

**PLEASANTON TOWNSHIP MANISTEE COUNTY, MICHIGAN ZONING ORDINANCE:
ARTICLE 1 - PREAMBLE**

101. - TITLE:

This Ordinance shall be known as the "Pleasanton Township Permanent Zoning Ordinance".

102. - PURPOSE:

- A. To promote public health, safety and general welfare.
- B. To promote and encourage the preservation of farmland, forest and open space.
- C. To promote sustainable development, "sustainable" is defined as meeting the needs of today's residents without compromising the needs of future generations.
- D. To encourage the use of lands in accordance with their character and capabilities and to limit the improper use of the land.
- E. To conserve natural resources and energy.
- F. To assist residents needs for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land.
- G. To ensure that uses of land shall be situated in appropriate locations and relationships.
- H. To avoid overcrowding of population.
- I. To provide adequate light and air.
- J. To lessen congestion on the public roads and streets.
- K. To reduce hazards to life and property.
- L. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
- M. To conserve the expenditure of funds for public improvements and services to conform to the most advantageous use of land, resources and property.
- N. To reasonably consider the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.
- O. To prevent economic and ecological damages due to unwise development.
- P. To prevent unwise patterns of development.
- Q. To assure proper reclamation of mining and industrial sites.
- R. To create Land Use Districts, which conform to the development plan set forth in the Pleasanton Township Land Use Plan.

103. - LEGAL BASIS:

This Ordinance is enacted pursuant to Michigan act 184 of the Public Acts of 1943, as amended, being the Township Rural Zoning Act, MCL 125.271 et. seq.

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104. - EFFECTIVE DATE:**

The Township Board of the Township of Pleasanton, Manistee County, Michigan, adopted this Ordinance at the meeting held on July 10, 2003, and a notice of publication ordered published in a newspaper of general circulation in said Township, as required by Public Act 184 of 1943, as amended, being the Township Rural Zoning Act, MCL 125.271 et seq.

105.-SCOPE:

This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of deed restrictions; subdivision regulations; private restrictions placed upon property by covenants; condominium rules, ownership associations rules; ordinances, laws, regulations or any Federal, State or County Agency. When this Ordinance has more restrictive regulations, limitations or requirements, then this Ordinance **shall** control. The Zoning Administrator shall not be engaged in the enforcement of deed restrictions or private restrictions placed upon property by covenants.

DATE: July 10, 2003

**Fred Alkire
Township Supervisor**

DATE: July 10, 2003 _____

**Constance Ledford
Township Clerk**

EFFECTIVE: July 18, 2003 at 12:01 a.m.

PLEASANTON ZONING ORDINANCE ARTICLE 5: DEFINITIONS

501. - INTRODUCTION:

For the purpose of this Ordinance certain terms and words are herein defined. Words used in the present tense include the future, words in the singular number include the plural number and words in the plural include the singular number. The word "**shall**" is always mandatory and not merely directory. The word "**person**" shall mean an individual, partnership, corporation, or other association or their agents. Terms not herein defined shall have the meaning customarily assigned to them.

502. - STANDARD INDUSTRIAL CLASSIFICATION MANUAL:

- A. For purposes of this Ordinance, where "**uses**" are listed for each land use district, those terms are defined in the section 501 et. seq. of this Ordinance.
- B. Terms denoting "**uses**" which are not defined in this section 501 et. seq. of this Ordinance, but which are followed by a capital letter and or number or series of numbers enclosed in brackets ([]) shall be defined as found under the respective Standard Classification Code, as found in the Standard Industrial Classification Manual. 1987 published by the Executive Office of the United States President, Office of Management and Budget, and adopted by reference herein, Terms defined by use of the Standard Industrial Classification Code (SIC Code) shall be exclusive and shall include only those uses or activities found included in the respective SIC Code(s). Standard Industrial Classification Manual. 1987 notwithstanding.

503. - DEFINITIONS OF WORDS:

- **Access Property: Is a property, parcel, or lot abutting a lake,**

and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from off-shore land regardless of whether said access to the water is gained by easement, common fee ownership, single tee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

- **Accessory Buildings: A supplementary building or structure on the same lot or parcel**

of land as the main building or buildings or part of the main building, the use of which is incidental or secondary to that of the main building or structure, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

- **Accessory Use: A use naturally or normally incidental or subordinate to, and devoted**

exclusively to a permitted use of the land or buildings.

An accessory use includes, but is not limited to, the following:

- A. Domestic or agricultural storage in a barn, shed, stable, tool room, garage or similar accessory building or other structure.
- B. Decks, whether attached or detached from a principal structure, porches, gazebos and playground equipment.

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- **Adult Book and/or Video Store:** An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", hereinafter defined;
- **Adult Live Entertainment Establishments: (Regardless of whether alcoholic beverages may or may not be served):** Establishments, which include a nightclub, bar, restaurant, or similar commercial establishment, which features:
 - A. Persons who appear nude or in a "state of nudity", or "semi-nude", and/or
 - B. Live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- **Adult Motion Picture Theater:** An enclosure which a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.
- **Adult Mini Motion Picture Theater:** An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.
- **Adult Panoramas:** An establishment, which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing "specified sexual activities" or "specified anatomical areas".
- **Adult Paraphernalia/Novelty Store:** An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
- **Agricultural Tourism:** Refers to the act of visiting a working Farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment; education, or active involvement in the activities of the farm or operation.
- **Agriculture:** A use of land or structures, which entails the art and science of cultivating the ground for production of food and forage crops, including forestry, and livestock.
- **Alter:** To change, add or modify the location, use or structure or the structural members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or in the size or location of the roof or exterior walls.
- **Animal, domesticated (pet):** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human

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beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.

- **Animal, non-domesticated, vicious or exotic:** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, **or** which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.
- **Animal Shelter:** A facility operated by a licensed individual, humane society, a society for the prevention of cruelty to animals or any other similar institutions. A facility where animals are housed for an extended period of time and are available for adoption/placement.
- **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signal.
- **Antenna: Attached:** An antenna that is affixed to an existing structure; for example, an existing building, tower, water tank, flag pole, utility pole etc... which does not include an additional tower.
- **Apartments:** A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.
- **Apartments, Accessory: (i.e. "mother-in-law apartment)** A single apartment unit contained within a single family home, intended as a temporary unit for a family member.
- **Basement or Cellar:** A basement or cellar is that portion of a building partly below the average grade of the parcel. A basement is so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling. A cellar is so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. "A basement shall not be counted as a story".

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- **Bed and Breakfast Establishment:** A use within a single family dwelling unit in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.
- **Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.
- **Buffer Zone:** A strip of land with landscaping, berm or walls, or fencing singularly or in combination required between certain zoning districts based on the landscaping standards of the zoning ordinance. The intent of the required buffer zones is to lessen visual and noise impacts.
- **Buildings:** Any structure (excluding fences) either temporary or permanent, having a roof and used or capable of being used for the shelter or enclosure of persons, animals, chattels, or property of any kind. A building shall include mobile homes, manufactured housing, tents, storage, sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.
- **A. Adult Foster Care Facility:** means a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- **B. Family Day Care Center:** A facility, structure or residence used for the care and housing of children. Each facility, structure or residence so used shall be licensed according to the laws and statutes of the State of Michigan and shall be operated according to the rules and regulations of the Michigan Department of Social Services, which shall be applicable to such establishments.
- **C. Group Day Care Home:** A facility, structure or residence used for the care and housing of adults. Each facility, structure or residence so used shall be licensed according to the laws and statutes of the State of Michigan and shall be operated according to the rules and regulation of the Michigan Department of Social Services that shall be applicable to such establishments.
- **Building envelope:** The ground area of a lot, which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

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- **Cemetery:** Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums but exclude crematories.
- **Child care center:** Means a facility, other than a private residence, receiving more than six pre school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.
- **Church or temple:** Any structure wherein persons regularly assemble for religious activity.
- **Clear Vision Area:** An area of each lot near any street intersection or commercial driveway which shall remain clear of obstructions between a height of two (2) feet and six (6) feet to ensure safe sight distance for motorists.
- **Clinic Medical:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.
- **Condominium Act:** Michigan act 59 of 1978, as amended.
- **Conference Center:** Is a multi-purpose facility whose primary purpose is to accommodate meetings, seminars, social and civic events, and conferences. Such a facility offers a total meeting environment, which typically consists of meeting rooms, conference rooms, and catering uses that comprise hotel/motel with at least 10,000 sq. ft. of conference room facilities shall also be considered a conference center. Accessory uses may include dining areas, recreational facilities, and specialty shops, which cater to conference center guests.
- **Contiguous:** Contiguous means any of the following:
 - A. A permanent surface water connection or other direct physical contact with any lake, pond, river or stream, including surface or ground water connections.
 - B. A seasonal or intermittent direct surface water connection with any lake, pond, river or stream.
 - C. Being in actual contact: touching: adjoining: next or near in time or sequence
- **Cul-de-sac:** A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street, which allows for vehicle turnaround.
- **Deck:** Above grade level structure of any material.

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- **Density:** The number of dwelling units situated on or to be developed per net or gross acre of land.

- **Driveway:** Means by which a vehicle can have access to a dwelling and/or other buildings on a single parcel of land from an adjacent road.

- **Dwelling:** A use which is a structure, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family, which complies with the standards given in this Ordinance.
 - A. Duplex: A two-family dwelling designed to provide for separate living, sleeping and kitchen facilities for two (2) families living independently of each other, which complies with the standards given in this Ordinance.
 - B. Apartment Building: A multifamily dwelling designed to provide for separate living, sleeping and kitchen facilities for more than two (2) families living independently of each other.
 - C. Temporary Dwelling: Cabins, tents, trailers, garages and basements, if used for human occupancy, which complies with the standards given in this Ordinance.

- **Easement:** A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.

- **Erect:** To build, construct, reconstruct, move upon or conduct any physical operations on the land required for the building, including excavations, fill, and drainage.

- **Essential Public Service:** The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, traffic signals, and other similar equipment and accessories in connection with, but not including, buildings. Non-governmental towers, radio and television towers, and cellular phone antennas are not considered to be essential public services.

- **Essential Public Service Building:** A building or structure principal to an essential public service, such as drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, and cellular phone antennas.

- **Excavation:** Any breaking of ground, except farming or common household gardening and ground care.

- **Existing Building:** A building existing in whole or whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.

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- **Fall Zone:** A distance from the base of a tower, measured in all directions, where an unoccupied area shall be maintained, except for accessory structures related to the facility, in case of structural damage to the facility, falling debris, or catastrophic failure.
- **Family:** An individual or a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and as a single housekeeping unit. However, this shall not include any society, club, fraternity, sorority, association, lodge, federation, group, coterie, occupants of a counseling house, lodging house or hotel, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.
- **Farm:** All of the contiguous neighboring or associated land, buildings, and machinery operated as a single unit on which the production of farm products is carried on directly by the owner - operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that a farm operation shall follow generally accepted agricultural and management practices as defined by the Michigan Commission of Agriculture for farming activities which include:
1) tree fruit production, 2) small fruit production, 3) field crop production, 4) forage and sod production, 5) livestock and poultry production, 6) fiber crop production, 7) apiary production, 8) maple syrup production, 9) mushroom production and 10) greenhouse production; but unless otherwise permitted, the following shall not be considered a farm: establishments involved in industrial like processing of agricultural products, keeping fur-bearing animals or game or operating as fish hatcheries, dog kennels, stockyards, slaughter houses, stone quarries, gravel or sand pits or the removal and sale of topsoil, fertilizer works, bone yards or the reduction of animal matter, or for the disposal of garbage, sewage, rubbish junk or offal.
- **Fence:** An accessory structure intended for use as a barrier to property ingress or egress, a screen from objectionable vista, noise, and/or for decorative use. A structure of definite height and location constructed of wood, masonry, stone, wire or metal serving as a physical barrier, marker, or enclosure, but excluding solid masonry walls and low rise (less than four-foot high) decorative fences or railings.
- **Filing Date:** The date upon which any application pursuant to this Ordinance is submitted and the required filing fee is paid.
- **Filling:** The permanent depositing or dumping of any matter onto or into the ground, except for agricultural purposes, ground care or landscaping.
- **Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

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- **Forestry:** The use of land for the management and harvesting of trees from their natural setting for purposes of producing lumber, pulp or firewood.

- **Frontage Road:** A public or private drive, which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be on-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road, which parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

- **Garage:**
 - A. Private: Any building or part thereof, accessory or otherwise, for storage of motor vehicles, or trailer coaches, or recreational vehicles, where no servicing or storage for a fee is conducted.
 - B. Commercial: Any building, other than a private garage, or garage operated by a municipality, used for storage, repair, greasing, washing, rental, sales, servicing, adjusting or equipping of automobiles, cars, motor driven vehicles, trailers, trailer coaches, or recreational vehicles, for remuneration hire, or sale or where any such vehicle or engine may be fueled, repaired, rebuilt, or reconstructed, and including undercoating, or overall painting when conducted in an enclosed booth.

- **Grade, Average:** The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a building or structure.

- **Grade, Finished:** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

- **Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.

- **Garden Center:** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

- **Greenbelt:** Special land areas bordering particularly bodies of water.

These land areas are subject to special restrictions that apply to use, removal of trees and/or shrubs, location of buildings and structures. Land areas that have been so designated are identified on the Official Zoning Map.

A landscaped area along a street between the curb or road shoulder and the front yard building or parking setback line, this area is also referred to as the front yard parking lot setback area. A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and groundcover to serve as an obscuring screen or buffer for noise or visual enhancement.

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- **Gross Site Area: The total area of a planned unit development site including flood plains and water bodies.**
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- **Hazardous Substances: Hazardous substances means one or more of the following:**
 - A. A chemical or other material, which is or may become injurious to the public health, safety, or welfare or to the environment.
 - B. "Hazardous Substance" as defined in the comprehensive environmental response, compensation and liability act of 1980, and public law 96-501,94 Stat. 2767.
 - C. "Hazardous Waste" as defined in P.A 64 OF 1979 (being MCL 299.501 to 299.551 the Hazardous Waste Management Act).
 - D. "Petroleum" as defined in P.A. 478 of 1988 (being MCL 299.831 to 299.831 to 299.850, the Leaking Underground Storage Tank Act).
- **Hedge: A two (2) to three (3) foot tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid barrier.**
- **Host or Hostess Establishments: Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.**
- **Home Occupation: A gainful occupation or service conducted by members of a family within its place of residence; provided, that the space used is incidental or secondary to residential use, and provided, that there be no external evidence of such occupation or service except a name plate not more than four (4) square feet in area, without illumination, and in character with the neighborhood; and providing further, that said occupation or service does not require nor effect any change in the external dimensions of the building. No service shall be rendered or articles displayed outside the dwelling.**
- **Kennel: Any lot or premises on which four (4) or more dogs, six months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.**
- **Keyhole/Funnel Development: Keyhole development (also called Funnel Development) is the development of a large parcel of property that has a relatively small, narrow frontage on an adjacent body of water. The access is intended for use by many more persons than a similar frontage from a typical lot would allow.**
- **Land Use Permit: A standard form issued by the Pleasanton Township Zoning Administrator or his/her agent upon application by an owner or his agent, for the proposed construction of a building or structure and/or the use of land in compliance with the provisions of this Ordinance.**
- **Livestock: Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry and rabbits.**

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- **Lot: (See Figure 2-4): A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this ordinance for minimum area, setbacks, coverage and open space.**
- **Lot, Corner: (See Figure 2-4) Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet.**
- **Lot, Coverage: The part or percent of a lot occupied by buildings and accessory buildings.**
- **Lot, Depth: (See Figure 2-5): The horizontal distance between the front and rear lot lines, measured along the midpoint between side lot lines.**
- **Lot, Interior: (See Figure 2-4): A lot other than a corner lot which, with the exception of a "trough lot," has only one lot line fronting on a street.**
- **Lot, Nonconforming: A lot of record, which does not meet the dimensional requirements of this ordinance.**
- **Lot, Through (also called double frontage): (See Figure 2-4) An interior lot having frontage on two (2) more or less parallel streets.**
- **Lot Area, Gross: (See Figure 2-6) The area contained within the lot lines or property boundary including street right-of-way if so included.**
- **Lot Area, Net Buildable: For Planned Unit Developments: The net lot area less area devoted to water bodies; water bodies being defined as areas greater than one acre in size (either before or after project implementation) which are periodically or permanently covered with water.**
- **For Non-Planned Unit Developments: The net lot area less areas devoted to floodplains or water bodies; water bodies being defined as areas greater than one acre in size (either before or after project implementation) which are periodically or permanently covered with water.**
- **Lot Frontage: The length of the front lot line.**
- **Lot Lines: (See Figure 2-7) The lines bounding a lot or parcel.**
- **Lot Line, Front: (See Figure 2-7) The line(s) separating the lot from any street right-of-way, private road or other access easement.**

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- **Lot Lake Front:** If a lot to the rear of a lake front lot is to be used for a primary residence the 50-foot setback applies.
- **Lot Line, Rear:** (See Figure 2-7) **The lot line opposite and most distant from the front lot line.** In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. <http://www.township.delta.mi.us/zoning/chapters/chapter%202/chapter2.htm> 9/1/2001
- **Lot Line, Side:** (See Figure 2-7) **Any lot line other than a front or rear lot line.**
- **Lot of Record:** **A tract of land which is part of a subdivision shown on a plat or map which has** been recorded in the Office of the Register of Deeds for Manistee County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds.
- **Lot Width:** (See Figure 2-7) **The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.**
- **Manufactured Home:** **A dwelling unit, which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.**
- **Massage Parlor:** **any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths.** This definition shall not be construed to include a hospital, nursing home, and medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shop or beauty salons in which massages are administered only to the hands, feet, scalp, face, neck or shoulders.
- **Mineral:** **A naturally occurring element or combination of elements that occur in the earth in solid state, but shall not include soil.**
- **Mining:** **All or part of the processes involved in the extraction and processing of mineral materials.**
- **Mobile Home:** **A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers.**

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- **Mobile Home Park: (i.e. Manufactured Housing Park):** A parcel or tract of land under the control of a person, group or firm upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of compensation, including any building, structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy. Mobile home parks are licensed and regulated by the Michigan Mobile Home Commission.
- **Modular Home:** A dwelling, which consists of prefabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.
- **Motel:** A series of attached, semidetached or detached rental units containing a bedroom, and sanitary facilities. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
- **Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.
- **Neighborhood:** A number of persons forming a loosely cohesive community within a large community (as a town or village) and living close or fairly close together in more or less familiar association with each other.
- **Non-conforming Building or Structure:** A building or structure portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.
- **Non-conforming Lot:** A lot of record, lawfully in existence on the effective date of this Ordinance and any amendments thereto, which no longer meets the dimensional requirements of this Ordinance for the district in which it is located.
- **Non-conforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
- **Nudity:** For purposes of this Ordinance, nudity means exposure in a public place of male or female genitalia, female breasts. (Mothers breast-feeding in public are excluded from this definition and this Ordinance).
- **Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruit, vegetables.

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- **Nursing or Convalescent Home:** A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
- **Oil and Gas Processing or Sweetening Facilities:** Any building, facility, machinery, equipment and/or structure used for or in connection with the production, processing or transmitting of natural gas, oil or allied products or substances and the injection of the same into the ground for storage or disposal not under the exclusive jurisdiction of the Supervisor of Wells, Department of Environment Quality and includes, but is not limited to, pipelines, storage and disposal wells sweetening plants, central processing facilities, compression facilities, CO2 removal facilities, bulk storage plants and well site access roads.
- **Open Dance Hall:** An establishment where open public dancing by patrons is available during at least 4 days per week with patrons furnished by the establishment.
- **Outdoor Recreation - Parks:** Land uses which are public or private playgrounds, vest pocket parks, nature areas, natural areas, ball fields, open space preserves, arboretums, gardens, beaches, and so on but not including facilities designed for overnight or camping use.
- **Parcel:** A description of land, as identified by a property tax parcel number in the Manistee County tax roll and on which one (1) principal building and its accessory buildings may be placed, together with the open spaces required by this Ordinance.
- **Park:** See **Outdoors Recreation - Parks Patio:** Grade level structure, stone, concrete, brick, block.
- **Planned Unit Development:** means a land area which contains both individual building sites or multiple land use types together with common property, such as a park, and which is designed and developed under one owner or organized group as a separate cohesive neighborhood or community unit. Planned Unit Development includes such terms as site condominium project, cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- **Porch:** Covered structure above grade at building entrance.
- **Private Road:** A road which is part of a recorded subdivision and shown as a private road on the plat, or a road which is not public which services more than one dwelling and business. Private Road shall not include driveways to dwelling or business or accessory buildings thereto when the driveway is located on the same parcel of land as the serviced structure; a United States Forest service road; a county road as shown on maps certifying the same to the Michigan

PLEASANTON ZONING ORDINANCE ARTICLE 5: DEFINITIONS

Department of Transportation; two-track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel of property.

- **Retail Establishments: A store, market or shop in which commodities are sold, or offered for sale, in small or large quantities at retail.**
- **Road: A roadway, street or thoroughfare, public or private, contained within the limits of a right-of-way dedicated or maintained for the operation of vehicular traffic and which affords a principal means of access to abutting property.**
- **Roadside Stand: a structure used or intended to be used solely by the owner or resident tenant of the land on which it is located for the sale of seasonal products of the immediate locality.**
- **Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum dimension of three (3) feet or greater. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra-terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.**
- **Screen or screening: A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.**
- **Service Establishments: A store, market or shop in which services are sold or offered for sale to the public, including, but not limited to, gasoline stations, garages, repair shops, laundries, warehouses, printing houses, undertaking establishments, barber shops and beauty parlors.**
- **Setback Lines: The minimum horizontal distance between one's buildings, including steps and unenclosed porches, and the boundary of one's parcel of land or in those cases where the parcel adjoins an established highway, then the minimum horizontal distance between the building and the closet highway right-of-way.**
- **Sign: An inscribed board of space serving for advertisement and information.**
- **Site Plan: A drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.**
- **Special Land Use: A use of land, which is permitted within a particular zoning district only**

PLEASANTON ZONING ORDINANCE ARTICLE 5: DEFINITIONS

if the applicable standards have been met. A special land use requires that a special land use permit be obtained.

• **Specified Anatomical Areas: Means human genitals less than completely or opaquely covered** including the pubic region, buttocks, or anus; or female breasts below a point immediately above the top of the aureole; or human male genitals in discernible state of tumescence, even if opaquely covered.

• **Specified Sexual Activities: Means and includes any of the following:**

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. The display of human genitals in a state of sexual stimulation, arousal or tumescence;
- E. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this section.

• **State Licensed Residential Facility: A structure constructed for residential purposes that is** licensed by the State of Michigan pursuant to Act 287 of the Public Acts of 1972, as amended, being Sections 331.681 to 331.694 of the Michigan Compiled Laws, or Act 116 of the Public Acts 9 of 1973, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of such supervision or care.

• **Story: (See Figure 2-1) That portion of a building included between the surface of any floor and** the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

• **Structure: A structure is any production or pieces of material artificially built up or composed of** parts joined together in some definite manner; any construction, including dwelling, garages, buildings, decks, signs, sign boards and towers. Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, sewage pumping stations, and utility manholes.

• **Substantial or Significant Portion: Means a business or establishment, which has:**

- A. Thirty five percent (35%) or more of its stock, materials, or services provided relating to or describing "specified sexual activities", and or "specified anatomical areas"; and/or
- B. Thirty five percent (35%) or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both; and/or
- C. The advertising (on signs, in publications, on television or radio and/or other media forms)

PLEASANTON ZONING ORDINANCE ARTICLE 5: DEFINITIONS

associated with the business or establishment, describes or relates to "specified sexual activities" and/or "specified anatomical areas".

- **Telecommunication, Co-location: Locating telecommunications equipment from more than one provider at a single facility.**
- **Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereof. Not included within this definition are, citizen band radio antennas, short wave antennas, ham and amateur radio antennas, satellite dishes and personal television receiving antennas.**
- **Tower, Monopole: a freestanding structure composed of a single spire used to support communications equipment.**
- **Trailer: A vehicle, which can be drawn on a highway and is used exclusively for recreational or camping purposes. Includes the terms Motor Home, Pole-trailer, Trailer Coach, Trailer, Mobile Home, as defined in the Michigan Motor Vehicle Code (Public Act 300 of 1949, M.S.A.9.1801-9.1882) and including camping units, tents, or any other temporary dwellings.**
- **Trailer Court or Park: Any site, lot, field, tract or parcel of land on which are situated two (2) or more inhabited trailer coaches, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure located therein, and used or intended for use as a part of the equipment of such park.**
- **Transfer of Ownership or Control of a Sexually Oriented Business: Means and includes any of the following;**
 - A. The sale, lease or sublease of the business or establishment;
 - B. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;
 - C. The establishment of trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possession the ownership or control.
- **Use: The purpose for which land or a building thereon is designed, arranged or intended to be occupied and used, or for which it is maintained. The use of land permitted in the several land use districts established by this Ordinance shall be further defined by the Standard Industrial Classification Manual of 1972, which is incorporated herein by reference.**

PLEASANTON ZONING ORDINANCE ARTICLE 5: DEFINITIONS

- **Variance: An authorization by the Board of Appeals permitting modification to the regulations and standards of this Ordinance in situations where the literal enforcement would result in undue and unnecessary hardship not present on the other properties typical of the zoning district.**
- **Waste Receptacle (i.e. dumpster): Any accessory exterior container used for the temporary storage of rubbish, pending collection, has capacity of at least one (1) cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.**
- **Water's Edge: The surveyed property line along the shore of a body of water or the term "water's edge", in its usual and ordinary sense and usage being that area of the shoreline where land and water meet in the event there is no surveyed property line along the shore at the water's edge.**
- **Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:**
 - A. Contiguous to an inland lake **or** pond, or a river or stream;
 - B. Not contiguous to an inland lake or pond, or a river or stream; and more than five (5) acres in size;
 - C. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner. (Definition taken directly from the Goemaere-Anderson Wetland Protection Act. P.A. 203 1979).
- **Wireless Communication Facilities: Includes transmitters, antenna structures, towers and other types of equipment necessary for providing wireless services and all commercial mobile services, including all those that are available to the public (for-profit or not-for profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are Personal Communications Systems (PCS), cellular radiotelephone services, and paging. Also included are services that are not licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wire line local exchange providers.**
- **Yard: A space open to the sky, and unoccupied or unobstructed except by permitted building or structure. Yard measurements shall be the minimum horizontal distances.**
 - A. Front Yard; A yard extending across the full width of parcel between the front parcel lines and the nearest line of the main building.
 - B. Rear Yard: A yard extending across the full width of the parcel between the rear parcel line and the nearest line of the main building.
 - C. Side Yard: A yard extending from the front yard to the rear yard between the side parcel line and the nearest line of the main building or of accessory building attached thereto.

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

1001. - PURPOSE:

It is the purpose of this Article of the Ordinance to provide regulations for miscellaneous and other requirements that apply in all zoning districts to all permitted uses.

1002.-SCOPE:

Zoning applies to all parcels of land and to every building, structure or use. No parcel of land, no building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, altered, occupied or used except in conformity with this Ordinance.

1003. - MAINTENANCE OF SITE REGULATIONS:

A. The maintenance of setback, height, floor area ratio, coverage, open space greenbelt, mobile home site, transition strip, parcel area and parcel area per dwelling unit required for one (1) use. Any parcel, building or structure shall be continuing obligation of the owner of such building or structure or of the parcel on which such use, building or structure shall be located. Furthermore, no setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, greenbelt, parcel, use, building or structure may be allocated to any other parcel, use, building or structure.

B. Land, once designated as a single parcel and dedicated to a use or improved with a building or structure, shall not be eligible for meeting the minimum area and lot width requirements of the Land Use District in which it is located for another use, building or structure. If the original parcel is reduced in size or divided into two (2) or more parcels, by any method, unless each parcel, including the original parcel, resulting from such reduction in size or division, shall conform with the minimum area and lot width requirements of the Land Use District in which it is located and such reduction in size or division does not violate any other applicable laws or ordinances including, but not limited to, Manistee County and the State of Michigan Land Division Act.

C. Setbacks and Yard Requirements - The setback and yard requirements established by this Ordinance shall apply uniformly in each zoning district to every parcel, building or structure except, notwithstanding any other provision of this Ordinance that any of the following structures may be located anywhere on any parcel: Open and unroofed terraces, patios, flagpoles, hydrants, clothes lines, arbors, trellises, recreation equipment, outdoor cooking equipment, sidewalks, private driveways, trees, plants and shrubs.

1004. - GENERAL PROVISIONS:

No parcel, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements.

A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved as is required by applicable provisions of the State Construction Code and rules promulgated there under and/or the State Fire Marshall.

B. Activity which emits radioactivity at any point, or electrical disturbance shall not be permitted in excess of the applicable Federal Nuclear Regulatory Commission or Public Service Commission or Michigan Department of Health, Department of Radiology regulations rules promulgated by rule there under.

C. No vibration shall be permitted in excess of the applicable county noise ordinance or regulations promulgated by rule there under.

D. No malodorous gas or matter shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule there under.

E. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule there under.

F. No direct light source, which is not defused or shaded shall be permitted which is visible from any property or from any public street, road or highway.

G. No pollution of water bodies shall be permitted in excess of the applicable state or federal water pollution statutes or regulations promulgated by rules there under.

H. No audible noise shall be permitted in excess of the standards in the Manistee County Noise Ordinance, as amended. The Zoning Administrator shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for administration of the statutes, rules or ordinances cited above.

1005. - COMPLIANCE WITH COUNTY SANITARY CODE:

Every structure or device hereinafter erected or moved upon any premises and used, designed or intended for human habitation shall conform to the requirements of the Manistee-Mason County Sanitary Code.

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

1010. - HAZARDOUS SUBSTANCE GROUNDWATER PROTECTION:

A. All businesses and facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's engine) which use or generate hazardous substances:

1. In quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less,

or

2. **Stores greater than one hundred (100) kilograms** (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less, shall comply with the following groundwater protection requirements.

B. Groundwater protection requirements:

1. Groundwater protection generally:

a. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, street slopes, and natural and man-made drainage systems.

b. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.

c. General purpose floor drains and storm drains shall be:

- (1) Connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements, or
- (2) Authorized through a state groundwater discharge permit or
- (3) Connected to a public sewer system.

d. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

e. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one is applicable, shall take into consideration the publication titled "Small Business Guide to Secondary Containment of Hazardous Substance and Polluting Materials" published by The Clinton River Watershed Council, May 1990, and other references.

f. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the Manistee-Mason District Health Department.

g. If the site plan includes territory within a Wellhead Protection Overlay Zone submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

2. Above-ground Storage:

- a. Primary containment of hazardous substances shall be product tight containers, which are protected from weather, leakage, accidental damage, and vandalism.
- b. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:
 - (1) Sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of and release substance, or
 - (2) shall be at least as great as volumes required by state or county regulations, or
 - (3) shall, if not protected from rainfall, contain a minimum of
 - (a) 110% of the volume of the largest storage container within the dike of the secondary containment area, plus
 - (b) the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus
 - (c) the volume of a 6 inch rainfall.
- c. Secondary containment structures such as our building, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
- d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
- e. At a minimum. State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
- f. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.

3. Underground Storage:

- a. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the State Fire Marshall Division and the Michigan Department of Environmental Quality.
- b. Bulk storage facilities for pesticides and fertilizer shall be in compliance with requirements of the Michigan Department of Agriculture.

1011. - WATER PROTECTION (GREENBELT AREAS):

It is the policy of this Ordinance to preserve and maintain the natural quality of (flowing bodies of water) within the Township of Pleasanton by restricting the clearing of natural habitat away from and the construction of improvements upon land bordering upon such bodies of water.

Notwithstanding anything to the contrary contained in this Ordinance, the following provisions shall apply in all those areas designated upon the Official Zoning Map as "Greenbelt Areas".

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

- A. No dwelling or other structure shall be built, located or constructed closer than one hundred (100) feet, or the water front setback found in the respective zoning district in this Ordinance, whichever is greater, measured on a horizontal plane to the edge of flowing bodies of water in any land use district.
- B. Within fifty (50) feet of the edge of flowing bodies of water only ten (10%) percent of the living trees, shrubs and other natural growth may be removed in a five (5) year period. Where the land concerned is to be used for growing timber, the forgoing restriction does not apply to the removal of tag alder and/or sumac.
- C. No building or structure shall be built, located or constructed within a flood plain of any flowing bodies of water in any land use district as may be determined by the Department of Environment Quality.

1040. - PARCEL, YARD AND AREA MEASUREMENTS:

More than one main building, with accessory structures and buildings, may be built on a parcel under single ownership, but the parcel shall have a minimum size equal to the number of main buildings times the minimum parcel size for the zoning district, and shall maintain twice the setback requirements as distance between structures.

1050. - ACCESS TO PUBLIC ROADS:

In any district every use, building or structure established after the effective date of this Ordinance shall be located on a parcel which abuts a public or private road or easement which provides access to a public road, such public or private road or easement being at least sixty-six (66) feet in width unless a lesser width was duly established for record prior to the effective date of this Ordinance, provided that private easements shall be at least twenty (20) feet wide.

1051. - PRIVATE ROADS:

A. Private Roads Permitted

- 1. Private Roads are permitted provided they conform to the requirements of this Article.
- 2. All private roads, which serve a subdivision, as defined by the Subdivision Control Act of 1967, and have received approval through the Manistee Count Subdivision and Condominium Act of 1986 shall be exempt from the requirements of this Article.

B. Private Roads Standards

- 1. The creation of a road that serves a division of land or a development, which consists of three or more principal buildings, shall meet or exceed the construction standards established by the Manistee County Road Commission for public roads.

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

2. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current Manistee County Road Commission designated right-of-way width, whichever is greater.
3. No structure or development activity shall be established within the approved rights-of-way or easements.
4. All private road easements shall contain provisions for the placement of public utilities, including but not limited to:
 - a. Telephone Lines
 - b. Electrical Lines
 - c. Cable Television Lines
 - d. Natural Gas Lines
 - e. Municipal Water Lines
 - f. Municipal Sewer Lines
5. Private Roads with only one connection to a county road or state highway or another approved private road meeting the requirements of this Article shall not be longer than two thousand (2,000) feet.
6. No more than twenty-five (25) principal buildings may gain access to a single private road where one (1) point of intersection is provided between a private road and public road.
7. No more than seventy-five (75) principal buildings may gain access to a single private road where two or more points of intersection are provided between a private road and a public road.

C. Maintenance Agreement

1. Continued maintenance of private roads shall be the responsibility of the property owner(s) served by the private roads.
2. Upon execution, the Private Road Maintenance Agreement shall be recorded with the Township Clerk and Manistee County Register of Deeds.
3. At a minimum, the Private Road Maintenance Agreement shall contain the following:
 - a. Maintenance Costs: The private Road Maintenance Agreement shall acknowledge that the road surface and easement area are privately owned, and therefore all construction, improvements, and maintenance within the easement will be contracted and paid for by the signatories to the Agreement. The Agreement shall set forth a workable method of apportioning maintenance costs.
 - b. Township and County Not Responsible: The provisions in the Private Road Maintenance Agreement shall be written so that no provision shall be construed to obligate the Township or the County to perform regular inspections of the easement area or to provide necessary repairs or maintenance and furthermore the Township shall be held harmless as to liability.
 - c. Maintenance Needs: The Private Road Maintenance Agreement shall acknowledge the responsibility of the signatories to the Agreement to maintain the following:

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

1. Surface grading and resurfacing at regular intervals
 2. Snow and ice removal
 3. Repair of potholes
 4. Maintenance of road drainage systems
 5. Regular cutting of weeds and grass within the easement
 6. Replacement or reconstruction of the roadway and all related improvements, such as road base, road surface, culverts, bridges, catch basins, drains, and traffic signs.
- d. Continuing Obligation: The Private Road Maintenance Agreement shall specify that the obligation to maintain the easement shall be an obligation running with the land to be served by the private road, and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.
- e. Township Intercession: The Private Road Maintenance Agreement shall permit the Township to maintain, repair, and take possession of the private road if, in the sole opinion of the Township Board;
1. a health or safety hazard exists,
 2. or if the Township determines that no other feasible means of maintenance is likely to exist.
 3. The Township may charge the property owners with all costs associated with such maintenance according to the apportionment sections of the Private Road Maintenance Agreement.
- f. Designated Contact: The Private Road Maintenance Agreement shall specify an individual to serve as the property owner(s) contact with the Township.

1052. - TRAFFIC VISIBILITY AT CORNERS:

No vehicle shall be parked, nor fence, hedge, planting of shrubs, signs or any similar structures shall be located, erected or maintained, within a distance of forty (40) feet from the point of intersection of the front parcel line and the side parcel line adjacent to the road which obstructs safe vision at a road.

1053. - VEHICULAR PARKING SPACE, ACCESS AND LIGHTING:

A. For each principal building or establishment hereafter erected or altered and located on a public road in any land use district, including buildings and structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions shown as follows. The parking spaces called for hereunder shall be considered minimum requirements under this Ordinance and in the case of more than one use on a parcel, the minimum shall be the sum of the required parking for each use:

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

1. Dwellings, Duplexes and Apartment Buildings: Two (2) parking spaces for each family unit occupying the premises.
2. Hotels and other Lodging Places [70]: One (1) parking space for every spaces of legal sleeping capacity.
3. Nursing and Personal Care Facilities [805], Hospitals [806]; Institutions of similar nature: One (1) parking space for each four (4) beds, plus one (1) space for each doctor.
4. Motion Picture Theaters [783]; Amusement and Recreation Services [79]; Membership Organization's [86] halls; Public Administration [J] halls/meeting centers; Theaters; auditoriums and nay other places of public assembly: One (1) parking space for each four (4) seats of legal capacity.
5. Office; Finance, Insurance, and Real Estate [H]; Offices of Physicians, Dentist, Osteopathic Physicians and other health practitioners [801-804]; Legal Services [81]; Social Services [83]; Miscellaneous Services [89]; Public Administration [J]: One (1) parking space for every two hundred (200) square feet of floor area; provided however, that doctor's offices and clinics shall be provided with three (3) spaces for doctors.
6. Easting and Drinking Places [58]: One (1) parking space for each three (3) seats of legal capacity.
7. Any other Retail Trade [G]: One (1) parking space for each one hundred (100) square feet of floor area.
8. Any other service [I]: One (1) parking space for each two hundred (200) square feet of floor area.

B. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed at the establishment shall be provided. Where no specific requirement is designated for other businesses, parking space, which is adequate shall be provided. Adequacy of parking shall be based upon the anticipated intensity of use of the business establishment by patrons and employees and by reference to the standards contained in Paragraph A. the Zoning Administrator shall establish the number of parking spaces required in the Land Use Permit.

C. A parking space shall be a minimum area often (10) feet by twenty (20) feet, with center and cross aisles being a minimum of twenty (20) feet wide.

D. All parking space required in this Section, except that required for a dwelling, shall be provided with adequate artificial lighting between the time from one-half (1/2) hour after sunset, to one-half (1/2) hour after closing of business or visiting hours, when the use of such space is open to the public.

E. Approval for location of all exits and entrances shall be obtained from the State Highway Department for all state trunk line highways and from the County Road Commission for all other roads, streets or highways in the Township. Such approval shall also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements.

PLEASANTON ZONING ORDINANCE ARTICLE 10: GENERAL PROVISIONS

1060. - ADVERTISING SIGNS:

A. Advertising signs, billboards, advertising displays, outdoor displays and other advertising media shall be permitted only in those districts authorizing the same within a setback area provided that they comply with the following conditions:

1. The advertising sign or display complies with all statutes and regulations of the State of Michigan.
2. The advertising sign or display shall not be more than twenty-four (24) square feet in area and shall not be erected within five hundred (500) feet of any dwelling existing at the time said sign or display is erected or moved to such location, provided such dwelling is used exclusively for residential purposes and, provided further, should a dwelling be erected at any time within the five hundred (500) feet limitation, the permit shall be revoked and the owner of the sign, or his authorized agent, shall be notified of the revocation and such sign shall then be removed within ninety (90) days.
3. The advertising sign or display, except directional signs within one hundred (100) feet of intersections, shall not be erected within three hundred (300) feet of an existing sign or display.
4. The advertising sign or display shall not be less than fifty- (50) feet from the road right-of-way line measured by a line perpendicular to the road right-of-way line.

B. The provisions of Section 1060 A of this Ordinance shall not apply to:

1. Temporary sale, lease or rent signs, provided:
 - a. No more than two (2) signs are displayed
 - b. Such signs are located on the lot or structure for sale, lease or rent.
 - c. Such sign does not contain an area of more than ten (10) square feet. 4' x6'.
 - d. Such sign is removed following the sale, renting or leasing of the property.
2. Temporary signs on residential premises may be located in any district, provided:
 - a. Such temporary signs (non-illuminated) shall be limited to the lease, hire, or sale of the building or premises, and provided further that such signs shall be removed as soon as the premises are leased, hired or sold.
 - b. Such signs shall not exceed six (6) square feet in area and shall not be located on the front half of the required front yard as measured from the front lot line or right-of-way.
 - c. That such sign is a specific information panel for the direction of motorists, which may be located, under authority of any statute, on any county, state and federal highway.
 - d. That such are signs with a political message directly associated with a campaign on a pending ballot issue or candidate during a period of the political campaign prior to election, no more than ten (10) days after the election.
3. Bulletin boards of churches, schools, libraries, and public buildings, provided:
 - a. Such bulletin board is located on the premises thereof.

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- b. Such board is not located as to obstruct the view of traffic from the sidewalks, drive ways, roads and adjoining property.
4. Roadside stands, agricultural displays and other sales stands, provided:
 - a. Such display is located on a farm and limited to the sale of the products thereof.
 - b. Such display or stand is temporary and will not be located for more than six (6) consecutive months of any one (1) year.
 - c. Such display or stand is located at least twenty-five (25) feet from the road right-of-way.
 - d. A parking area is available for prospective customers off the road right-of-way line.
5. Advertising signs and displays of a commercial enterprise, business, industry or professional person provided:
 - a. Such sign is located on the premises or premises rented or leased for such purpose.
 - b. Such sign or display is limited to the products or services of the enterprise.
 - c. Such sign does not obstruct the view of traffic from the sidewalks, roads, driveways or exits and adjoining property.
 - d. The operation of such sign does not constitute a nuisance to an adjacent residential district or residential neighborhood, by reason of glare, intermittent action, or other action.
6. Sign Approval: Advertising signs, billboards, advertising display, outdoor displays, and other advertising may be erected and maintained within the Township by first obtaining the approval of the Zoning Administrator who shall, pursuant to Section 8401. et seq. of this Ordinance, grant approval for any advertising media which conforms to the provisions of this Section. The fee for the permits shall be set by resolution of the Township Board. Any state or federal regulations to the contrary shall supersede any determination or rules of the Zoning Administrator concerning signs, and any contrary provision of the Ordinance.

1070.-HEIGHT:

No building or structure or part thereof shall be erected or altered to a height exceeding two and one-half (2-1/2) stories, or thirty-five (35) feet, except that non-dwelling buildings or structures other than accessory buildings or structures, may be erected or altered to a height not exceeding fifty (50) feet if approved by the Zoning Board of Appeals, pursuant to its power to grant variances.

1070.1 - WIRELESS COMMUNICATION FACILITIES:

Wireless communication facilities may be located in any zoning district if located on an existing building or structure or is otherwise hidden from view by being incorporated in an existing building

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or if it co-locates on an existing tower and the proposed height does not require lighting by FCC and/or FAA regulations.

1071. - TEMPORARY DWELLINGS:

No person shall use or permit the use of any temporary dwelling or trailer as defined in this Ordinance as a principal or seasonal dwelling except after full compliance with Section 1005 of this Ordinance, and further except:

- A. As a temporary dwelling quarters during the construction and installation of any dwelling with the provisions of this Ordinance, when the following conditions are met:
 - 1. The location of the temporary dwelling or trailer shall comply with all setback requirements of this Ordinance.
 - 2. The physical condition of the temporary dwelling or trailer shall not deteriorate to the extent that its continued use threatens the public health, safety or welfare.
 - 3. The use of the temporary dwelling or trailer shall be limited to eight (8) months, beginning with the issuance of a land use permit in accordance with Section 8401 of this Ordinance. The permit may be renewed for not more than four (4) months upon approval of the Zoning Administrator for good cause shown.
 - 4. As part of a campground licensed and operated in accordance with the rules and regulations of the Michigan Department of Public Health and the Michigan Mobile Home Commission.
- B. As temporary recreation on a noncommercial/no-rental basis by tourist, campers and sportsmen on land owned by the user and for a period not to exceed eight (8) weeks in a calendar year.

1080.-DWELLINGS:

No person shall use, occupy, or permit the use or occupancy of a structure as a dwelling, or duplex, which does not comply with dwelling standards of this Ordinance, or standards of the State of Michigan and the United States Department of Housing and Urban Development, whichever applicable, within any district, except in a designated mobile home park, and except as hereinafter provided. All dwelling structures shall comply with the following minimum standards.

- A. No dwelling shall hereinafter be erected which shall have less than the minimum square footage and minimum width required in each respective Land Use District, and shall have a minimum width across any front, side or rear elevation often (10) feet.
- B. It shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Acts 230,1972, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction

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are different than those imposed by the Michigan Building Code, then and in that event such federal or state standard or regulation shall apply.

1. Foundations where it shall be firmly attached to a permanent foundation constructed on site in accordance with said State Construction Code and shall have the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the State Construction Code for dwellings, or in the case of mobile homes, that dwelling shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code, whichever is stricter, and with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis.
 2. Framing, structural, insulation shall comply with the said State Construction Code or, in the case of mobile homes, shall comply with the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development (HUD) pursuant to 24 CFR Section 3280, as amended, which compliance shall be shown prior to the issuance of a Land Use Permit or Special Use Permit, as the case may be, by the seal of the Department of Housing and Urban Development permanently affixed to the mobile home in question in accordance with the Mobile Home Construction and Safety Standards. Any mobile home not displaying the permanent (HUD) seal shall be deemed to be not in compliance with the terms and conditions of this Ordinance.
 3. Final finished; shall comply with the said State Construction Code.
- C. It shall be connected to a public sewer and water supply or to such private facilities in compliance with the Manistee County Sanitary Code.
- D. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24CFR3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- E. It shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure including permanent attachment to the principal structure as long as such attachment does not include a bearing load on a mobile home and construction of a foundation as required herein.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of

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better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling, or 100 square feet, whichever shall be less.

- G. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in this ordinance pertaining to such parks.
- H. All construction required by this section shall be commenced only after a construction permit has been obtained in accordance with the applicable construction code provisions and requirements.

1081. - HOME OCCUPATIONS:

Home occupations shall not be allowed in any zoning district except as hereinafter provided:

- A. The home occupations) takes place at a dwelling owned by the resident and where the resident engaging in the home occupation lives on a full time basis.
- B. The home occupations) shall be accessory to the principal use (residential) of the property.
- C. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation.
- D. The home occupation(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of the activity except for a non-illuminated sign that shall not exceed four (4) square feet in size. 2'x 2'.
- E. The home occupations) shall not involve the use of any toxic, or dangerous materials or hazardous equipment.
- F. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.

1082. - KEYHOLE OR FUNNEL WATERFRONT ACCESS:

It is the intent of this section to promote the integrity of the lakes within Pleasanton Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this ordinance shall be construed to limit access to lakes or waterways by the general public by way of public park or public access site provided or maintained by any unit of state, county or local government.

- A. In any zoning district where a parcel of land is contiguous to a lake, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the waterfront, only if the following conditions are met:
 - 1. That said parcel of land contain a minimum of 7,000 square feet; fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall

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be one hundred forty (140) feet. No access property so created shall have less than two hundred (200) feet of water frontage with at least fifty (50) lineal feet of water frontage for each individual dwelling unit. Frontage shall be measured by a straight line, which intersects each side lot line at the water's edge.

2. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS Map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
3. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
4. That access property, as provided for in and meeting the conditions of this ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.
5. That piers or docks on such access property shall not be closer than fifty (50) feet from another pier or dock, nor longer than 120% of the average of the four (4) adjacent residential lot piers or docks on either side of the access property to a maximum length of fifty (50) feet of lot frontage. In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such accesses shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

PLEASANTON ZONING ORDINANCE ARTICLE 16: SPECIAL USE PERMIT STANDARDS

1601.-PURPOSE:

Specific Special Use Standards for particular prospective special use follow:

1602. - FOR CAMPGROUNDS:

- A. The location of a campground shall front or have public access to an existing paved or blacktopped road, existing state trunk line, existing primary road or the developer shall agree to provide the funds to upgrade or will upgrade and existing public or private road to a road which is paved, blacktop, or to a primary road.
- B. The location of a campground shall front on a right-of-way or easement where public water and sewer exists and is available for connection to campground facilities or the developer shall agree to extend public sewer and water lines from the existing lines to the campground facilities. If no public water and sewer exists, and acceptable on-site system shall be constructed, according to rules promulgated by the Michigan Department Health, as shown by an issued permit.
- C. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of sections 12501 to 12516 of Public Act 369 of 1978, as amended, being the Michigan Health Code, being MCL 333.12501 et.seq.
- D. The application for a zoning special use permit for a campground shall contain all the elements and parts which are required by the Health Department for a campground license under authority of sections 12501 to 12516 of Public Act 369 of 1978, as amended, being the Michigan Health Code, being MCL 333.12501 et.seq. in addition to the special use permit application requirements presented in this Zoning Ordinance.
- E. The minimum parcel area shall not be less than x square feet, where x equals 2,000 times the number of proposed campsites.
- F. Spaces in the campground shall be only rented on a daily, weekly, or monthly basis.
- G. Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory use provided:
 - 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the campground.
 - 2. Such establishments shall be restricted in their use to occupants of the campground.
 - 3. Such establishments shall present no visible evidence of their commercial character, which would attract customers other than occupants of the campground.

PLEASANTON ZONING ORDINANCE ARTICLE 16: SPECIAL USE PERMIT STANDARDS

4. No space shall be so located so any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any road. Setback spaces may be reduced if occupied by plant material and/or a berm. In no case shall the setback be less than 40 feet, and allowed only in instances when screening is an opaque fence or berm. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

1603. - FOR MOBILE HOME PARKS:

- A. The location of a mobile home park shall front or have public access to an existing paved or blacktop surfaced county road, existing state trunk line, existing county primary road or the developer shall agree to provide the funds to upgrade or will upgrade an existing county or private road to a county road which is paved, blacktop, or to a county primary road.
- B. The mobile home park shall conform to all applicable regulations of the Michigan Mobile Home Commission Rules promulgated by the Michigan Mobile Home Commission under authority of. Public Act 419 of 1976, as amended, being the Mobile Home Commission Act, MCL 125.1101 et seq., and thus mobile homes which locate within said mobile home park shall be exempt from Dwelling Regulations, above.
- C. The mobile home park shall provide at least two (2) entrances/exits to a state trunk line or county road.
- D. The application for a zoning special use permit for a mobile home park shall contain all the elements and parts which are required by the administrative rules of the Michigan Mobile Home Commission promulgated pursuant to Public Act 419 of 1976, as amended, being the Mobile Home Commission Act. 125.1101 et. seq. for an application for license to operate a mobile home park in addition to the special use permit application requirements presented in this Zoning Ordinance.

1604. ~ FOR MINING OPERATION OF A DURATION OF MORE THAN TWO (2) YEARS:

- A. A map and/or aerial photograph of the property which shall indicate:
 1. Proposed location, area extent, and depth of intended mine excavation.
 2. Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities or other permanent or temporary facilities used in mining.
 3. Estimated depth to groundwater.

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- B. A description of the mining and processing equipment to be used.
- C. A description of measures to be taken to control noise and vibration from the operation.
- D. A description of measures to be taken to screen the operation from view.
- E. Proposed primary travel routes to be used to transport the mined material to processing plants or markets away from the property.
- F. A description of the plans for topsoil storage.
- G. A reclamation plan which shall include;
 - 1. A map or plan and description of the proposed reclamation including grading, final slope angles, high-wall reduction, benching and terracing of slopes, slope stabilization and vegetation where applicable, and erosion control, and alternative future land uses.
 - 2. Description of topsoil stripping and conservation during storage and replacement.
 - 3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on the property.
 - 4. Description of plans for disposition of surface structures, roads and related facilities after cessation of mining.
 - 5. A plan for disposal of treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations.
 - 6. The estimated cost of reclamation for the total project.
 - 7. A statement in writing and adequate evidence to indicate the duration of the lease in years.
- H. A timetable of the commencement, duration and cessation of mining operation.
- I. Any and all mining permits held by the applicant within the state.

1605. - FOR MINING ON A TEMPORARY TWO (2) OR FEWER YEARS BASIS:

- A. As may be required by the Commission, a map and/or aerial photograph of the land with any or all of the information as listed in section 1604.A of this Ordinance, relating to requirements for maps and/or aerial photographs for regular mining special use permits.
- B. As may be required by the Commission, any or all of the information listed in section 1604.G of this Ordinance, relating to requirements for Information for regular mining special use permits.

1606. - FOR MANUFACTURING [D] AND TRUCKING AND WAREHOUSEING [42]:

- A. The use and associated activity is carried on entirely within an enclosed building, and if there is a yard work area and storage area, it shall be enclosed as specified below. Whenever the Manufacturing [D] and Trucking Warehousing [42] property boundary is contiguous to a street, a water body, and another type of land use, then along that property boundary there shall be:

PLEASANTON ZONING ORDINANCE ARTICLE 16: SPECIAL USE PERMIT STANDARDS

1. A solid wall six (6) feet, or more, high or
 2. A berm six (6) feet, or more, high or
 3. A buffer area of fifty (50) feet back, or
 4. A proportionately adjusted combination of the above.
- B. Odor shall not be detectable by normal human senses under normal operational circumstances at a distance of six hundred (600) feet from the Manufacturing [D] and Trucking Warehousing [42] establishment.
- C. Noise shall not be over 60 decibels at the parcel boundary.
- D. A pollution incident prevention plan, if required by State or Federal regulation, and fiscal impact study may be required by the Commission to obtain additional information needed to make a determination of compliance with the standards, requirements and purposes of the Ordinance.
- E. Upon review of the special use permit application, the Commission may require upgrading of roads from the proposed establishment to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the Commission and applicant, upgrading or road(s) to a more distant road already constructed to adequately service anticipated traffic may be required. The cost of upgrading of roads shall be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant, Township Board and Manistee County Road Commission.

1607. - FOR JUNKYARDS:

- A. Has a Michigan Sales Tax license.
- B. Has a record of sales and other transactions which are required by, and whose business falls under the jurisdiction of Public Act 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being MCL 445.401 et seq.
- C. Shall be designed to comply with one of the following:
 1. Shall be set back from parcel boundaries at least 300 feet. Shall be set back 300 feet from a road right-of-way or 333 feet from the centerline of a road, whichever is greater.
 2. Shall have a buffer area to screen it from view from a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above.
 3. Shall not be visible from a road or from adjacent parcels.
- D. Shall be set back from parcel boundaries at least 100 feet. Shall be set back 100 feet from a road right-of-way or 133 feet from the centerline of a road whichever is greater.

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- E. Shall be designed and operated so noise, under normal operational circumstances, shall not be over 60 decibels at the boundary of the parcel and at the nearest road.
- F. Shall comply with Public Act 219 of 1966, as amended, (the Control of Junkyards Adjacent to Highways Act, being MCL 252.201 et. seq.): Public Act 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being MCL 445.401 et. seq.): Public Act 641 of 1978, as amended, (the Solid Waste Management Act, MCL 299.401 et. seq.) and, if applicable Township licensing of junk yards.
- G. Shall not operate a landfill, as defined in Public Act 641 of 1978, as amended, (the Solid Waste Management Act, MCL 299.401 et. seq.) as an accessory function to a junkyard.
- H. Shall be more than 1,000 feet from a school, campground, or park.

1608. - INDUSTRIAL ACTIVITIES - INFORMATION AND SECURITY REQUIREMENTS

- A. In addition to the information required by section 1604 of the Ordinance, an applicant for an industrial activity, including but not limited to mining operations of more than two (2) years, and oil and gas processing or sweetening facilities shall submit the following as part of its application for a special use permit.
 - 1. A map and/or aerial photograph of the proposed project site and surrounding area which indicates:
 - a. Boundaries of the proposed project site.
 - b. Surface drainage of the project site.
 - c. Location and names of all streams, roads, railroads, utility lines, and pipe lines on or immediately adjacent to the project site.
 - d. Location of all buildings and structures within 2,640 feet of the boundary of the project site.
 - 2. Estimated depth to groundwater.
 - 3. A description of the production, sweetening, processing or other machinery and equipment to be located on the project site.
 - 4. A description of the measures to be taken to control noise, vibrations, light and odors from the operations.
 - 5. A description of the measures to be taken to screen the project from view.
 - 6. Proposed primary travel or transmission routes to be used to transport the raw materials to the project site and the processed materials away from the project site, including the proposed location of all pipelines.
 - 7. A description of the plans for topsoil storage if the project will disturb the topsoil.
 - 8. A Pollution Incident Prevention Plan approved by the Michigan Department of Environmental Quality, the Fire Chief of the Bear Lake Township Fire Department, or the municipal fire department having primary responsibility for responding to fires at the project site, and the Manistee County Emergency Service Director and which sets forth in reasonable detail the applicant's

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contingency plans in the event of fire, plans for the evacuation of surrounding areas and neighborhoods, the communication and warnings to be given in the event of a fire or pollution incident, and the procedure to be followed for periodic updating of such plan in consultation with the appropriate fire department and the Manistee County Emergency Services Department.

In addition, such plan shall include all other information required by the Department of Environmental Quality or other governmental agencies having jurisdiction over the project.

9. A letter showing approval, tentative approval, or an understanding for concurrent approval of the project by the Department of Environmental Quality, the Manistee County Soil Erosion and Sedimentation Control Department, and all other governmental agencies whose approval is required.
 10. A statement of any changes or modifications in the project required for approval by any other governmental agency whose approval is required.
 11. A Reclamation Plan which shall include the following information:
 - a. A statement of the maximum life expectancy of the project and all plant, machinery and equipment associated with the project.
 - b. Plans for the disassembly, removal or other disposition of all plant, machinery and equipment, including pipelines at the project site at the expiration of operations.
 - c. Plans for the replacement of topsoil and restoration of the property or project site to its original grade and contours.
 - d. Plans for the restoration of all access roads to original condition unless at the time of reclamation an agreement is reached among the Planning Commission, the owner/operator of the project, and the effected landowners), for some other disposition.
 - e. Plans for the identification, disposal or treatment for all harmful or toxic materials found on the property or project site, including any contaminated soils.
 - f. The estimated cost of completing the Reclamation Plan within one year of cessation of operations based on the anticipated costs for the year in which the reclamation would take place.
 - g. A statement of the proposed form of a performance guaranty equal to two (2) times the estimated cost of the Reclamation Plan, which may be required by the Planning Commission.
 12. Copies of all applications for drilling permits, granted drilling permits, survey records of well location, and plat, as provided to the Supervisor of Wells, Department of Natural Resources in connection with its permit process for an oil and gas processing or sweetening facility.
- B. Prior to the issuance of the special use permit, the owner/applicant shall deliver to the Township:

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1. Security for required improvements, if any, required pursuant to Section's of this Ordinance.
2. A bond or other security pursuant to Section's of this Ordinance in an amount equal to twice the estimated cost of completing the Reclamation Plan.
3. The owner/applicant agreement providing the Township with the right to inspect the industrial facility from time to time.
4. The owner/applicant agreement to provide the Township Supervisor with a copy of all Pollution Incident Reports within ten (10) days of the report being prepared for other agencies.
5. All additional costs incurred in processing the special use application, as required by Section's of this Ordinance.

1609. - FOR OIL AND GAS PROCESSING OR SWEETENING FACILITIES:

- A. No oil and gas processing or sweetening facility, except access roads and pipelines, shall be located within 1,300 feet of an existing dwelling, commercial or other nonresidential building or structure, wetlands or surface water; access roads and pipelines shall be located not closer than 650 feet to an existing dwelling, commercial or closer than 650 feet to an existing dwelling, commercial or other nonresidential building or structures, wetlands or surface water.
- B. No oil and gas processing or sweetening facility, except access roads and pipelines, shall be located less than 2,600 feet from an existing subdivision, apartment buildings, residential developments, mobile home parks, residential uses whose occupants are relatively immobile and which are hard to quickly and efficiently evacuate such as hospitals, nursing homes, residential care facilities, or other land uses that result in a dense population; access roads and pipelines shall be located not closer than 650 feet to such uses and structures.
- C. The maximum density of oil and gas processing or sweetening facilities shall not be more than one (1) square mile section of land and shall not be located within four (4) miles of another oil and gas processing or sweetening facility.
- D. An oil and gas processing or sweetening facility shall be designed to a capacity to service all oil and gas wells that are anticipated to need such service over the maximum life expectancy of the project, within a two (2) mile radius of the proposed project site, except that upon a showing by the applicant that:
 1. An existing oil and gas processing or sweetening facility within the same section of land or within a two (2) mile radius is being operated at capacity and cannot be feasibly expanded; or
 2. The existing facility cannot be expanded or modified to accept oil or gas from the applicant(s) well(s); or

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3. The owners of the existing facility, after reasonable offers and negotiations of terms, refuse to share their facility to service the applicant(s) oil or gas. Then the Planning Commission may act to waive the density standards of this subsection provided the Planning Commission, in deciding whether to waive the density standards herein, may also consider whether there are suitable sites for the proposed oil and gas processing or sweetening facilities or other existing oil and gas processing or sweetening facilities having excess capacity which are more closely situated to the wells which will be serviced by the proposed oil and gas processing or sweetening facility, it being the policy of the Township that, subject to the density objectives set forth herein, and subject to the need to avoid areas of relatively greater population density, the hazards and inconvenience to neighboring properties of necessary oil and gas processing or sweetening facility operations shall, whenever possible, be associated with the areas where the wells being serviced are located, or with properly zoned industrial districts located inside or outside the Township.
- E. Sweetening plants shall be located on a parcel not less than ten (10) acres in size and all other oil and gas processing facilities, except sweetening plants, shall be located on a parcel not less than four (4) acres in size, provided, however, that in all cases the minimum parcel size shall not be less than the minimum parcel size established for the land use district in which the project is proposed to be located.
- F. All oil and gas processing or sweetening facilities having buildings, plant equipment, and/or machinery located above ground, will be screened from view from all nearby roads, dwellings and commercial uses by vegetation or berm, or a combination of both, placed near or at the perimeter boundary of the project site.
- G. In the case of a bulk storage facility, all tanks or other storage facilities, pumps and other equipment are completely enclosed in a berm.
- H. All lights or other illumination devices shall be shaded and/or screened by the vegetation, berm and/or by other apparatus such that direct glare is not visible beyond the perimeter boundary of the property.
- L. The project site shall be secure to prevent pedestrians and other unauthorized persons from gaining access to the project site.
- J. All emissions and/or effluent from the oil and gas processing or sweetening facility shall meet or exceed all applicable state and federal air pollution, surface and groundwater quality standards. A Michigan licensed industrial waste hauler to a licensed Type I or Type II landfill shall transport all solid waste from the site. Steel, or other approved material; tanks shall be used for storage of all liquid materials, including brine, except that earthen pits may be allowed for emergency backup purposes. Sulfur, once separated from natural gas, shall not be incinerated and technology, which chemically changes the sulfur to its elemental form, or other form suitable for resale, or more advanced technology approved by the Planning Commission, shall be used.

PLEASANTON ZONING ORDINANCE ARTICLE 16: SPECIAL USE PERMIT STANDARDS

- K. Sweetening plants shall be fitted with a warning siren audible for one (1) mile in all directions on a calm (no wind) day, which is triggered to sound when concentrations of hydrogen sulfide exceeds 200 parts per million within the project site. The siren shall be periodically tested on a regular basis during the life of the plant operation.
- L. Odors shall not be detectable by normal human senses under normal operating conditions at a distance of 1,300 feet from oil and gas processing or sweetening facility.
- M. Noise shall not exceed fifty (50) decibels at a distance of 1,300 feet from oil and gas processing or sweetening facility.
- N. The applicants) reclamation plan shall be capable of being completed within one year of the cessation of operations of the project.

1610. - FOR WIRELESS COMMUNICATION FACILITIES:

- A. Commercial Television, Radio Towers, Public Utility Microwaves, Public Utility T.V. transmitting towers and Personal Wireless Communication Facilities. Not included within this definition are: Citizen Band radio facilities; short wave receiving facilities. Radio and Television Broadcast reception facilities; federally licensed amateur (*Ham*) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt township regulatory authority. Radio and Television towers, public utility microwaves and public utility T.V. transmitting towers, may be permitted by the Planning Commission after a hearing, in RA-1, RA-2, and WR-1 Districts, provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on the property line. The setback standard may be reduced by up to fifty percent (50%) if the construction plan, the tower, and its guying/anchoring systems are certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback standards of the district. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- B. The following standards will be required for all Wireless Communication Facilities:
 - 1. Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or is otherwise hidden from view by being incorporated in an existing building, or it if co-locates on an existing tower, and the proposed height does not require lighting by FCC and/or FAA regulations.
 - 2. The Planning Commission may permit wireless Communication Facilities after a public hearing, if it is found that there is no reasonable opportunity to locate per item 1610-B 1. Information must be submitted to show efforts will be made to screen, co-locate or place such facilities on an existing

PLEASANTON ZONING ORDINANCE ARTICLE 16: SPECIAL USE PERMIT STANDARDS

structure. A detailed site plan should accompany the application. If possible, the applicant should submit "point of view" renderings or computer generated images of how the proposed structure and support buildings will appear from the surrounding area. The proposed tower must also meet the following conditions and standards:

- a. The proposed height meets FCC and/or FAA regulations.
 - b. Towers must be equipped with devices to prevent unauthorized climbing.
 - c. The best available practices for screening must be taken to blend the tower into the landscape, including, but not limited to, greenbelt planting and painting. Visual beauty areas and public rights-of-way should be avoided. Further, as few structures as possible should be established by the use of existing structures and the avoidance of new freestanding structures.
 - d. New towers should be engineered as appropriate for co-location of a minimum of five (5) other wireless communication facilities on a common structure, tower or building.
 - e. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
 - f. Towers engineered for co-location of antennae should design a ground equipment building that will be adequate to hold the equipment of all anticipated co-locators.
 - g. The wireless communication provider seeking to use an established co-location site will undertake to pay a market rent or other market compensation for co-location. Co-location providers may not charge fees designed to discourage co-location at their sites by other entities.
 - h. The Township of Pleasanton reserves the right to complete, at the applicant's expense, an independent engineering review.
3. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned. In the case of hardship, the ninety (90) day requirement may be extended by the permitting body to a maximum of an additional thirty (30) days.

PLEASANTON ZONING ORDINANCE ARTICLE 18: LAND USE DISTRICT

1801. - LAND USE DISTRICT:

The unincorporated portion of the Township of Pleasanton is hereby divided into four (4) land use districts, as follows:

- | | | |
|----|----------------------------|--------|
| A. | Wilderness-Recreation | WR-1 |
| B. | Residential - Agricultural | RA - 1 |
| C. | Residential-Agricultural | RA—2 |
| D. | Residential-District | R-1 |

1802. - IDENTIFICATION OF OFFICIAL ZONING MAP:

The land use districts are bounded on a map entitled "Official Zoning Map", which zoning map and the contents thereof are incorporated herein by reference. The Official zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the "Pleasanton Township Permanent Zoning Ordinance", together with the effective date of this Ordinance.

1803. - AUTHORITY OF OFFICIAL ZONING MAP:

Regardless of the existence of copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the Pleasanton Township Hall, shall be the final authority as to the location of all land use district boundaries.

1804. - CHANGES TO OFFICIAL ZONING MAP:

If, in accordance with the procedures of this Ordinance and of Public Act 184 of 1943, as amended, a change is made in a zoning district boundary, the Zoning Administrator shall make such change promptly after the amendment authorizing such change shall have been adopted and published.

1805. - REPLACEMENT OF OFFICIAL ZONING MAP:

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending this Ordinance or the prior Official Zoning Map, unless it shall have been adopted in accordance with Act 184 of the Public Acts of 1943, as amended.

The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Pleasanton Township Permanent Zoning Ordinance adopted on July 10, 1995, which replaces and supersedes the Official Zoning Map which was adopted on September 3, 1975."

PLEASANTON ZONING ORDINANCE ARTICLE 18: LAND USE DISTRICT

1806. - RULES OF INTERPRETATION:

- A. The Zoning Board of Appeals, consistent with the purposes of this Ordinance and the following rules of interpretation, shall determine all questions concerning the exact location of boundary lines of any land use district not clearly shown on the Official Zoning Map.
- B. Unless otherwise indicated, the boundary lines of land use districts shall be interpreted in accordance with the following rules of interpretation.
 - 1. A boundary indicated as approximately following the centerline of a highway, road, alley or easement should be construed as following such centerline as it existed on the date of enactment of this Ordinance
 - 2. A boundary indicates as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line as it existed on the date of enactment of this Ordinance
 - 3. A boundary indicated, as approximately following the corporate boundary line of a city, village or township shall be construed as following such line as it existed on the date of enactment of this Ordinance.
 - 4. A boundary indicated as following the water's edge shall be construed as following such water's edge, and in the event of change in the location of the water's edge, shall be construed as following the actual water's edge at the time of interpretation.
 - 5. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water should be construed as following such centerline as it exists at the time of interpretation.
 - 6. A boundary indicated as parallel to, or an extension of, a feature indicated in Paragraphs (1) through (5) above should be so construed.

**PLEASANTON ZONING ORDINANCE ARTICLE 34: DISTRICT WR-1
WILDERNESS RECREATION**

[Annotation: Zoning District Classification: 3468]

3401.-PURPOSE:

It is the intent of this district to provide for safe, wholesome public use of public lands under the jurisdiction of Pleasanton Township.

3402. - USES PERMITTED:

Permitted uses by permit authorized **pursuant to** Section 8401 et.seq. of this Ordinance.

- A. Picnic grounds
- B. Public lookouts
- C. Forest preserves
- D. Wildlife reserves
- E. Public recreation areas
- F. Dwellings
- G. Agricultural establishments
- H. Forestry
- I. Bed and Breakfast

3403. - SPECIAL USES:

Special uses by permit authorized pursuant to Section 8601 et. seq. of this ordinance.

- A. Natural gas compression facilities for Antrim shale gas and necessary and associated flow lines or pipelines, access road and other equipment directly related to the operation of the gas compression processing facility. Sweetening plants, CO2 removal facilities, bulk storage plants and other oil and gas processing or sweetening facilities shall not be authorized as a special use.
- B. Communication facilities [48]
- C. Public camping grounds.
- D. Planned Unit Development.

3404. - MINIMUMS:

- A. Minimum parcel area - 2 acres with minimum road frontage of 200 feet.
- B. Minimum setbacks, including all accessory buildings.
 - 1. Front - 83 feet, measured from centerline of road, as determined by the Manistee County Road Commission or Zoning Administrator.
 - 2. Rear-20 feet.
 - 3. Side-10 feet.
 - 4. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area - 300 feet
- C. Minimum floor area - 840 square feet'

**PLEASANTON ZONING ORDINANCE ARTICLE 35: DISTRICT RA-1
RESIDENTIAL - AGRICULTURAL**

[**Annotation:** Zoning District Classification: 3465]

3501. - PURPOSE:

It is the intent of this district to provide for neighborhoods of a rural character with a mix of forestry practices, agricultural practices, residential use, resort-residential uses, small retail and service businesses in a homogeneous manner while at the same time discouraging manufacturing, wholesale, major retail.

3502. - USE REGULATION:

Permitted uses by permit authorized pursuant to Section 8401 et-seq of this Ordinance.

- A. Dwellings and Duplexes:
 - 1. Home occupations. See Section 503 of this Ordinance.
- B. State licensed residential facilities. See Section 503 of this Ordinance.
- C. Parks
- D. Agricultural establishments [01 and 02]
- E. Forestry [08]
- F. Logging [241]
- G. Educational services [82]
- H. Family Day Care Home and Group Day Care Home [835], See Section 503 of this Ordinance.
- I. Churches [8661]
- J. Fire Protection [9224]
- K. Signs
- L. Accessory buildings, structures and uses to the above.
- M. Bed and Breakfast

3503.-SPECIAL USE:

Special uses by permit authorized pursuant to Section 8601 et. seq. of this Ordinance.

- A. Mobile home parks
- B. Sand, gravel and mineral extraction [14]
- C. Electrical, gas and sanitary services [49]
- D. Farm machinery and equipment sales establishments [5083]
- E. Farm supply establishments [5191]
- F. Miscellaneous general merchandise stores [539]
- G. Auction rooms [5999]
- H. Campgrounds, trailer parks [703]
- I. Automotive repair shops [7538]
- J. Oil and Gas processing or sweetening facilities
- K. Communication facilities [48, except 489]
- L. Golf Courses
- M. Planned Unit Developments

**PLEASANTON ZONING ORDINANCE ARTICLE 35: DISTRICT RA-1
RESIDENTIAL - AGRICULTURAL
3504.-MINIMUMS:**

- A. Minimum parcel area - 2 acres with minimum road frontage of 200 feet.
- B. Minimum setback, including all accessory buildings.
 - 1. Front - 83 feet. Measured from centerline of road, as determined by the Manistee County Road Commission or Zoning Administrator.
 - 2. Rear-20 feet
 - 3. Side-10 feet
 - 4. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area - 100 feet
- C. Minimum floor area - 840 square feet

3505. - SPECIAL CRITERIA:

In addition to the criteria for use approval contained in Section 1001 et. seq. of this Ordinance (General Provisions), the following standards shall be applied in considering a use permit application in the Residential - Agricultural District RA - 1.

The proposed use shall be situated in a manner so as to reduce to a minimum the amount of productive agricultural land, which is converted to the proposed use.

**PLEASANTON ZONING ORDINANCE ARTICLE 36: DISTRICT RA-2
RESIDENTIAL - AGRICULTURAL AND COMMERCIAL BY SPECIAL USE PERMIT
[Annotation: Zoning District Classification: 3465]**

3601.-PURPOSE:

It is the intent of this district to allow, by special use permit, commercial area (s) in Pleasanton Township along certified county roads and State or Federal highways which will promote the well being of the residents and encourage the growth.

3602. - USE REGULATIONS:

Permitted uses by permit authorized pursuant to Section 8401 et. seq. of this Ordinance. And any use permitted in any other Zoning District:

- A. Dwellings and Duplexes
- B. Home occupations (see section 503 of this Ordinance)
- C. State licensed residential facilities (see section 503 of this Ordinance)
- D. Apartment Buildings
- E. Parks
- F. Agricultural establishments [01 and 02]
- G. Forestry [08]
- H. Construction establishments [C: 15-17]
- I. Logging [241]
- J. Accessory buildings, structures and uses to the above
- K. Bed and Breakfast

3603. - SPECIAL USES:

Special uses by permit authorized pursuant to Section 8601 et. seq. of this Ordinance.

- A. Mobile Home Parks
- B. Sand, gravel and mineral extraction [14]
- C. Furniture and fixtures manufacturing [25]
- D. Miscellaneous converted paper products manufacturing [267]
- E. Oil and Gas processing or sweetening facilities
- F. Local and interurban passenger transit [41]
- G. Trucking and warehousing [42]
- H. Transportation services [47]
- I. Communication facilities [48]
- J. Electrical, gas and sanitary services [49]
- K. Wholesale trade establishments [F: 50-51]
- L. Retail establishments [G: 52-59]
- M. Drinking places [5812]
- N. Liquor stores [592]
- O. Golf Courses
- P. Planned Unit Developments
- Q. Service establishments [H: 70-89] except:
 - 1. Campgrounds, trailer parks [703]
 - 2. Automotive repair shops [7538]
 - 3. Producers, Orchestras, Entertainers [792] which take place outside a building.

**PLEASANTON ZONING ORDINANCE ARTICLE 36: DISTRICT RA-2
RESIDENTIAL - AGRICULTURAL AND COMMERCIAL BY SPECIAL USE PERMIT**

- R. Fire protection [9224]
- S. Campgrounds, trailer parks [703]
- T. Signs
- U. Accessory buildings, structures and uses to the above
- V. The following uses are regulated uses for which a special use permit is required.
 - 1. Adult book and/or video store
 - 2. Adult motion picture theater
 - 3. Adult mini-motion picture theater
 - 4. Adult paraphernalia/novelty store
 - 5. Massage parlor
 - 6. Host or hostess establishments
 - 7. Open dance hall
 - 8. Adult live entertainment establishments regardless of whether alcoholic beverages may or may not be served.
 - 9. Adult panoramas
 - 10. Any combination of the foregoing.

3604.-MINIMUMS:

- A. Minimum parcel area - 2 acres
- B. Minimum parcel width throughout - 200 feet
- C. Minimum highway frontage - 200 feet
- D. Minimum setbacks, including all accessory buildings;
 - 1. Front - 83 feet. Measured from centerline of road, as determined by the Manistee County Road Commission or Zoning Administrator.
 - 2. Rear-20 feet
 - 3. Side-20 feet
 - 4. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area - 300 feet
 - 5. Minimum Floor area - 840 square feet.

3605. - ADDITIONAL SPECIAL USE CRITERIA:

- A. No storage of any goods, supplies, merchandise or returnable containers shall occur outside the confines of a building or structure, unless there shall be provided an enclosure, by solid fence or its equivalent, not less than six (6) feet in height and complying with the setback minimums stated in Section 3604 D of this Ordinance around such yard storage area. Fences shall be constructed and maintained of materials consisting of solid wood, lumber or chain link fence with metal strip. Information concerning yard storage and fence material shall be included in the site plan required by Section 8402 B-1 of this Ordinance.
- B. Manufacturing establishments applying for special use permits shall be strictly limited to the fabrication and assembling of component parts and materials. Manufacturing operation entailing the production of metals, chemicals, or plastics from raw materials shall not be permitted.
- C. Sexually oriented businesses.

**PLEASANTON ZONING ORDINANCE ARTICLE 36: DISTRICT RA-2
RESIDENTIAL - AGRICULTURAL AND COMMERCIAL BY SPECIAL USE PERMIT**

1. It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, and chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal through the commercial and industrial zones of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.
2. In order to obtain and retain a special use permit for operation of a regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:
 - a. A special use permit must be acquired through the special use procedures as described in this section.
 - b. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this section shall not be located within 500 feet of two (2) other such regulated uses as defined by this section, nor within 500 feet of any residentially zoned district, school, daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective property lines.
 - c. The regulated uses, as defined by this section, shall only operate between the hours of 8:00 am and 10:00 pm.
 - d. There shall be a manager on the premises at all times.
 - e. The onsite manager of the regulated use shall allow no one under the age of 18 onto the premises.
 - f. If a transfer of ownership or control occurs the existing special use permit will be considered VOID. A new permit shall be applied for in advance of the proposed transfer.
 - g. No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the building on the regulated use.
 - h. Once a special use permit has been issued, the regulated use shall not be expanded in any manner without first applying for and receiving approval of the Planning Commission as provided in the Pleasanton Township Zoning Ordinance.

**PLEASANTON ZONING ORDINANCE ARTICLE 36: DISTRICT RA-2
RESIDENTIAL - AGRICULTURAL AND COMMERCIAL BY SPECIAL USE PERMIT**

- i. If a regulated use is discontinued, the use may not be reestablished without first applying for and receiving the approval of the Planning Commission as provided in the Pleasanton Township Zoning Ordinance.
 - j. The designated parking area for the sexually oriented business shall be lighted from dusk till dawn.
 - k. A secure and well-lighted entrance, separate from that provided for patrons, will be provided for all employees, regardless of their job descriptions.
- 3. The Planning Commission may waive the foregoing spacing requirements if it finds all of the following conditions exist:
 - a. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulation will still be observed.
 - b. The proposed use will not enhance or promote a deleterious effect upon adjacent area through causing or encouraging blight, a chilling effect upon other businesses and residents or a disruption in neighborhood development.
 - c. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation.
 - d. Where all other applicable regulation within the Pleasanton Township Zoning Ordinance or other pertinent zoning ordinances will be observed.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

This Ordinance shall be effective at 12:01 am on the day following its publication as required by law.

**PLEASANTON ZONING ORDINANCE ARTICLE 45: DISTRICT R -1 RESIDENTIAL
[Annotation: Zoning District Classification: 4517]**

4501.-PURPOSE:

It is the intent of this district to provide for residential neighborhoods and certain controlled immediate area service businesses, so as to promote a compatible arrangement of land uses for homes and to keep neighborhoods relatively quiet and free from detrimental uses.

4502. - USE REGULATIONS:

Permitted uses by permit authorized pursuant to Section 8401 et. seq of this Ordinance.

- A. Dwelling and Duplexes
 - 1. Home occupations (see section 503 of this Ordinance)
- B. State licensed residential facilities (see section 503 of this Ordinance)
- C. Educational services [82]
- D. Family Day Care Home and Group Day Care Home [8351] (see section 503 of this Ordinance)
- E. Churches [8661]
- F. Fire protection [9224]
- G. Accessory buildings, structures and uses for the above.
- H. Bed and Breakfast

4503. - SPECIAL USES:

Special uses by permit authorized pursuant to Section 8601 et. seq. of this Ordinance.

- A. Offices of physicians, dentists, osteopathic physicians and other health practitioners. [801, 802, 803 and 804]
- B. Planned Unit Developments
- C. Mobile home parks

4504.-MINIMUMS:

- A. Minimum parcel area - 20,000 square feet
- B. Minimum parcel width throughout-100 feet
- C. Minimum road frontage - 100 feet
- D. Minimum setback, including all accessory buildings;
 - 1. Front - 83 feet. Measured from centerline of road as determined by the Manistee County Road Commission or Zoning Administrator.
 - 2. Rear - 20 feet (Also see 4505, B-4)
 - 3. Side-10 feet
 - 4. Minimum setback from the water's edge of any stream, creek, river or wetland area- 100 feet.
 - 5. Minimum setback from water's edge of any lake - 25 feet.
- E. Minimum floor area - 840 square feet for a dwelling.
- F. Minimum floor area for a duplex - 840 square feet for each family unit.
- G. Minimum width of dwellings or duplexes - 20 feet, excluding **attached** garages, greenhouses, or other areas not designed or intended for human habitation.

PLEASANTON ZONING ORDINANCE ARTICLE 45: DISTRICT R -1 RESIDENTIAL

4505. - OTHER REGULATIONS:

- A. Driveways - All buildings and structures shall provide access to an adjoining road by means of a driveway not less than ten (10) feet in width and unobstructed by bordering trees or other natural growth.
- B. Fences
 1. A fence, which does not exceed six (6) feet in height, may be constructed on any portion of a lot except the front yard. In case of lake front parcels, the "front yard" is defined as the area between the dwelling and the lake shore.
 2. A fence more than six (6) feet tall shall be set back from the property line a distance equal to the applicable setback requirements.
 3. A fence located in the front yard portion of a lot shall not be more than four (4) feet high and shall be a see through, decorative type or an open chain link fence. In case of lake front parcels, the "front yard" is defined as the area between the dwelling and the lakeshore.
 4. In lake front areas where property is owned by one owner on both sides of the road (see illustration) garages and other accessory buildings must be set back a minimum of fifty (50) feet from the center of the road, as determined by the Manistee County Road Commission or Zoning Administrator. The Zoning Administrator will have the right to determine up to three (3) feet exception to that rule upon site inspection. If a lot to the rear of a lake front lot is to be used for a primary residence, the fifty (50) foot setback applies.

4506. - ACCESSORY BUILDINGS:

A detached utility building or garage for use for the storage of automobiles and, or boats and/or miscellaneous storage shall be permitted, however, that all such structures shall comply with the setback restrictions and side yard requirements of dwellings and duplexes.

4507. - NONCOMMERCIAL RECREATIONAL FACILITIES:

No recreational facilities of a noncommercial nature permitted in the district shall be so located or operated as to create a nuisance to a neighboring dwelling or duplex.

PLEASANTON ZONING ORDINANCE ARTICLE 73: WETLAND OVERLAY DISTRICT
[Annotation: Zoning District Classification: 7200]

7301.-PURPOSE:

This overlay district is to protect various wetlands in Pleasanton Township from filling, prevention of runoff-laden pollutants, preservation of plant materials, preserving the aesthetics while at the same time providing for development when possible.

7302. - AREA AFFECTED:

This overlay district shall include all lands shown as the Wetland Overlay District on the Official Zoning Map. Such lines are intended to meander one-hundred (100) feet landward (upland) from the edge of the wetland. If there is a dispute where the edge of the wetland is, the edge shall be as marked on the ground by the Michigan Department of Natural Resources.

7303. - PERMITTED USES:

All uses permitted by right or potential special uses listed in the respective underlying district shall be permitted except as otherwise noted here in this article.

7304. - CONFLICTS WITH THE OVERLAY DISTRICT:

Whenever other provisions of this Ordinance conflict with provisions of this Article, the provisions of this Article shall apply. Whenever other provisions of this Ordinance and provisions of this Article have similar regulations but which differ in how restrictive they are, the more restrictive of the two (2) shall apply.

7305. - REGULATIONS:

No building or structure shall hereafter be erected or enlarged unless both of the following are obtained:

- A. An onsite sewage disposal permit from the Manistee-Mason District Health Department prior to obtaining a zoning permit under this Ordinance, to be on an upland site which meet the requirements of the Manistee County Health Code.
- B. A wetlands permit from the Michigan Department of Natural Resources prior to obtaining a zoning permit under this Ordinance, to be in compliance with the Michigan Wetland Protection Act, PA 203 of 1979, as amended, being MCL 281.701 et. seq.

PLEASANTON ZONING ORDINANCE ARTICLE 80: NONCONFORMITIES

8001.-PURPOSE:

Within the district established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcels, lots, buildings, and structures, which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. These uses are referred to as nonconformities and may continue until they are discontinued, damaged or removed but are not encouraged to survive. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor to be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same district.

8002. - EXTENSIONS:

A nonconforming structure, use, and parcel may not be added to, extended, reconstructed or structurally altered, expanded during its life except for any one or combination of the following and subject to the respective one or combination of the following restrictions:

- A. If the nonconformity is a use, which is not otherwise allowed in the zoning district; then the use and structures upon which the use is associated shall not be expanded. Hours of operation or level of service, or any other extension than what exists at the time of adoption of this ordinance or the effective date of any amendments. Under no condition shall the parcel be expanded or the use be expanded to a contiguous parcel.
- B. If the nonconformity of the parcel is too small, then the structures shall not be expanded.

8003. - REPAIRS AND MAINTENANCE:

Nothing in this Ordinance shall prevent the repair, reinforcements, improvement or rehabilitation of nonconforming buildings, structures, or part thereof existing at the effective date of this Ordinance or the effective date of any amendments, rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the Building Code of Michigan, relative to the maintenance of buildings or structures,

8004. - BUILDING DAMAGE:

- A. No building damaged by fire, act of God or other causes to the extent that the damage is total (i.e. the insurance coverage, if it existed, would pay the full amount insured) shall be repaired or rebuilt, except in conformity with the provisions of this Ordinance. Such reconstruction, repair or restoration shall be completed within one (1) year following the damage and resumption of use takes place within ninety (90) days of completion. The one (1) year may be extended by the Appeals Board if it finds one of the following conditions to exist:
 1. The delay was unavoidable due to weather;
 2. The delay was a result of a criminal investigation; and
 3. The delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance.

PLEASANTON ZONING ORDINANCE ARTICLE 80: NONCONFORMITIES

8005. - COMPLETION:

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted prior to the passage of this Ordinance or any amendment thereto, and the construction of which shall have been completed within twelve (12) months after said date of adoption or amendment.

8006.-NON-USE:

Any building, structure or land that has been used for nonconforming purposes but which has not been occupied by such nonconforming use for one (1) year or more shall not thereafter be used unless it conforms to the provisions of this Ordinance. The Appeals Board for the following reasons may grant an extension:

- A. Property held in Probate;
- B. Insurance settlement in dispute **or**
- C. Criminal investigation.

8007. - SUBSTITUTION:

- A. For the purpose of this section, the permitted uses in the land use districts listed shall be considered in ascending order, as higher uses with District R-1 containing the highest uses and District RA-2 containing the least highest uses:
 1. Residential
 2. Wilderness
 3. Residential Agricultural 1
 4. Residential Agricultural 2
- B. With the approval of the Zoning Administrator, a nonconforming use, building or structure may be replaced by or substituted with a higher use even though such replacement or substitution does not change the nonconforming status of such use, building or structure in the land use district in which it is located.

8008. - CHANGE OF TENANCY OR OWNERSHIP:

There may be changes of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

8009. - NOTIFICATION:

Within thirty (30) days after the effective date of the adoption of this Ordinance of any amendment thereto, any nonconforming user shall file with the Zoning Administrator a written statement of the nature and extent of his/her or its nonconforming use.

8010. - NONCONFORMING SPECIAL USES:

- A. There are uses which were permitted by right under the Pleasanton Township Zoning Ordinance in effect immediately prior to this Ordinance which are not permitted uses under this Ordinance. Of those uses, there are some, which are listed as potential special uses in this Ordinance. Those existing uses, which were permitted uses, and are listed as special uses in this Ordinance, shall not be considered nonconforming uses.

PLEASANTON ZONING ORDINANCE ARTICLE 80: NONCONFORMITIES

- B. Those uses, or parts of uses, which exist as a permitted use immediately prior to this Ordinance, and are listed, as special uses in this Ordinance shall be considered to be an approved existing special use with the configuration shown on a site plan drawn to reflect how the use exists at the time of adoption of this Ordinance. Parts of uses, which are nonconforming immediately prior to the adoption of this Ordinance, shall continue to be nonconforming under this Ordinance. A permit in existence pursuant to this subsection shall be known as an unwritten special use permit.
- C. An owner of an unwritten special use permit may, at no charge to the owner, obtain from the Commission a certification of a site plan reflecting how the use exists at the time of adoption of this Ordinance with identification of nonconforming parts, if any. In the case of a dispute over facts on what existed at the time of adoption of this Ordinance, aerial photographs, flown to the same or greater standards for mapping a the county's photos, taken after the County photos but before the adoption of this Ordinance, shall be given the greatest weight as evidence to establish a certified site plan. For purposes of this section, the above-mentioned photo(s) may be accepted as the site plan for the unwritten special use permit.
- D. When a special use owner applies to amend the unwritten special use permit for expansion or change, a written special use permit amendment application for expansion or change, the commission shall only review and act on the expansion or change portion of the special use permit. If the application for amendment of the special use permit is approved, approved with conditions, denied or denied in part, the action shall not change or alter those parts of the special use that are shown on the unwritten special use permit.

PLEASANTON ZONING ORDINANCE ARTICLE 82: ADMINISTRATION

8201.-PURPOSE:

The administration of this Ordinance shall be conducted by the Zoning Administrator whose means of appointment and duties are set forth in the following sections of this Article. Appeals of action(s) taken by the Zoning Administrator may be made to the Zoning Board of Appeals (see Section et. seq. 9604 of this Ordinance).

8202. - PLEASANTON TOWNSHIP ZONING ADMINISTRATOR:

- A. The Pleasanton Township Zoning Administrator shall administer the provisions of this Ordinance. The Pleasanton Township Board shall appoint a Zoning Administrator who shall serve for such term, subject to such conditions, and at such rate of compensation as the Board shall determine, and the duty of the enforcement of this Ordinance shall rest with the Township Zoning Administrator as shall be authorized by law. The Township Zoning Administrator shall, for the purpose of this Ordinance, have the power of a police officer.
- B. Eligibility. Elected officials of Pleasanton Township and/or Manistee County and/or members of the Pleasanton Township Planning Commission and Zoning Board of Appeals shall be ineligible for appointment to the office of Township Zoning Administrator.
- C. Interim Zoning Administrator. In the event of the resignation, death, disability or disqualification of the Pleasanton Township Zoning Administrator, the Secretary of the Pleasanton Township Planning commission shall serve as interim Zoning Administrator until the Pleasanton Township Board shall appoint a new Zoning Administrator. Should the Secretary not be available to serve as Zoning Administrator, any other member of the Planning Commission/Zoning Board may be appointed by the Chairman of the Planning Commission to serve as interim Zoning Administrator.
- D. In issuing an order, requirement, decision or determination on any discretionary matter referred to him/her or upon which he/she is required to pass under this Ordinance, it shall be sufficient for the Zoning Administrator to reasonably conclude that the purposed use, building, or structure is compatible with the present uses of adjacent land, is consistent with and promotes the intent and purposes of this Ordinance, is compatible with the natural environment, is consistent with the capabilities of public services and facilities affected by such order, requirement, decision or determination, protects the public health, safety and welfare, and is consistent with constitutional requirements of due process and equal protection.

PLEASANTON ZONING ORDINANCE ARTICLE 84: PERMITS

8401. - LAND USE PERMITS:

No land shall be occupied or used and no building or structure shall hereafter be erected, altered or relocated under the provisions of this Ordinance until the Zoning Administrator shall issue a permit authorizing the same.

8402. - LAND USE APPLICATIONS:

- A. If a use is listed in a respective land use district as a permitted use, anyone with an interest in a parcel may apply for a zoning permit under this section. Zoning permit applications are made on a form prepared by the Zoning Administrator and presented to the Zoning Administrator.

- B. The Zoning Administrator shall require that copies of plans, specifications and such other information as he/she may deem necessary shall be filed with the application for permit. Such other information shall include, but not be limited to:
 - 1. A site plan, drawn to the specifications of section 9404 of this Ordinance.
 - 2. The legal seating and/or sleeping capacity of all buildings and structures, if applicable.
 - 3. A concise statement of all operations and uses, which will be conducted on the land and buildings.
 - 4. A concise statement of the services, if any, to be offered to the public, if applicable.
 - 5. Any other information required by this Ordinance.
 - 6. A nonrefundable fee. The Township Board shall establish the fee from time to time.
 - 7. A copy of any other necessary permits required prior to a Construction Code Permit or a copy of a written agreement for, or written intent for concurrent approval for those permits.

- C. The application and site plan, if applicable, shall show the proposed use and structures, which will be developed in compliance with all aspects of this Ordinance. No permit shall be issued by the Administrator under this section for any use, which fails to conform to any relevant provision of this Ordinance or which fails to conform to any minimum requirement established for the land use district in which the proposed use is to be located, or which fails to conform to any standard set forth in the definition of the proposed use, or which fails to conform to the general regulations set forth in this Ordinance.

- D. Upon receipt of a zoning permit application, the Zoning Administrator shall review the application to insure it is complete, to coordinate its review with other agencies, if required.
 - 1. If the application is not complete, the administrator shall return the application with a letter that specifies the additional material required.
 - 2. If the application is complete, but is found not to conform with this Ordinance, a permit denial shall be sent to the applicant, in writing, listing the violations of the Ordinance, and what changes would be necessary to obtain a permit, if any changes made would make it possible for a permit to be issued.

PLEASANTON ZONING ORDINANCE ARTICLE 84: PERMITS

3. If the application is complete and the proposed land use and structures are found to comply with this Ordinance, a zoning permit shall be issued.
4. A zoning permit issued under this Ordinance shall be considered one of the "other applicable laws and ordinances" referenced in Section 11 (1) of Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1511(1). Thus a zoning permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 et. seq.

8403. - PERMIT EXEMPTIONS:

Sections 8401 and 8402 of this Ordinance notwithstanding, a zoning permit or fee is not needed under this section for the following uses. Nothing in this section exempts or requires construction permits, other than required by Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 et. seq.

- A. Only exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district.
- B. Relocation or replacement of machinery or equipment within a building located in a commercial or industrial zone, conforming to the provisions of this Ordinance and used for commercial or industrial purposes, nor for any modification to such building in connection with said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.
- C. Remodeling, repair of an existing structure, which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district.
- D. Open Space; i.e., the removal of trees, shrubs, buildings or structures to create open space devoid of these features, except where the land area involved is in a "Greenbelt area".
- E. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.
- F. Plowing and planting cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation on one or more parcels of land.
- G. Harvesting of timber as part of a forest management activity and as part of a forest management plan, except when such activity takes place within a "Wetland Conservation District".
- H. Hedges, arbors, trees, gardens, plants, shrubs.
- I. Sidewalks, driveways to dwellings.
- J. Domestic animal shelters.
- K. Accessory structures to dwellings and duplexes which are constructed by minors or children for purposes of play by the same minors and children including, but not limited to playhouses, dollhouses, tree houses, forts, hideouts and so on, so long as such accessory structures adhere to setback requirements of this Ordinance.
- L. Personal property sales.

PLEASANTON ZONING ORDINANCE ARTICLE 84: PERMITS

- M. Essential public services such as the erection, construction, alteration or maintenance by public utilities or commissions of aboveground or underground gas, electrical, water, communication, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables traffic signals, hydrants, towers, pools, electrical substations, gas regulation stations, and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service to individual customer/clients, but not including regional, long distance, interstate distribution or collection systems.
- N. Buildings or additions to a building and not for a new type of land use and not exceeding 100 square feet as long as setback minimums are maintained.

8404. - START WORK DEADLINE:

A permit issued under this Section is void if the use is not commenced within one (1) year. The Administrator may grant a renewal after a restudy of the permit at no cost to the applicant, and the applicant continues to meet all requirements for a permit.

8405. - VOID PERMITS:

- A. A violation of any condition or specification in a permit issued under this Section shall void the permit.
- B. Any improper or incorrect information contained in the application for permit issued under this Section shall void the permit until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all requirements for a permit.

8406. - DISTRIBUTION OF LAND USE PERMITS:

Each land use permit shall be issued in four (4) copies and the copies shall be distributed as follows:

- A. One to the applicant, which he/she is to retain until construction is completed.
- B. One to the Township Supervisor.
- C. One to the Planning/Zoning Board, and
- D. One to be retained by the Zoning Administrator as part of the permanent records of Pleasanton Township.

PLEASANTON ZONING ORDINANCE ARTICLE 86: SPECIAL USE

8601.-PURPOSE:

This Ordinance divides Pleasanton Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses, which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a Special Use Permit.

8602. - AUTHORITY TO GRANT PERMITS:

The Planning Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. If approved by the Commission, the Administrator shall issue these permits.

8603. - APPLICATION FEE:

If a use is listed as a possible Special Use in any district, anyone with an interest in the property may apply for a Special Use Permit. A Special Use Permit application will be made on a form provided by the Administrator and submitted to the Administrator along with required information and the required fee. The Township Board will establish the fee from time to time. The applicant shall pay any additional costs incurred in processing the application, beyond that covered by the fee, before the permit is issued. No portion of the fee shall be refundable.

8604. - INFORMATION REQUIRED IN APPLICATION:

- A. An application for Special Use Permit shall include:
 1. The applicant's name and address
 2. A signed affidavit stating the applicant is the owner, or is acting on the owner's behalf.
 3. The address and legal description of the property.
 4. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 0608 of this Ordinance.
 5. A detailed site plan as specified in section 9406 of this Ordinance.
 6. A complete description of the proposed development including: Areas of the site, the number of parcels or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related material as applicable.
 7. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.
 8. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.
 9. Evidence of having received or having an agreement for, or concurrent approval for, any other necessary permits required prior to a Construction Code Permit.

PLEASANTON ZONING ORDINANCE ARTICLE 86: SPECIAL USE

- B. In addition, the applicant may be required to furnish:
 - 1. Elevations on all buildings, including accessory buildings.
 - 2. An environmental assessment.
 - 3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
- C. The applicant shall certify the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion, if the Special Use Permit is approved.

8605. - REVIEW FOR COMPLETENESS:

Upon receipt of the Special Use Permit application, the Administrator will review the application to insure it is complete.

- A. If the application is not complete, the Administrator will return the application to the applicant with a letter that specifies the additional material required.
- B. If the application is complete, the Administrator and chairperson of the Planning Commission shall establish a date to hold a public hearing on the Special Use Permit application.

8606. - NOTICE OF PUBLIC HEARING:

- A. The Administrator shall notify the following persons of the public hearing not less than five (5) nor more than fifteen (15) days prior to the date that the application will be considered:
 - 1. The applicant.
 - 2. The owner of the property, if different
 - 3. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll.
 - 4. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested.
 - 5. The general public by publication in a newspaper, which circulates in the township.
- B. The notice shall include:
 - 1. The nature of the Special Use Permit being requested.
 - 2. The property for which the request has been made.
 - 3. The date, time and location of the public hearing.
 - 4. The address at which written comments should be directed prior to the hearing.

8607. - HEARING AND DECISION:

- A. The Planning Commission shall hold a public hearing to receive input on the Special Use Permit application.
- B. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and Commission), the commission shall either grant, grant with conditions, or deny the application. The decision shall be in writing and reflect the reasons for the decision. At a minimum the record of the decision shall include:
 - 1. A summary of public comments made at the hearing.

PLEASANTON ZONING ORDINANCE ARTICLE 86: SPECIAL USE

2. Formal determination of the facts.
3. The conclusions derived from the facts (reasons for the decision).
4. The decision, and
5. A listing of any conditions upon which issuing a permit is issued or occupancy is allowed.

8608. - SPECIAL USE PERMIT STANDARDS:

- A. The standards for determining if a Special Use Permit is to be granted or not are:
 1. Is the use reasonable and designed to protect the health, safety and welfare of the community?
 2. Is the use consistent with the intent and purpose of the district?
 3. Is the use compatible with adjacent land uses?
 4. Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and
 5. Does the use comply with other general and specific standards of this Ordinance?

8609. - SPECIAL USE PERMIT CONDITIONS:

- A. Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the commission. Any conditions, limitations or requirements upon which approval is based shall be:
 1. Reasonable and designed to protect natural resources, the health, safety and welfare of the public;
 2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
 3. A valid exercise of the police power;
 4. Related to the purposes which are affected by the proposed use or activity;
 5. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective district;
 6. Designed to insure compatibility with adjacent uses of land and the natural environment, or
 7. Designed to insure that public service and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facilitate loads caused by the land use or activity.
- B. The Planning Commission shall have the right to limit the duration of a Special Land Use where the same is for mining, and sweetening plant operation and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use.

8610. - SECURITY REQUIREMENTS:

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Administrator, upon advice and consent of the Commission, may require:

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1. A cash deposit;
 2. Certified check;
 3. Irrevocable bond, letter of credit or
 4. Surety bond, in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance with.

8611. - AMENDMENT OF SPECIAL USE PERMITS:

Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the Township and applicant, if done prior to the issuance of an occupancy permit.

8612. - TRANSFER OF SPECIAL USE PERMIT:

A Special Use Permit, with any and all associated benefits, conditions and required security may be transferred to a new owner. The responsibility for affecting the transfer shall be the original owner. If not transferred, the original owner shall continue to be held responsible for any conditions, security, etc... required by the Special Use Permit. The original owner, upon transferring the Special Use Permit shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security and other conditions.

8613. - CONSTRUCTION CODE PERMIT:

A Special Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 et seq.

8614. - EXPIRATION OF SPECIAL USE PERMITS:

A Special Use Permit shall be valid for as long as the approved Special Use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests the rescinding of the Special Use Permit.
- D. If the use is not used, moved or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.

8615. - VIOLATION OF PERMIT:

Any violation of the terms, conditions of limitations of a Special Use Permit shall be cause for revocation or suspension of the Permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use Permit. The act to revoke or suspend the

PLEASANTON ZONING ORDINANCE ARTICLE 86: SPECIAL USE

Permit shall occur after giving notice to the permit holder, specifying the violations alleged to exist and when a hearing will be hold on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the Permit shall occur after or at the hearing on the matter. Before revoking or suspending the Permit the Commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violations.

PLEASANTON ZONING ORDINANCE ARTICLE 88: PLANNED UNIT DEVELOPMENT

8801.-PURPOSE

This section recognizes that it may be desirable to modify certain restrictions of this Ordinance in the context of an innovative, efficient, planned unit development- The rationale for this departure from normal policy is that virtually the entire Ordinance is drafted in contemplation of regulating separate, individually proposed uses. Whenever it can be demonstrated the needs of the community will be better served by a private plan which combines multiple structures or uses on a single area and maintains in so far as possible, our rural atmosphere, it may be possible to modify some of the regulations which inhibit such a plan without formal amendment of this Ordinance by issuing a Special Use Permit for a Planned Unit Development. The Commission in determining a Planned Unit Development may use the following.

- A. To permit flexibility in the regulation of land development;
- B. To encourage innovation in land use variety in design, layout, and type of structures constructed;
- C. To achieve economy and efficiencies in the use of land, natural resources, energy, and the provision of public services and utilities;
- D. To encourage useful open space.

8802. - ELIGIBILITY

No use shall be eligible for special treatment under this section unless all of the following conditions are found to be met by the Planning Commission:

- A. The application proposes a planned residential development as defined by this Ordinance;
- B. Planned Unit Development of the type contemplated is authorized by Special Use Permit in the relevant District;
- C. Every use contemplated in the Planned Unit Development in the respective Districts are:
 1. Listed as permitted uses in that District,
 2. Listed as Special Uses in that District.
- D. If a proposed use in a Planned Unit Development is a service establishment, and is not listed as a permitted use or Special Use in the respective district in which a Planned Unit Developments proposed; the use may still be part of the Planned Unit Development if the following conditions are met:
 1. The use is clearly an accessory use to the principle functions) in the Planned Unit Development.
 2. The use is conducted entirely within an enclosed building except for parking, signs, arrival and departure of shipping, other incidental activities which are not permanent in nature;
 3. The use has all outside accessory and work areas enclosed by a solid wall;
 4. The minimum size of the structure is six hundred (600) square feet in building area; and
 5. The maximum size of all structures (building areas and total interior floor areas), whichever is less is three thousand (3,000) square feet in area.

PLEASANTON ZONING ORDINANCE ARTICLE 88: PLANNED UNIT DEVELOPMENT

- E. The open space preserved from development (by preservation easement to the township, county or land conservancy) shall be at least seventy (70) percent of the gross acreage of the parcel. Open space will be defined as a space that is functional for wildlife habitat, resource preservation, agricultural use, or recreation. Land in streets, sidewalks, parking areas, and yards shall not be considered as an open space. Natural bodies of water shall not be considered as open space.
- F. The proposed Planned Unit Development is on a parcel which is:
 - 1. Twenty (20) times the size of the minimum (or 2 acres) parcel size in a district where the minimum parcel size is one acre or less, or
 - 2. Five (5) times the size of the minimum parcel size in a district where the minimum parcel size is one (1) acre to fifteen (15) acres, or
 - 3. Planned Unit Developments spanning two (2) or more Districts shall meet the minimum land area requirements of each district.
- G. The resulting detached single family developmental sites created within the property proposed for the PUD shall each contain a minimum of fifteen thousand (15,000) square foot lot area (or its equivalent in the case of site condominium), which shall not include:
 - 1. Sand dune with slopes greater than eighteen (18) percent
 - 2. Beach contiguous to a lake or stream
 - 3. Wetland
 - 4. Area that is not accepted by District #10 Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the District #10 Health Department.
 - 5. High risk erosion area
 - 6. That part of a floodplain where flood waters is expected to have a destructive current.
 - 7. Existing public utility easements.
 - 8. Existing public rights-of-way.
 - 9. Waterfront setback areas, and
 - 10. Slopes over twenty-five (25) percent.
- H. The application is otherwise consistent with the legislative policy expressed in Section 8801.

8803. - PROCEDURE:

Prior to submitting a completed formal application for a Planned Unit Development Special Use Permit, the applicant shall request a pre-application conference. A representative(s) of the Planning Commission, the Zoning Administrator, Township Supervisor and others as the Township Planning Commission shall attend this pre-application conference and/or Township Board deemed appropriate to discuss the project and review procedures to ensure the applicant has a clear understanding of the process that is to be followed and the goals and objectives of the township. Upon submitting a request for a preliminary meeting, the applicant shall remit to the Zoning Administrator funds in an amount as specified in the Township Fee Schedule that shall be placed in escrow account used to offset the costs incurred by the Township in the considering of the proposed development. The township retains the right to obtain appropriate consultants at the applicant's

PLEASANTON ZONING ORDINANCE ARTICLE 88: PLANNED UNIT DEVELOPMENT

expense with funds being drawn from the escrow account to cover these costs. The applicant or their representative shall present at such conference or conferences. The applicant at this meeting shall present the following information:

- A. Legal description of the property in question
- B. Total number of acres to be included in the project.
- C. A statement of the approximate number of residential units and/or the approximate number, type and square footage of nonresidential units,
- D. Approximate number of acres to be occupied/or devoted to each type of use.
- E. Departures from the regulation of the ordinance that may be requested.
- F. A scale drawing of the property depicting:
 - 1. The approximate number of acres to be preserved as open space.
 - 2. All known and discernible natural resource and/or natural feature areas of the property including areas of steep slopes, wetlands, sand dunes, water bodies, significant vegetation and other information that will assist the township in gaining a better understanding of the property. Applications for Planned Unit Development are essentially Special Use Permit applications, which request a waiver of basic dimensional restrictions. Submittal of the formal application shall contain that information as required on the application form and as specified in section 8604,9404,9405 and 9406. Accordingly, the Planning Commission under section 8601 *et seq* shall process them. Except that:
 - A. The specific procedures of State Zoning enabling statute shall be followed whenever they are inconsistent with section 8601 *et. seq's* procedures; and
 - B. Any basic restriction relating to minimum lot size, minimum usable floor area, maximum height or setbacks may be modified in accordance with section 8804. In addition to the procedure for reviewing site plans and Special Use Permits, when the application is for a Planned Unit Development the Planning Commission shall also consult with the following agencies prior to issuing a Planned Unit Development site plan:
 - A. The Pleasanton Township Water Department, if applicable.
 - B. The Bear Lake Township Fire Department.
 - C. The District # 10 Health District Sanitarian or DEQ, which ever is applicable, concerning onsite sewage disposal.
 - D. The Manistee County Planning Department.
 - E. The Manistee County Conservation District, P.A. 451 Erosion Specialist.
 - F. Manistee County Road Commission and/or the Michigan Department of Transportation, as appropriate.

8804. - BASIC RESTRICTIONS AND MODIFICATIONS PROCEDURE:

The Planning Commission shall calculate the number of units permitted for a Planned Unit Development by dividing the gross acreage of the development by the density of principal structures allowed in the District:

- A. When calculating available land area, all the land involved in the proposed Planned Unit Development may be used for gross acreage, regardless if the land is all in one (1) zoning district or not. The density obtained represents the maximum number of

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- dwellings or principal structures, which may be permitted for development.
- B. If the gross acreage is located in more than one (1) district, then the density shall be calculated separately for each area in each respective zoning district. The district in which most of the land is located shall be used to determine which district regulations shall apply in determining requirements for parking, setbacks, building height, maximum percentage of lot coverage, minimum square feet of building area and signage. The number of units determined to be allowable shall represent the maximum number of dwelling or principle structures, which may be permitted within the Planned Unit Development. The following equivalents shall be used for the purpose of calculating density:
- A. One (1) living unit equals one (1) dwelling unit (single family dwelling)
 - B. Two (2) living units equals one (1), two (2) family dwelling (duplex)
 - C. One (1) living unit equals one (1) dwelling unit in a multiple family dwelling (an apartment).
 - D. Each one thousand (1,000) square feet (or fraction thereof) of service establishment space shall be equal to one (1) dwelling unit. Plus 0.25 living units for each additional one thousand (1,000) square feet. Following these calculations, the Planning Commission then may:
 - A. Permit clustering of development and/or allow a reduction in the size of individual lots within the Planned Unit Development below the minimum area required so long as the density for the entire available land area is not exceeded; and/or
 - B. Waive, wholly or in part, any minimum usable floor area requirement, set back, or maximum height of fifty (50) feet, in the District if doing so results in:
 1. Additional public property in the development and/or public easement on property in the development that is acceptable to the Township and/or
 2. Lower costs for installation and/or maintenance of public utilities to be owned and operated by the Township, and or
 3. Public Park land developed in or near the development, and/or
 4. Preservation of open space and environmental (sand dune, beach, contiguous to a lake or stream, wetland, high risk erosion area, floodplain, water setback areas, areas not suitable for on-site sewage disposal, slopes over 25 percent) or visual benefits to the Township, and or
 5. Enhanced recreation opportunities, and/or
 6. Provide a particular image or appearance at the entrance way, and/or
 7. The perimeter setback for the entire parcel(s) is double that which would otherwise be required in the District in which the property is located.

Changes to an approved Planned Unit Development:

- A. An approved final development plan and any conditions imposed upon final Planned Unit Development approval shall not be changed except upon mutual consent of the Pleasanton Township Planning Commission and the applicant, and as otherwise provided by this Section.
- B. Except for changes determined to be minor changes as provided by the following

PLEASANTON ZONING ORDINANCE ARTICLE 88: PLANNED UNIT DEVELOPMENT

section (3), changes to an approved Final Site Plan or any conditions imposed on final Planned Unit Development approval shall be reviewed and approved, approved with conditions, or denied by the Planning commission pursuant to the procedures provided by this Ordinance for an original request for Planned Unit Development approval.

- C. The Zoning Administrator, without review and approval by the Planning Commission, may approve minor changes to a Final Development Plan. For purposes of the Section, "Minor Changes" means changes which meet the following requirements:
1. For residential buildings, a one time change of no more than five (5) % in the size of each structure, and provided there is no change in the number of dwelling units.
 2. For non-residential buildings, a change of no more than five (5)% in gross floor area.
 3. The alteration of vertical elevations by no more than five (5)%.
 4. The relocation of building footprints by no more than five (5) feet, unless a specific setback or separation distance was imposed as a condition of the Planned Unit Development approval.
 5. An increase in area or areas designated on the Final Plan as open space.
 6. The substitution of plant materials included in the Final Development Plan, provided they are substituted by similar types of landscaping on a 1 to 1 or greater basis.
 7. Improvements made to access and circulation systems, such as the addition of pedestrian/bicycle paths.
 8. A reduction in the size of signs, or an increase in sign setbacks.
 9. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created.
 10. A change in the name of the Planned Unit Development or in the names of streets within the Planned Unit Development.
 11. Other similar changes of a minor nature proposed to be made to configuration, design, layout or topography of the Planned Unit Development which are deemed by the Zoning Administrator to be not material or significant in relation to the entire Planned Unit Development and which the Zoning Administrator determines would not have significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Pleasanton Township Planning Commission for its records. A decision of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.

The Zoning Administrator may refer any decision regarding a minor change to a Final Development Plan to the Pleasanton Township Planning Commission for review and approval. The Zoning Administrator shall refer major change to the Final Development Plan to the Planning Commission for approval. In making a determination as whether a change is a minor change, or whether to refer a change to the Pleasanton Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

PLEASANTON ZONING ORDINANCE ARTICLE 94: SITE PLAN

9401.-PURPOSE:

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission under the provisions of a Special Use Permit and provides for the option of site plan review by the Administrator.

9402. - SITE PLAN REVIEW:

- A. Every application for a zoning permit shall include a site plan, drawn according to the specifications of this article. (A demand for appeal before the Appeals Board shall include a site plan drawn according to the specifications of this article.) The Administrator shall review the site plan prior to issuing a zoning permit, or the Administrator shall transmit the site plan to the Commission for their review.
- B. There shall be three (3) levels of site plans, for different complexities of proposed land uses.
 1. A Basic Site Plan (Section 9404), for dwellings additions to dwellings and construction of accessory structures to dwellings. These site plans shall only be subject to review by the Administrator.
 2. A Medium Site Plan (Section 9405), for any permitted use, which is not a dwelling, addition to a dwelling, construction of accessory structures to dwellings and for any matter before the Appeals Board which would not need a Detailed Site Plan. The Commission shall publish policy for when a Medium Site Plan, not drawn for purposes of an Appeal, shall be required to be reviewed by the Commission and/or a committee of the Commission, or the Administrator.
 3. A Detailed Site Plan (Section 9406), for any Special Use, Planned Unit Development. These site plans shall only be subject to review by the Commission.
- C. Whenever possible site plan review by the Administrator and Commission shall be coordinated and done simultaneously with other reviews by the Administrator and Commission on the same application.

9403. - OPTIONAL SKETCH PLAN REVIEW:

Prior to submitting an application, or site plan, for a Zoning Permit an applicant may choose to submit a sketch plan for review by the Administrator and/or Commission. The sketch plan shall be superimposed on an air photo or the parcel or shall be a scaled drawing of the parcel showing the location of existing and proposed parcel, parcel boundaries, all structures, natural features, all improvements, streets, sidewalks, easements and drainage systems. The review shall be informal and advisory only, and not constituting any form of approval or authorization of granting any type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Commission's agenda if the sketch plan is to be reviewed by the Commission.

9404. - REQUIRED DATA FOR A BASIC SITE PLAN:

The Basic Site Plan shall be a sketch, drawn to scale, or superimposed on an air photo, or superimposed on a survey of the parcel. The following shall be shown on the Basic Site Plan:

PLEASANTON ZONING ORDINANCE ARTICLE 94: SITE PLAN

- A. The property, identified by parcel lines and location and size.
- B. Name and address of property owner(s), developer(s), and designer(s) and their interest in said properties.
- C. The scale, north point.
- D. Natural features such as woodlots, water bodies, wetlands, high-risk erosion areas, slopes over 25% beach, sand dunes drainage and similar features.
- E. The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings and square footage of floor space.
- F. The proposed driveway, if any.
- G. Show any changes or modifications required for any applicable regulatory agency's approvals. (Site plan or design plan changes required after the Commission issues a Special Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits).
- H. Setbacks from all property boundaries.

9405. - REQUIRED DATA FOR A MEDIUM SITE PLAN:

The site plan shall be drawn to scale and shall be on paper, which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the administrator can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use.

- A. All the data required for Basic Site Plan, spelled out in Section 9404 of this Ordinance.
- B. The parcel's legal description.
- C. Boundary dimensions of natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- D. Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines.
- E. Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lines, service parking and snow storage areas.
- F. Any proposed alterations to the topography and other natural features shall be indicated.
- G. Any proposed location of connections to existing utilities and proposed extensions thereof.
- H. A description of the proposed development.
- I. A vicinity map showing the location of the site in relation to the surrounding street system.

9406. - REQUIRED DATA FOR A DETAILED SITE PLAN:

A site plan which shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the commission can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use. The Commission, upon initial review of the site plan, may act to require any information

PLEASANTON ZONING ORDINANCE ARTICLE 94: SITE PLAN

specifically waived by the administrator to be submitted. Such site plan shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor or community planner (or, if acceptable to the Commission, owner or other qualified individual). Unless so waived, all site plans shall include the following information:

- A. All the data required for a Basic Site Plan, set forth in section 9404 of this Ordinance and for Medium Site Plan, set for the in section 9405 of the Ordinance.
- B. The proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.
- C. The location, proposed finished floor and grade line elevations.
- D. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit type.
- E. Any proposed roads, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site.
- F. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of topography.
- G. Generalizes soil analysis data, which may include data prepared by the Manistee County Soil Conservation District or Manistee County Planning Department regarding the soils and their adaptability to the use. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of soils.
- H. Soil erosion and sediment control measures that shall include preventative soil erosion devices or measures, both during and after any site work related to the development, when required.

9407. - REQUIRED DATA FOR A SITE PLAN INVOLVING SPECIAL GROUNDWATER PROTECTION PROVISIONS.

- A. Applicability of this additional site plans content for groundwater protection. Facilities which use or generate hazardous substances:
 - 1. In quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety-five (95) liters (approximately twenty-five (25) gallons), per month, whichever is less or
 - 2. Stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons), whichever is less shall be subject to site plan review requirements.
- B. In addition to all the data required for a Basic Site Plan, set forth in Section 9404, Medium Site Plan set forth in Section 9405, or Detailed Site plan set forth in Section 9406 of the Ordinance whichever is applicable, the following shall also be shown in the site plan:
 - 1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.

PLEASANTON ZONING ORDINANCE ARTICLE 94: SITE PLAN

2. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wastewater, and all similar uses.
3. Location of exterior and interior drains, on-site sewage system, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
4. Location of all water wells **on** the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
5. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
6. Submission of the "Hazardous Substances Report Form for Site Plan Review".
7. Submission of the "State/County Environmental Permits Checklist"
8. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Commission or Administrator, whichever is applicable.

9408. - SUBMISSION OF A SITE PLAN:

Three (3) copies of a site plan shall be submitted with a zoning permit application to the Administrator. In the case where a committee of the Commission or the Commission is reviewing the site plan, eight (8) copies of the site plan shall be submitted to the Administrator.

9409. - REVIEW FOR COMPLETENESS:

The Administrator shall review the site plan received to insure it is complete, and contains all the elements required by this Ordinance. Such finding shall be done concurrently with similar required findings that a zoning application is complete.

- A. If the site plan is not found to be complete, the Administrator shall return the site plan to the applicant with a written list of items needed to make the site plan complete.
- B. If the site plan is found to be complete, the Administrator shall:
 1. Only as applicable, forward copies of the site plan to the Township Engineer, County Road Commission, Township Department of Public Works, County Soil Erosion Inspector, County Drain Commissioner, County Health Department, Michigan Department of Highways, for their recommendations to be subsequently forwarded with the site plan, and
 2. Determine if the site plan is to be reviewed and acted upon by him/her, and then do so, or
 3. Determine if the site plan is to be reviewed and acted upon by the Appeals Board, and then forward the copies of the site plan to each member of the Appeals Board a week prior to their meeting, or

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4. Determine if the site plan is to be reviewed and acted upon by the Commission or a committee of the Commission, and then set up a site plan review meeting and forward the copies of the site plans to each member of the Commission (or a committee of the Commission) a week or more prior to the commission's meeting.

9410. - STANDARDS FOR SITE PLAN REVIEW:

The Commission and Administrator to review site plans shall use the following standards:

- A. All applicable regulations of this Ordinance, which apply generally to all districts, and all applicable regulations of this Ordinance, which apply to the specific zoning district, to any conditions imposed with the granting of a Special Use Permit or Variance, shall be shown on the site plan as being complied with.
- B. All utility easements shall be distributed on site in a manner, which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground unless this requirement is specifically waived by the Administrator, Commission or Appeals board upon review of the site plan.
- C. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the Township and designed in compliance with any applicable federal and state statute, township and county ordinance.

9411. - APPROVAL AND COMPLIANCE:

- A. In cases where the Administrator reviews the site plan pursuant to Section 9402, within seven (7) days of the site plan being found complete, as specified in Section 9409, the Administrator shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- B. In cases where the Commission, or a committee of the Commission, reviews the site plan, within sixty (60) days of the site plan being found complete, as specified in Section 9409, the Commission shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- C. The action shall be recorded in a record of the zoning application and shall be filed with the Administrator. The Administrator or Commission shall notify the applicant in writing of its decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, shall be given to the applicant, in writing, attached to the rejection. If the Administrator or Commission does not act on the site plan, and put its action in writing within the prescribed time, the site plan shall be conclusively presumed to have been approved. If the proprietor and Administrator or Commission mutually agrees, the time limit may be extended.

9412. - CONDITIONS OF SITE PLAN APPROVAL:

- A. A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown on the approved site plan and/or shall be in writing.
- B. Reasonable conditions may include conditions necessary to:
 1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facilitate loads caused by the land use or activity,

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2. Protect the natural environment and conserve natural resources and energy,
 3. Insure compatibility with adjacent uses of land, and
 4. Promote the use of land in a socially and economically desirable manner.
- C. Conditions imposed shall meet all of the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land-use or activity under consideration, the residents and landowners immediately adjacent to the proposed land-use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

9413. - SECURITY REQUIREMENT:

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Administrator or the Commission may require:
1. A cash deposit.
 2. Certified check.
 3. Irrevocable bank letter of credit or
 4. Surety bond in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance.

9414.-FILE COPIES:

At least two (2) copies of the site plan, all-accompanying documents, record of approval, list of conditions, security shall be kept by the Township for its records.

9415. - ZONING PERMITS:

No zoning permit or Michigan Construction Code, building permit, issued pursuant to Public Act 230 of 1972, as amended, being the State construction Code Act, MCL 125.1501 et. seq., shall be issued or otherwise authorized until after the site plan has been approved and any required securities have been received.

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9416. - AMENDMENT OF SITE PLAN:

An application may be considered to amend an existing site plan, and shall be handled in the same manner as the initial site plan review prescribed by Section 9401 of this Ordinance. By mutual agreement between the Township and applicant, minor non-substantive changes may be made to an existing approved site plan if such changes are sought prior to the issuance of an occupancy permit for work authorized by the Special Use Permit.

PLEASANTON ZONING ORDINANCE ARTICLE 96: ZONING BOARD OF APPEALS
9601. - ZONING BOARD OF APPEALS:

There is hereby established a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided by Act 184 of Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be enforced, the public health, welfare and safety secured, and substantial justice done.

• A. NUMBER: The Zoning Board of Appeals shall consist of three (3) members.

Members of the Zoning Board of Appeals shall be appointed by the Township Board in accordance with Public Act 184 of the Public Acts of 1943, as amended, and shall be governed in accordance therewith. The first member shall be a member of the Pleasanton Township Planning Commission. The remaining members shall be selected from the various intrusts in the Township. One (1) member may be a member of the Pleasanton Township Board; provided however, no elected official of Pleasanton Township shall serve as chairman of the Board of Appeals. An employee or contractor may not serve as a member or an employee of the Board of Appeals.

• B. TERM: The term of each member shall be for three (3) years, except that of the members

first appointed, two (2) years and the remaining members for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

• C. DISQUALIFICATION AND REMOVAL: A member of the Board of Appeals shall

disqualify him/herself from a vote in which he has a conflict of interest. Members of the Board of Appeals shall be removable by the Pleasanton Township Board for nonperformance of a duty or misconduct in office upon written charges and after a public hearing. Failure of a member to disqualify him/herself from a vote in which he/she has a conflict of interest shall constitute misconduct in office.

9602. - QUORUM AND PROCEDURE:

The Zoning Board of Appeals shall not conduct business unless a majority of the members are present. The Zoning Board of Appeals shall appoint one (1) of its members to be Chairperson, and one (1) to be Secretary, and shall establish rules and regulations to govern its procedures when acting upon appeals.

9603. - DUTIES OF THE ZONING BOARD OF APPEALS:

- A. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the Official Zoning Map. It shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of the majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, Decision or determination of the Zoning Administrator or decide in favor of the applicant any matter upon which it is required to pass under, or to effect any variation in, this Ordinance. Any person

PLEASANTON ZONING ORDINANCE ARTICLE 96: ZONING BOARD OF APPEALS

- aggrieved, by any officer, department, board or bureau of the township, county or state, may take an appeal.
- B. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule by the filing with the Zoning Administrator of a notice of appeal specifying the grounds therefore. The Zoning Administrator shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.
 - C. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any person may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination made by the Zoning Administrator and, to that end, shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit. Upon the hearing of an appeal from any order, requirement, decision or determination made by the Zoning Administrator, the Zoning Board of Appeals shall limit itself to a review and determination that the Zoning Administrator has correctly applied the relevant standards under this Ordinance, that the Zoning Administrator's order, requirement, decision or determination is based upon competent material and substantial evidence on the whole record and that the Zoning Administrator's order, requirement, decision or determination is consistent with constitutional requirements of due process and equal protection. Provided, however, that nothing contained herein shall be construed as preventing the Zoning Board of Appeals from construing an appeals as a request for a variance from the strict terms of this Ordinance and proceeding in accordance with the succeeding Section.
 - D. Anyone with an interest in the property may apply for a Special Use Permit. A Special Use Permit application will be made on a form provided by the Administrator and submitted to the Administrator along with required information and the required fee. The Township Board will establish the fee from time to time. The applicant shall pay any additional costs incurred in processing the application, beyond that covered by the fee, before the permit is issued. No portion of the fee shall be refundable.

9604. - VARIANCES:

- A. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Appeals Board shall have the power in passing upon appeals to vary or modify any of the rules or provisions of this Ordinance so that the spirit of the Ordinance is observed, the public health and safety secured, and substantial justice done. Specifically, the Zoning Board of Appeals shall find and determine:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same land use district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same land use district under the terms of this Ordinance.
 - 3. That the special conditions and circumstances are not the result of actions of the applicant.

PLEASANTON ZONING ORDINANCE ARTICLE 96: ZONING BOARD OF APPEALS

4. That granting the variance will not alter the essential character of the area.
- B. The nonconforming use of neighboring lands, structures or buildings, in the same land use district, and the permitted use of lands, structures or buildings in other land use districts shall not be considered grounds for the issuance of a variance. Additionally, the Zoning Board of Appeals shall find and determine that the reasons set forth in the application justify the granting of the variance under the standards of this Section and that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- C. The Zoning Board of Appeals may require the applicant for a variance from the provisions of this Ordinance to submit such surveys, plans or other information, in addition to such information already contained in the record, as is necessary for the Zoning Board of Appeals may impose such conditions or limitations in granting a variance, not contrary to law, as it may deem necessary to comply with the spirit, intent and purpose of this Ordinance.

9605. - INTERPRETATION OF ORDINANCE TEXT:

• A. INTERPRETATION:

Interpretation pursuant to the requirements of MCL 125.197a; M.S.A.5.2963 (27a) nothing contained herein shall be construed as prohibiting the Zoning Board of Appeals from interpreting the text of this Ordinance in such a fashion that will allow in a land use district buildings, uses and structures which are sufficiently similar to the specifically delineated permitted in that land use district, under the same permitted use regulations. Such interpretation shall not have the effect of granting a variance but rather shall be deemed only to be an interpretation of the Ordinance test.

• B. STANDARDS:

In determining whether a proposed building, use or structure is sufficiently similar to a specifically delineated permitted use, the Zoning Board of Appeals shall consider the relevant policies for the Land Use District in question as set forth in the Land Use and Development Component of the Pleasanton Township Master Plan, the nature, use and purpose of the proposed building, use or structure and whether or not the proposed building, use or structure is a permitted use in any other Land Use District in the Township.

• C. PRECEDENT:

An earlier determination under this section shall be considered a precedent for other applications proposing an identical building, use or structure in the same Land Use District, provided the earlier determination was made with respect to a building, use or structure sufficiently similar to a specifically delineated permitted use in the Land Use District.

PLEASANTON ZONING ORDINANCE ARTICLE 98: AMENDMENTS, VALIDITY, AND PENALTIES

9801. - AMENDMENTS:

The Pleasanton Township Board may, from time to time, amend, supplements, or change the regulations and boundaries of districts or provisions of this Ordinance in the manner prescribed by Act 184 of Public Acts of Michigan for 1943, as amended.

• A. AMENDMENT PROCEDURE:

The procedure for making amendments to the Ordinance shall be in the manner provided by statute, with all amendment proposals being referred to the Pleasanton Township Planning Commission for statutorily required notices, hearing, review by Manistee County Planning Commission, transmission of the proposed amendments and summary comments made at the public hearing to the Township Board for their action with or without an additional public hearing, within fifteen (15) days notice given in a newspaper. If the Township Board holds an additional hearing, the Township Planning Commission members shall be required to attend. Within fifteen (15) days of adoption, a notice to the effect shall be published in a newspaper and a copy of the amendment filed with the Township Clerk.

• B. CONFORMANCE TO COURT DECREE:

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

9802. - EXTINGUISHMENT OF AMENDMENT BY ABANDONMENT OF PURPOSE:

In the event this Ordinance is amended by the rezoning of certain premises upon the petition of a property owner for a specific project or purpose, the granting of the amendment may be conditioned upon the start of construction or the undertaking of the project within one (1) year from the effective date of such rezoning. If the start of construction does not occur within the stated time, the rezoning shall be held null and void and shall cease to exist and the premises shall thereupon revert to its former classification and zoning. The term "state of construction", is defined to mean construction started in a substantial manner and continued without unreasonable interruption to a substantial completion. The purpose of this section is to prevent a petitioner from obtaining the rezoning of premises for a specific purpose and then failing to proceed with such rezoning for a purpose, or using such rezoning for a purpose other than requested in the petition for rezoning.

9803.-VALIDITY:

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more sections, subsections, phrases, sentences or clause be declared invalid.

PLEASANTON ZONING ORDINANCE ARTICLE 98: AMENDMENTS, VALIDITY, AND PENALTIES

9804.-PENALTIES:

Any building or structure which is erected, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained **or** changed in violation of any provisions of this Ordinance are hereby declared to be a nuisance per. Se. Any person, firm or corporation, or the agent in charge of such buildings or land who violates, disobeys, omits neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance, or any amendment thereof, shall be fined upon conviction not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00) together with the costs of prosecution, or shall be punished by imprisonment in the County Jail for not less than one (1) day nor more than ninety (90) days, for each offence, or may be fined and imprisoned as provided herein. The party, or parties, convicted of such offense shall have a period of the ten (10) days in which to correct the cause of the offense. Thereafter, each and every day during which an illegal erection, construction, reconstruction, alteration, maintenance or use continue shall be deemed a separate offense. The Township Board, the Township Zoning Administrator, the Board of Appeals, the Attorney for the Township, or any owner or owners of real estate within the district in which such building, structure or land is situated may institute a nuisance, injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate, or remove any said unlawful erection, construction, alteration, reconstruction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

9805. - CONFLICTING PROVISIONS:

All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

9806. - REPEAL OF FORMER ZONING ORDINANCE:

Pleasanton Township Zoning Ordinance of 1975 as amended is hereby repealed as of the effective date of this Ordinance.

Fred Alkire, Supervisor

Constance Ledford, Clerk

**PLEASANTON ZONING ORDINANCE ARTICLE 99:
SEXUALLY ORIENTED BUSINESSES (SOB)**

9901. - PURPOSE:

It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal through the commercial and industrial zones of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

9902. - CONDITIONS:

In order to obtain and retain a special use permit for operation of a regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:

- A. A special use permit must be acquired through the special use procedures as described in Article 36 of this ordinance;
- B. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this ordinance Article 5, shall not be located within 500 feet of two (2) other such regulated uses as defined by Article 5 of this ordinance, nor within 500 feet of any residentially zoned district, school, Daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective property line;
- C. The regulated uses, as defined by this section and Article 5, shall only operate between the hours of 8 am and 10 pm;
- D. There shall be a manager on the premises at all times;
- E. No one under the age of 18 shall be allowed onto the premises by the onsite manager of the regulated use;
- F. If a transfer of ownership or control occurs, the existing special use permit shall be considered void. A new permit shall be applied for in advance of the proposed transfer;
- G. No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the building on the regulated use;
- H. Once a special use permit has been issued, the regulated use shall not be expanded in any manner without first applying for and receiving approval of the Planning Commission as provided in the Pleasanton Township Zoning Ordinance;
- I. If a regulated use is discontinued, the use may not be reestablished without first applying for and receiving the approval of the Planning Commission as provided in the Pleasanton Township Zoning Ordinance;
- J. The designated parking area for the sexually oriented business shall be lighted from dusk till dawn.
- K. A secure and well-lighted entrance, separate from that provided for patrons, will be provided for all employees, regardless of their job descriptions.

**PLEASANTON ZONING ORDINANCE ARTICLE 99:
SEXUALLY ORIENTED BUSINESSES (SOB)**

9903. - EXCEPTIONS TO CONDITIONS:

The Planning Commission may waive the foregoing spacing requirements if it finds all of the following conditions exist:

- A. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
- B. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and residents or a disruption in neighborhood development;
- C. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation;
- D. Where all other applicable regulations within the Pleasanton Township Zoning Ordinance or other pertinent zoning ordinances will be observed.

All ordinances in conflict herewith are hereby repealed.

PLEASANTON TOWNSHIP PLANNING COMMISSION
Application for a Special Use Permit

The following information should be remitted to the Pleasanton Township Zoning Administrator for submission to the Pleasanton Township Planning and Zoning Board for application for a Special Use Permit:

APPLICANT: _____ **PHONE #** _____

MAIL ADDRESS: _____

PROPERTY OWNER (it not applicant) **ADDRESS AND PHONE #:** _____

APPLICANT'S CAPACITY IF NOT PROPERTY OWNER:

BUILDER _____ **AGENT** _____ **or OTHER** _____

Proposed Construction Site Address _____

Legal Property Description:

NAMES AND ADDRESSES OF INTERESTED PARTIES (Adjoining neighbors or acrossstreet; everyone within 300 feet of property line):

Additional names may be noted on back of this sheet.

Please give a short description of the Special Use Permit sought:

Attach a drawing as close to scale as possible, of the above property, showing Special Use Permit requested, property lines, location of existing buildings, structures, roads and streets, and if relevant, neighboring buildings. **This is the minimum** amount of information needed. Other relevant information may be requested by the P/Z Board to help them in making a decision. See attached Pleasanton Twp. Zoning Ordinance Sections 8604, Special Uses; and Article 94, Site Plans for information that may be requested, as applicable.

I GRANT PERMISSION FOR THE ZONING ADMINISTRATOR AND/OR ANY MEMBER OF THE PLANNING COMMISSION TO ENTER THE ABOVE PROPERTY FOR PURPOSES OF INSPECTION:

OWNER, AGENT OR "OTHER" SIGNATURE _____