

2007
Bear Lake
Township
MANISTEE COUNTY

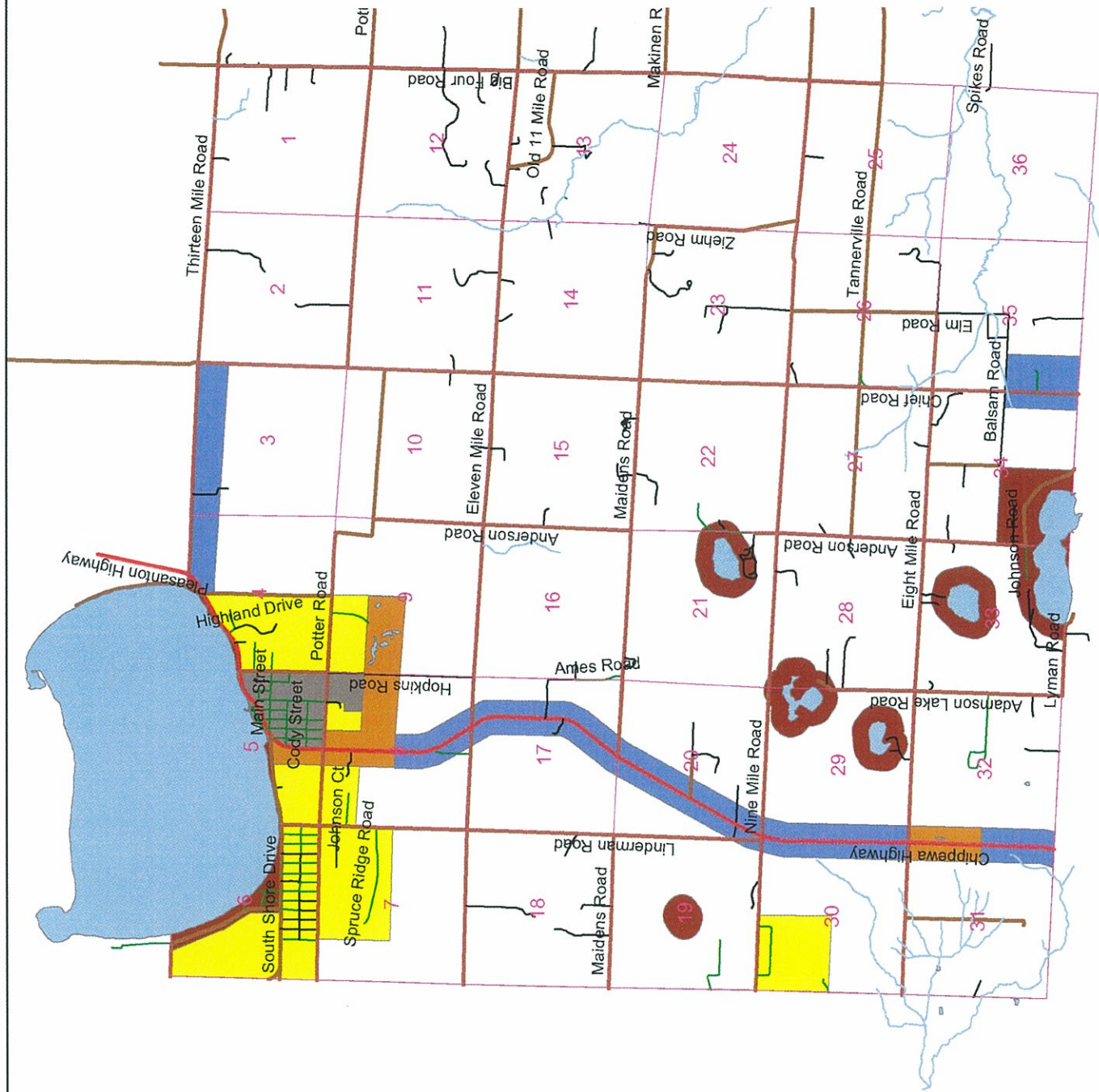
ZONING
ORDINANCE



Bear Lake Township Zoning Map

Legend

- rivers
- lakes
- sections
- Highways
- County Roads
- Minor Roads
- Two Tracks
- Zoning Districts**
 - Agricultural
 - Bear Lake Village
 - Commercial
 - Multiple Use
 - Residential
 - Resort Residential



ZONING MAP

AGRICULTURE DISTRICT AG-1 / Article 37

All properties that do not currently have any classification shall be classified as Agricultural.

RESORT RESIDENTIAL RR-1 / Article 40

The property starting at the East Limits of the Village of Bear Lake and North of Highway US-31 to the shore of Bear Lake to the North Bear Lake Township line and 13 Mile Road

The property 300 feet West of Hopkins Forest Drive from the North township line to South Shore Drive.

All that area between Hopkins Forest Drive and the lake from the North township line to South Shore Drive; and between South Shore Drive and the lake from Hopkins Forest Drive to the Village of Bear Lake.

All parts of Chief Lake Shores Subdivision #241 in the Southwest $\frac{1}{4}$ of Section 34 and areas lying within 600 feet of the perimeter of Chief Lake to Lyman Road.

All areas lying within 600 feet of the perimeter of James Lake, Adamson Lake, Watson Lake, Lake Emma and Cooper Lake.

RESIDENTIAL DISTRICT R-1 / Article 44

The remaining portion of Section 6, that is not considered Resort Residential shall be considered Residential with the exception of the Village of Bear Lake.

East $\frac{3}{4}$ of the North $\frac{1}{2}$ of Section 7.

North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ except the East 600 feet of Section 8.

All of the property in Section 5 that is not currently Commercial nor Resort Residential.

All platted areas that are not Resort Residential.

NW $\frac{1}{4}$ of Section 30 shall remain Residential.

The W $\frac{1}{2}$ of Section 4 lying South of US-31 and East of the Village of Bear Lake to a point 953 feet South of the intersection of Lakeside and 13 Mile Road.

The North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 9.

COMMERCIAL DISTRICT C-1 / Article 53

A parcel of land commencing at the South $\frac{1}{4}$ corner of Section 5, T23N, R15W; thence West 600 feet along the South line of Section 5; thence South to a point on the South line of the NW $\frac{1}{4}$ of Section 8, T23N, R15W and 600 feet directly West of Highway US-31; thence East 600 feet along said South line of the NW $\frac{1}{4}$ of Section 6 to the West line of Highway US-31; thence North along Highway US-31 to the point of beginning, all being in Bear Lake Township, Manistee County, Michigan.

A parcel of land commencing at the NW corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, T23N, R15W thence along North line of Section 8, 600 feet; thence South to the South line of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8; thence West 600 feet to the East line of Highway US-31; thence North along Highway US-31 to the point of beginning, all being in Bear Lake Township, Manistee County, Michigan.

The South $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 8, T23N, R15W; and the South $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 9, T23N, R15W; Bear Lake Township, Manistee County, Michigan.

A parcel of land described as commencing at the South $\frac{1}{4}$ corner of Section 5, T23N, R14W; thence West 600 feet along the South line of Section 5; thence North to the South right of way line of South Shore Drive; thence East to the West line of the Village of Bear Lake; thence South to the point of beginning, all being in Bear Lake Township, Manistee County Michigan.

Parcel of land 600 feet deep on the East and West sides of US-31 commencing at 8 Mile Road and going South for $\frac{1}{2}$ mile (said parcel being in the East $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 31 and the West $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 32, all being in Bear Lake Township, Manistee County Michigan.

MULTIPLE USE DISTRICT M-1 / Article 55

Everything that is not zoned Commercial south of the Village of Bear Lake, 600 feet on each side of US-31 to Lyman Road.

From Balsam Road to Johnson Road, a parcel 600 feet deep on the West side of Chief Road and 1260 feet deep on the East side of Chief Road.

A parcel of land described as commencing at the NE corner of Section 3, T23N, R15W; thence West along the section line to the SE corner of the intersection of Lakeside Avenue and 13 Mile Road; thence due South 600 feet; thence East along a line parallel to the section line to the East line of Section 3; thence North along the East section line to the point of beginning, being in Bear Lake Township, Manistee County Michigan.

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Article 1, Section 103 Legal Basis – added

Article 5, Section 505 amended

Article 5, Section 561 Zoning Act – added

8202 Public Notice - amended

Article 10, Section 1022 amended

Article 3701 Agricultural District – amended

3705 Storage Buildings - amended

<u>Date</u>	<u>Section and Title</u>	<u>Action</u>
5-22-07	8202 Public Notice	Amended
5-22-07	9601 Zoning Board of Appeals	Amended
5-22-07	9602 Duties of the Zoning Board of Appeals	Amended
5-22-07	9603 Variances	Amended

Article 1 – Preamble

101 – Title

This Ordinance shall be known as the “Bear Lake Township Permanent Zoning Ordinance”.

102 – Purpose

- A. To promote the public health, safety and general welfare.
- B. To encourage the use of lands in accordance with their character and capabilities and to limit the improper use of the land.
- C. To conserve natural resource and energy.
- D. To meet the needs of the state’s residents for food, fiber, and other natural resources, place of residence, recreation, industry, trade, service and other uses of land.
- E. To ensure that uses of land shall be situated in appropriate locations and relationships.
- F. To avoid overcrowding of population.
- G. To provide adequate light and air.
- H. To lessen congestion on the public roads and streets.
- I. To reduce hazards to life and property.
- J. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
- K. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and property.
- L. To reasonable consider the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

- M. To prevent economic and ecological damages due to unwise development within the environmental areas and to prevent the degradation of the shorelands.
- N. To prevent non-compatible land uses from denying the benefits of minerals to the citizens of Bear Lake Township.
- O. To prevent unwise patterns of development.
- P. To assure proper reclamation of mining sites.
- Q. To create Land Use Districts which conform with the development plan set forth in the Bear Lake Township Comprehensive Plan.

103 Legal Basis

This ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 *et seq.*) The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), hereinafter referred to as the "Zoning Act".

Article 5 – Definitions

501 – Introduction

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

502 – Standard Industrial Classification Manual

The purpose for which land or a building thereon is designed, arranged or intended to be occupied and used, or for which it is maintained. The use of land permitted in the several land use districts established by this Ordinance shall be further defined by the Standard Industrial Classification manual of 1987 which is incorporated herein by reference.

503 – Accessory Buildings

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

504 – Accessory Use

A use naturally or normally incidental or subordinate to, and devoted exclusively to a permitted use of the land or buildings.

505(a) Storage Building

Buildings used for storage on a parcel, without a primary residence.

506 – Alter

To change, add or modify the location, use or structure or the structural members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or in the size or location of the roof or exterior walls.

507 – Basement or Cellar

A basement or cellar is that portion of a building partly below the average grade of the parcel. A basement is so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling. A cellar is so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

508 – Buildings

Any structure, either temporary or permanent, having a roof and used or capable of being used for the shelter or enclosure of persons, animals, chattels, or property of any kind.

509 – Cabin

Any building, tent or similar structure which is maintained, offered, or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what we commonly designated as hotels, motels, lodging houses or tourist homes.

510 – Cabin Court or Cabin Park

Any tract or parcel of land on which two or more cabins as herein defined, are maintained, offered or used for dwelling or sleeping quarters, for transients.

510-.1 - Communication Tower

A radio, telephone, cellular telephone or television relay structure of more than 14 feet in height attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

511 – Day Care Centers

A facility, structure or residence used for the care and housing of children. Each facility, structure or residence so used shall be licensed according to the laws and statutes of the State of Michigan and shall be operated according to the rules and regulations of the Michigan Department of Social Services which shall be applicable to child day care centers.

512 – Driveway

Access to parcel of land.

513 – Dwelling

A building, mobile home, pre-manufactured or pre-cut structure designed and used for the complete living accommodations of a family and which complies with the standards given in this Ordinance.

- A. Single-Family Dwelling: A dwelling occupied by one (1) family, and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only.
- B. Two-Family Dwelling: A dwelling designed to provide for separate living, sleeping, and kitchen facilities for two (2) families living independently of each other. Each dwelling unit shall conform to the minimum floor area requirement for the land use district in which it is located.
- C. Multi-Family Dwelling: A dwelling designed to provide for separate living, sleeping, and kitchen facilities for more than two (2) families living

independently of each other. Each dwelling unit shall conform to the minimum floor area requirement for the land use district in which it is located.

- D. Temporary Dwelling: Cabins, tents, trailers, garages and basements, if used for human occupancy.
- E. Partial or Complete Underground Dwelling: Any dwelling other than a basement or cellar designed and built with a majority of the structure below ground level and designed so as not to be built upon.

514 – Erect

To build, construct, reconstruct, move upon or conduct any physical operations on the land required for the buildings, including excavations, fill, and drainage.

515 – Existing Building

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

516 – Family

One or more persons living together and inter-related by bonds of consanguinity, marriage or legal adoption. A family shall be deemed to include domestic servants and gratuitous guests.

517 – Farms

All of the contiguous, neighboring or associated land operated as a single unit and upon which agriculture is being carried on directly by the owner, operator, manager or tenant farmer, by his own labor, or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of ten (10) acres or more in area; provided, further that greenhouses, nurseries, orchards, apiaries, poultry hatcheries, poultry farms and similar specialized operations may be considered as farms without regard to the aforesaid ten (10) acre limitation; but establishments keeping or operating fur bearing animals, game, fish hatcheries, dog kennels, stock yards, slaughter houses, stone quarries, gravel or sand pits, shall not be considered farms hereunder, unless combined with and constituting a minor part of bona fide agricultural operations on the same tract of land. Nor shall premises operated as fertilizer works, bone yards, or for the reduction of animal matter, for the disposal of garbage, sewage, rubbish, offal or junk constitute a farm hereunder.

518 – Farm Buildings

Any building, other than a dwelling, erected, or maintained on a farm, which is essential and customarily used on farms in the pursuit of agricultural activities.

519 – Floor Area

The habitable first floor area of a building or structure, exclusive of garage, breezeway, or porches.

520 – Forestry

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

521 – Garage

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

522 – Highway

A roadway, street or thoroughfare, public or private, contained within the limits of a right-of-way dedicated or maintained for the operation of vehicular traffic.

523 – Home Occupation

A gainful occupation or service conducted by members of a family within its place of residence; provided, that the space used is incidental or secondary to residential use, and provided, that there be no external evidence of such occupation or service except a name plate not more than four (4) square feet in area, without illumination, and in character with the neighborhood; and providing further, that said occupation or service does not require nor effect any change in the external dimensions of the building. No services shall be rendered or articles displayed outside the dwelling.

524 – Industrial Building

A building or structure housing a manufacturing, assembly, chemical, or processing operation or transportation facilities.

525 – Institution Building

A building occupied by a municipal or non-profit corporation and open to the public.

526 – Land Use Permit

A standard form issued by the Bear Lake Township Zoning Administrator or his agent upon application by an owner or his agent, for the proposed construction of a building or structure and/or the use of land in compliance with the provisions of this Ordinance.

527 – Lodge

A building used as a meeting place by members of private clubs, service, clubs, veterans organizations, and other fraternal or religious organizations and owned or leased by such groups.

528 – Lot Lines

The lot lines are the property lines bounding the lot. “Front lot line”, in the case of a lot abutting upon one public or one private street means the line separating such lot from such street right-of-way. A “rear lot line” is that lot line which is opposite and most distant from the front lot line of the lot. A “side lot line” is any lot line not a front line or a rear lot line.

529 – Mineral

A naturally occurring element or combination of elements that occur in the earth in a solid state.

530 – Mining

All or part of the processes involved in the extraction and processing of mineral materials.

531 – Mining Permit

A special use permit for mining, whether on a regular or temporary basis, which is required by Article 94 – 9403 – 9404 of this Ordinance. It does not replace or otherwise eliminate the need to apply for any state mining permits otherwise required by law.

532 – Mobile Home

A dwelling, residence or structure, transportable in one or more sections, exclusive of any tongue or hitch assembly, and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, including plumbing, heating, and/or air conditioning and electrical systems contained therein and is installed by a Michigan licensed mobile home dealer or Michigan licensed mobile home installer as required by Michigan Public Act 419 of 1976 and the administrative rules promulgated thereunder.

533 – Mobile Home Park

A parcel or tract of land under the control of a person upon which two (2) or more mobile homes are located on a continual, non recreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

534 – Motel

A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy primarily for automobile transients.

535 – Neighborhood

A number of persons forming a loosely cohesive community within a larger community (as a town or village) and living close or fairly close together in more or less familiar association with each other.

536 – Non-Conforming Uses

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, which does not conform after passage of the Ordinance or amendments thereto with the requirements of the Zoning District in which it is located.

537 – Operator

Any person or any agency either public or private, engaged or who has applied for a special permit to engage in mining, whether individually, jointly, or through subsidiaries, agents, employees, or any person engaged in managing or controlling a mining operation.

538 – Parcel

A description of land, as identified by a property tax parcel number in the Manistee County tax roll and on which one (1) principal building and its accessory buildings may be placed, together with the open spaces required by this Ordinance.

539 – Park

A park is any non-commercial recreational area.

540 – Private and Industrial Pipe Lines

Any type of pipe line of any size used for private or industrial purposes.

541 – Public Meeting Place

Buildings and outdoor areas where numbers of persons congregate from time to time for educational, religious, social or recreational purposes, including churches, schools, community buildings, clubs, lodges, theaters (indoor and outdoor), places of amusement and similar assemblages.

542 – Public Utilities

Any person, firm or corporation, municipal department or board, duly authorized to furnish under governmental regulation, to the public, transportation, water, gas, electricity, communication, steam, or sewage disposal and other services.

543 – Reclamation Plan

The operators proposal for the reclamation of a project site which is submitted under this Ordinance prior to the issuance of a mining permit; including off site oil equipment and the mining of sand and gravel.

544 – Retail, Commercial and Wholesale Stores

A store, market or shop in which commodities are sold, or offered for sale, in small or large quantities at wholesale or retail.

545 – Roadside Stand

A structure used or intended to be used solely by the owner or resident tenant of the land on which it is located for the sale of seasonal products of the immediate locality.

546 – Service Institutions

A store, market or shop in which services are sold or offered for sale to the public, including, but not limited to, gasoline stations, garages, repair shops, laundries, warehouses, printing houses, undertaking establishments, barber shops and beauty parlors.

547 – Setback Lines

The minimum horizontal distance between one's building, including steps and unenclosed porches, and the boundary of one's parcel of land or in those cases where the parcel adjoins an established highway, then the minimum horizontal distance between the building and the closest highway right-of-way.

547.1 – Sexual Oriented Business

- A. Adult Book and/or Video Store: An establishment having, as a substantial or significant portion of its stock in trade, computer services, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", hereinafter defined;
- B. Adult Motion Picture Theater: An enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation patrons therein;
- C. Adult Mini Motion Picture Theater: An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation patrons therein;
- D. Adult Paraphernalia/Novelty Store: An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal;
- E. Massage Parlor: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the hands,

feet, scalp, face, neck or shoulder. This definition shall not be construed to include the practices of massage therapists who meet one or more of the following criteria:

- (1) Proof of graduation from a school of massage licensed by the State of Michigan;
 - (2) Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three (3) references from massage therapists who are professional members of a massage association referred to in this section;
 - (3) Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
 - (4) A current occupational license from another state;
- F. Host or Hostess Establishment: Establishments or clubs offering socialization with a host or hostess for a consideration to the host or for an admission or membership fee;
- G. Open Dance Hall: An establishment where open public dancing by patrons is available during at least four (4) days per week with partners furnished by the establishment;
- H. Adult Live Entertainment Establishments Regardless Of Whether Alcoholic Beverages May Or May Not Be Served: Establishments which include a nightclub, bar, restaurant, or similar commercial establishment, which features (a) persons who appear nude or in a "state of nudity" or "semi-nude", and/or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities";
- I. Adult Panorama: An establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes or live entertainment showing "specified sexual activities" or "specified anatomical areas";
- J. Specified Sexual Activities: Means and includes any of the following:
- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (3) Masturbation, actual or simulated;
 - (4) The display of human genitals in a state of sexual stimulation, arousal or tumescence;
 - (5) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection;
- K. Specified Anatomical Areas: Means human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus; or female breasts below a point immediately above the top of the areolae; or

human male genitals in a discernible state of tumescence, even if opaquely covered;

L. Substantial or Significant Portion: Means a business or establishment which has:

- (1) Thirty-five percent or more of its stock, materials, or services provided relating to or describing “specified sexual activities”, and/or “specified anatomical areas”, and/or
- (2) Thirty-five percent or more of the usable floor area of the building is used for the sale, display or provision of services describing or relating to “specified sexual activities”, “specified anatomical areas”, or both; and/or
- (3) The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to “specified sexual activities”, and/or “specified anatomical areas”;

M. Transfer of Ownership or Control of a Sexually Oriented Business: Means and includes any of the following:

- (1) The sale, lease or sublease of the business or establishment;
- (2) The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;
- (3) The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

548 – State Licensed Residential Facility

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

549 – Street

A thoroughfare, public or private, which affords a principal means of access to abutting property.

550 – Sign

An inscribed board of space serving for advertisement and information.

A. Advertising Sign: A sign installed on the property with the purpose of advertising merchandise which may not necessarily be sold on the property.

- B. On Premises: A sign which advertises a business, product or service located on the property.

551 – Structure

A structure is any production or pieces of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwelling, garages, buildings, signs and sign boards, towers, poles, antennas, standpipes or other like objects.

552 – Tourist Home

Primarily a family dwelling where lodging with or without meals is furnished for compensation, chiefly on an overnight basis, and mainly to transients.

553 – Tourist Cabin – Court

- A. Any building in a cabin-court which is maintained, offered or used for overnight human occupancy.
- B. Any parcel of land on which two (2) or more tourist cabins are located.

554 – Trailer

A vehicle which can be drawn on a highway and is used exclusively for recreational or camping purposes. Includes the terms Motor Home, Pole-trailer, Trailer Coach, Trailer, Mobile Home, as defined in the Michigan Motor Vehicle code (Public Act 300 of 1949, M.S.A. §9.1801-9.1882) and including camping units, tents, or any other temporary dwellings.

555 – Trailer Court or Park

Any site, lot, field, tract or parcel of land on which are situated two (2) or more inhabited trailer coaches, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure located therein, and used or intended for use as a part of the equipment of such park.

556 – Waste

All accumulation of waste mined material and overburden placed on the land surface, whether above or below water.

557 – Water's Edge

The surveyed property line along the shore of a body of water or the term "water's edge" in its usual and ordinary sense and usage being that area of the shoreline where land and water meet, in the event there is no surveyed property line along the shore at the water's edge.

558 – Wetland

For purposes of this Ordinance, a wetland shall be in conformity with the definition set forth in the Goemaere – Anderson Wetland Protection Act, being Section 2(g) of Act 203 of the Public Acts of 1979; MCLA 281.702(g); MSA 18.595(52)(g).

559 – Yard

A space open to the sky, and unoccupied or unobstructed except by encroachments specifically permitted under Article 10 – 1008 and 1014 of this Ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

- A. Front Yard (Road Frontage): A yard extending across the full width of parcel between the front parcel lines and the nearest line of the main building.
- B. Rear Yard (Water's Edge): A yard extending across the full width of the parcel between the rear parcel line and the nearest line of the main building.
- C. Side Yard: A yard extending from the front yard to the rear yard between the side parcel line and the nearest line of the main building or of accessory building attached thereto.

560 – SIC References

The numbers appearing in parenthesis following the permitted and special uses set forth in this Ordinance refer to the classification numbers in the Standard Industrial Classification Manual, 1987, (SIC) prepared by the Executive Office of the President, Office of Management and Budget, which is incorporated herein by reference. Uses listed in this Ordinance which are identified with a two-digit number (XX) refer to the Major Groups in the SIC. Except where otherwise indicated, a use which is identified by reference to a Major Group includes all uses listed in the SIC under that Major Group, if any, with a three-digit (XXX) or four digit (XXXX) number, the first two numbers of which are the same as the Major Group numbers. Except where otherwise indicated, a use which is identified with a three digit (XXX) number includes all used listed in the SIC, if any, with a four digit (XXXX) number, the first three numbers of which are identical to the use in question, but does not include other uses in the same Major Group. Except where otherwise indicated, a use which is identified with a four digit (XXXX) number includes only that use referenced in the SIC and does not include other uses in the same Major Group with two or three digits.

561 Zoning Act

“Zoning Act” means P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*)

deleted – 11/21/06

505 – Agriculture

A use of land or structures which entails the art and science of cultivating the ground for the production of food and forage crops, including forestry, and livestock.

Article 10 – General Allegations

1001 - Purpose

It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted uses and special uses.

1002 – Scope

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

1003 – General Provisions

No parcel, building or structure in any district shall be used or occupied in manner which crease any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining parcels provided any use permitted by this Ordinance maybe undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devises as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as is require by applicable provisions of the State Construction Code and rules promulgated thereunder and/or the State Fire Marshal.
- B. Any activity which emits radioactivity at any point, or electrical disturbance shall not be permitted in excess of the applicable federal, state, or local regulations or rules promulgated thereunder, including but not limited to, regulations of the Federal Nuclear Regulatory Commission or Public Service Commission or Michigan Department of Health and Department of Radiology.
- C. No vibration shall be permitted in excess of applicable county noise ordinance or regulations promulgated by rule thereunder.
- D. No malodorous gas or matter shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule thereunder.
- E. No pollution of air fly ash, dust, vapors, or other substances shall be permitted in excess of any applicable Federal or State Laws or the regulations promulgated by rule thereunder.

- F. No pollution of water bodies shall be permitted in excess of the applicable state or federal water pollution Laws or regulations promulgated by rule thereunder.
- G. No audible noise shall be permitted in excess of the standards as established by the Manistee County Noise Ordinance (March 8, 1977, as amended).
- H. No storm water runoff, which is a result of development site design, or other manmade alternatives, shall be allowed to collect which results in water standing on the surface, unless the standing water is part of a properly managed and maintained storm water retention system sediment pond; or the standing water is in a natural wetland.

The administrator shall enforce this section by cooperation with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The Township Board may take direct enforcement action only after a finding that cooperation by the administrator with other agencies has not been successful.

1004 – Waste Accumulations and Outside Storage

It shall be unlawful for any person to accumulate rubbish or waste materials of any kind on any land in Bear Lake Township except in a permitted Refuse System establishments (4953). Scrap and Waste Material establishments (5093) or a licensed sanitary landfill. No sewage, waste water or water containing foreign substances shall be deposited or drained into any open ditch, creek, stream, lake, pond, or other body of water unless the same has first been approved by the state and county health authorities. The provisions of this Section shall not be deemed to prohibit storing or spreading of manure, fertilizers, or other solid conditioners as part of the permitted farm, forestry or home garden or lawn operation.

1005 – Compliance with County Sanitary Code

Every structure or device hereinafter erected or moved upon any premises and used, designed or intended for human habitation shall conform to the requirements of the Manistee-Mason County Sanitary code. No land use permit shall be issued by the Zoning Administrator, the Zoning Board of appeals, or the Township Planning Commission for such use until the requirements of said sanitary code have been met.

1006 – Water Protection (Green Belt Areas)

Notwithstanding anything to the contrary contained in this Ordinance, except Article 37, 3702 F, the following provisions shall apply in all land use districts:

- A. No dwelling or other structure shall be built, located or constructed closer than fifty (50) feet on a horizontal plane to the edge of wetland or flowing bodies of water in any land use district.

- B. Within fifty (50) feet of the edge of wetlands or flowing bodies of water only ten (10%) percent of the trees, shrubs and other natural growth may be removed in a five (5) year period. No building or structure shall be built, located or constructed within a wetland or flood plains of any flowing bodies of water in any land use district as may be determined by the Department of Natural Resources.

1007 – Hazardous Substance Ground Water Protection

All business and facilities which use, store, or generate hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month, whichever is less shall comply with all State of Michigan and Federal agency requirements.

This section is designed to protect the natural environment, including lakes, ponds, streams, wetlands, flood plains, ground water, street slopes, and natural and man-made drainage system.

1008 – Height

No building or structure or part thereof shall be erected or altered to a height exceeding two and one-half (2½) stories, or thirty-five (35) feet, except that non-dwelling buildings or structures other than accessory buildings or structures, may be erected or altered to a height not exceeding fifty (50) feet if approved by the Zoning Board of Appeals, pursuant to its power to grant variances, or the Township Planning Commission in connection with an application being sought pursuant to Article 86, 8602.

1009 – Access to Public Roads

- A. In any district every use, building or structure established after the effective date of this Ordinance shall be located on a parcel which abuts a public or private road or easement which provides access to a public road, such public or private road or easement being at least sixty-six (66) feet in width unless a lesser width was duly established or recorded prior to the effective date of this Ordinance provided that private easement shall be at least twenty (20) feet wide. This does not apply to driveways.
- B. Public, private roads or easements shall be cleared to a minimum of twenty (20) feet wide with a sixteen (16) foot roadbed, graded and maintained.

1010 – Private Roads

Every private road which provides or may provide access to and from a public road for three (3) or more dwelling units or principal buildings on separately owned parcels shall meet the following conditions:

- A. Be constructed in a good workmanlike manner upon and parallel to the centerline of the right-of-way which is established by duly recorded