

# Article 1

## Miscellaneous Provisions

### Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

## Article 1: Miscellaneous Provisions

---

### **Enacting Clause**

The Township of Alabaster, Iosco County, Michigan ordains:

### **Section 101. Short Title**

This Ordinance shall be known as the “Township of Alabaster Rural Zoning Ordinance” and may be cited as such.

### **Section 102. Purpose**

It is the general purpose of this Ordinance to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged and regulated, and further to:

- A. Promote public health, safety and welfare;
- B. Encourage the use of the lands in accordance with their character and adaptability and to limit the improper use of land;
- C. Conserve natural resources and energy;
- D. Meet the needs of residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of the land;
- E. Insure that uses of the land shall be situated in appropriate locations and relationships;
- F. Avoid overcrowding of the populations;
- G. Provide adequate light and air;
- H. Minimize congestion on public roads and streets;
- I. Minimize hazards to life and property;
- J. Facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements;

- K. Conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and properties;
- L. Adopt provisions for each designated zoning district that shall control: the use of land and property; the use , size and location of buildings; the minimum yard, courts and other open spaces; and the maximum number of families to be housed in buildings or structures.

**Section 103. Conflict with Other Acts, Ordinances or Regulations**

Whenever any provision of this Ordinance imposes requirements for lower heights of buildings, or a lower percentage of lots that may be occupied, or requires wider or larger courts or deeper yards than are imposed or required by existing provisions of Acts, Ordinances or Regulations of the Township of Alabaster, the provisions of this Ordinance shall govern. Whenever such other existing provision imposes requirements for lower height of buildings, lower percentage of lots that may be occupied, or wider or larger courts or deeper yards than are required by this Ordinance, the provisions of the other Act, Ordinance or Regulation shall govern. In the interpretation and application of this Ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit, nor repeal, any other powers granted under State statutes.

It is not the intent of this Ordinance to repeal, abrogate, annul, impair or interfere with existing provisions of other laws or ordinance, except those repealed by this Ordinance. Nor is it the intent of this Ordinance to remove any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that any provisions of this Ordinance that imposes more stringent requirements or limitation upon the use of land or erection of buildings than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits or easements, then the provisions of this Ordinance shall govern.

**Section 104. Severability**

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not be construed as affecting the validity of remaining portions of the Ordinance; it being the intent that this Ordinance shall stand notwithstanding the invalidity of any provision or section therein.

**Section 105. Repeal**

The Township of Alabaster Rural Zoning Ordinance, including zone district classifications enacted and amended, is hereby repealed and all other Ordinances, or parts of Ordinance, inconsistent or in conflict herewith, are also hereby repealed; provided, however, said repeal shall not abate any action now pending under, or by virtue of, the Ordinance herein repealed, nor shall said repeal discontinue, abate, modify, or alter any penalty accrued to or to occur, or affect the rights of any person, firm or corporation or waive any right of the Township of Alabaster under any section or provision of the Ordinance herein repealed at the time of the passage of this Ordinance.

**Section 106. Effective Date**

The Rural Zoning Ordinance, as presented in Articles 1-10, was originally adopted in 1994, was corrected, consolidated and clarified in May, 1998 and is most recently amended and corrected in 2013.

This Ordinance, as revised, shall take effect immediately upon approval by the Township Board.

## Article 2

### Definitions

# Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

## Article 2: Definitions

---

### Section 201. Rules Applying to the Definitions

For the purposes of this Ordinance, certain rules of construction apply to the text as follows:

- A. The particular shall control the general.
- B. In the case of any difference of meaning and implication between the text of this Ordinance and any caption, preamble or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- E. The word "lot" includes the words "plot," "tract," or "parcel."
- F. A "building" or "structure" includes any part thereof.
- G. A "dwelling" includes the word "residence."
- H. The phrase, "used for" may include "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- I. The word "person" includes an individual, a corporation, a partnership, and an incorporated association, or any other similar entity.
- J. Unless the context clearly indicates the contrary, where regulation involves two or more items, conditions, provisions, or events connected by the conjunctions, "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1. "and" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "or" indicates that the connected items, conditions, provisions, or events may apply singly or in combination.
  - 3. "either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- K. Any word or term not herein defined shall be used with the meaning and definition as contained in the Official Alabaster Township Dictionary (Webster's New World

Dictionary, Third College Edition, Copyright 1988 By Simon & Schuster Inc.) located in the Alabaster Township Hall and the same shall be available for public review during regular Township business hours.

## **Section 202. Definitions**

**Accessory Structure:** An accessory structure is a building or other structure that is clearly incidental to, customarily found in connection with, and located on the same lot as the principal structure to which it is related. In the case of a residential building, an accessory structure is not intended for occupation or habitation, and in the case of the high-risk erosion area, it shall be constructed to be readily moveable.

**Accessory Lot:** A lot that is owned by the same party/parties as own a principal lot, but is a separate legal description or is a part of the same description but is separated by a public right-of-way, and has uses that are normally accessory to the land use on the principal lot.

**Adult Business/Entertainment:** Any commercial activity, whether conducted intermittently or full time, that involves one or more of the following;

- A. **Adult Book Store.** An establishment having as a portion of its stock-in-trade books, magazines or other periodicals, video tapes, photographs or motion picture films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult Mini Motion Picture Theater.** An enclosed building with the capacity for less than fifty (50) persons used for the presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” or “specific anatomical areas” for observation by patrons therein.
- C. **Adult Motion Picture Theater.** An establishment, whether in a completely enclosed building or not, with the capacity of fifty (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 specific anatomical areas” for observation by the patrons therein.
- D. **Massage Parlors.** See definition.
- E. **Spas.** See definition.

**Adult-Related Business:** Any activity described in any of the above paragraphs commencing with “Adult Business/Entertainment,” and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying any “specified anatomical areas” or engaging in any “specified sexual activity”.

**Adjacent Lot:** The parcel or parcels of land sharing a common boundary.

**Agriculture:** See definition of Farm.

**Airport:** A place where aircraft can land and takeoff, including attendant facilities for handling aircraft, cargo and passengers. For the purpose of these zoning regulations, an airport shall include both general aviation airports open to the public and to private landing strips.

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

**Amusement Park:** A tract of land or area used as a permanent location for multiple carnival-amusement rides, entertainment, games of skill or chance and/or permanent shows and displays. These may or may not include sale of food on the premises.

**Animals:** See definitions of Pets, Exotic Animals and Farm Animals.

**Animation** (as used in signs): Includes any wind or motor driven moving parts or spinning fixtures, and/or blinking, flashing, or sequential light programs of any kind.

**Apartments:** A residential structure containing three (3) or more single-family dwellings. Also see definitions of Dwelling Unit and Dwelling Types.

**Appeal:** A request to a recognized authority for proof or decision. To have a case heard before the Zoning Board of Appeals, a higher court or a judge.

**Architectural Features:** External architectural features include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornament.

**Auto Repair Garage:** A place where auto body repair, engine rebuilding, or repair, undercoating, painting, tire-capping, upholstery work, or auto glass replacement is conducted for profit and where more than two customer vehicles are stored in the open on the property.

**Auto Service Station:** A building or structure designed or used for the retail sale of pre-packaged food and drinks and other convenience store items and/or supply of fuels (stored only in conformance with state and federal regulations), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing of vehicles, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premise is such.

**Auto-Wash Establishment:** A building, or portion thereof, the primary purposes of which is that of washing motor vehicles, whether by the owner or driver, attendants or mechanical devices.

**Barn:** A building, usually a large accessory structure, for the storage of farm products, feed, farm equipment or the housing of animals.

**Base Flood:** See Flood, Base.

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

**Bed and Breakfast Inn:** Any dwelling used or designed in such manner that certain rooms, in excess of those used by the permanent occupants, and occupied as a dwelling unit by those occupants, are rented to the public for compensation and caters primarily to the transient public interested in touring, vacation, business, or pleasure. Said inn may provide a light breakfast for renting itinerants, but may not serve any food for compensation to those other than renting a room for the evening.

**Billboard or Outdoor Advertising:** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign that does not pertain to the premises or to the use of the premises on which the billboard is located or to goods and services rendered or activities conducted on such premises.

**Blind:** A temporary, uninhabitable structure constructed without regard to any building codes or requirements stipulated in this Ordinance and used for concealment when hunting.

**Block:** The property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of the development.

**Bluff Line:** The line that is the edge or crest of the elevated segment of the shoreline above the beach, which normally has a precipitous front inclining steeply on the lakeward side. Where there is no precipitous front indicating the bluff line, the line of continuous perennial vegetation or the seawall may be considered the bluff line. (See graphic on following page.)

**Boat:** Any type of watercraft or vessel used on or operated upon a lake or river.

**Buildable Area:** The area of a lot or parcel remaining after all of the minimum setbacks and open space requirements of this Ordinance have been considered and satisfied.

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

**Building Permit:** A permit issued by appropriate authority allowing the construction of a building or structure under a State-approved building code.

**Building, Height:** The vertical distance measured from the “average finished grade” (AFG) to the “highest point at the top of the building” (TOB). All Building Height measurements will be made from the AFG point. The AFG point will be established by, first measuring the shortest height distance between the finished grade and the highest point of the building, and second by measuring the longest height distance between the finished grade and the highest point of the building, and then divide the total combined distance by two (2) so as to calculate the average height distance between the finished grade and the TOB. The resulting measurement will be used as the “Building Height” to determine compliance with this Ordinance. Cupola’s with a height of less than 60” inches above the ridge line of any roof (weather vanes and/or lightning rods notwithstanding) and lateral side measurements of less than 48” inches per side shall be considered decorative items and the same shall be excluded from the measurements to determine building height.

**Business:** Any trade, occupation, profession, work, commerce or other activity owned or operated for profit.

**Cabin:** A small, one-story dwelling usually of simple construction and few amenities that is used for recreational purposes on a seasonal basis.

**Campground:** A plot of land on which two or more campsites are located, established or maintained for occupancy by the general public as temporary living quarters for vacation or recreation purposes. Campgrounds must meet all other requirements of the State of Michigan and Iosco County in addition to this ordinance.

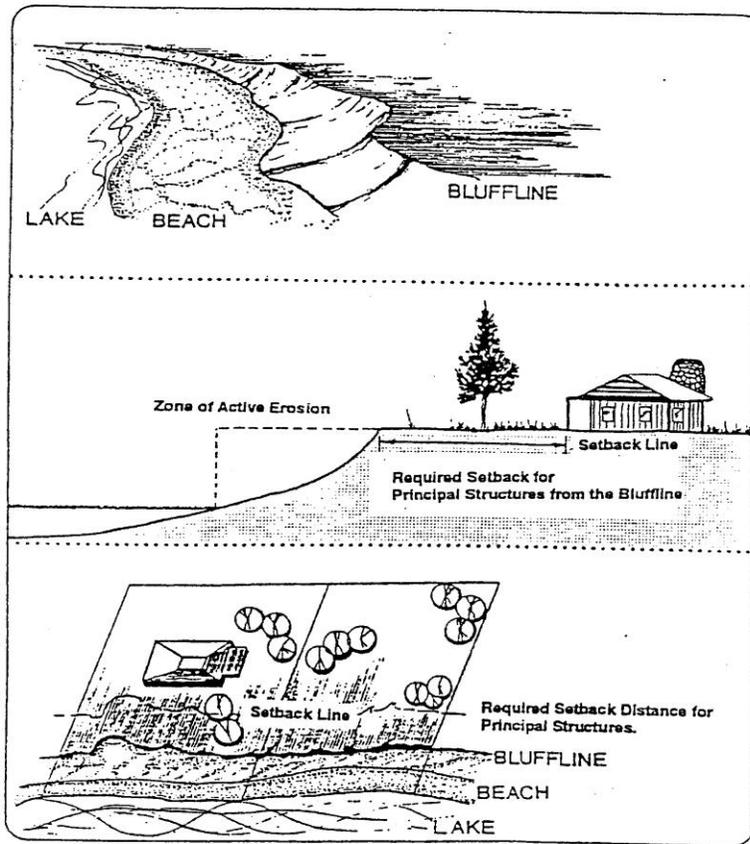
**Carnival:** An enterprise, frequently seasonal or temporary, devoted to amusement and entertainment to the public by providing amusement rides, devices or temporary structures in any number of combinations, whether or not associated with other structures or forms of public attraction.

**Certificate of Zoning Compliance:** A certificate issued by the Zoning Administrator to allow application for a building permit or occupancy of land or structure pursuant to this Ordinance.

**Clinic:** An establishment constructed to conform to all applicable local and state regulatory requirements and where human patients are admitted for examination and treatment by physician(s), dentist(s), or other health care worker(s), but where said patients are not lodged overnight.

Article 2: Definitions:

**Township of Alabaster  
Bluff Line  
High Risk Erosion Area Overlay Zone**



**Club:** An organization of persons for special purposes or promulgation of sports, agriculture, recreation, arts, science, literature, politics or the like, but not for profit.

**Cluster Housing:** A number of individual single family residential dwellings, and/or housing units specifically designed to be grouped together on a single lot or parcel.

**Cluster Development:** The process of planning and submitting site plans and obtaining permits so as to comply with this ordinance prior to construction of any cluster housing units.

**Common Use Lot or Parcel:** A lot or parcel used or intended for the use of multiple persons or parties who are not residents of the property; commonly meant to provide waterfront access for those who do not reside on the waterfront. Also referred to as a Keyhole.

**Condominium:** A form of ownership in which several parties own, administer and maintain common areas.

**Conservation Area:** An undeveloped space set aside to preserve existing natural environments or to facilitate the restoration of natural environments. Non-destructive access is considered compatible with preservation or restoration.

**Convalescent or Nursing Home:** A home for the care of children, the aged, the infirm or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. This does not include group homes otherwise regulated by the State of Michigan through preemption of local zoning. All such homes must also meet licensure requirements of the State of Michigan.

**Cottage(s):** A building used for seasonal residential purposes, but not necessarily weatherized or designed for year-round occupancy.

**Covenant:** A legal agreement between two or more people or entities regulating personal use of specified properties. Covenants are not adopted by or enforced by the Township of Alabaster.

**Day Care Home:**

**Family Day Care Home** - a private home in which 1 but fewer than 7 minor children are provided care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A Family day care home is not subject to a special (land) use or conditional use permit or a procedure different from those required for other dwellings of similar density in the same zone.

**Group Day Care Home** - a private home in which more than 6 but not more than 12 minor children are provided care and supervision for periods of less than 24 hours per day unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is

given to an unrelated minor child for more than 4 weeks during a calendar year. A Group day care home shall be required to obtain a special (land) use permit subject to certain requirements as stipulated in Article 9, under “Group Day Care Home” of this Ordinance.

**dB(A):** The sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

**Decibel:** A unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of  $2 \times 10^{-5}$  N/m<sup>2</sup> (Newtons per square meter). As an example of the effect of this formula, a 3-decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10-decibel change corresponds to a 10-fold increase in, or to a decrease to 1/10th of, the former intensity.

**Deck:** Flooring that is an open extension or attachment to a building or structure that is unenclosed and unroofed, and that projects out from the main wall of said building or structure and is used for outdoor activities associated with the principal building or structure to which it is attached. Also seawalls, whose primary purpose is control of literal drift or lake action, are exempt. Flooring (decking) that is associated with a seawall falls under the provisions of this ordinance.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Dish Antenna:** An earth-based station whose purpose is to receive communications or other signals from orbiting satellites or other extraterrestrial sources together with such other equipment related to such purpose. Generally, such facility shall include the dish antenna, low-noise amplifier, coaxial cable, and mounting structure.

**District:** A portion of the unincorporated part of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Docks or Piers:** A structure built out into the water to serve as a landing place for boats or water access for persons.

**Docked or Docking:** The mooring of a boat directly to a pier or structure, including but not limited to a platform, hoist, or other permanent or seasonal fixture or structure extending from the shore or place in the water off the shore, and directly accessible to a water frontage; and shall also mean the regular anchoring of a boat adjacent to a water frontage; and shall also mean the placement or storage of a boat, temporarily or permanently, upon the shoreline or at the lake/river frontage of lot or parcel of land.

**Docking Facilities:** A structure built to receive and service ships and boats.

**Drive:** A private road or pathway by which persons gain access to their property.

**Drive-In or Drive-Thru Structure:** A business establishment developed so that its retail or service character is dependent on providing a driveway approach to a pick-up window or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and to the same purpose as the drive-in or drive thru service. Drive-thru facilities of financial institutions are not subject to limitations on drive-thru facilities because of their lower frequency and intensity of business.

**Dwelling Unit:** A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities. All dwelling units shall have a foundation and shall be aesthetically compatible with their environment.

**Dwelling Types:** For the purpose of this Ordinance dwellings are separated into the following categories and herewith defined accordingly:

- A. **Single family, mobile, modular, constructed or pre-manufactured dwelling** - a detached, residential dwelling unit designed for and occupied by one family, having cooking facilities and used exclusively for residential use and meeting all local and state fire codes.
- B. **Two-family dwelling** - a detached residential building containing two dwelling units, each with a separate entrance, and designed for occupancy by not more than two families. These may also be known as duplexes.
- C. **Multiple family dwelling** - a residential building designed for and occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.
- D. **Efficiency apartment** - a dwelling unit consisting of only one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off that room.

**Earth (Berm) Homes:** A residential structure that is built into or protected with, or insulated by, earth on one or more sides.

**Easement:** A legal right held by one person or entity to use the property owned by another person or entity or a corridor or parcel dedicated to use by designated property-owners.

**Erected:** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for building. Excavations, fill, drainage and the like shall be considered part of erection.

**Erosion Control Device(s):** Any structural or physical method used to control shoreland erosion processes. Erosion control devices include, but are not limited to, structures such as groins, seawalls, revetments or beach walls, and may also include any type of beach nourishment by filling.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith (reasonably necessary for adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare), but not including buildings, other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

**Excavation:** Excavation is the removal of sand, stone, gravel, minerals or fill-dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest.

**Extraction:** Extraction is the act of removing resources from the ground by physical effort.

**Exotic Animal:** Any living animal that is not native to the State of Michigan.

**Family:** An individual or two or more persons related by blood, marriage or adoption, living together as a housekeeping unit in a dwelling unit, or a group of not more than four persons, who need not be related, living together as a single housekeeping unit.

**Farm:** A tract of land that is directly devoted to agricultural purposes for growing of cash crops, for greenhouses, for plant nurseries, orchards, aviaries, raising farm animals or farm fowl and being at least ten (10) acres in area. Provided further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms and similar specialized agricultural enterprises may be considered as farms; but keeping or operating game, fish hatcheries, dog kennels, fur-bearing animals, stock yards, slaughter houses, stone quarries, or commercial sand and gravel pits shall not be considered farms. Nor shall fertilizer works, bone yards, or establishments for reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal, or junk constitute a farm.

**Farm Animals:** Farm animals are those animals that are commonly used for utilitarian or productive purposes. Such animals typically include beef cattle, dairy cattle, horses, ponies, goats, sheep, swine, donkeys, mules, oxen, rabbits, or any similar animal.

**Farm Fowl:** Farm fowl are defined as including chickens, ducks, turkeys, geese, peacocks, and guinea hens, or any fowl to be raised for resale or to be sold for profit.

**Fence:** A structure built of customary fencing material of definite height, as measured from the ground, excluding posts and finials, and location to serve as an enclosure. Dense, obscuring planted hedges may also be defined as fences, as determined by the Zoning Administrator.

**Fence, Obscuring:** A structure built of customary fencing material of definite height, as measured from the ground, excluding posts and finials, and location to serve as an obscuring screen. Dense, obscuring shrubbery may be considered an obscuring fence, as determined by the Zoning Administrator.

**Finished Grade:** is the term used to describe the end result and permanent level of soil and earthen materials as it relates to the completion of any construction project permitted by and subject to this ordinance where the earth and soil are disturbed and/or redistributed to accommodate the construction of a building, foundation, access road, driveway, ditches, etc.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from either (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood, Base:** Is a flood having a one-percent chance of being equaled or exceeded in any given year, e.g., a flood sufficiently large to have a probability of occurring once every hundred years.

**Flood, Areas of "Harmful Increase:"** An unnaturally high state on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

**Flood Hazard Boundary Map:** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of a flood hazard area zone have been designated as Zone A.

**Flood Plains:** Areas subject to periodic inundation by flood conditions with a 100-year probability.

**Floor Area, Gross:** The floor area of a residential dwelling unit is the sum of the horizontal living areas of each story of the building as measured from the exterior walls; exclusive of the basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

**Floor Area, Useable** (For the purpose of computing parking requirements): All ground and non-ground floor area used for or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area, which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation. For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

**Funneling:** See Keyhole or Common Use Lot.

**Garage, Auto Repair:** See Auto Repair Garage.

**Garage, Community:** Any premises used for the storage for the residents of dwelling units on the same or adjacent block or blocks, and providing only incidental services to such vehicles as stored therein.

**Garage, Private:** An accessory building or an accessory portion of a principal building designed or used solely for the storage of non-commercial motor vehicles larger than pick-up trucks or vans, boats or other watercraft, house trailers, and similar vehicles owned and used by the occupants of the building to which it is an accessory use.

**Garage, Storage:** Any premises except those therein defined as private garage used exclusively for the storage of self-propelled vehicles and boats, but not a place where such vehicles are repaired.

**Gasoline Service Station:** A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the routine servicing, and minor repair of automobiles.

**Grade:** The surface of the ground contacting any portion of the basement or foundation of a dwelling. Also, see finished grade.

**Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen, buffer strip, or decorative treatment in carrying out the requirements of the Ordinance.

**Hazardous Substances:** Chemicals as defined by the Michigan Departments of Public Health, Labor, Natural Resources and other state and federal regulatory agencies; flammable and combustible liquids as defined by the Michigan Department of State Police; other hazardous substances as defined by state or federal agencies, including hazardous waste and polluting materials.

**Heliport:** Any area regularly used for the landing, storage, repair or take-off of a helicopter to be used for transportation of persons or goods.

**High-Risk Erosion Area:** An area of shoreline that is determined by the Department of Natural Resources on the basis of studies and surveys to be subject to erosion and that is designated as such pursuant to the Shorelands Protection and Management Act, being Act 245 of 1970, as amended.

**Home Occupation:** An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes. (Note: restrictions on home occupation uses are included in Article 3, General Requirements, under Home Occupations.)

**Junk:** Any discarded or scrapped property or material, including any property or material that may or may not be salvaged for reuse, resale, reduction or similar disposition, or which is processed, transported, accumulated, dismantled, or sorted for any such reason. The term shall include used and salvaged metals, paper, glass, rubber, rope, machinery, or any motor vehicle, that is intended for dismantling or salvaging. One or more vehicles that are inoperative or unlicensed for four (4) months shall be construed as junk.

**Junk Yard:** Any open area where waste, used, or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk, but does not include such uses established entirely within enclosed buildings.

**Kennel, Private or Commercial:** Any lot or premises on which three (3) or more dogs, cats, or other domestic pets are either permanently or temporarily boarded for compensation.

**Keyhole:** A lot or parcel, including water frontage owned by a person or persons, that provides or is intended to provide common use access to a lake or river to: non-owners of the common use lot, multiple owners of common use lot, owners or occupants of non-riparian lots or parcels, owners or occupants of more than one dwelling unit, the public, or members of an association. Also referred to as a Common Use Lot.

**Laboratory:** A facility devoted to research, experimentation, basic studies and application studies, including but not limited to, designing, testing, analyzing and prototype manufacturing of products, but not including production manufacturing.

**Lake:** A body of water, either manmade or natural, surrounded by land and being five (5) acres or more in area. Bodies of water less than 5 acres are ponds.

**Land Use Permit:** A document issued by the Alabaster Township Zoning Administrator certifying that an individual is operating in accord with the zoning ordinance and permitting them to proceed with securing a building permit consistent with documentation on the land use permit

**Landfill:** A parcel of land designated by a Special Land Use Permit for the sole purpose of disposing of solid waste by burying it beneath a shallow layer of earth.

**Legal Description:** A description of any parcel or lot consisting of those legal terms and phrases developed specifically for, and accepted by, and commonly used by the land surveying industry. Provided, however, such descriptions must also be in a form that can be recognized and enforced in and by any court of law having jurisdiction over matters of land ownership, and property boundary line disputes.

**Livestock:** Farm animals and farm fowl; see definitions of them.

**Loading Space:** An off-street space on the same lot with a building or group of buildings and used for temporary parking of a commercial vehicle while loading or unloading merchandise, materials, or passengers.

**Lot:** Is a parcel of land registered in the Office of Register of Deeds for Iosco County and occupied, or that could be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot normally shall have its frontage located upon a public right-of-way or thoroughfare. In the event that a parcel does not front on a road right-of-way, it shall meet all minimum lot requirements as if it were fronting on the road and shall have a minimum thirty feet (30') wide frontage on a road right-of-way for access through fee simple ownership, easement or long-term (40 years or more) leases on a fronting lot. Contiguous lots under common ownership may be considered a single parcel, providing they are not thereafter split or arranged to any additional size of lot not conforming to this ordinance. Unless otherwise noted, Lot and Parcel are used synonymously in this Ordinance.

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

**Lot Coverage:** The part or percent of the lot occupied by buildings, including accessory buildings, hard surface drives and other similar impervious surfaces.

**Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. The front lot line shall be measured from the road right-of-way to determine depth and area.

**Lot, Double Frontage (through-lot):** Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**Lot, Interior:** Any lot other than a corner lot.

**Lot Lines:** The lines bounding a lot as defined herein are defined as:

- A. **Front lot line:** In the case of an interior lot, the line separating said lot from the street or road right-of-way. In the case of a corner lot, the front lot line is that line separating said lot from the right-of-way designated as the front street in the plat or in the application for a building or zoning permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. In the case of a lot with a designated 30'

access right-of-way, the front lot line shall be that lot line which is, or is most nearly, parallel to the street or road right-of-way from which the access right-of-way originates.

B. **Rear lot line:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot.

C. **Side lot line:** Any lot lines other than the front lot line or the rear lot line shall be side lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

**Lot of Record:** A plot of land, the dimensions of which are clearly defined by a legal description that has been properly filed and recorded along with proper maps and drawings, as may be required, in the Office of the Iosco County Register of Deeds.

**Lot Width:** The horizontal distance between the side lot lines measured at the two points where the front setback line intersects the side lot lines. See drawing on following page.

**Marina:** A boat basin or commercial business offering dockage and other service for small watercraft.

**Marine Terminal:** A structure or facility constructed in a harbor or lakeside for the purpose of loading or unloading commercial shipping vessels

**Massage Parlor:** An establishment wherein a substantial or significant portion of its business involves the administration of non-therapeutic massage, erotic touching or fondling, including but not limited to, fondling of or touching of human genitals, pubic region, buttock or breasts. A massage parlor does not include medical or therapeutic massage business, such as state licensed chiropractors and physical therapists or other state licensed, medically related practitioners. All practitioners employed by such businesses must be licensed.

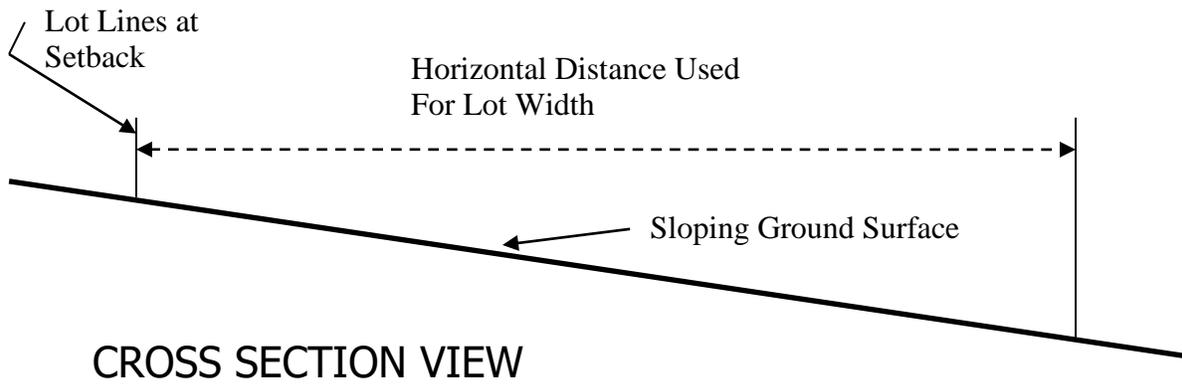
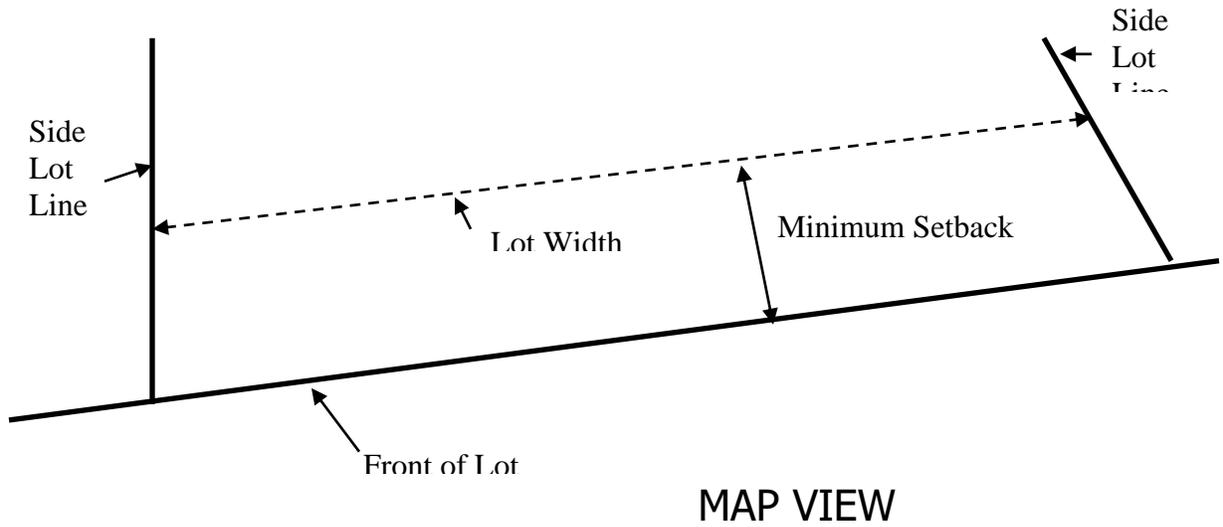
**Master Plan:** A comprehensive development plan, and any amendment to such plan or parts thereof, that presents the intended development of Alabaster Township in the form of a written document and a Future Land-Use Map. Said plan has been formally adopted by the Township after public input and public hearing. The Plan may or may not show current or planned specific details, such as the general location for streets, parks, schools, public buildings, and physical development of the community.

**MDNR:** Michigan Department of Natural Resources.

**MDOT:** Michigan Department of Transportation.

**MDEQ:** Michigan Department of Environmental Quality.

# Township of Alabaster Schematic Drawing Illustrating Lot Width



**Mobile Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. See also the definition for Dwelling.

**Modular Housing:** A dwelling constructed off-site and made of one or more major, semi-finished building components that conform to the Michigan State Construction Code and regulations thereto, pursuant to Act 230 of the Public Acts of 1972, as amended.

**Motel:** A series of attached, semi-detached or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the traveling public with motor vehicles as a facility for overnight residence.

**Moveable Structure, Easily:** An accessory structure that is smaller than two hundred twenty-five (225) square feet, is not built on a slab, does not have a permanent foundation, and is easily removable.

**Moveable Structure, Readily:** A small permanent structure (greater than two hundred twenty-five square feet and less than three thousand five hundred square feet) that is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction. Access to and from the site shall be of sufficient width and acceptable grade to permit the structure to be relocated. New construction and installations shall meet the following criteria to be considered readily moveable structures:

- A. The buildings shall be on pilings, a basement, or crawl space. Except as noted below, a slab-on-grade foundation does not meet this criterion.
- B. Above-grade walls shall be stud wall construction. Above-grade walls that are constructed of masonry, including stonewalls, concrete poured or concrete block walls, and brick veneer walls do not meet this criterion.

Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure (including any added cost of land) or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage that is bolted to a slab foundation, which does not have living space within or above the structure, and which does not have plumbing or interior walls shall be considered a readily moveable structure if it meets the remainder of the requirements specified in this subdivision. Septic systems, tile fields, or other waste-handling facilities are not readily moveable structures.

**Multiple Family Residential:** A district or lot that allows for the development of Multiple Family Dwelling(s), single story and/or multi-story (high-rise) condominiums or apartments in accordance with the restrictions and requirements contained in this Ordinance.

**New Construction:** Structures for which the "start date of construction" commenced on or after the effective date of this Ordinance.

**Nonconforming Lot or Parcel:** Any parcel or lot-of-record that does not conform to existing zoning standards for lot width, depth or area; number of permitted structures; or one that has dimensions insufficient to meet setback requirements for a permanent structure.

**Nonconforming Structure:** A permanent structure that does not conform to existing construction standards or zoning requirements.

**Nonconforming Use:** A use, which lawfully occupied a building at the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

**Non-profit Organization (Institution):** A religious, charitable, public or equivalent organization, as recognized by the U. S. Internal Revenue Service as such and as tax-exempt.

**Nuisance:** See the section in Article 3 for nuisances, such as visual distractions, noise and vibration, odor and gaseous discharges, light and glare control, and waste and rubbish dumping.

**Nursery School:** A facility for teaching or day care of children under age six as either a non-profit or profit service except for a family day care home licensed or registered by the State of Michigan.

**Occupied:** Includes the intent, design, or arrangement of a site, structure or building for occupancy.

**Official:** A government employee accountable in the subject and/or geographical area in which he/she is making recommendations, issuing orders or commenting.

**Off-Street Parking:** A facility or lot providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of automobiles.

**Opaque:** Not pervious to light.

**Open-Air Business Uses:** Businesses not conducted within a wholly enclosed building. Open-air businesses may include the following:

- A. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental.
- B. Outdoor display and sale of garages, swimming pools and similar uses.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and landscape equipment.

D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving-range, child's amusement park or similar recreation uses.

**Open Front Store:** A business establishment designed and developed so that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

**Open Space:** Any unoccupied space open to the sky on the same lot with a building.

**Open Space Residential:** A district or lot of specific size that allows for the development of single-family dwellings, as well as clustered single-family developments, that require a certain amount of open space and may or may not require Special Land Use Permit(s).

**Ordinary High-Water Mark:** The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself and in the configuration of the surface of the soil and vegetation. Consistent with the Great Lakes Submerged Lands Act, Public Act of 247 of 1955, as amended, the ordinary high-water mark shall be deemed to be the elevation established by the International Great Lakes Datum of 1955 for Lakes Michigan and Huron 580.5 feet. (See graphic on following page)

**Parcel:** Synonymous with Lot.

**Parking Space:** An area of definite length and width, exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the storage or parking of permitted motor vehicles. (See Article 7 for size requirements.)

**Permanent Foundation:** A foundation for a structure that includes all frost-free foundations as regulated by the building code, as well as concrete block, poured concrete, and slabs or other materials used to support the walls of a building, even if they do not extend below the frost-free line.

**Permanent Structure:** Any one (1) of the following structures that is erected, installed, or moved on a parcel of property: residential building; business (commercial) building; industrial (manufacturing) building; institutional building; mobile home; accessory and related buildings; septic systems, tile fields and other waste handling facilities; and any structure with solid walls.

A permanent structure shall be considered small if it has a foundation size of three thousand five hundred (3,500) square feet or less and less than five (5) individual living units. All other permanent structures shall be considered large. The term does not include recreational vehicles or travel trailers. The term also does not include accessory structures that have less than two hundred and twenty five (225) square feet that are used for picnicking or storing of recreational or lawn equipment and that are constructed in a manner that facilitates easy removal. Such an accessory structure shall not have a permanent foundation and shall not be used as a residential facility.

**Pet:** A domesticated animal kept for amusement and/or companionship rather than for utilitarian or productive purposes. Animals shall be considered pets only if they are commonly considered as such, including cats, dogs, rabbits, and similar animals that can be demonstrated as having characteristics, temperament, and domestic qualities of animals commonly considered to be pets. (See Article 3, section on Pets, for limitations.)

**Planned Unit Development:** An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. (See Article 6, Open Space Residential.)

**Pond:** An artificially or naturally confined body of water less than five (5) acres in area (smaller than a lake), excluding swimming pools.

**Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed and projects from the main wall of the said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch is not weatherized or connected to the heating or utility systems of the primary building.

**Porch, Open:** An open extension or attachment to a building or structure which is unenclosed except for columns supporting a roof, either integrated with the principal roof or has a separate roof, and which projects out from the main wall of said building or structure and is used for outdoor activities associated with the principal building or structure to which it is attached.

**Pornographic:** The visual, written or oral depiction of specific anatomical areas or specific sexual activities (see definitions of these below).

**Portable Building or Structure:** The method of building that allows for the movement of a structure or building from one location to another.

**Principal Structure:** The main building or structure on a lot or parcel and serving the use for which the parcel is primarily designated, including but not limited to, residential, business (commercial), manufacturing (industrial), institutional structures and mobile homes. In the high-risk erosion areas described in this Ordinance, principal structures also includes septic systems, tile fields, any on-site waste handling facility, garages and any other building designed and intended for permanent use.

**Property Lines:** The boundary line of any lot or parcel of land where the deeded ownership stops and adjoins the boundary of another.

**Public Service:** Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, township offices, pumping stations, fire halls, police

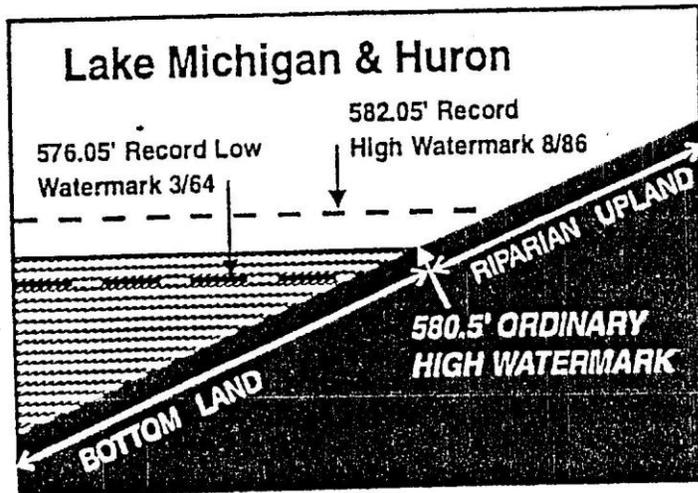
**Township of Alabaster**  
**Ordinary High Watermark**

**Pursuant to Act 247 of the Public Acts of 1955, as Amended**

**for**

**Lakes Michigan and Huron**

---



stations, and temporary quarters for welfare agencies, public health activities, and similar uses, including essential services.

**Public Utility:** Any person, firm, or corporation, municipal department, board, or commission duly authorized by law to furnish, under federal, state, or local regulations, gas, steam, electricity, sewage disposal, water supply, communications, telegraph, or transportation.

**Recession Rates:** A quantitative measure of the landward movement of the zone of active erosion, determined on the basis of the shoreland erosion studies conducted under Public Act 245 of 1970, as amended, and expressed in terms of an annual average rate.

**Recreation, Public:** Any recreational space or structure owned by the public or any space and structure or combination thereof, privately owned, and publicly used, consisting primarily of the utilization of natural physical features as the basis for said use and such structures and apparatus being secondary to the primary outdoor use.

**Recreation Vehicle:** See Travel Trailer/Recreation Vehicle.

**Refuse Facility:** Sites at which containers or structures, usually metal, are located for the collection and/or processing of solid waste.

**Religious Land Use:** Churches, synagogues, temples, mosques or other buildings used for worship, as recognized by the Internal Revenue Service as tax exempt for that purpose; also associated buildings used for religious meetings, instruction or fellowship.

**Rental Unit:** Any building, dwelling unit (excluding motels), shelter, temporary or otherwise, and including mobile homes and modular housing, occupied from time to time by persons other than the owner(s), resulting in financial gain and/or other goods and services accruing to the owner's benefit.

**Required Setback Distance:** The least distance a permanent structure can be constructed from the bluff line or property/right-of-way line without a special exception.

**Required Yard:** The area between the property boundary or right-of-way and the setback line.

**Residential:** Pertaining to areas where people live and reside on a regular basis.

**Riparian Rights:** The rights of those who own lake or river waterfront property to use that waterfront.

**Roadside Stand:** A structure, erected on a farm, adjacent to a public road for the sale of products produced chiefly on the farm, provided such use shall be seasonal (open four consecutive months or less) and is constructed and operated according to other provisions of this Ordinance.

**Rooming House/Tourist Home:** A building or part thereof, other than a motel or bread and breakfast inn, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

**Seawall:** A type of erosion control device whose primary purpose is to control literal drift or lake action. Such structures are controlled by Federal and State regulations and are exempt from this ordinance. Flooring (decking) associated with a seawall falls under the provisions of this Ordinance.

**Self-Storage Facilities:** Free-standing, commercial structures intended for additional storage needs for businesses, dwellings and other principal uses, but which storage is rented at an off-site location on a self-service basis.

**Separate Ownership:** Ownership of a parcel or property wherein the owner does not own the adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation or other group, provided that the owner of any number of contiguous lots of record may be considered as a single lot of record for the purpose of this Ordinance as the owner(s) so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear and side lot lines thereof.

**Service Establishment, Business:** An establishment operated to serve the needs of businesses in a community, including as examples: printing, office products, consulting services, accounting, banking and similar uses.

**Service Establishment, Personal:** An establishment operated to serve consumers for personal services, including hair styling, grooming, laundry and similar uses.

**Service Station:** See Gasoline Service Station.

**Setback Lines:** The line established by using the existing adjacent lines to determine the front, side, or rear yard open space provisions of this Ordinance. A front setback is measured from the edge of the right of way of any abutting roadway. A rear setback is measured from the rear property line. A side setback is measured from any other abutting property line. Corner lots shall require two front setbacks but only one rear setback. In the case of lake or river front property and high-risk erosion areas, it is the line that is the required setback distance landward of the bluff line that is the lakeside or riverside limit for construction of permanent structures without a special exception. Also see Front Lot Line, Rear Lot Line, Side Lot Line, Nonconforming Lot or Parcel and Property Lines.

**Shed:** An accessory structure as an addition to a principal structure or other accessory structure, without a permanent foundation or attachment, without access to the principal structure, and used for storage purposes only.

**Shore Protection Structure:** Any structural or physical method used to control shoreland erosion processes. Shore protection structures include, but are not limited to, structures such as

seawalls, revetments or bulkheads, and may also include any type of beach nourishment by filling.

**Shoreland:** That land, water, and land beneath the water that is in close proximity of the shoreline of Lake Huron.

**Shoreline:** That area of the shorelands where land and water meet.

**Signs:** Any words, numerals, figures, devices, designs, or other trademarks by which anything is made known (other than billboards, defined separately herein), such as are used to show an individual, firm, profession, or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where located.

**Soil Removal:** The removal of any soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve inches, except for common household gardening and routine farming operations. Also see Excavation and Extraction.

**Solar Panel:** A device designed to convert solar radiation into useable thermal, mechanical or electrical energy.

**Spa:** An establishment wherein a substantial or significant portion of its business involves the provision of individual and/or group bathing which may/or may not include steam rooms and/or the administration of non therapeutic massage, erotic touching or fondling, including but not limited to fondling or touching of human genital, pubic region, buttock or breast.

**Special Land Use:** The term applied to a use, which may be permitted by the application for and issuance of a Special Land Use Permit by the zoning board/planning commission. Specified procedures and requirements pursuant to state law, as outlined in Article 9, Special Land Use Permits, must be complied with prior to issuance of said permit. A Special Land Use Permit may be issued only for those uses specifically cited in this Ordinance or as interpreted by the Zoning Board of Appeals.

**Specified Anatomical Area.** (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola. (2) Human genitals in a discernable turgid state, even if completely and opaquely covered.

**Specified sexual activities.** (1) Human genitals in a state of stimulation or arousal. (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy. (3) Fondling of, or erotic touching of human genitals, pubic region, buttock or female breast. (4) Bestiality. (5) Fellatio and cunnilingus. (6) Human excretory functions.

**State Equalized Valuation:** The value shown on the township and county assessment roll as equalized through the process of state and county equalization.

**State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State pursuant to Act 287 of 1972, as amended, which provides for residential

services for six or less persons under 24-hour supervision or care for persons in need of same, and being defined as a single family dwelling for the purposes of this ordinance without further control by the township.

**Street or Road:** A public, dedicated right-of-way, that affords access to abutting property or provides for circulation of vehicular traffic.

**Structure:** A walled and roofed building or other fabricated, constructed or erected object that requires fixation or placement in or on the ground or to another structure that is affixed or placed in or on the ground. This also includes mobile homes, septic fields and other items under Principal Structures, but excludes decorative items placed in/on the ground and non-building, utilitarian items commonly found in a yard and that are portable by hand. All structures must meet setback requirements.

**Subdivision:** The partitioning or dividing of a parcel or tract of land so as to create an altered legal description, describing two or more smaller tracts of land separate from the first. All such subdivision activity shall be subject to each and every provision of any applicable Township Ordinance that pertains to such subdivision, and must first address and satisfy all prerequisites and minimum requirements so established, prior to filing any such altered legal description with the Iosco County Register of Deeds.

**Substandard Lot or Parcel:** See Nonconforming Lot or Parcel.

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, building, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Temporary Building or Use:** A structure or use permitted by the Zoning Board of Appeals to exist for a defined period of time, such as for construction of a main building or use for special events.

**Tent:** A temporary shelter, usually for overnight occupancy, of canvas, nylon or other material supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's daytime recreational purposes.

**Thoroughfares:** A system of functional classifications of high traffic volume streets according to the character of transportation service they provide. The basic categories are:

- A. **Major arterial:** An arterial street that is intended to serve as a large volume traffic-way for both the immediate community area and the region beyond and that may be designated as a major thoroughfare, state highway, parkway, freeway, expressway, or equivalent term.
- B. **Secondary arterial:** An arterial street that is intended to serve as a traffic-way serving primarily the immediate community area and serving to connect with major thoroughfares.
- C. **Collector:** A lower volume street that is designed to collect traffic from local streets and to carry such traffic to major or secondary arterial thoroughfares.

**Toilet, Outdoor:** An outdoor sanitary facility accepting human waste that is designed, constructed and operated in conformance with state and local public health and sanitation codes.

**Toilet, Temporary:** A portable sanitary facility accepting human waste that is operated for temporary purposes, such as at public events, construction sites and similar purposes that are operated in conformance with state and local public health and sanitation codes.

**Tourist Home:** See definition for Bed and Breakfast Inn.

**Townhouse:** Two or more single-family dwelling units contained in one structure and connected by a common wall. Also, a single dwelling unit within such a structure.

**Travel Trailer/Recreational Vehicle:** A towable unit or self-propelled motor vehicle designed and used as temporary living quarters for recreational, camping or travel purposes, or any vehicle or trailerable apparatus intended for providing recreation, such as a boat, snowmobile, or all-terrain vehicle.

**Use:** The purpose for which land or building is designed, arranged, or intended to be used, or for which land or building is or may be occupied.

**Use, Accessory:** See definition of Accessory.

**Variance:** See Zoning Variance.

**Water Frontage or Water Front:** That portion of a lot or parcel of land of record, as documented by an instrument duly recorded with the Iosco County Register of Deeds, that abuts or intersects with the normal high water mark of a lake, whether the lot or parcel is owned by one or more persons, or commonly owned by several persons, or combination of persons. The water rights of waterfront lot and parcels are referred to as "Riparian rights".

**Well Head:** The surface structure of a well, which may or may not include a cap, pumping apparatus or similar device.

**Well Head Protection Plan:** A specific plan created to identify and describe in detail the efforts and procedures required, as determined by a Well Head Protection Study, so as to protect against surface pollution infiltrating the intake area for the well's water source.

**Well Head Protection Study:** A written conclusion developed by a study conducted by a qualified person(s) having knowledge in this field to determine the vertical and horizontal hydraulic conductivity of all surface material down to the intake stratum of a well and to determine the flow rates and direction of subsurface fluid movement.

**Wind-Powered Generator:** A device mounted on a permanent structure, which is used to provide direct power to such devices as pumps and wheels or for the creation of electrical or other forms of energy for consumption and use; such devices are frequently described as windmills.

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

- A. **Front yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between front lot line and nearest line of the main building. As further defined in D. and E. below, the front yard is that yard facing the water for a waterfront lot.
- B. **Rear yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building. Accessory buildings are permitted in this yard subject to other regulations regarding accessory buildings.
- C. **Side yard:** An open space between a main building and side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. Accessory buildings are permitted in this yard subject to other regulations regarding accessory buildings.
- D. **Waterfront yard:** The open, unoccupied space situated between the structure and the water on a lot located on a lake, pond, river or stream.
- E. **Water-lot rear yard:** The open unoccupied space situated between the access structure and the access road on a lot located on a lake, pond, river or stream.

**Zoning Administrator:** The Zoning Administrator is the official charged with administering this Ordinance. The Zoning Administrator is appointed by the Township Board of Trustees with the advice of the Planning Commission. The Zoning Administrator may be compensated at a rate or amount determined by the Township Board of Trustees.

**Zone of Active Erosion:** The area of the shoreland where the disturbance or loss of soil and substrate has occurred with sufficient frequency to cause unstable slopes or prevent vegetation from growing in the area.

**Zoning District:** A portion of the township within which, on a uniform basis, certain uses of land and building are permitted and within which certain yards, open spaces, lot areas, and other

requirements are established by this Ordinance. The land area covered by each of the zoning districts is defined on a zoning map, which is an integral part of this Ordinance.

**Zoning Variance:** A modification of the literal provisions of this Zoning Ordinance, granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause undue hardship owing to **circumstances unique to the specific parcel of property** on which the variance is granted. Variances may only be permitted by the Zoning Board of Appeals pursuant to an application for a variance and pursuant to the requirements and limits in Article 10, Administration, of this Ordinance.

## Article 3

### General Requirements

# Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

## Article 3: General Requirements

---

### **Section 301. Purpose of General Requirements**

It is the purpose of this chapter to establish general requirements applicable to all uses of land and structures in this Zoning Ordinance, except as otherwise specifically identified herein.

### **Section 302. Intent for Non-conforming Uses**

No lot shall be created that does not meet the requirements of this zoning ordinance.

It is the intent of this Ordinance to permit lawful use of a dwelling, building, or structure and of land or premises as existing and lawful at the time of enactment of this Ordinance, or of amendments to this Ordinance, although the use does not conform to the Ordinance or amendment.

Such non-conforming lots, uses of land, structures, and uses of structures and premises are declared by this Ordinance to be incompatible permitted uses in the areas involved. It is further the intent of this Ordinance that non-conforming uses and structures not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. The continuance of all nonconforming uses and structures within the Township of Alabaster shall be subject to the conditions and requirements set forth in this section.

#### **302.1 Non-conforming Lots**

- A. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, any single family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet requirements for area and/or width. In all other respects the lot shall conform to regulations for the district in which such lot is located. Yard requirement variances may be obtained through appeals to Zoning Board of Appeals.
- B. If two or more lots, or combinations of lots, any portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance the lands involved shall be considered an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or occupied which does not meet lot width and area division for parcels in the zoning district in which it is located.

### **302.2 Non-conforming Uses of Land**

Where, at the effective date of adoption or amendment of this ordinance, lawful uses of land exist that thereafter become non-conforming under the terms of this Ordinance, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No such non-conforming use shall be moved in whole, or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

### **302.3 Non-conforming Structures**

When a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its non-conformity; for example, existing residences on lots of width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- B. Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area in which it is located after it is moved.

### **302.4 Non-conforming Uses of Structures and Land**

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, and that use would not be allowed in the area under the terms of this Ordinance, that use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the

district in which it is located.

- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed in that condition at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside of such building.
- C. In any district, if no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the area than the existing non-conforming use.
- D. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or land with structure is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
- E. Any structure, or structure and land in combination in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the area in which the structure is located, and the non-conforming use may not thereafter be resumed.
- F. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceased to exist for six (6) consecutive months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the area in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- G. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

### **302.5 Repair and Replacement of Non-conforming Structures**

On any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of walls, supports, parts, fixtures, mechanical works, wiring, or plumbing, to an extent not to exceed twenty-five percent (25%) of the cash value of the structure, as determined by the Township Assessor. In the case of buildings, the volume of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring of any

structure or part thereof to a safe condition if it has been declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **302.6 Uses Allowed as Special Land Uses are Not Non-conforming Uses**

Any use which is permitted as a special land use within a zoning district, as provided in this Ordinance, shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such area.

### **302.7 Change of Tenancy or Ownership**

There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature and/or character of such non-conforming uses.

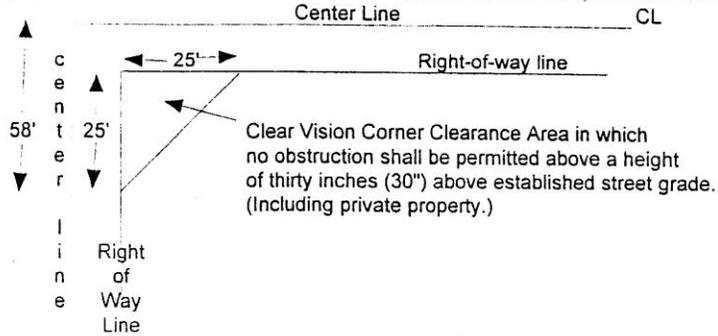
### **Section 303. Corner Clearance**

In all districts, no fence, wall, shrubbery, crops, signs, or other obstructions to vision shall be permitted above a height of thirty inches (30") from the established street grades or private property in any district within a triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet (25') from their point of intersection. An example of this provision is shown on the following diagram.

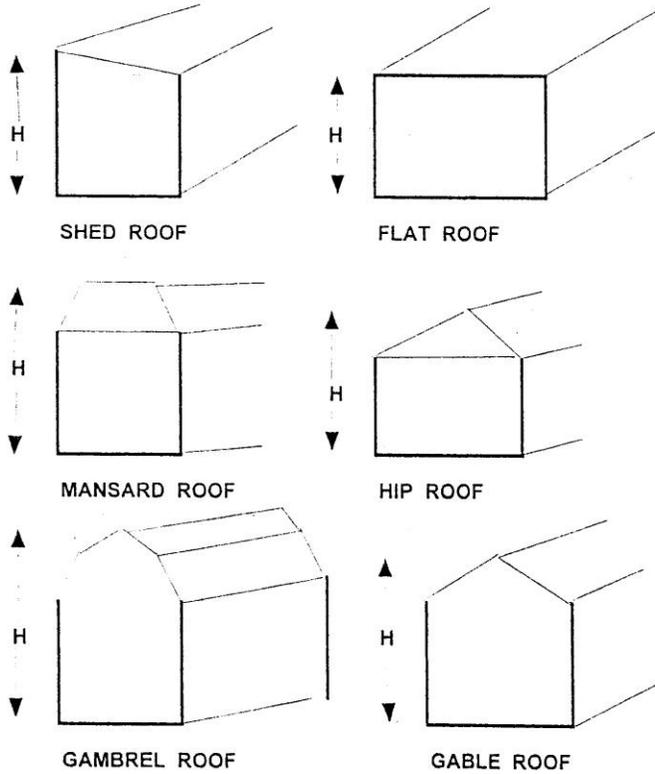
Signs are prohibited on any publicly-owned right-of-way or corner clearance, except those placed by county, state or federal government agencies.

Article 3: General Requirements:

EXAMPLES OF COMPUTING CORNER CLEARANCE (CLEAR VISION AREA)



EXAMPLES OF COMPUTING BUILDING HEIGHTS



Township of Alabaster Rural Zoning Ordinance: November 13, 2006

### **Section 304. Accessory Buildings**

Accessory buildings, except as otherwise permitted in this ordinance shall be subject to the following regulations:

- A. For the purposes of this section all agricultural buildings shall be considered as accessory buildings that are accessory to the principal use of the land for agricultural uses regardless of whether or not a residence is associated with an accessory building.
- B. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the main building.
- C. Buildings accessory to residential buildings shall not be erected or placed in any required yard space, except the rear or side yard.
- D. Buildings accessory to residential buildings in all districts shall not exceed twenty-one feet (21') in height as defined in Article 2, Definitions, and as shown on the preceding diagram, except that farm accessory buildings are exempt from this requirement thereof. No detached building accessory to a residential building shall be located closer than ten feet (10') to any main building.
- E. In order to protect infiltration of surface water and to preserve the natural environment in a reasonable manner, each residential district has restrictions on the maximum amount of land that can be covered by buildings, drives and other structures. (See district requirements in Article 6.) In this regard, and in order to protect the visual integrity and property values of residential districts, the maximum size of accessory buildings is limited as follows:
  - 1. Lots less than or equal to six thousand (6000) square feet in area: No size limit, but not to exceed fifty percent (50%) of lot area.
  - 2. Lots greater than six thousand (6000) square feet, up to ten thousand (10,000) square feet in area: No size limit, but not to exceed thirty-five percent (35%) of lot area.
  - 3. Lots larger than ten thousand (10,000), up to twenty-five thousand (25,000) square feet in area: Maximum size of any one building is fifteen hundred (1500) square feet, maximum lot coverage of twenty-five percent (25%).
  - 4. Lots larger than twenty-five thousand (25,000) square feet: Maximum size of any one accessory building not to exceed two thousand (2000) square feet.

Such limits are not to imply that the maximum lot coverage for all structures, drives, etc. can be exceeded.
- F. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- G. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said

building shall not project beyond the front yard setback required on the lot in the rear of such corner lot.

- H. When an accessory building in an R-1 Residential or B-1 Business District is intended for other than storage of private motor vehicles, normal home and grounds maintenance equipment, or personal recreation uses or storage, the use shall be subject to the approval of the Zoning Board of Appeals.
- I. An accessory building shall not be used as a dwelling unit, except on a temporary basis, as provided elsewhere in this ordinance and subject to approval by the Zoning Board of Appeals.
- J. The number of accessory buildings per lot in residential districts R-2, LR-1, LR-2, LR-3 and OSR-1 shall not exceed two, including sheds.
- K. All accessory buildings and structures not requiring a land use permit, including sheds less than 100 square feet, shall meet the required setbacks.
- L. Accessory buildings greater than 120 square feet in floor-plan area require a land-use permit with fee.

### **Section 305. Performance Standards**

Standards of use, occupancy, and operation are required to be maintained in all districts to increase the health and safety to all individuals. The means to measure these activities are the latest technology as of preparation of this ordinance. The Zoning Board of Appeals may evaluate and specify newer technology that achieves the approximate same results. The property-owner shall perform all necessary measurements to meet state and federal standards. These additional standards and measurements are the responsibility of the township unless otherwise determined. The performance standards are hereby established as the minimum requirements to be maintained for all land uses. The Zoning Administrator has enforcement powers over the following standards.

#### **305.1 Visual Distractions**

- A. The open storage of industrial equipment, vehicles, unused recreational vehicles and equipment and all materials - including wastes - that are visible to residents and visitors is considered a nuisance to residents and visitors. Such storage shall meet the required yard setbacks and shall be screened from public view from adjacent public streets and from adjoining properties by fencing or landscaping or be removed. Where open storage is set back seventy-five feet (75') from all adjacent public street rights-of-way and all adjoining property lines, no fence or screening is required and such storage shall not exceed fourteen feet (14') in height. (See height exception for mine stockpiles in a following section, General Exceptions as to Area, Height and Use, in this Article.) For open storage that is set back one hundred fifty feet (150') from all adjacent street rights-of-way and all

adjoining property lines, this provision shall not apply.

- B. Outdoor recreation equipment with an original foot print greater than 50 square feet shall be removed from view if unused for three (3) consecutive years.
- C. In residential districts, the on-site outside storage of materials intended for on-site, non-commercial residential purposes shall meet the setback and other location requirements established for accessory buildings in this Ordinance. Examples of materials intended for on-site, non-commercial residential purposes include fire wood, gardening soil, compost, and other similar materials that might ordinarily be stored in a yard.
- D. Commercial outside storage in residential districts must comply with the home occupation requirements of this Ordinance.

### 305.2 Noise and Sound Pressure Level

- A. **General Regulation.** No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township.
- B. **Specific Violations.** The following noises and disturbances are hereby declared to be a violation of this ordinance, provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:
  1. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
  2. Yelling, shouting, hooting or singing on the public streets between the hours of 10 p.m. and 7 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
  3. The emission or creation of any excessive noise that unreasonably interferes with the operation of any school, religious land use, hospital or court.
  4. The keeping of any animal (livestock or pet) that emanates frequent or extended noise that unreasonably disturbs the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
  5. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise, including the noise resulting from exhaust, which is clearly

- audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
6. The sounding of any horn or other device on any motor vehicle, unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
  7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device that will effectively prevent loud or explosive noises, the modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Article.
  8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Township Zoning Administrator, which permit shall limit the periods that the activity may continue.
  9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
  10. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
  11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.
  12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise that is disturbing to the quiet, comfort or repose of any person.
  13. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or

nature in any area of the Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course be operated after 10 p.m. on any evening.

C. **Exceptions.** None of the prohibitions hereinbefore enumerated shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Township of Alabaster, or the County of Iosco between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law. The lawful warning device emitting the least noise shall be used.

D. **Anti-Noise Regulations Based Upon dB(A) Criteria.** In order to regulate and prove violations occurring under the Specific Violations section above, of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this ordinance.

1. Regulations for decibel measurement of noise originating from private properties. Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the following districts and times shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance:

- a. **Residential and Forestry Districts:** (and any area within 500 feet of a hospital regardless of zoning district and other districts located within 500 feet of any dwelling under separate ownership):

Limitations - 7 a.m. to 10 p.m.: 55 dB(A); and 10 p.m. to 7 a.m.: 50 dB(A).

- b. **Agricultural, Extractive, Business and Manufacturing Districts:** (and any area within 500 feet of a hospital regardless of zoning district and other districts located within 500 feet of any dwelling under separate ownership):

Limitations - 7 a.m. to 10 p.m.: 65 dB(A); and 10 p.m. to 7 a.m.: 55 dB(A).

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound level of 5 dB(A) less than those listed above.

Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the limitations listed above. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

2. The following exceptions shall apply to these regulations under Article 305.2.D.1:
  - a. Construction projects shall be subject to the maximum permissible noise levels specified for Manufacturing Districts as long as a valid building permit has been issued by the Township and is currently in effect.
  - b. All railroad operations shall be subject to the maximum permissible noise levels allowed in Manufacturing Districts, regardless of the zone where they are located.
  - c. Noises occurring between 7 a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in Article 305.2.D.1 by more than 20 dB(A).
  - d. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
  - e. Any commercial, agricultural, extractive or manufacturing use of property that exists now or in the future as a legal nonconforming use (as defined in this zoning ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limits:
    - i. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the Township zoning ordinance, if available.
    - ii. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.
3. Regulations for decibel measurement of motor-driven vehicles on public roads. All noise emitted from motor-driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet from a noise source located within the public right-of-way. If measurement at 50 feet is not feasible,

measurement may be made at 25 feet, and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance.

- a. Trucks & buses – Weight over 10,000 lbs. gross weight: dB(A) maximum limitation is 82 dB(A).
- b. Trucks & buses – Weight under 10,000 lbs. gross weight: dB(A) maximum limitation is 74 dB(A).
- c. Passenger cars - Any weight: dB(A) maximum limitation is 74 dB(A).
- d. Motorcycles, snowmobiles & mini-bikes - Any weight: dB(A) maximum limitation is 82 dB(A).
- e. All other self-propelled motor vehicles - Any weight: dB(A) maximum limitation is 74 dB(A).
- f. Measurement of Noise: All measurements of dB(A) referenced to this section of the Ordinance shall be made by using a sound level meter of standard design and operated on the 'A' weight scale, with 'slow' meter response.

### **305.3 Vibration, Steady State or Impact**

It shall be unlawful to operate, or to permit or to cause the operation of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at fifty feet from the source if in a public space or public right of way. For the purpose of this section, “vibration perception threshold” means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or by visual observation of moving objects, and as determined by the Zoning Administrator to be a nuisance.

### **305.4 Smoke, Dust, and Other Particulate Matter**

Uses shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to, or shall not endanger, the health, safety, comfort or general welfare of the public.

### **305.5 Odor and Gaseous Discharges**

No gases, vapors or fumes shall be emitted that are harmful to persons, property, animals or vegetation beyond the lot lines of the lot on which such gases, vapors or fumes originate.

### **305.6 Light and Glare Control**

Light from parking lot lights, yard lights, signs, or other similar sources shall be designed to shine on the parcel on which they are located and shielded from adjacent properties in such a manner that they are not a nuisance for those adjacent properties.

### **305.7 Waste and Rubbish Dumping**

No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish - including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter - shall be kept in open containers, or piled, placed, stored, or dumped on any land within the community in such a manner as to constitute a nuisance or a hazard to health, safety, or morals, or general welfare of the community or its residents. All waste material, trash, and rubbish must be disposed of at least once in each month in accordance with the laws and ordinances of the community and provided further that nothing contained in this ordinance shall prevent the reasonable use of garbage, fertilizers, manure, or similar material for the improvement of land situated within a zone that is being utilized for agricultural purposes, as long as such use does not constitute a menace to the health or welfare of the public or nuisance to the surrounding area. Any such use for agricultural purposes that includes the storing, piling, placing, or dumping of the above mentioned materials from other than one household or business shall be deemed to be a commercial operation, whether or not such operations are carried on for a profit, and in such cases shall adhere to Michigan Public Statutes dealing with solid waste management.

### **Section 306. Use Restriction or Allocation of Lot Area**

This ordinance may not be construed as permitting any additional one-family, two-family or multi-family dwelling unit in any district, not otherwise permitted by this ordinance on any property. Not more than one dwelling unit is permitted in single family areas, including, but not exclusively, any guest house, grandmother house or rental home.

No portion of a lot or parcel used once in complying with the provisions of this ordinance for yards, lot area, density, or percentage of lot occupancy shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time. Once set, the boundaries of the buildable area remain unchanged.

### **Section 307. (Reserved)**

## **Section 308. Common Use (Keyhole Uses)**

### **308.1. Intent and Purpose**

The Township Board has determined that the use of water resources and lakeshore property should be considered within the framework of long term costs and benefits to the township and that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of the lake shores in the township. As the shorelines of Lake Huron and interior lakes (should any become public) become increasingly developed the cumulative impact of human and boat usage from further development or expansion of existing uses must be regulated. This is to preserve and protect the rights of riparian owners, as well as the rights of the township as a whole. It is also in the interest of the public's health, safety and welfare to prevent the overcrowding of the lakes in the township and to protect water quality and land resources related to the lakes. Further, the lack of regulation may result in nuisance conditions being created and an impairment of the important and irreplaceable natural resources of the township, and will result in the reduction of property values, threaten the public health, safety and welfare of all persons using the lakes and lake shores within the township and of properties adjacent to lakes in the township.

It is the intent and purpose of Alabaster Township to regulate the development and use of waterfront property located in the township, to adopt reasonable regulations for boat usage and lake access within the township, to preserve and protect the rights of riparian owners, to protect the public health, safety and welfare, to protect water quality and land resources related to public lakes within the township, and to provide penalties of violation of this ordinance. The regulations in this Ordinance are intended to reinforce the implementation of the Michigan Natural Resources and Environmental Protection Act [P.A. 451 of 1994, as amended (MCL Chapter 324)].

As used herein, "Person" means a human being, partnership, corporation, association, including a condominium association, homeowners or lake association, governmental entity or agency, and any other entity to which the law provides or imposes rights or responsibilities. "Keyhole" refers to a common use lot used to provide waterfront access to persons not residing on the waterfront property (see definitions of Keyhole and Common Use Lot in Article 2).

### **308.2. Scope and Applicability**

- A. The provisions of this ordinance shall be interpreted to provide minimum standards and requirements for the promotion and protection of the public health, safety and welfare and the public peace, the preservation of natural resources, and public and private property within the township.
- B. This ordinance shall apply to:
  - 1. Common use lots and parcels with water frontage created and/or recorded after the effective date of this ordinance.
  - 2. Existing common use lots and parcels by definition, but not providing common use access to a lake prior to the effective date of this ordinance

3. Lots and parcels with water frontage that have been providing common use access to a lake for a defined geographical area or a specific number of lots, parcels or dwelling units, through an association or subdivision/condominium deed, grant, reservation, covenant, or other recorded instrument prior to the effective date of this ordinance, and where it is proposed to expand the geographical area, number of lots, or persons that are provided common use access to a lake through said common use lot,

C. Lots and parcels exempt from this ordinance are:

1. Common use lots of record existing prior to the effective date of this ordinance that have been providing common use access to a lake for a defined geographical area, a specified number of lots, parcels, dwelling units, or to persons through an association, subdivision, condominium deed, grant, reservation, covenant, or other recorded instrument are exempt from this ordinance, except as provided in paragraph 308.2.B.3 above, and provided, that any dock or marina on or from a common use lot shall be subject to the requirements of the Natural Resources and Environmental Protection Act (P.A 451 of 1994, as amended).
2. Lots or parcels of record with water frontage existing prior to the effective date of this ordinance, unless converted to a common use lot or as addressed in paragraph 308.2.B.2 above.
3. Land surrounding privately-owned lakes and developments in which an entire body of water is surrounded by condominium- or development-owned land.

- D. This ordinance does not abrogate or repeal any other law, ordinance, rule or regulation previously enacted or adopted, including any other ordinance regulating boat launching and/or usage. In instances where this Ordinance specifically provides a higher standard or greater restriction than other ordinances, the provisions of this Ordinance shall govern.

### **308.3. Regulations**

- A. If a condominium, subdivision, multiple-family development, association or other planned development (PUD) includes a water-front common use lot for the use of its residents or members, such lot shall be so designated in its deed and shall be included as part of the development plan presented to the Planning Commission.
- B. The deed to each common use lot shall specify the non-riparian lots or parcels that shall have rights to its use.
- C. Such a common use lot, in paragraph A above, shall have at least twenty feet (20') of linear water frontage for each dwelling unit and shall have a minimum of three hundred feet (300') of frontage. Water frontage shall be measured by a straight line that intersects each side lot or parcel line at the water's edge. The measurement shall not include

irregularities, such as any manmade channel, lagoon, canal, or other artificially created shoreline. Such waterfront lots shall have a minimum lot depth of one hundred fifty feet (150'), measured as the minimum distance between the high-water line and the opposite lot line, along the lot line edge.

- D. Such a common use lot, as described above, may be used for swimming, lounging, picnicking and other passive recreational activities, the privileges of which may be reasonably enjoyed by the owners and occupants of the subdivision, condominium or multiple-family development. Overnight camping is prohibited. Boating restrictions are listed below.
- E. Structures allowed on common use lots are restricted to bath houses/changing rooms, restrooms and storage buildings for beach-use items and maintenance equipment. Boat storage buildings and commercial sales buildings are prohibited.
- F. No parking of vehicles or trailers shall be permitted, other than for day use.
- G. A boat ramp for the day-use launching of boats may be permitted if presented in the development plan, if it is a minimum of one hundred feet (100') from designated swimming areas and one hundred feet (100') from the side property lines and if proper permits are obtained from all appropriate governing departments of the State of Michigan. The use of such ramp shall be restricted to the owners or occupants of the subdivision, condominium or multiple-family development.
- H. No more than one dock shall be allowed at or upon a common use lot.
- I. For condominiums, site condominiums and multiple family residential developments where there are common areas with riparian frontage, there shall be a minimum of sixty feet (60') of riparian frontage for each boat docked within the common area.
- J. Any permanent boat docking structure from, upon, or adjacent to a common use lot shall obtain a permit for marina operations from the State of Michigan in accordance with the administrative rules promulgated under the Natural Resources Environmental Act of 1994, and the design of any boat dock facility shall meet all State of Michigan requirements for marinas. Public access sites owned and operated by the State of Michigan are exempt from the provisions of this ordinance.
- K. Boat docks shall be used only by individuals residing in the condominium, subdivision or development with which the water frontage is associated. Boat docks, boat slips, or docking privileges at boat docking structures, anchorage off of lots or parcels with water frontage, or upon the shore land of such lots or parcels shall not be leased, rented, conveyed, granted, gifted, or otherwise used for compensation, except in conjunction with the lease or rental of dwelling units in the development. In no event shall the number of boats permitted to be docked at a common use lot exceed the number permitted by paragraph I above.

- L. Common use access to a lake shall not be permitted by any manmade canal, lagoon, channel, or other artificial shoreline or access.
- M. The use of common use lots must comply with all other applicable laws and ordinances, including the Alabaster Township Zoning Ordinance.
- N. No docks shall be constructed and no boats shall be docked, moored or beached overnight at public access water-frontage, such as road ends, not intended for such use.

**Section 309. General Exceptions as to Area, Height, and Use**

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

- A. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intent to exempt such essential services from the application of this Ordinance.
- B. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with any local, state, federal or other public election.
- C. **Height Limit.** The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, stockpiles of mined materials, or wireless transmission towers, unless provided as a condition of a Site Plan Review or Special Land Use Permit.

**Section 310. Multiple Dwelling Side Yard**

For the purpose of side yard regulations, a row house, townhouse, condominium, apartment, or other multiple dwelling shall be considered as one or more buildings occupying a single lot.

**Section 311. Yard Fences and Landscaping**

Fences or walls of not more than six feet (6') in height may be constructed in residential areas within a required rear or side yard, but not more than forty-eight inches (48") in height within a required front yard, e.g. along the property line. Fences and walls in B-1, B-2, E-1 and M-1 districts may be up to eight feet (8') in height. Fences and walls may be erected along the lot line but may not straddle or otherwise intrude on adjacent property. The closest edge of any tree trunks in residential areas shall not be planted closer than five feet (5') to any property line.

Fences and walls shall not obstruct visibility at corners (see section in Article 3 on Corner Clearance).

The erection of fences or walls requires a permit and fee. However, certain fences are exempt from such fee requirement. These include temporary seasonal fences, such as snow or sand fences intended to prevent drifting along roads, drive ways or structures and fences to keep animals from garden plots; dog kennels less than 120 square feet in area; non-perimeter (property boundary) fencing for fowl and livestock pens in A-1, E-1, F-1 and R-1 districts; and decorative fencing two feet high or less around garden or flower beds in residential and other districts. Temporary seasonal fences, such as, but not limited to, snow and garden fences shall not be in place other than the season for which they are intended and in no case for more than six months.

In order to protect farmland, in agricultural districts the closest edge of a tree trunk shall not be planted closer than five feet (5') to any property line and the closest portion of any shrubs, hedges, and other landscaping must be planted at least three feet (3') from the property line and positioned so as to not encroach on adjacent property. These distances shall be maintained as clear space from the outermost edge of a tree trunk or foliage. In agricultural districts fences enclosing residential properties adjacent to agricultural lands shall also be no closer than the nearest property line.

In business and manufacturing districts, fences, walls and landscaping may be erected along the lot-line, but may not straddle or otherwise intrude on adjacent property. As noted above, trees must be located five feet (5') from any property line.

### **Section 312. Access through Yards**

Access drives may be placed in the required front and/or side yards so as to provide access to rear yards and/or accessory to attached structures. These drives shall not be considered structural violations. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine inches (9") above the grade upon which it is placed, shall not be considered a structure and shall be permitted in required yards.

### **Section 313. Porches and Projections Into Yards**

For the purposes of this Ordinance, an open, unenclosed porch, deck or paved terrace more than nine inches (9") in height may project into a front yard for a distance not exceeding ten feet (10'), but shall not be interpreted to include or permit fixed canopies or roofs. Pavement or terrace not more than nine inches (9") in height above surrounding land may extend beyond ten feet (10') without restriction.

Architectural features, not including vertical projections, may extend or project into a required front or rear yard for not more than three feet.

Such porches and projections into yards shall be considered as impervious surfaces for the calculation of lot coverage.

Additions of porches, decks and other such projections require a permit with fee.

**Section 314. Control of Pets**

- A. Pets, as defined in Article 2, Definitions, shall be controlled so that they do not infringe on adjacent properties, so that they are not a nuisance with frequent barking, and so that they do not create noxious conditions through unsanitary conditions or odor.
- B. No person shall keep as a pet any wild native mammal or bird or any exotic animal that is not permitted by the State of Michigan to enter the State. No person shall keep any wild or exotic animal capable of potentially causing serious harm to humans or to other pets by disease transmission, biting, maiming, poisoning or any form of attack. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics that are properly licensed by the federal government and/or by the State of Michigan. In no case, however, shall such wild or exotic animals be exhibited or displayed in such manner that persons other than their handlers can pet, fondle or otherwise come in direct physical contact with them.

**Section 315. Home Occupation**

A home occupation business, as defined in Article 2, Definitions, may be operated only under the following conditions:

- A. It is operated in its entirety within the principal dwelling or within a normally associated accessory building.
- B. It does not include more than one employee who does not live in the dwelling.
- C. It does not involve alteration or construction not customarily found in a dwelling unit.
- D. It does not use any mechanical equipment except that which is normally found in a dwelling unit.
- E. Does not use more than twenty-five percent (25%) of the total floor area of the dwelling, exclusive of an unfinished basement.
- F. Does not display, or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, non-illuminated, wall sign having an area of not more than two square feet.

## **Section 316. Antennas**

### A. Residential and Agricultural Districts

Dish antennas, amateur radio antennas, and other communication structures similar in size, shape, and/or function are permitted in agricultural and residential zoning districts subject to the following conditions:

1. Only one dish antenna more than four feet (4') in diameter is permitted on the lot and not more than three (3) total antennas or communication structures are permitted.
2. Any such structures, other than dish antennas less than two feet (2') in diameter or standard UHF-VHF television antennas, attached to the side or roof of a residence or other building, shall require a permit prior to erection. The Zoning Administrator may require construction drawings showing the proposed method of installations, such as anchoring, fencing, and screening. Fees for such a permit shall be established by the Board of Trustees.
3. Any communication structure covered by this section is prohibited from the required front yard of any zone in which it is located, unless a practical difficulty of reception is demonstrated, in which case the Zoning Administrator may grant a variance that includes landscaping and screening to reduce the visual impact in the front yard.
4. A dish antenna on the roof of any residential structure shall not extend more than three feet (3') above the peak of the highest point on the roof of that structure.
5. A dish antenna installed on the ground or on a tower in a residential zone shall not exceed twenty-one feet (21') in height from the ground to the top of the structure.
6. Dish antennas mounted on an accessory building in an agricultural zone may not exceed six feet above the highest point of the roof.
7. Dish antennas, amateur radio antennas, and other structures similar in size, shape, and/or function shall be subject to all requirements for accessory structures.

### B. Business and Manufacturing Districts

In business and manufacturing zoning districts, the following standards shall apply to dish antennas, radio antennas, tower receivers and transmitters and other similar structures:

1. Any such structure shall require a permit and Site Plan Review prior to erection, except for dish antennas two feet (2') or less in diameter, and VHF radio, or standard UHF-VHF television antennas attached to the side or roof of a residence or other building. The Planning Commission requires construction drawings showing the proposed method of installations, such as anchoring, fencing, and screening. Fees for

such a permit shall be established by the Board of Trustees.

2. Any structure covered by this section is prohibited from the required front yard of any zone in which it is located, unless a practical difficulty of reception is demonstrated, in which case the planning commission may grant an allowance that includes landscaping and screening techniques to reduce the visual impact in the front yard.
3. Dish antennas, radio antennas, and other structures similar in size, shape, and/or function shall be subject to all requirements for accessory structures per Articles 3 and 9.

### **Section 317. Swimming Pool and Pond Safety Requirements**

Outdoor pools count toward the amount of covered ground permitted on a lot or parcel, in the same manner as buildings.

Swimming pool and pond installation or construction requires a permit with fee.

Because of the health and safety dangers, including drowning or water accidents the township hereby regulates swimming pools and manmade ponds. Swimming pools shall be erected, installed, or made only in rear yards of any lot. Ponds may be constructed as otherwise provided herein. The following regulations apply to swimming pools and manmade ponds erected, installed, or made in the Township:

#### **317.1 Above-Ground Pools**

Above ground pools that have a wall height of no less than forty-two inches (42") between the ground and the top of the wall or a surrounding fence shall not require any additional fence around the pool site. Fences shall have self-closing and locking gates or doors to prohibit casual access by small children. Said above-ground pools, however, must have a removable ladder that is to be taken from the pool whenever the pool is not in use under adult supervision. A ladder that is permanent, but has a restraint device that can be used to prohibit access and can be locked is an acceptable alternative to a removable ladder. Iosco County Zoning Ordinance provides more specific and more detailed requirements that must also be met in Alabaster Township.

#### **317.2 In-Ground Pools**

In-ground pools shall meet the following requirements:

- A. All pools constructed shall be completely enclosed by a fence at least four feet in height and of a type not readily climbed by young children. The bottom of the fence shall be so constructed that children cannot readily crawl under the fence. Iosco County Zoning Ordinance provides more specific and more detailed requirements that must also be met in Alabaster Township.
- B. The fence shall be constructed to surround the swimming pool providing it is not closer

than four feet (4') nor further than thirty feet (30') from the pool's edge, or at the edge of the apron surrounding the pool. A dwelling house or accessory building may be used in lieu of a fence providing there is only one opening door or gate in the building to the swimming pool area.

- C. The fence shall have only one opening with a gate, which shall be equipped with a self-closing latch that is to be accessed only from the inside of the gate or by reaching over the gate.
- D. If lighting is to be provided in a residential area, the lighting shall be so arranged, shielded and operated so as to prevent disturbance or annoyance to neighboring premises.
- E. In-ground pools shall not be constructed closer than twenty-five feet (25') to any adjacent property line.

### **317.3 Ponds**

Ponds shall be constructed completely within the buildable area of the lot and shall not infringe on any front, rear or side yards required in the respective zoning district. Ponds must have sufficient slope for sufficient distance from shore to provide safe egress.

### **Section 318. Use of Vacant Property**

Occupancy of tents, house trailers, motor homes or similar temporary shelters beyond the fourteen day limit established in zoning districts requires permission by the Zoning Administrator.

### **Section 319. Topsoil Extraction**

No topsoil supporting vegetation or having natural qualities shall be extracted from any land in the township consisting of a total of more than one acre for commercial purposes such as sale or trade unless a land use permit has been obtained from the township. An approved excavation plan under provisions of Article 6, district E-1 is not subject to this provision.

### **Section 320. Posting of Permits and Street Numbers**

Zoning permits and street numbers must be posted during construction so that both are visible from the street. Permits should be posted until a Certificate of Occupancy is issued by the Iosco County Building Inspector. The Township Board places emphasis on the need for street numbers at all times to facilitate emergency response.

**Section 321. Permit Requirements**

The following list identifies the most common activities-requiring a Township land use permit. Permits for starred items (\*) require a fee. County building permits may also be required.

- A. \*All homes and buildings, except accessory buildings that are movable and less than one hundred (100) square feet in area.
- B. \*Religious structures and public buildings.
- C. \*Porches and decks, attached or unattached, twenty four (24) square feet or greater in floor area.
- D. Porches and decks less than twenty four (24) square feet in floor area.
- E. \*Fences. See previous section on Yard Fences and Landscaping, this Article, for exceptions to fee requirement.
- F. \*Dish antennas two feet (2') or more in diameter, tower antennas and radio antennas (See previous section on Dish Antennas, this Article).
- G. \*Swimming pools and ponds.
- H. \*Top-soil extraction.
- I. \*Placement of mobile homes. (Must also satisfy State laws and Alabaster Township Zoning Ordinance section on Mobile Home Standards, Article 4.)
- J. Removal of mobile homes.
- K. \*Paving or black-topping of driveway or parking area. (Construction of a gravel drive is exempt from permit.)
- L. \*Erection, installation, movement or enlargement of any accessory structure or permanent structure.
- M. \*Extraction of rock and mineral resources.
- N. \*Hunting camps with cabins of four hundred (400) square feet or more in area.
- O. \*All structures in zones B-1, B-2, M-1 and E-1.
- P. \*All signs in zones B-1, B-2, M-1 and E-1.
- Q. \*All non-conforming structures and all structures relating to Special Land Use.

R. Demolition or removal of a building or permitted structure.