricultural activity or the raising of livestock or small animals as a source of income.

**Floor Area:** The total enclosed floor area of a structure used for residential purposes, excluding the floor area of uninhabitable basements, cellars, manufacturing, business or commercial activities which, in the case of the latter, includes customer facilities, showcase facilities and sale facilities.

**Frontage:** The length of the front property line of the lot, lots or tracts of land abutting a public street, road or highway.

**Gasoline Service Stations:** Building or lot, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, antifreeze, tires, batteries and automobile accessories, and such service as lubrication, washing, polishing and other minor servicing to motor vehicles.

**Home Occupation:** \*Ordinance #38, January 24, 1978\* An occupation customarily engaged in by residents in their own dwelling, such as a plumbing contractor, electrical contractor, building contractor, sawfiling, taxidermy, gift shop, beauty shop, ceramics, shoe repair and similiar occupations normally performed within the home. See Article IX, Section V.

**Hospital:** Any institution, including a sanatorium, which maintains and operates facilities for overnight care and treatment of two or more nonrelated persons as patients suffering mental or physical ailments, but not including any dispensary of first aid treatment facilities maintained by commercial or industrial plant, educational institution, or a convalescent home, as previously defined.

**Hotel:** A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, except for the management.

**House Trailer:** House trailer or mobile home means any vehicle or similar portable structure which was constructed with wheels so as to permit its being used as a duly licensable conveyance upon the public street, whether or not its wheels have been removed, and constructed to permit occupancy as a dwelling.

**Junk Yard:** Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.

**Lot :** Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated, and having the required frontage on a street.

**Lot Area:** The total horizontal area included within lot lines. Where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

**Lot, Depth of:** The average horizontal distance between the front lot line and rear lot line.

**Lot, Front of:** The side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.

**Lot Frontage:** That portion of a lot extending along a street line. In odd-shaped or triangular-shaped lots the length of the frontage may be reduced to not less than one half of any minimum frontage herein required and that the actual length of the street line shall not be less than fifty feet.

**Lots Fronting on a Lake, Stream, Pond, or River:** Notwithstanding anything in this Ordinance to the contrary, whenever any lot shall front on any lake, stream, pond or river, the front yard of said lot shall be deemed to face said body of water.

The **frontage** of said lots shall be the length of the front property line of the lot abutting the body of water.

The **lot** shall be deemed to be the land occupied or to be occupied by a building and its accessory building, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on said body of water.

The **lot area** of such lots shall be deemed to be the total horizontal area included within lot lines. Where the front lot line extends into said body of water through legal description or by operation of law, the lot area shall not include that part of the lot upon which there is water.

The **front of the lot** shall be deemed to be the side or sides of an interior or through lot which abuts said body of water.

The **lot frontage** shall be deemed to be that portion of lot extending along said body of water. In odd-shaped or triangular-shaped lots, the length of the frontage may be reduced to not less than one-half of any minimum frontage herein required and that the actual length of any lot frontage shall not be less than fifty feet.

The **front yard** of such lots shall be deemed to be the open space extending across the full width of a lot between the front lot line and the nearest line of the building or portion thereof. The depth of such front yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any portion thereof.

**Lot Interior:** A lot other than a corner lot.

**Lot Width:** The average horizontal width measured at right angles to the lot depth.

**Mobile Home:** See: House Trailer

**Motel:** A group of attached or detached dwellings not more than two stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges and tourist homes.

**Non-Conforming Uses:** The use of a building or of land lawfully existing at the time this ordinance became effective but which does not conform with the present use of regulations of the district in which it is located.

**Nursing Home:** (See: Care Home)

**Ordinary High Water Mark: \*Ordinance #47, July 24, 1979\*** Means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. In all cases, the ordinary high water mark shall be defined in compliance with either Public Act 346 of 1972, Inland Lakes and Streams Act or Public Act 247 of 1955, Great Lakes Submerged Lands Act.

**Parking Space; Automobile:** That area required for the parking or storage of one automobile including necessary aisle or driveway space providing access thereto.

**Porch: \*Ordinance #51, April 8, 1980\*** An entrance to a building, projecting out from the main wall of the building, commonly constructed of concrete.

**Professional Office:** Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc. but not including medical or dental clinics.

**Resort:** A group of attached or detached dwellings not more than two stories in height containing guest rooms which are provided for transient of short or long duration, generally in conjunction with a recreation facility such as a beach, with or without meals furnished, including structures and uses normally auxiliary thereto.

**Shelter, Fall-Out:** A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies. Fall-out shelters constructed completely below the ground level, except for a vent not exceeding 30 inches in height above ground level, may be contained within any yard area.

**Shelters, Temporary: \*Ordinance #51, April 8, 1980\*** A structure constructed of such things as wood, plastic, canvas, or other inexpensive materials, to protect such things as woodpiles, boats, snowboiles, etc., from the elements during the winter season.

**Shopping Center:** A group of five or more commercial establishments planned, developed and managed as a unit, with off-street parking provided on the same property and related in location, size and type of shops in the center.

**Sign:** Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service, business, or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the buildings.

**Sign Area:** The sign area is the surface of the structure used to convey the message exclusive of the necessary supports of any appurtenances required by the building code. The area of open sign structure, consisting of letters or symbols without a solid surface in between shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.

**Sign, Outdoor Advertising:** A sign which calls attention to a business commodity, service, entertainment, or other activities, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.

**Special Land Uses:** \*Ordinance #42, May 8, 1979\* The granting to a petitioner, by the Planning Commission, certain uses of land and/or buildings, because of their particular nature and due to certain circumstances, being designated as Special Land Uses. These uses may be permitted to become established within those districts as specified in this ordinance. **See Article IX, Section VIII**

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

**Street:** \*Ordinance #38, January 24, 1978\* A public dedicated right-of-way other than an alley, which provides primary access to abutting properties and over which the public has easement of vehicle access, or a sixty-six foot easement or right-of-way recorded with the Mackinac County Register of Deeds and dedicated to the land owners, heirs or assignees for road purposes only.

**Structure:** Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include docks, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground.

**Use:** The principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is, or may be used, occupied or maintained.

**Variance:** The granting to a petitioner, by the Board of Appeals, permission to vary from the strict application of this ordinance as provided in **Article VI, Section II B.**

**Yard:** Open space on the same lot with a building or group of buildings, lying between the building and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, or fences.

**Yard, Front:** Open space extending across the full width of a lot between the front lot line or the proposed street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed from street line and the nearest point of the building or any portion thereof.

**Yard, Rear:** Open space extending across the full width of a lot between the rear line of the lot and the nearest line of the building, porch, or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building.

**Yard, Side:** Open space between side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard or, in the absence of either of such yards, to the front lot line or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof.

**Zone:** (See District)

**Zoning Area:** (See District)

Section I Administration

The provisions of this ordinance shall be administered by such person or persons whom shall be designated by the Township Board in accordance with the applicable State Statute.

Section II Enforcement

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

Section III Violations

Buildings erected, altered, moved, or converted or any use of land or premises carried on in violation of any provision of this ordinance are declared to be a nuisance per se. Any and all buildings or land use activities considered possible violations of the provisions of this ordinance observed by or communicated to Police and Fire Department employees or to any County or Township official shall be reported to the Zoning Enforcement Officer.

**The Zoning Enforcement Officer** shall inspect each alleged violation and shall order correction, in writing or by posting the premises, of all conditions found to be in violation of this ordinance.

**Violation: \*Ordinance #56, October 12, 1983\*** Upon receipt of written notification from the Zoning Enforcement Officer, all building shall cease until violation is corrected.

**Appeal: \*Ordinance #56, October 12, 1983\*** An appeal may be taken to the Board of Appeals by any person alleging error in any administrative order concerning the enforcement of this ordinance.

**Violation Correction: \*Ordinance #56, October 12, 1983\*** All violations shall be promptly corrected after receipt of notification thereof by writing or by posting premises by the Zoning Enforcement Officer. **A violation not so corrected shall be reported to the Township attorney who shall initiate prosecution procedures.**

## Section IV Penalties

Any Person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance, or any permit, license or exception granted hereunder, or any lawful order of the Zoning Enforcement Officer, Board of Appeals, or the Township Board issued in pursuance of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any court having jurisdiction, he shall be **punishable by a fine of not to exceed One Hundred Dollars, or by imprisonment not to exceed ninety days, or both.** Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance. The foregoing penalties shall not prohibit the township from seeking injunctive relief against a violator, or such other appropriate relief as may be permitted by law.

## Article VI Board of Appeals

## Section I \*Ordinance #38, January 24, 1978\* Establishment of a Board of Appeals

There shall be a **five member Board of Appeals** as provided under the applicable State Statute, which shall have such power and duties as prescribed by law.

## Section II Authority of the Board of Appeals

Hear and decide upon request, the interpretation of the provisions of this ordinance.

Grant variances from the strict application of the zoning ordinance when by reason of exceptional narrowness, shallowness, shape or topography of specific parcels of property at the time of the original enactment of this ordinance or amendments thereto or where the strict applications of these regulations or amendments thereto would result in exceptional or undue hardship upon said property; provided that such relief or variances can be granted without substantial impairment of the intent, or purpose of this ordinance.

**This provision shall not be construed to permit the Board, under the guise of variance, to change the use of the land.**

Hear and decide appeals where it is alleged by appellants that there is error in any refusal of building, use or occupancy permit or in any other order, requirement, decision, or determination made by the building inspector, zoning enforcement officer, or other Township or County employee, when passing upon an application for a building or other permit, or by any other officer or body in the administration of the zoning ordinance.

## Section III

**Limitation of Authority of the Board of Appeals**

Nothing contained in this chapter shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of this ordinance and which, therefore, is not erroneous; nor to authorize the Board to validate, ratify, or legalize any violation of law on any of the regulations of this ordinance.

The Board shall not amend any portion of this ordinance or the Zoning Map nor shall such power or authority be vested in the Board.

A **decision** of the Board permitting the erection or alteration of a building or other use of land shall be **valid for a period of six months**, during which time a building permit for such erection or alteration must be obtained and the erection or alteration started.

No application for a variance which has been denied wholly or in part by the Board shall be **resubmitted** for a period of **one year from the date of the last denial**, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

## Section IV

**Application for Variances or Appeals**

Request for variances or appeals may be made by submitting an application (or letter) to the Township Clerk. A fee, to be determined by the Township Board, shall accompany the application to help defray the cost of processing said application.

**A site plan, plot plan or development plan of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses, shall be submitted with each request for a variance or appeal.**

**Section I Interpretation of Conflicting Provisions**

In this ordinance, words used in the present tense, include the future; the singular number includes the plural number and plural, the singular; the word "shall" is mandatory and not permissive, and the word "may" is permissive. In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety and welfare.

This ordinance shall not be deemed to interfere with or abrogate or annul otherwise affect in any manner whatsoever any ordinances, rules, regulations or permits, or by easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants or agreements between parties, the provisions of this ordinance shall prevail. **Except as hereinafter provided, the following general regulations shall apply:**

**Section II Limitations On All Land And Structures**

No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed, or arranged to be used for any purpose or in any manner other than that included among the uses hereinafter listed as permitted in the zoning district in which such building or land is located.

**\*Ordinance #57, November 9, 1983\*** Every building hereinafter erected shall be located on a lot as herein defined; there shall be not more than one single family dwelling on one lot, except additional single family dwellings may be allowed on said lot, provided that the lot is large enough in size to support the minimum requirements for two or more buildings within the designated district and that each portion of the lot would be properly described, marked and recorded with the Township Clerk so each dwelling could be sold as a separate lot at a later date without becoming in violation of the ordinances or causing any other dwelling to be in violation of the ordinance.

**\*Ordinance #38, January 24, 1978\*** Every dwelling structure shall be built upon a lot with frontage upon a street or lake, except that any one lot of record created before the effective date of this ordinance without any frontage on a street but provided with an easement or other right-of-way of no less than twenty feet wide, may be granted a building permit providing all other requirements of this ordinance can be met.

The illumination of any building or uses of land shall be designed and operated so that the source of light shall not be directed upon adjacent properties or the public streets and highways. In no event shall the illumination of a building or use of land be permitted to flood upon adjacent residential structures.

## Section III

**Limitations On Height**

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except the height limitations of this ordinance shall not apply to church spires, belfries, cupolas, antennas, domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, silos, bulkheads, and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the zoning enforcement officer such may be deemed to interfere with aerial navigation or constitute a fire hazard.

Such features, however, shall not exceed in total coverage twenty per cent of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the Zoning Board of Appeals by the zoning enforcement officer.

## Section IV

**Limitations On Area**

No building shall be erected, nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zoning district in which such buildings or open space is located, except as otherwise specifically provided.

No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as a yard or open space for any other building.

Any lot as defined herein, which was legally recorded at the time of adoption of this ordinance, and which was a buildable lot immediately prior to the adoption of this ordinance, shall be deemed a buildable lot even though it may have less than the minimum area requirements.

## Section V \*Amended 12/10/96\*

**Land Use Permit to Erect or to Alter Structures**

No structure (including mobile homes) shall be erected, placed, or altered, nor any excavation started until a permit for such erection, placement, alteration or excavation shall have been issued by the Township Zoning Enforcement Officer, provided that **this requirement shall not apply to alterations inside of a building if no change is made in the height, foundation, or outside perimeter of said building.**

Nothing in this section shall be construed to require a permit with respect to items constituting normal repair and maintenance.

**\*Ordinance #56, October 12, 1983\*** Application for a permit required under this section shall be made to the Township in the form determined by the Township Board. At the time of making such application, a fee, as determined by the Township Board, shall be paid to the Township.

## Section V

**Building Permit to Erect or to Alter Structures**

**\*Ordinance #56, October 12, 1983, Amended January 21, 1991\*** In applicable cases, application shall have been granted by the Luce-Mackinac-Alger-Schoolcraft District Health Department for all required sanitary permits or by the Clark Township Sanitary Sewer System Inspector prior to the issuance of a permit under this section.

## Section VI

**(reserved)**

## Section VII

**Validity or Severability Clause**

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

## Section VIII

**Conflict With Other Laws**

Whenever the requirements of this ordinance are at variance with the requirements of other lawfully adopted rules, regulations, or ordinances, **the most restrictive or that imposing the higher standards, shall govern.**

## Section IX

**Boundaries of Zoning Districts**

Where **uncertainty exists as to the boundaries** of any of the zoning districts as shown on the Zoning Map, the following rules shall apply:

**Zoning boundary lines** are intended to be parallel or perpendicular to street, highway, alley, or lot lines, unless such area boundary lines are fixed by dimensions, as shown on said Zoning Map.

Where **area boundaries** are indicated as approximately following street or alley lines or proposed street lines, such area boundaries shall be construed to be such boundaries.

Where **area boundaries** are so indicated that they approximately follow lot lines and are not more than twenty-five feet distant therefrom, such lot lines shall be such boundaries.

In **unsubdivided property** or where a **land use control boundary** divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.

If all or any portion of any **public** street, alley, right-of-way easement or land which is not included in any area shall ever **revert to or come into private ownership** or shall ever be used for any purpose other than a public purpose, said land shall be **subject to all of these regulations** which apply within the zoning district immediately adjacent thereto, or within the most restricted of the immediately adjacent areas, if there be more than one.

Section I

Zoning Control

For the purpose of this ordinance, Clark Township is hereby divided into the following zoning districts:

AG	Recreation, Sylviculture and Agriculture
R-1	Single Family Residential
R-2	Rural Residential
RS	Resort
C	Commercial
M	Industrial
LM	Light Industrial
SS	Shore Strip
P	Parking
Q	Public and Quasi-Public
MH	Mobile Home District

The location and boundaries of the zoning districts established in the township shall be shown on a map entitled The Zoning Map of Clark Township and Village areas, and as same may be amended subsequent to the adoption thereof; and said map, section or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

The official copy of the Zoning Map shall be in the custody of the Clark Township Clerk.

## Section II

## Agricultural District

This district is composed of certain land in outlying areas presently of rural character. Such land is to remain for agricultural use with the intent that agriculture will be the principal land use within the foreseeable future, although the secondary use of recreation is of prime importance.

The regulation for this district is designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature. To these ends, development is limited to a low concentration and to those uses which would not be detrimental to future development. Various types of State Recreation Parks could be developed. (see Michigan Park Classification)

**Permitted Uses:**

Single family dwellings, and the accessory structures and uses normally auxiliary thereto; except that nothing in this section shall prohibit the conversion or alteration of any single family structure, in existence at the time of passage of this ordinance, into not more than two separate dwelling units, provided that such dwelling units shall conform with the following provisions:

Any single family dwelling covered under the provisions of this section shall be required to have within the enclosed walls of the original structure a total of not less than 1,000 square feet of habitable floor area for two dwelling units.

There shall be a minimum habitable floor area of 500 square feet for each separate dwelling unit within any single family structure which has been converted to house two families.

The provisions of this section shall apply only to the conversion of single family dwellings and shall not be construed to permit the construction of two family dwellings.

Any farm or agricultural buildings or activities including stock nurseries, animal and livestock raising.

The sale of farm or dairy produce which has been raised on the farm from which it is to be sold.

Home occupations, when in accordance with the provisions of Article IX, Section V.

**Permitted Uses: (continued)**

Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.

Signs and outdoor advertising structures, when in accordance with the provisions of Article IX, Section II.

Accessory uses or buildings, when in accordance with the provisions of Article IX, Section IV.

Buildings and trailers less than 500 square feet, occupied not more than 60 days in any calendar year, used as a hunting cabin or weekend retreat, situated on a tract of ten acres or more, with a minimum setback of 150 feet.

**\*Ordinance #56, October 12, 1983\*** Mobile Homes, 500 square feet or larger. All mobile homes must be enclosed with a continuous skirting on all four sides. All such skirting shall be provided with a minimum of two access doors, one to be located near the front and one to be located near the rear and provided with proper venting. **Such skirting must be installed within 30 days after placement of mobile home.** The mobile home shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. Each mobile home shall have the wheels removed upon installation and no towing mechanism, undercarriage or chassis should be exposed. The dwelling is to be aesthetically compatible in design and appearance with other residences in the vicinity.

Trailers, regardless of size, shall be permitted on site during the period of construction, for a period of one year, commencing on the date such permit is granted.



## Section II

## Agricultural District

## Lot, Yard and Area Requirements: AG-1 &amp; AG-2

Minimum Lot Frontage/Lot Width (feet)

Mobile Homes*Ord.#56,10/12/83*	200
Single Family	200
Two Family	200
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	300

Minimum Lot Area Per Dwelling Unit(Sq.Ft)

Mobile Homes*Ord.#56,10/12/83*	40,000
Single Family	40,000
Two Family	20,000
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	3,000

Maximum Building or Structure Height(feet)

All Family Homes	35
------------------	----

Minimum Floor Area Per Dwelling Unit(Sq.Ft.)\*Ord.#56,10/12/83\*

Mobile Homes	500
Single Family	500
Two-Family	500
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	600

Minimum Front Yard Set Back(feet)	35
-----------------------------------	----

Minimum Side Yard Set Back(feet)	10
----------------------------------	----

Minimum Rear Yard Set Back(feet)	30
----------------------------------	----

Accessory Buildings

Minimum Front Yard Set Back(feet)	35
Minimum Side Yard Set Back(feet)*Ord.#47,7/24/79*	5
Minimum Rear Yard Set Back(feet)	5
Maximum Building Height(feet)*Ord.#47,7/24/79*	None
Maximum Building Coverage(% of Lot)*Ord.#51,4/8/80*	None

Section II

Agricultural District (continued)

Lot, Yard and Area Requirements ..... Special Conditions

Where the majority of the frontage along one side of the street within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than nor shall it be less than, the average set-back of the improved properties.

On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard set-back of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 of the front yard set-back required for that district.

The minimum distance between multiple family dwellings within a single project area shall be as follows:

Where buildings are front to front or front to rear; two times the height of the taller building but not less than fifty feet.

Where buildings are side to side, if there are no windows on the side walls; a distance equal to the height of the taller building but not less than twenty feet.

Where buildings are front to side or rear to side, if there are no windows on the side walls, one and one-half times the height of the taller building but not less than thirty feet.

Where buildings are rear to rear and side to side with windows on the side walls; one and one-half times the height on the taller building but not less than forty feet.

When a roadway is located between two buildings the width of the roadway shall be in addition to the above minimum distance between buildings.

Minimum front, side or rear yard set-back along State Highways M-129 and M-134 shall be 50 feet.

When the rear yard of a lot abutts a street the minimum rear yard set-back shall not be less than the front yard set-back for the district had the lot fronted on the street except, when granted a variance by the Board of Appeals as provided for in Article VI, Section II.

Section II

Agricultural District (continued)

Lot, Yard and Area Requirements ..... Special Conditions (continued)

Set-backs for lots abutting a lake, pond, stream or river shall be subject to the provisions of Article IX, Section VII.

**\*Ordinance #47, July 24, 1979\*** The maximum height of a boathouse shall be fifteen feet.

**\*Ordinance #47, July 24, 1979\*** The minimum side yard of a boathouse shall be ten feet.

**\*Ordinance #51, April 8, 1980\*** and **\*Ordinance #67, February 5, 1986\*** The square footage of accessory buildings in all districts not to exceed a combined maximum of 1,200 sq.ft. or 10% of the lot, whichever is least. This shall exclude boathouses built over the water.

**\*Ordinance #44, May 21, 1985\*** and **\*Ordinance # 67, February 5, 1986\*** The square footage of any building in R-2 Districts not to exceed combined maximum of 1,200 sq.ft. or 10% of the lot, whichever is least.

**\*Ordinance #73, May 10, 1989\*** Agriculture will be exempt from the combined maximum of 1200 sq.ft. or 10% of the lot, whichever is least.

**\*Ordinance #79, November 25, 1991\*** Where a lot division has occurred all side yard set-backs shall adhere to Schedule of Lot, Yard and Area Requirements.

## Section III

## RS - Resort District

This district is composed of land on or adjacent to areas attractive to tourism. It is presently partially undeveloped, or existing resorts and tourist attractions give it its character. Scenic parks, roadside turnouts, historic marked areas and private and public recreational developments take place. To further these ends development is restricted to the permitted uses listed in this section.

**Permitted Uses:**

Single family dwellings, and the accessory structures and uses normally auxiliary thereto; except that nothing in this section shall prohibit the conversion or alteration of any single family structure, in existence at the time of passage of this ordinance, into not more than two separate dwelling units, provided that such dwelling units shall conform with the following provisions:

Any single family dwelling converted under the provisions of this section shall be required to have within the enclosed walls of the original structure a total of not less than 1,600 square feet of habitable floor area for two dwelling units.

There shall be a minimum habitable floor area of 600 square feet for each separate dwelling unit within any single family structure which has been converted to house two families.

The provisions of this section shall apply only to the conversion of single family dwellings and shall not be construed to permit the construction of two family dwellings.

Resort rental units and their accessory buildings on established resorts, not more than two stories in height, not closer than ten feet from adjacent buildings, and when total of all buildings on lot covers a maximum of 25 percent of lot and provided that all set back requirements can be met.

Publicly owned and operated buildings and uses including community buildings and parks, playgrounds and other recreational areas.

Home occupations, when in accordance with provisions of Article IX, Section V.

Signs and Outdoor advertising structures, provided however, that the provisions of Section II of Article IX of this ordinance are complied with.

Accessory uses or buildings, when in accordance with the provisions of Art. IX, Sec. IV.

## Section III

## RS-Resort District (continued)

## Permitted Uses:

**\*Ordinance #56, October 12, 1983\*** Mobile Homes, 600 sq. ft. or larger. All mobile homes must be enclosed with a continuous skirting on all four sides. All such skirting shall be provided with a minimum of two access doors, one to be located near the front and one to be located near the rear and provided with proper venting. Such skirting must be installed within 30 days after placement of mobile home. The mobile home shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. Each mobile home shall have the wheels removed upon installation and no towing mechanism, undercarriage or chassis should be exposed. The dwelling is to be aesthetically compatible in design and appearance with other residences in the vicinity.

Trailers, regardless of size, shall be permitted on site during the period of construction, for a period of one year, commencing on the date such permit is granted.

## Special Land Uses:

Churches

Cemeteries

Schools, Private & Parochial

Eleemosynary

Charitable & Philanthropic Institutions

Golf Courses, Private & Non-Commercial

State Approved Campsites

Hotels, Motels, Resorts and their accessory buildings. (Recreational Development)

Fishery, including structures and uses normally auxiliary thereto.

Horses for recreation on not less than 5 acres.

Condominiums **\*Ordinance #74, May 10, 1989\***

Accessory buildings with a combined maximum of more than 1200 square feet ground floor footage. **\*Ordinance #73, May 10, 1989\***

Storage Buildings for boats, cars, RV's, and equipment, including storage for hire or rent. **\*Ordinance #67, February 5, 1986\***

Public Utility Buildings and Structures necessary for the service of the community.

Except that: There is no use restriction for utilities to be located in public streets or public right-of-ways.

Public utility activities of industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

Section III

RS-Resort District (continued)

**Special Land Uses:**

Buildings less than 600 sq.ft., occupied not more than 60 days in any calendar year, used as a hunting cabin or weekend retreat, situated on a tract of 10 acres or more, with a minimum setback of 150 feet.

A building to be used as a hunting cabin or weekend retreat not to be occupied more than 60 days in any calendar year on 10,000 sq. ft. lot and not to be less than 300 sq. ft. ground floor footage.

Boat and equipment structures and activities, including sales and service and the accessory structures and uses normally auxiliary thereto, necessary to serve the boating public.

Section III

RS-Resort District

Lot, Yard and Area Requirements: RS-Resort District

Minimum Lot Frontage/Lot Width (feet)

Mobile Homes*Ord.#56,10/12/83*	100
Single Family	100
Two Family	150
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	300

Minimum Lot Area Per Dwelling Unit(Sq.Ft)

Mobile Homes*Ord.#56,10/12/83*	10,000
Single Family	40,000
Two Family	07,500
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	3,000

Maximum Building or Structure Height(feet)

All Family Homes	35
------------------	----

Minimum Floor Area Per Dwelling Unit(Sq.Ft.)\*Ord.#56,10/12/83\*

Mobile Homes	600
Single Family	600
Two-Family	600
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	600

Minimum Front Yard Set Back(feet)	35
-----------------------------------	----

Minimum Side Yard Set Back(feet)	10
----------------------------------	----

Minimum Rear Yard Set Back(feet)	30
----------------------------------	----

Accessory Buildings

Minimum Front Yard Set Back(feet)	35
Minimum Side Yard Set Back(feet)*Ord.#47,7/24/79*	5
Minimum Rear Yard Set Back(feet)	5
Maximum Building Height(feet)*Ord.#47,7/24/79*	18
Maximum Building Coverage(% of Lot)*Ord.#51,4/8/80*	10

Section III

RS - Resort District (continued)

Lot, Yard and Area Requirements ..... Special Conditions

Where the majority of the frontage along one side of the street within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than nor shall it be less than, the average set-back of the improved properties.

On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard set-back of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 of the front yard set-back required for that district.

The minimum distance between multiple family dwellings within a single project area shall be as follows:

Where buildings are front to front or front to rear; two times the height of the taller building but not less than fifty feet.

Where buildings are side to side, if there are no windows on the side walls; a distance equal to the height of the taller building but not less than twenty feet.

Where buildings are front to side or rear to side, if there are no windows on the side walls, one and one-half times the height of the taller building but not less than thirty feet.

Where buildings are rear to rear and side to side with windows on the side walls; one and one-half times the height on the taller building but not less than forty feet.

When a roadway is located between two buildings the width of the roadway shall be in addition to the above minimum distance between buildings.

Minimum front, side or rear yard set-back along State Highways M-129 and M-134 shall be 50 feet.

When the rear yard of a lot abutts a street the minimum rear yard set-back shall not be less than the front yard set-back for the district had the lot fronted on the street except, when granted a variance by the Board of Appeals as provided for in Article VI, Section II.

Section III

RS - Resort District (continued)

Lot, Yard and Area Requirements ..... Special Conditions (continued)

Set-backs for lots abutting a lake, pond, stream or river shall be subject to the provisions of Article IX, Section VII.

**\*Ordinance #47, July 24, 1979\*** The maximum height of a boathouse shall be fifteen feet.

**\*Ordinance #47, July 24, 1979\*** The minimum side yard of a boathouse shall be ten feet.

**\*Ordinance #51, April 8, 1980\*** and **\*Ordinance #67, February 5, 1986\*** The square footage of accessory buildings in all districts not to exceed a combined maximum of 1,200 sq.ft. or 10% of the lot, whichever is least. This shall exclude boathouses built over the water.

**\*Ordinance #44, May 21, 1985\*** and **\*Ordinance # 67, February 5, 1986\*** The square footage of any building in R-2 Districts not to exceed combined maximum of 1,200 sq.ft. or 10% of the lot, whichever is least.

**\*Ordinance #73, May 10, 1989\*** Agriculture will be exempt from the combined maximum of 1200 sq.ft. or 10% of the lot, whichever is least.

**\*Ordinance #79, November 25, 1991\*** Where a lot division has occurred all side yard set-backs shall adhere to Schedule of Lot, Yard and Area Requirements.

## Section IV

**R-2 Rural Residential District Single Family**

This district is composed of certain land in outlying areas presently of a rural residential character where low density single family residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to low density single family residential use consistent with limited rural type facilities and service.

**Permitted Uses:**

Single family dwellings, and the accessory structures and uses normally auxiliary thereto; except that nothing in this section shall prohibit the conversion or alteration of any single family structure, in existence at the time of passage of this ordinance, into not more than two separate dwelling units, provided that such dwelling units shall conform with the following provisions:

Any single family dwelling converted under the provisions of this section shall be required to have within the enclosed walls of the original structure a total of not less than 1,000 square feet of habitable floor area for two dwelling units.

There shall be a minimum habitable floor area of 600 square feet for each separate dwelling unit within any single family structure which has been converted to house two families.

The provisions of this section shall apply only to the conversion of single family dwellings and shall not be construed to permit the construction of two family dwellings.

Home occupations, when in accordance with provisions of Article IX, Section V.

Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.

Signs and outdoor advertising structures, when in accordance with the provisions of Article IX, Section IV.

Accessory uses or buildings, when in accordance with the provisions of Art. IX, Sec. IV.

## Section IV

## R-2 Rural Residential District Single Family(continued)

## Permitted Uses: (continued)

**\*Ordinance #56, October 12, 1983\*** Mobile Homes, 600 sq. ft. or larger. All mobile homes must be enclosed with a continuous skirting on all four sides. All such skirting shall be provided with a minimum of two access doors, one to be located near the front and one to be located near the rear and provided with proper venting. Such skirting must be installed within 30 days after placement of mobile home. The mobile home shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. Each mobile home shall have the wheels removed upon installation and no towing mechanism, undercarriage or chassis should be exposed. The dwelling is to be aesthetically compatible in design and appearance with other residences in the vicinity.

Trailers, regardless of size, shall be permitted on site during the period of construction, for a period of one year, commencing on the date such permit is granted.

## Special Land Uses:

Churches

Cemeteries

Schools, Private & Parochial

Eleemosynary

Charitable & Philanthropic Institutions

Golf Courses, Private & Non-Commercial

Mobile Home Parks as described under Special District, Article VIII

A building to be used as a hunting cabin or weekend retreat not to be occupied more than 60 days in a calendar year on **10,000 square foot lot** and not to be less than 300 square feet ground floor footage.

Buildings less than 600 sq.ft., occupied not more than 60 days in any calendar year, used as a hunting cabin or weekend retreat, situated on a tract of **10 acres** or more, with a minimum setback of 150 feet

Public Utility Buildings and Structures necessary for the service of the community.

Except that: There is no use restriction for utilities to be located in public streets or public right-of-ways.

Public utility activities of industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

Storage Buildings

Care Home

Hospital or medical clinic, excluding veterinary hospitals.

## Section IV

## R-2 Rural Residential District Single Family(continued)

## Special Land Uses: (continued)

Two Family Dwelling

Motel and multiple family dwellings&condominiums.\*Ord.#74,5/10/89\*

Resorts and their accessory buildings, under the following terms, conditions and limitations: \*Ordinance #30, August 10, 1976\*

- The proposed use must constitute an expansion of a resort that existed on the date of the adoption of the Clark Township Zoning Ordinance
- The existing resort proposed to be expanded shall be, itself, properly zoned for its use as a resort.
- The proposed expansion will only utilize a parcel or parcels of land either contiguous to the existing resort or lying directly across a public street or road from an existing resort.
- That any proposed expansion and/or any future expansions from an existing resort shall not occupy a land area exceeding the size of the land area utilized by the resort existing on the date of the adoption of the Clark Township Zoning Ordinance.
- The applicant for such special land use permit shall submit a detailed site plan drawn to scale which shall include at least the following:
  - +The boundaries of the property proposed to be used for such expansion.
  - +The boundaries of the property being utilized for the existing resort.
  - +The size and location of all structures or other land improvements that are both existing and that are proposed for development.
  - +The size and location of all signs either existing or proposed to be erected.
  - +The location and type of all existing and proposed exterior lighting.
  - +A detailed description of all existing and proposed sanitary sewage disposal systems and water supply systems that will service both the existing and proposed resort area.
- Upon receipt of an application for a special land use permit hereunder, the Planning Commission shall conduct a public hearing on said application and shall reasonably notify such persons as the commission deems appropriate in writing as to the date, time and place that said public hearing shall be held. In deciding whether a special land use permit hereunder shall be granted, the Planning Commission shall consider the following factors:
  - +Is there a need for increased resort facilities as proposed by the applicant?
  - +Will the proposed resort expansion adversely affect the residential character of the surrounding neighborhood?

Section IV

R-2 Rural Residential District Single Family(continued)

Special Land Uses: (continued)

+Will the proposed development be detrimental to the health, safety and general welfare of the township as a whole and to the surrounding neighborhood in particular?

-As a condition for granting said special land use permit, the Planning Commission is hereby granted the authority to impose such additional conditions and limitations other than those outlined herein relating to screening, setbacks, lighting, hours, and periods of operation, signs, parking, and water and sewer service facilities to protect the health, safety and general welfare of the township as a whole and of the surrounding neighborhood in particular.

-In the event that a special land use permit is granted, the applicant must commence such construction or expansion within six months from the issuance of said permit and, further, said construction or expansion must be completed within a one year period from the granting of said permit.

**\*Ordinance #73, May 10, 1989\*** Accessory Buildings with a combined maximum of more than 1200 square feet.

Horses for recreation on not less than 5 acres.

## Section IV

## R-2 Rural Residential District Single Family(continued)

**Lot, Yard and Area Requirements: R2-Rural Residential District Single Family**Minimum Lot Frontage/Lot Width (feet)

Mobile Homes*Ord.#56,10/12/83*	100
Single Family	100
Two Family	150
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	300

Minimum Lot Area Per Dwelling Unit(Sq.Ft)

Mobile Homes*Ord.#56,10/12/83*	10,000
Single Family	10,000
Two Family	07,500
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	3,000

Maximum Building or Structure Height(feet)

All Family Homes	35
------------------	----

Minimum Floor Area Per Dwelling Unit(Sq.Ft.)\*Ord.#56,10/12/83\*

Mobile Homes	600
Single Family	600
Two-Family	600
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	600

Minimum Front Yard Set Back(feet)	35
-----------------------------------	----

Minimum Side Yard Set Back(feet)	10
----------------------------------	----

Minimum Rear Yard Set Back(feet)	30
----------------------------------	----

Accessory Buildings

Minimum Front Yard Set Back(feet)	35
Minimum Side Yard Set Back(feet)*Ord.#47,7/24/79*	5
Minimum Rear Yard Set Back(feet)	5
Maximum Building Height(feet)*Ord.#47,7/24/79*	18
Maximum Building Coverage(% of Lot)*Ord.#51,4/8/80*	10

Section IV

R-2 Rural Residential District Single Family

Lot, Yard and Area Requirements ..... Special Conditions

Where the majority of the frontage along one side of the street within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than nor shall it be less than, the average set-back of the improved properties.

On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard set-back of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 of the front yard set-back required for that district.

The minimum distance between multiple family dwellings within a single project area shall be as follows:

Where buildings are front to front or front to rear; two times the height of the taller building but not less than fifty feet.

Where buildings are side to side, if there are no windows on the side walls; a distance equal to the height of the taller building but not less than twenty feet.

Where buildings are front to side or rear to side, if there are no windows on the side walls, one and one-half times the height of the taller building but not less than thirty feet.

Where buildings are rear to rear and side to side with windows on the side walls; one and one-half times the height on the taller building but not less than forty feet.

When a roadway is located between two buildings the width of the roadway shall be in addition to the above minimum distance between buildings.

Minimum front, side or rear yard set-back along State Highways M-129 and M-134 shall be 50 feet.

When the rear yard of a lot abutts a street the minimum rear yard set-back shall not be less than the front yard set-back for the district had the lot fronted on the street except, when granted a variance by the Board of Appeals as provided for in Article VI, Section II.

Section IV

R-2 Rural Residential District Single Family(continued)

Lot, Yard and Area Requirements ..... Special Conditions (continued)

Set-backs for lots abutting a lake, pond, stream or river shall be subject to the provisions of Article IX, Section VII.

**\*Ordinance #47, July 24, 1979\*** The maximum height of a boathouse shall be fifteen feet.

**\*Ordinance #47, July 24, 1979\*** The minimum side yard of a boathouse shall be ten feet.

**\*Ordinance #51, April 8, 1980\*** and **\*Ordinance #67, February 5, 1986\*** The square footage of accessory buildings in all districts not to exceed a combined maximum of 1,200 sq.ft. or 10% of the lot, whichever is least. This shall exclude boathouses built over the water.

**\*Ordinance #44, May 21, 1985\*** and **\*Ordinance # 67, February 5, 1986\*** The square footage of any building in R-2 Districts not to exceed combined maximum of 1,200 sq.ft. or 10% of the lot, whichever is least.

**\*Ordinance #73, May 10, 1989\*** Agriculture will be exempt from the combined maximum of 1200 sq.ft. or 10% of the lot, whichever is least.

**\*Ordinance #79, November 25, 1991\*** Where a lot division has occurred all side yard set-backs shall adhere to Schedule of Lot, Yard and Area Requirements.

## Section V

**R-1 Single Family Residential District**

This district is composed of medium density single family residential areas primarily in the towns and villages, where medium density single family residential development has occurred, or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to medium density single family residential use, where adequate facilities and services will be provided. In addition, certain tourist oriented commercial enterprises and multiple family developments are permitted.

**Permitted Uses:**

**\*Ordinance #56, October, 12, 1983\*** Single family dwellings and the accessory structures and uses normally auxiliary thereto.

Home Occupations, when in accordance with provisions of Article IX, Section V.

Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.

Signs and outdoor advertising structures when in accordance with the provisions of Article IX, Section II.

Accessory uses, or buildings, when in accordance with the provisions of Article IX, Sec.IV.

**\*Ordinance #56, October 12, 1983\*** Mobile Homes, 800 sq. ft. or larger. All mobile homes must be enclosed with a continuous skirting on all four sides. All such skirting shall be provided with a minimum of two access doors, one to be located near the front and one to be located near the rear and provided with proper venting. Such skirting must be installed within 30 days after placement of mobile home. The mobile home shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. Each mobile home shall have the wheels removed upon installation and no towing mechanism, undercarriage or chassis should be exposed. The dwelling is to be aesthetically compatible in design and appearance with other residences in the vicinity.

Special Land Uses:

- Churches
- Cemeteries
- Schools, Private & Parochial
- Eleemosynary
- Charitable & Philanthropic Institutions
- Golf Courses, Private & Non-Commercial
- Two-family dwellings

Public Utility Buildings and Structures necessary for the service of the community.

Except that: There is no use restriction for utilities to be located in public streets or public right-of-ways.

Public utility activities of industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

Trailers, regardless of size, may be permitted on a site during the period of construction, for a period of one year, commencing on the date such permit is granted.

Motel and multiple family dwellings&condominiums.\*Ord.#74,5/10/89\*

Resorts and their accessory buildings, under the following terms, conditions and limitations: \*Ordinance #30, August 10, 1976\*

- The proposed use must constitute an expansion of a resort that existed on the date of the adoption of the Clark Township Zoning Ordinance
- The existing resort proposed to be expanded shall be, itself, properly zoned for its use as a resort.
- The proposed expansion will only utilize a parcel or parcels of land either contiguous to the existing resort or lying directly across a public street or road from an existing resort.
- That any proposed expansion and/or any future expansions from an existing resort shall not occupy a land area exceeding the size of the land area utilized by the resort existing on the date of the adoption of the Clark Township Zoning Ordinance.
- The applicant for such special land use permit shall submit a detailed site plan drawn to scale which shall include at least the following:
  - +The boundaries of the property proposed to be used for such expansion.
  - +The boundaries of the property being utilized for the existing resort.
  - +The size and location of all structures or other land improvements that are both existing and that are proposed for development.

## Section V

## R-1 Single Family Residential District (continued)

**Special Land Uses:**

+The size and location of all signs either existing or proposed to be erected.

+The location and type of all existing and proposed exterior lighting.

+A detailed description of all existing and proposed sanitary sewage disposal systems and water supply systems that will service both the existing and proposed resort area.

-Upon receipt of an application for a special land use permit hereunder, the Planning Commission shall conduct a public hearing on said application and shall reasonably notify such persons as the commission deems appropriate in writing as to the date, time and place that said public hearing shall be held. In deciding whether a special land use permit hereunder shall be granted, the Planning Commission shall consider the following factors:

+Is there a need for increased resort facilities as proposed by the applicant?

+Will the proposed resort expansion adversely affect the residential character of the surrounding neighborhood?

+Will the proposed development be detrimental to the health, safety and general welfare of the township as a whole and to the surrounding neighborhood in particular?

-As a condition for granting said special land use permit, the Planning Commission is hereby granted the authority to impose such additional conditions and limitations other than those outlined herein relating to screening, setbacks, lighting, hours, and periods of operation, signs, parking, and water and sewer service facilities to protect the health, safety and general welfare of the township as a whole and of the surrounding neighborhood in particular.

-In the event that a special land use permit is granted, the applicant must commence such construction or expansion within six months from the issuance of said permit and, further, said construction or expansion must be completed within a one year period from the granting of said permit.

**\*Ordinance #73, May 10, 1989\*** Accessory Buildings with a combined maximum of more than 1200 square feet.

**The applicant for such special land use permit shall submit satisfactory evidence of ownership or other proprietary interest in the property proposed to be used for such expansion.**

## Section V

## R-1 Single Family Residential District (continued)

## Lot, Yard and Area Requirements: R-1 Single Family Residential District

Minimum Lot Frontage/Lot Width (feet)

Mobile Homes*Ord.#56,10/12/83*	100
Single Family	100
Two Family	150
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	300

Minimum Lot Area Per Dwelling Unit(Sq.Ft)

Mobile Homes*Ord.#56,10/12/83*	10,000
Single Family	10,000
Two Family	07,500
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	3,000

Maximum Building or Structure Height(feet)

All Family Homes	35
------------------	----

Minimum Floor Area Per Dwelling Unit(Sq.Ft.)\*Ord.#56,10/12/83\*

Mobile Homes	800
Single Family	800
Two-Family	700
Multi-Family, Apartments, Condominiums *Ord.#74,5/10/89*	600

Minimum Front Yard Set Back(feet)	35
-----------------------------------	----

Minimum Side Yard Set Back(feet)	10
----------------------------------	----

Minimum Rear Yard Set Back(feet)	30
----------------------------------	----

Accessory Buildings

Minimum Front Yard Set Back(feet)	35
Minimum Side Yard Set Back(feet)*Ord.#47,7/24/79*	5
Minimum Rear Yard Set Back(feet)	5
Maximum Building Height(feet)*Ord.#47,7/24/79*	18
Maximum Building Coverage(% of Lot)*Ord.#51,4/8/80*	10

Any principal structure in R-1 must be 20 feet in width for a minimum of half the length.

## Section V

## R-1 Single Family Residential District

## Lot, Yard and Area Requirements ..... Special Conditions

Where the majority of the frontage along one side of the street within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than nor shall it be less than, the average set-back of the improved properties.

On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard set-back of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than  $2/3$  of the front yard set-back required for that district.

The minimum distance between multiple family dwellings within a single project area shall be as follows:

Where buildings are front to front or front to rear; two times the height of the taller building but not less than fifty feet.

Where buildings are side to side, if there are no windows on the side walls; a distance equal to the height of the taller building but not less than twenty feet.

Where buildings are front to side or rear to side, if there are no windows on the side walls, one and one-half times the height of the taller building but not less than thirty feet.

Where buildings are rear to rear and side to side with windows on the side walls; one and one-half times the height on the taller building but not less than forty feet.

When a roadway is located between two buildings the width of the roadway shall be in addition to the above minimum distance between buildings.

Minimum front, side or rear yard set-back along State Highways M-129 and M-134 shall be 50 feet.

When the rear yard of a lot abutts a street the minimum rear yard set-back shall not be less than the front yard set-back for the district had the lot fronted on the street except, when granted a variance by the Board of Appeals as provided for in Article VI, Section II.

Set-backs for lots abutting a lake, pond, stream or river shall be subject to the provisions of Article IX, Section VII.

**\*Ordinance #47, July 24, 1979\*** The maximum height of a boathouse shall be fifteen feet.

**\*Ordinance #47, July 24, 1979\*** The minimum side yard of a boathouse shall be ten feet.

**\*Ordinance #51, April 8, 1980\* and \*Ordinance #67, February 5, 1986\*** The square footage of accessory buildings in all districts not to exceed a combined maximum of 1,200 sq.ft. or 10% of the lot, whichever is least. This shall exclude boathouses built over the water.

**\*Ordinance #44, May 21, 1985\* and \*Ordinance # 67, February 5, 1986\*** The square footage of any building in R-2 Districts not to exceed combined maximum of 1,200 sq.ft. or 10% of the lot, whichever is least.

**\*Ordinance #73, May 10, 1989\*** Agriculture will be exempt from the combined maximum of 1200 sq.ft. or 10% of the lot, whichever is least.

**\*Ordinance #79, November 25, 1991\*** Where a lot division has occurred all side yard set-backs shall adhere to Schedule of Lot, Yard and Area Requirements.

## Section VI

## C-- Commercial District

This district is designed for the convenience shopping of persons residing in the surrounding residential neighborhood and for the visiting tourists. The regulations are designed to permit development of the enumerated functions as limited to protect the abutting and surrounding residential properties.

**Permitted Uses:**

- Bakery and dairy products
- Banks, savings & loan associations
- Barber & beauty shops
- Books, stationery & newspapers
- Clothing & dry goods
- Drugs & pharmaceuticals
- Florist & garden shops
- Funeral establishments
- Furniture & household furnishing including carpet shops
- Groceries & food stuff including party stores
- Hardware, hobby shop, household appliances
- Laundromat, laundry & dry cleaning pick-up station
- Music & dancing schools
- Offices, business or professional
- Photography store
- Radio & television sales & service
- Restaurant or similar eating establishment
- Shoe sales & repair
- Signs & outdoor advertising structures when in accordance with Article IX, Sec.II.
- Tailoring & dressmaking
- Variety store, antiques, gifts
- Accessory Buildings or uses when in accordance with Article IX, Section IV.
- Publicly owned and operated buildings & uses including community bldgs. & parks

**\*Ordinance #56, October 12, 1983\*** Single family dwellings and the accessory structures and uses normally auxiliary thereto, provided, however, that the same shall be subject to all requirements for single family dwellings as set forth in the "R-1" Single Family Residential District.

## Section VI

## C-- Commercial District (continued)

**Permitted Uses:**

**\*Ordinance #56, October 12, 1983\*** Mobile Homes, 800 sq. ft. or larger. All mobile homes must be enclosed with a continuous skirting on all four sides. All such skirting shall be provided with a minimum of two access doors, one to be located near the front and one to be located near the rear and provided with proper venting. Such skirting must be installed within 30 days after placement of mobile home. The mobile home shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. Each mobile home shall have the wheels removed upon installation and no towing mechanism, undercarriage or chassis should be exposed. The dwelling is to be aesthetically compatible in design and appearance with other residences in the vicinity.

Historical buildings, structures, sites & museums.

**Special Land Uses:**

Any retail use similar to those uses permitted in this section which is not specifically mentioned.

Gasoline service stations

Package liquor sales

Public utility buildings & structures necessary for the service of the community.

There is no zoning restrictions for utilities to be located in public streets or public rights-of-way.

Public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

Animal hospital and kennel

Auto repair garage

Bar, tavern & night club

Bus or truck terminal

Commercial recreation enterprises; such as theaters, bowling alleys, skating rinks

Automobile sales agency & adjoining outdoor sales area, provided that no dismantling of cars, or storage of dismantled cars shall take place outdoors, including used car lots.

**\*Ordinance #52, June 24, 1980\*** Boats, cars, RV's and equipment, including storage for hire or rent.

Churches

Drive-In eating establishments

Greenhouse and nursery

Motels and hotels

Section VI

C-- Commercial District (continued)

Special Land Uses:

Mobile home sales

Publicly owned and operated buildings and uses, including community buildings & public parks, playgrounds and other recreational areas.

Accessory uses or buildings when in accordance with Article IX, Section IV.

Office Buildings

**\*Ordinance #74, May 10, 1989\*** Two family, multiple family dwellings, apartments & condominiums, provided that the same shall be subject to all requirements as set forth in the "R-1" Single Family Residential District.

Flotation Dock Fabrications

Trailers, regardless of size, may be permitted on a site during the date such permit is granted.

Living quarters within a commercial structure

**\*Ordinance #34, January 24, 1978\*** The manufacturing of cutting tools, when in accordance with Article XII, #11.

**\*Ordinance #43, May 1979\*** Single Family dwellings & the accessory structures & uses normally auxiliary thereto, including house trailers used for habitation provided it is used by the owner or other employees having employment on the premise.

**\*Ordinance #52, June 24, 1980\*** Sawmills on a lot of not less than ten acres, with ample screening.

**\*Ordinance #73, May 10, 1989\*** Accessory buildings with a combined maximum of more than 1200 square feet.



**Lot, Yard and Area Requirements ..... Special Conditions**

Where the majority of the frontage along one side of the street within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than nor shall it be less than, the average set-back of the improved properties.

On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard set-back of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 of the front yard set-back required for that district.

That portion of the building extending beyond 35 feet in height is set back from each lot line one additional foot, beyond the minimum requirements, for each foot in height above 35 feet.

Minimum front, side or rear yard set-back along State Highways M-129 and M-134 shall be 50 feet.

When the rear yard of a lot abutts a street the minimum rear yard set-back shall not be less than the front yard set-back for the district had the lot fronted on the street except, when granted a variance by the Board of Appeals as provided for in Article VI, Section II.

Set-backs for lots abutting a lake, pond, stream or river shall be subject to the provisions of Article IX, Section VII.

**\*Ordinance #79, November 25, 1991\*** Where a lot division has occurred all side yard set-backs shall adhere to Schedule of Lot, Yard and Area Requirements.

## Section V11

## M-- Industrial District

The Industrial District is limited to large tracts located along State Highways, major county thoroughfares and railroad rights-of-way and/or commercial area. These regulations are intended to provide standards of external effects or amenities compatible with the surrounding or abutting residential districts. To these ends, development is limited to a low concentration, external effects are limited and uses are limited to those industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining residential districts.

**Permitted Uses:**

## Agriculture

Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.

Packaging of previously prepared materials.

Printing, lithographic, blueprinting and similar uses.

Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products.

Signs and outdoor advertising structures when in accordance with Art. IX, Sec. II.

Building material, storage & sale.

Goods manufactured or assembled on the premises may be sold on the site.

**Special Land Uses:**

## Dump

Earth removal, excavation (commercial)

Gravel processing and quarrying, extraction and processing of non-metallic minerals, combined with the disposition of waste materials, tailings and related uses and facilities.

Junk yards, building material salvage yards.

Ready-Mix concrete and asphalt plants.

## Slaughter house

Any industrial use which meets the intent and purpose of this district where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties. A determination of the Planning Commission established under State Statute and this ordinance shall be conclusive on any question of nuisance, or objectionableness of any business or operation under the terms of this section.

Buildings for storage of raw materials or for the storage of materials being used for work in progress or for the storage of finished goods or products.

Saw mills and related wood processing activities including cutting, logging, harvesting and replanting of timber and related uses and facilities.

**Special Land Uses:**

**\*Ordinance #56, October 12, 1983\*** Single family dwellings, living quarters, and the accessory structures and uses normally auxiliary thereto, when used in connection with the Industrial use.

**\*Ordinance #56, October 12, 1983\*** Mobile Homes, 600 sq. ft. or larger. All mobile homes must be enclosed with a continuous skirting on all four sides. All such skirting shall be provided with a minimum of two access doors, one to be located near the front and one to be located near the rear and provided with proper venting. Such skirting must be installed within 30 days after placement of mobile home. The mobile home shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring Commission. Each mobile home shall have the wheels removed upon installation and no towing mechanism, undercarriage or chassis should be exposed. The dwelling is to be aesthetically compatible in design and appearance with other residences in the vicinity.

**\*Ordinance #36, January 24, 1978\*** Automotive Repair Garages.

**\*Ordinance #36, January 24, 1978\*** Dead Storage of Boats & Automobiles.



**Lot, Yard and Area Requirements ..... Special Conditions**

Where the majority of the frontage along one side of the street within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than nor shall it be less than, the average set-back of the improved properties.

On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard set-back of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 of the front yard set-back required for that district.

That portion of the building extending beyond 35 feet in height is set back from each lot line one additional foot, beyond the minimum requirements, for each foot in height above 35 feet.

Minimum front, side or rear yard set-back along State Highways M-129 and M-134 shall be 50 feet.

When the rear yard of a lot abutts a street the minimum rear yard set-back shall not be less than the front yard set-back for the district had the lot fronted on the street except, when granted a variance by the Board of Appeals as provided for in Article VI, Section II.

Set-backs for lots abutting a lake, pond, stream or river shall be subject to the provisions of Article IX, Section VII.

**\*Ordinance #79, November 25, 1991\*** Where a lot division has occurred all side yard set-backs shall adhere to Schedule of Lot, Yard and Area Requirements.

## Section VIII

## LM-- Light Industrial District

The Light Industrial District is limited to larger tracts of land comprised of smaller tracts of land located along county or state thoroughfares. These regulations are designed to permit development of the uses compatible with the surrounding or abutting districts. Development of use shall be limited to industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining districts.

**Permitted Uses:**

Outside storage permitted when screened with fence or trees from view of all surrounding property. However, no storage of any kind shall be permitted in any required front, sides, or rear yard as specified in Article XIII.

Inside storage of boats, automobiles, and related equipment.

Inside storage of building materials.

Buildings for the storage of raw materials or for the storage of materials being used for work in process or for the storage of finished goods or products.

Goods manufactured or assembled on the premises may be sold on the site.

Packaging of previously prepared materials.

Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.

Manufacture of furniture and laminated wood products.

Printing, lithographic, blueprinting and similar uses.

Processing or compounding commodities such as drugs, cosmetics, pottery, plastics, food products.

Signs and outdoor advertising structures when in accordance with Article IX, Section II.

**\*Ordinance #38, January 24, 1978\*** Single family dwellings, living quarters, and the accessory structures and uses normally auxiliary thereto, subject to all requirements as set forth in the "R-2" Rural Residential District.

**\*Ordinance #56, October 12, 1983\*** Mobile Homes, 600 sq. ft. or larger. All mobile homes must be enclosed with a continuous skirting on all four sides. All such skirting shall be provided with a minimum of two access doors, one to be located near the front and one to be located near the rear and provided with proper venting. Such skirting must be installed within 30 days after placement of mobile home. The mobile home shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the premises by an anchoring Commission. Each mobile home shall have the wheels removed upon installation and no towing mechanism, undercarriage or chassis should be exposed. The dwelling is to be aesthetically compatible in design and appearance with other residences in the vicinity.

Special Land Uses:

An industrial use which meets the intent and the purpose of this district where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties.

A determination of the Planning Commission established under state statute and this ordinance shall be conclusive on any question of nuisance, or objectionableness of any business or operation under the terms of this section.

Automobile repair garages.

Public Utility activities of an industrial character such as repair and maintenance yards, and storage facilities.

Manufacture of cutting tools.

Boat building and repair.

**\*Ordinance #52, June 24, 1980\*** Sawmills, provided the lot has a minimum frontage of 200 feet and a lot area of not less than 75,000 square feet with ample screening.

Accessory building with a combined maximum of more than 1200 square feet.

As a condition for granting said special land use permit, the Planning Commission is hereby granted the authority to impose such additional conditions and limitations other than those outlined herein relating to screening, setbacks, lighting, hours and periods of operation, signs, parking, and water and sewer service facilities to protect the health, safety and general welfare of the surrounding neighborhood in particular.

## Section VIII

## LM-- Light Industrial District (continued)

**Lot, Yard and Area Requirements: LM-- Light Industrial District****Principal Structure**

Minimum Lot Frontage/Lot Width (feet)		100
Minimum Lot Area (Sq.Ft)		None
Maximum Building or Structure Height(feet)		35
Maximum Building Coverage of Lot - %	*Ord. #44,5/21/85*	None
Minimum Front Yard Set Back(feet)		50
Minimum Side Yard Set Back(feet)	*Ord. #44,5/21/85*	10
Minimum Rear Yard Set Back(feet)	*Ord. #44,5/21/85*	10

**Accessory Buildings**

Minimum Front Yard Set Back(feet)		50
Minimum Side Yard Set Back(feet)*Ord.#44,5/21/85*		10
Minimum Rear Yard Set Back(feet)*Ord.#44,5/21/85*		10
Maximum Building Height(feet) *Ord.#57,11/09/83*		35
Maximum Building Coverage(% of Lot)		None

**Lot, Yard and Area Requirements ..... Special Conditions**

Where the majority of the frontage along one side of the street within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than nor shall it be less than, the average set-back of the improved properties.

On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard set-back of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than  $\frac{2}{3}$  of the front yard set-back required for that district.

That portion of the building extending beyond 35 feet in height is set back from each lot line one additional foot, beyond the minimum requirements, for each foot in height above 35 feet.

Minimum front, side or rear yard set-back along State Highways M-129 and M-134 shall be 50 feet.

When the rear yard of a lot abutts a street the minimum rear yard set-back shall not be less than the front yard set-back for the district had the lot fronted on the street except, when granted a variance by the Board of Appeals as provided for in Article VI, Section II.

Set-backs for lots abutting a lake, pond, stream or river shall be subject to the provisions of Article IX, Section VII.

**\*Ordinance #79, November 25, 1991\*** Where a lot division has occurred all side yard set-backs shall adhere to Schedule of Lot, Yard and Area Requirements.

## Section IX

## SS-- Shore Strip

This district is located between the lakeshore and street. The natural character is to be retained, especially where beaches occur. No structures other than auxiliary to the use of the lake as a natural area are to be erected.

**Permitted Uses:**

**\*Ordinance #47, July 24, 1979\*** All uses in connection with lake oriented activities such as landing piers, small shelters, and boathouses shall be allowed provided they meet the standards established in Article IX, Section IV.

Signs, when in accordance with the provisions of Article IX, Section II.

**Special Land Uses:**

Off street parking only as an adjunct to the permitted uses. No commercial parking lots permitted.

Section X

**P-- Parking**

This district if located in the center of blocks, behind commercial developments provides the necessary off street parking areas to service the business districts. At the proposed harbor and beach these districts are to provide mainland car storage for island residents and general parking for the recreational developments.

**Permitted Uses:**

Automobile parking and small structures necessary for the proper management of the lots.  
All requirements for entrances, exits, lighting, surfacing, screening, etc., shall be in accordance with Article IX, Section I, of this ordinance.

**Special Land Uses:**

None

## Section XI

## Special Districts

**Public & Quasi-Public Districts**

These districts are set aside for the development of governmental, public recreation, education and similar functions. Partially so used at present and partially proposed, proposed districts unless purchased or donated for public use at the time of the development must be rezoned for private development. Thus, these districts depict the community's desire only. The rezoning of these districts for private uses to follow the procedures for rezoning (amendments) as set forth in this ordinance.

**Permitted Uses:**

Institutions, churches, schools, governmental structures, public and quasi-public recreational developments, public parks, beaches, harbors, and marinas and the like.

**Special Land Uses:**

The development of mixed uses under special unified design as directed by the Planning Commission.

**Mobile Homes**

This district is designed solely for mobile home parks and such accessory structures and uses normally associated thereto, in accordance with those regulations specified by the State of Michigan Mobile Home Park Act 243, Public Acts of 1959, as amended, and in accordance with the area requirements specified herein and shall further comply with all codes and ordinances of the Township.

**Permitted Uses:**

Mobile Home Parks and those uses customarily incidental to the principal use.

**Special Land Uses:**

**\*Ordinance #74, May 10, 1989\*** Condominium Mobile Home Park

**Regulations Required of Mobile Home Parks:**

Mobile homes used for habitation shall be confined to Mobile Home Parks or other designated districts.

Mobile Home Park Districts shall have access (Minimum 50 ft.) to a primary or major county street, or similarly adequate thoroughfare or state trunkline.

**Mobile Homes**

**Regulations Required of Mobile Home Parks: (continued)**

Mobile Home Park Districts shall not be less than five acres in size.

The owner of every mobile home park which lies immediately adjacent to a residential district shall provide a suitable screen. The screen shall be in the form of either a wall, fence, or evergreen planting which is compact and maintained in good condition at all times. The height of the screen shall not be less than five except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than three feet in height. Adequate landscaping shall also be provided by the owner of the Mobile Home Park, within the front yard setback area, between the mobile home sites and any public street so as to provide an attractive frontage upon said street.

Each mobile home site shall contain an area of not less than 2,000 square feet and have a width of not less than 30 feet.

No mobile home within a park shall be within 35 feet of a residential district boundary.

**Lot, Yard and Area Requirements: Mobile Homes**

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified as listed in each separate district.

## Section I

**Parking of Motor Vehicles**

Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all the occupants, employees, and patrons of said property.

A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one family and two family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

Parking space shall be provided in the manner and location herein specified.

No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within three hundred feet of the proposed or existing uses for which such parking will be available.

Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and commercial vehicles of the light delivery type, not to exceed 3/4 ton. The parking of any other type of commercial vehicle, or buses, except for those parked on school or church property is prohibited in a residential zone.

Requirements for all Parking Spaces and Parking Lots:

Each automobile parking space shall be not less than 180 square feet nor less than 9 feet wide exclusive of driveway and aisle space.

All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets.

Any lighting fixtures to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.

No parking space shall be closer than five feet from the property line.

All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.

## Requirements for all Parking Spaces and Parking Lots. (continued)

Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

Requirements for the provision of parking facilities with respect to two(2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, co-operatively established and operated provided that the number of spaces designated is not less than the sum of individual requirements and provided further, that the specifications in regard to location, plan, etc., are complied with.

The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

## Minimum Required Parking Spaces:

**\*Ordinance #74, May 10, 1989\* Apartment Houses & Condominiums:**  
1 & 1/4 parking space per family unit.

**Office Buildings:**

One parking space for each 200 sq.ft. of floor space utilized for employee workspace.

**Retail Stores, Super Markets, Department Stores, Personnel Service Shops & Shopping Centers:**

One parking space for each 250 sq.ft. area of floor space utilized for retail sales.

**Manufacturing Buildings:**

One parking space for each two employees on the maximum shift.

**Libraries, Museums and Post Offices:**

One parking space for each 100 sq.ft. of floor area.

**Bowling Alleys:**

Five parking spaces for each alley.

**Resorts, Motels and Tourist Homes:**

One parking space for each unit.

Minimum Required Parking Spaces: (continued)

**Theaters, Auditoriums, Stadiums, and Churches:**

One parking space for each four seats.

**Dance Halls, Assembly Halls, and Convention Halls without fixed seats:**

One parking space for each 100 sq.ft. of floor area if to be used for dancing or assembly.

**Restaurants and Night Clubs:**

One parking space for each 100 sq.ft. of floor area.

**Schools, Private or Public Elementary, Junior & High Schools:**

One parking space for each employee normally engaged in or about the building or grounds and one additional space for each five (5) students enrolled in the institution.

## Section II

## Signs and Outdoor Advertising Structures

In any district identification signs and outdoor advertising signs (billboards) are permitted under the following conditions:

All signs shall be set back behind the edge of the road right-of-way.

All signs projecting over public property shall be at least eleven (11) feet above the finished grade or sidewalk.

No sign or outdoor advertising structure shall be erected at any location where by reason of the position, size, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, so as to interfere with, mislead, or confuse traffic.

Any sign may be illuminated, however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent highway, or into the path of oncoming vehicles or into any adjacent premises.

All sign owners must obtain the property owner's consent before placing a sign on any property belonging to another person.

All signs must be maintained in good condition and be legible at all times.

Signs that identify or advertise a business must be removed within 90 days of the date that the business ceases to exist.

Signs must not be injurious to the surrounding neighborhood or contrary to the spirit and purpose of the ordinance by reason of the location, position, size, shape or color of such sign.

Signs of **32 sq.ft. or less** are permitted without securing a land use permit.

Signs in **excess of 32 sq.ft.** must secure a land use permit.

In the event of a controversy concerning the conditions listed here, the determination of the Board of Appeals, established under the Statute and this ordinance shall be conclusive on such question.

Any sign that fails to comply with any of the conditions set forth here shall be declared a nuisance per se and it shall be the duty of the zoning enforcement officer to issue a violation notice provided for in Article V, Section III.

**Nonconforming Uses**

The following regulations shall control nonconforming uses in existence at the time of passage of this ordinance.

If a nonconforming use or structure has been destroyed by reason of a windstorm, fire, explosion, or any act of God or the public enemy, the use or structure can be continued or rebuilt as previously existed, or may be altered, in conformity with the provisions of this ordinance.

No such structure may be enlarged or altered in a way which increases its nonconformity unless it can be conclusively shown to the satisfaction of the Board of Appeals that such enlargement or alteration will substantially improve the structure and the environment of abutting uses and will not be cause for making abutting properties unusable as zoned.

If a nonconforming use is changed to be permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming or less restrictive use.

A nonconforming mobile home may be replaced by another mobile home if it can be conclusively shown to the satisfaction of the Board of Appeals that such replacement will substantially improve the structure and the environment of abutting uses and will not be cause for making abutting properties unusable as zoned.

## Section IV

## Accessory Uses or Buildings

Any use which complies with all of the following conditions may be operated as an Accessory Use:

Is clearly incidental and customary to and commonly associated with the operation of the Permitted Uses.

Is operated and maintained under the same ownership and on the same lot or contiguous lot to the Permitted Uses.

Does not include structures or structural features inconsistent with Permitted Uses.

Does not include residential occupancy, except for living quarters for farm, domestic or other employees having employment on the premises. (Guest cottages shall be allowed but shall not be used as permanent dwellings).

Accessory buildings may be located in any yard provided all setback requirements can be met. If an accessory use is carried on within the structure containing the Permitted Uses, the gross floor area within such structure utilized by Accessory Uses (except garages and off-street loading facilities) shall be not greater than twenty (20) per cent of the gross floor area, but not to exceed three hundred (300) sq. ft. of a single unit dwelling; ten (10) per cent of the gross floor area of a structure containing any Permitted Uses other than a single unit dwelling.

Fall-out shelters are permitted as accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately and in addition to shelter use may be used for any accessory use permitted in the district regulations on such use. Fall-out shelters constructed completely below the ground level except for a vent not exceeding 30 inches in height above ground level may be contained within any yard area.

Garages, when used as accessory buildings, may be constructed up to the front setback line in either a front yard or side yard, provided however, that any garage so constructed must have a setback of at least 10 feet from the side lot line.

**\*Ordinance #44, May 8, 1979\*** Unattached Accessory Buildings of 125 sq.ft. or less with a maximum height of 8 ft., be permitted without securing a land use permit provided that all yard and building requirements are met.

**\*Ordinance #51, April 8, 1980\*** Decks and/or porches, that are unenclosed and uncovered, which are level with the ground floor, are allowed beyond the building setback line, providing a railing does not exceed three (3) feet in height, and a land use permit is obtained.

**\*Ordinance # 51, April 8, 1980\*** Temporary entrances or temporary shelters, whether attached or detached to another structure, and used as shelters for boats, snowmobiles, or wood, will be allowed without a land use permit, from September 1 thru June 1. They must be removed by June 1 or be in violation of the zoning ordinance.

**\*Ordinance #51, April 8, 1980\*** A shelter used only for protecting heating wood that has a roof with the side walls unenclosed, not to exceed 400 sq.ft., to be allowed in any district without obtaining a land use permit

Water oriented accessory buildings. \*Ordinance #47, July 24, 1979\*

A boathouse shall be used for sheltering boats and shall not be used as either a temporary or permanent dwelling, including any form of sleeping or living quarters.

A boathouse may have channel access to the water but a boathouse with channel access shall be situated so that the entire structure is landward of the ordinary high water mark a minimum of 35 feet. The spoil from dredging channel access shall not be deposited lakeward of the ordinary high water mark and no spoil shall be placed on the upland where it will cause pollution of Lake Huron.

No boathouse shall exceed 15 feet in height as measured from the ordinary high water mark to the peak of the boathouse. In enforcing this limitation, the zoning administrator shall establish the ordinary high water mark based on forecasted lake level data from the Corps of Engineers. A boathouse shall be situated a minimum of 10 feet from the property line.

A boathouse shall have a maximum of 500 sq. ft. in total covered area. Approval of a boathouse with a total area or maximum height in excess of the maximum shall be granted only after review and approval by the Clark Township Planning Commission as required by Sec. 16b of the Township Rural Zoning Act, P.A. 184 of 1943, as amended. Approval of a boathouse in excess of the maximum square footage or maximum height shall be based upon the commission findings that the larger boathouse:

Will be compatible with the surrounding district and land uses.

Will be consistent with all other provisions of the ordinance and the ordinance's purpose and intent.

The boathouse or channel shall be constructed in compliance with Michigan's Submerged Lands Act, Public Act 247 of 1955, as amended; Soil Erosion and Sedimentation Control Act, Public Act 347 of 1972, as amended; and with the regulations administered by the U.S. Corps of Engineers.

The boathouse shall comply with Art. IX, Sec. IV and VII and Art. XIII of the Clark Township Zoning Ordinance.

Section V

**Home Occupation**

Any home occupation occupied in a single dwelling unit may be operated only if it complies with all of the following conditions:

A land use permit is secured from the zoning enforcement officer, or as a special land use from the Planning Commission. The fee to be established by the Township Board.

Is operated by the property owner or person or persons maintaining a dwelling therein, in its entirety within the single unit dwelling, including attached garage and not in a detached garage or accessory building except for storage, unless allowed in a detached building as a special land use by the Planning Commission.

Not more than one paid assistant shall be employed other than the residents of the dwelling unit.

That the dwelling does not have any exterior evidence, other than one (1) non-illuminated sign, which is not more than four (4) square feet in area, to indicate that the building is being utilized for any purpose other than that of a dwelling.

That the occupation conducted therein is clearly incidental and secondary to the residential use of the building.

Does not emit noise or other objectionable characteristics.

Does not utilize more than twenty (20) per cent of the gross floor area of the single unit dwelling including attached garage, but not to exceed three hundred (300) square feet.

**In the event of controversy concerning the above conditions, the determination of the Planning Commission established under this statute and this ordinance, shall be conclusive on such question.**

## Section VI

## Screening \*Ordinance #79, November 25, 1991\*

Screening, when used as a buffer, shall be in the form of either a wall, evergreen planting, or other similar barrier, which is compact and maintained in good condition at all times. The height of the screen shall not be less than five feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than, three feet in height, but in no case shall the five foot screen extend beyond the required setback.

## Section VII

## Set-back (Lake, Pond, Stream, River)

Any building constructed on a lot abutting a lake, pond, stream, or river shall be set back at least 100 feet from the high-water line, except:

Those buildings in existence at the time of passage of this ordinance.

Where the majority of the property abutting said water line within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the set-back of any building hereafter erected on said vacant lot shall not be required to be greater than, nor shall it be less than, the average set-back of the improved properties.

**\*Ordinance #47, July 24, 1979\*** One- story boat houses used exclusively for boating and bathing facilities and docks, together with temporary boat shelters which are dismantled during the winter months, may be constructed out into the lake beyond the said high-water shore line. In the event of a controversy concerning the location of the high-water shore line for the purposes set forth herein, the determination of the Board of Appeals established under the statute and this ordinance, shall be conclusive on such question.

Where the lot elevation is three feet or more above the high-water line, such building shall not be closer than 35 feet from such high-water line except as provided in Section VII.

## Section VIII

**Special Land Uses**

In order to make this ordinance flexible to meet the needs of changing trends in development and new technology, the Planning Commission is authorized to approve the establishment of special land uses. In this way the ordinance does not become a rigid document that cannot be altered, but serves as a guideline upon which the Planning Commission may make enlightened judgments keeping development within the general philosophy of this ordinance. Land and structure uses not specifically mentioned in the foregoing text or possessing unique characteristics may be designated as special land uses and, as such, may be authorized by the issuance of a special land use with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. Certain types of uses are required to secure a permit to allow them to be placed in one or more districts in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the district to which they are permitted. Others, such as gasoline stations, taverns, must be located with discrimination in relation to their surroundings. All these items listed are proper uses of land, but have certain respects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Land Uses are permitted in certain districts only if granted by the Planning Commission.

**Filing Request:**

Petitions for the grant of special land uses shall be filed with the Township Clerk by letter or on forms provided therefore. The petitioner shall submit plans and specifications or other data or exploratory material stating the methods by which he will comply with the conditions specified for each grant of special land use. The petitioner shall pay to the Township the fee required to cover the cost of advertising and of sending notices and other miscellaneous expenses in connection with this petition.

Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.

**Filing Request: (continued)**

The notice shall be given not less than five nor more than fifteen days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager, or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice shall:

Describe the nature of the special land use request.

Indicate the property which is the subject of the special land use request.

State when and where the special land use request will be considered.

Indicate when and where written comments will be received concerning the request.

Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a special land use.

The Planning Commission shall review the application and after a public hearing at any regular or special meeting, may deny, approve, or approve with conditions, the request for a special land use. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed, and will notify the petitioner and the Zoning Enforcement Officer.

Section VIII

Special Land Uses (continued)

**General Provisions:**

In hearing a request for any special land use, the Planning Commission shall be governed by the following principals and conditions:

The applicant for a special land use shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Planning Commission.

A special land use may be granted when the Planning Commission finds from the evidence produced at the hearing that:

The proposed use does not affect adversely the development plan for physical development of Clark Township as embodied in this ordinance and in any Master Plan or portion thereof adopted by the Clark Township Board.

The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The standards as may be set forth for a particular use for which a special land use may be granted, can and will be met by the applicant.

**Special Provisions:**

The Planning Commission may, and is hereby empowered to, add to the specific provisions herein, others that it may deem necessary to protect adjacent properties, the general neighborhood, and the residents and workers therein.

## Section VIII

## Special Land Uses (continued)

Standards Required of Special Land Uses

Special Land Uses shall comply with all of the standards as specified herein. The Planning Commission may add to the standards as provided where it is necessary to protect adjacent properties, the general neighborhood and the residents and workers therein.

**SPECIAL LAND USE**
**MINIMUM REQUIRED  
STANDARDS  
(SEE LIST THAT FOLLOWS)**


---

Animal hospital & kennel	1,4,5
Asphalt & concrete ready-mix plant	2,4,5
Automobile repair garage	1,4,5,8
Automobile sales agency	1,4,5,8
Bar, tavern & night club	1,4,5
Bulk fuel stations	2,4,5,9
Bus terminal	1,4,5
Truck terminal	2,4,5
Care home	3,5
Cemetary	1,3,5
Church	1,5
Club, private non-commercial	1,4,5
*Ord.#74,May 10, 1989* Condominiums, Multi-family & Apart.	1,3,5,11A,11B
Drive in theater	1,5,9
Dump	1,5,9
Earth removal, excavations commercial	1,5
Floatation dock fabrications	1,3,5,10
Gasoline service stations	1,4,5,7
Golf courses	1,3,5
Gravel processing & quarrying	1,4,5
Greenhouse & nursery	1,4,5
Hospital	1,3,5
Institutions, charitable, eleemosynary, philanthropic	1,3,5
Junk yards, building material salvage yard	1,4,5,9
Liquor, package sales	5
*Ord,#34,Jan.24, 1978* Manufacture of cutting tools	1,4,5,11
Medical clinic	1,4,5
Mobile home sales	1,4,5
Offices & office buildings	1,4,5

## Section VIII

## Special Land Uses (continued)

Standards Required of Special Land Uses (continued)

Special Land Uses shall comply with all of the standards as specified herein. The Planning Commission may add to the standards as provided where it is necessary to protect adjacent properties, the general neighborhood and the residents and workers therein.

**SPECIAL LAND USE****MINIMUM REQUIRED  
STANDARDS  
(SEE LIST THAT FOLLOWS)**


---

Public utility buildings and structures	1,4,5
Recreation, commercial; outdoors	1,4,5
Riding stable; racetrack; commercial	1,4,5
School, parochial & private	1,5
State approved campsites	1,5,9
Storage buildings	1,4,5,9
Slaughter buildings	1,4,5
Used car lot	1,4,5,8
Volunteer or municipal fire stations	1,4,5

**MINIMUM REQUIRED STANDARDS BY NUMBER ARE ON THE  
FOLLOWING PAGES.**

## Section VIII

## Special Land Uses (continued)

Standards Required of Special Land Uses

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have frontage on an existing or officially proposed road having a major or greater road classification.
3. The use shall have off-street parking facilities to satisfy average parking needs.
4. The use shall have off-street parking facilities to satisfy peak parking needs.
5. Principal buildings and activities shall have a minimum side yard of ten feet.
6. Public utility buildings shall, whenever practicable, have an exterior appearance similar to those buildings in the immediate area. The public utility buildings and structures shall have suitable landscaping, screen planting and fencing whenever deemed necessary by the Planning Commission.
7. **\*Amended December 12, 1996\*** Fuel Dispenser or other service appliances shall be set back at least twenty feet from the lot line or the right of way which ever is greater.
8. No major repairs or dismantling shall be permitted outside of a closed structure.
9. The use shall be enclosed by a solid wall or compact screening of suitable material whenever deemed necessary by the Planning Commission.
10. **\*Ord.#27, April 13, 1976\***
  - A. Fabrications shall be permitted to finalize assembly procedures on docking facilities outside the building as dictated due to shape, size and/or efficiency.
  - B. Outside storage shall be permitted on a temporary basis, materials not to exceed ten cubic yards in volume.
  - C. Routine maintenance for equipment shall be permitted outside including what could be defined as light construction pertaining to this equipment.
11. **\*Ord.#34, January 24, 1978\***
  - A. Outside storage will be concealed by a privacy fence or tree lined area.
  - B. Outside lighting will not be a traffic hazard or interfere with adjoining property activities.
  - C. The level of noise shall be no greater than 82 decibels at the adjoining property lines after 10:00 p.m.
  - D. This type of use shall meet all Federal, State, and Local environmental and pollutions standards.

## Section IX

## Blight Elimination

An ordinance to prevent, reduce, or eliminate blight, blighting factors or causes of blight within Clark Township, Mackinac County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by Act 344 P.A. 1945 as amended.

The Township of Clark, Mackinac County ordains:

**Purpose:** Consistent with the letter and spirit of Act 344 P.A. 1945 as amended, it is the purpose of this amendment to the Clark Township Zoning Ordinance to prevent, reduce, or eliminate blight or potential blight in Clark Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

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

**In any area,** the storage upon any property of junk automobiles, except in a completely enclosed building, within a screened confine, or a junk yard licensed by the Clark Township Planning Commission. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle which is not currently licensed for use upon the highways of the State of Michigan except any motor vehicle which is inoperable.

**In any area,** the storage upon any property of building materials unless there is in force a valid building permit issued by the Township of Clark for construction upon said property and said materials are intended for use in connection with such construction. Building materials are allowable on premise without a building permit being in force provided they are orderly stacked and properly screened. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or other materials used in constructing any structure. Nothing in this subsection shall be construed to prohibit storage of materials or required screening, of a retail building supplier of inventory.

**In any area**, the storage of junk, trash, rubbish or refuse of any kind or an accumulation of material which is highly visable and injurious to the well being of the residents, except domestic refuse stored in such a manner as to not create a nuisance for a period not to exceed fifteen days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, metal or any other material or other cast off item of any kind whether or not the same could be put to any reasonable use

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

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

**Enforcement & Penalties:**

This ordinance shall be enforced by the Clark Township Zoning Enforcement Officer.

The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in this ordinance is found to exist shall be notified in writing, to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of notice upon him. Notice may be personally served with an affidavit filed by the Zoning Enforcement Officer acknowledging service, or by certified mail, return receipt requested. An additional ten day extension may be granted by the Enforcement Officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

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

**Violation of this ordinance** shall be subject to the penalties set forth in Article V, Section IV of the Clark Township Zoning Ordinance.

**Effective Date & Adoption:**

This ordinance shall become effective thirty (30) days after its publication as required by law. This ordinance was adopted by the Township Board of the Township of Clark, Mackinac County, Michigan at a meeting held on October 6, 1989.

## Section IX \*Ordinance #80, August 19, 1992\*

**Condominium/Site Condominium  
Subdivision Approval:**

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, all condominium subdivision plans must be approved by the Clark Township Planning Commission through the Special Land Use Approval Procedure. In determining whether to approve a condominium subdivision plan the Planning Commission shall consult with the Clark Township Zoning Officer and the Township Attorney, Mackinac County Drain Commissioner, County Health Department, Michigan Department of Natural Resources, Mackinac County Road Commission and Fire Marshall.

**Definitions:**

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Subdivision Control Ordinance with the Condominium Act.

**Condominium Act:** means Act 59 of 1978 as amended.

**Site Condominium:** means that a purchaser buys a unit of land and so doing obtains the exclusive right to a "building envelope" in which he may construct a building. All Zoning Ordinances regulating the construction of single family dwellings or any other building will be adhered to.

**Condominium Subdivision** shall be equivalent to the term subdivision as used in this Zoning Ordinance and the Subdivision Control Ordinance No. 53.

**Condominiums Subdivison Plan:** means the site, survey and utility plans and sections as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements. Size of drawn plan shall be at least 11" X 17", 1"=100', including North arrow, date, etc. Also plan shall show topo, drainage, wetlands, flood plains, contours, streets, sewer, water, other public improvements such as recreation areas and rights of way to adjoining properties.

**Condominium Unit:** means that portion of the condominium project designed and intended for separate ownership and use as described in the master deed.

**Consolidating Master Deed:** means the final amended master deed for a contractible condominium project, an expandable condominium project or a condominium project containing convertible land or convertible space, which final amended master land or convertible space, which final master deed fully describes the condominium project as completed.

**Contractible Condominium:** means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act.

Section IX

**Condominium/Site Condominium Subdivision Approval:**

**Definitions: (continued)**

**Conversion Condominium:** means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

**Convertible Area:** means a unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**Expandable Condominium:** means a condominium project to which additional land may be added pursuant to express provisions in the condominium documents.

**Front Yard Setback:** shall be equal to the distance between the front yard area line and the condominium dwelling.

**Lot:** shall mean the same as Homesite and/or Condominium Unit.

**Mobile Home Condominium Project:** means a condominium project which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

**Master Deed:** means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

**Rear Yard Setback:** shall be equal to the distance between the rear yard area line and the condominium dwelling.

**Side Yard Setback:** shall be equal to the distance between the side yard area line and the condominium dwelling.

Section IX \*Ordinance #80, August 19, 1992\*

Condominium/Site Condominium  
Subdivision Approval:  
(continued)**Condominium Subdivision Plan - Required Content**

All condominium subdivisions plans shall include the information required by Section 66 of the Condominium Act to include the following:

- A **Survey Plan** of the condominium subdivision including monuments at boundaries.
- A **Flood Plain Plan** when appropriate.
- A **Site Plan** showing the location, size, shape, area and width of all condominium units.
- A **Utility Plan** showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
- A **Street Construction, Paving & Maintenance Plan** for all private streets within the proposed condominium subdivision.
- A **Storm Drainage and Storm Water Management Plan** including all lines, swales, drains, basins, and other facilities.
- Detailed Architectural Plans** on each building shall be filed with Clark Township.

**Easements for Utilities:**

The Condominium Subdivision Plan shall include all necessary easements granted to Clark Township for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement and excavating and refilling ditches and trenches necessary for the location of said structures.

**Private Streets:**

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of this ordinance. In addition, all private streets in a condominium subdivision shall have a paved driving surface of asphalt or concrete. The minimum width of streets shall be 66 foot right of way.

**Encroachment Prohibited:**

Encroachment of one condominium unit upon another as described in Section 40 of the Condominium Act shall be prohibited by the condominium bylaws and recorded as part of the master deed.

Section IX \*Ordinance #80, August 19, 1992\*

Condominium/Site Condominium  
Subdivision Approval:  
(continued)

**Relocation of Boundaries:**

The relocation of boundaries as described in Section 46 of the Condominium Act shall conform to all setback requirements of this Ordinance for the district in which the project is located shall be approved by the Zoning Administrator and this requirement shall be made part of the bylaws and recorded as part of the master deed.

**Subdivision of Condominium Units:**

All subdivisions of individual condominium units shall conform to the requirements of the Clark Township Zoning Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator as set forth in the District for which the project is located and these requirements shall be made part of the bylaws and recorded as part of the master deed.

**Mobile Home Condominium Project:**

Mobile Home Condominium Projects shall conform to all requirements of this Ordinance and shall be located only in Mobile Home Parks.

**Multiple Unit Project:**

A Multiple Unit Project shall consist of not more than two units under one roof situated side by side with ground level access to each unit.

**Condominium Subdivision Layout, Design and Approval:**

All Condominium Subdivision Plans shall conform to the plan preparation requirements; review and approval procedures; design, layout and improvement standards of Clark Township. The Condominium Developer will be required to post a performance bond with the Township.

Section I                    **Amendment Procedures**

Such regulations, restrictions, and boundaries established by this ordinance may from time to time be amended, supplemented, or repealed by the Township as provided by the applicable State Statute. Requests for amendment of this ordinance may be made by any interested person or governmental agency by submitting an application for the proposed amendment, or letter, to the Township Clerk. A fee, to be determined by the Township, shall be charged to cover part of the cost of the necessary advertising for public hearing. The Clerk shall, within five days after the acceptance for filing an amendment to the zoning ordinance, transmit a copy of the application to the Planning Commission. The Commission shall submit, after a public hearing, a written recommendation on the requested amendment to the Township Board, which shall be incorporated in the application file.

In case of a text amendment, the applicant shall submit, in writing, the proposed text to be added and/or the existing text to be deleted.

In case of a map amendment, the applicant shall submit a written statement specifying the following:

The **name and address** of the owner of the land.

The **street number**, if any, or if none the location with respect to nearby public roads serving the land which is proposed to be reclassified.

A **description** by metes and bounds, courses and distances of the land, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the Land Records of Mackinac County, then a lot, block, and subdivision designation with appropriate plat reference.

An **identification plat** prepared by a civil engineer, surveyor, or other competent person, and certified thereon by him to be correct and in conformity with this section, showing the land proposed to be reclassified, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded among the Land Records of Mackinac County, then a copy of such plat, the land proposed to be reclassified appearing in a color distinctive from that of other land shown on the plat.

The **area of the land** proposed to be reclassified stated in square feet if less than one acre and in acres if one acre or more.

The **present classification** and the **classification proposed** for such land.

Article XI                    **Effective Date Of Ordinance**

This ordinance shall become effective immediately upon adoption by the Clark Township Board, Mackinac County, Michigan.