

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

conveyance and which is not less than sixty-six (66) feet in width, or the current Manistee County Road Commission designate right-of-way width, whichever is greater.

- B. Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage by such means as two foot deep ditches constructed parallel to and on either side of the road, by sloping the sides of the road from the center thereof, or by other effective methods.
- C. Be constructed according to standards as may be adopted by Manistee County Road Commission.
- D. Road names: All frontage roads serving more than two (2) residential properties shall have a road name. The Board Commission shall be the agency with exclusive authority to name roads in the unincorporated areas of the county. The Village Council shall be the agency with exclusive authority to name roads in their respective incorporated municipality.
- E. The layout of roads shall provide as much as possible for a continuous circuit for travel. In special cases where the land to be divided are limited in area or are subject to a natural barrier, the Township Board or Zoning Administrator may approve a dedication which provides access to another road at one end only if a cul-de-sac of fifty-two (42) foot minimum roadbed radius with seventy-five (75) foot radius right-of-way is provided at the terminus of the road to permit turning in a continuous circuit. No more than five (5) driveways will be permitted to enter the cul-de-sac beyond the point of curvature at the beginning of the cul-de-sac.

1011 – Traffic Visibility at Corners

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

1012 – Driveway

All buildings and structures shall provide access to an adjoining public highway, private road or easement by means of a driveway not less than sixteen (16) feet in width cleared and maintained.

1013 – Advertising Signs

- A. Off premises advertising signs may be permitted within the setback area provided that they comply with the following conditions:
 - 1. Such advertising sign or display complies with the statues of the State of Michigan.

2. Such advertising sign shall be permitted in the commercial and multi-use districts. When adjacent to and intended for US-31 traffic they are limited to 300 square feet.
3. Advertising signs shall be permitted in the agricultural district. Size shall be limited to 24 square feet.
4. Such advertising sign or display is not erected within three hundred (300) feet of an existing sign or display excepting for directional signs within one hundred (100) feet of an intersection.
5. Attractively designed groups of directional signs not more than four (4) square feet per sign may be placed on property regardless of zone, at road intersections. Such groups of signs shall be subject to the approval of the Zoning Administrator and the issuance of a land use permit before they are erected.
6. Signs with a political message directly associated with a campaign on a pending ballot issue or candidate during a period of the political campaign prior to the election, but not more than ten (10) days after the election.

B. The provisions of 1013 – A, shall not apply to the following:

1. Temporary sale, lease or rent signs, providing:
 - (a) No more than two (2) signs are displayed.
 - (b) Such signs are located on the lot or structure for sale, lease or rent.
 - (c) Such sign does not contain an area of more than ten (10) square feet.
 - (d) Such sign is removed within seven (7) days following the sale, renting, or leasing of the property.
2. Bulletin boards of churches, schools, libraries and public buildings, provided:
 - (a) Such bulletin board is located on the premises hereof
 - (b) Such board is not located as to obstruct the view of traffic from the sidewalks, driveways, roadways and adjoining property.
3. Agricultural displays and sales stands providing:
 - (a) Such display is located on a farm and limited to the products thereof.
 - (b) Such display or stand is temporary and will not be located for more than six (6) consecutive months of any one (1) year.
 - (c) Such displays or stand is located at least twenty-five (25) feet from the highway right-of-way.
 - (d) Parking area is available for prospective customers off the highway right-of-way

4. On premises advertising signs and displays of a commercial enterprise, business, industry or professional person providing:
 - (a) Such signs or display is limited to the products or services of the enterprise.
 - (b) Such sign does not obstruct the view of traffic from the sidewalks, roadways, driveways, or exits of adjoining property.
 - (c) Their operation does not constitute a nuisance by reason of glare, intermittent action or other action.

C. Sign Approval

Advertising signs, billboards, advertising display, outdoor display, and other advertising may be erected and maintained within the Township by first obtaining the approval of the Zoning Administrator who shall, pursuant to Article 84, Section 8401, grant approval for any advertising media which conforms to the provisions of this Section. The fee for the permit shall be set by resolution of the Township Board. Any state or federal regulations to the contrary shall supercede any determination or rules of the Zoning Administrator concerning signs, and any contrary provision of this Ordinance.

1014 – Vehicular Parking Spaces, Access and Lighting

- A. For each dwelling, commercial, industrial, manufacturing, retail or service business or establishment hereafter erected or altered and located on a public highway, road or street in any land use district, including buildings and structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions shown as follows. The parking space called for hereunder shall be considered minimum requirements under this Ordinance.
 1. Dwellings: Two (2) parking spaces for each family unit occupying the premises.
 2. Motels, Hotels and Similar Establishments Offering lodging: One (1) parking space for every three (3) spaces of legal sleeping capacity.
 3. Hospitals, Rest Homes, Convalescent Homes and Institutions of a Similar Nature: One (1) parking space of each four (4) beds, plus one (1) space for each doctor.
 4. Theaters, Churches, Auditorium, Public and Private Halls, Amusement and Recreation Establishments, and all Places of Public Assembly: One (1) parking space for each four (4) seats of legal capacity.
 5. Offices and Professional Buildings: One (1) parking space for every two hundred (200) square feet of floor area; provided, however, that doctor's offices and clinics shall be provided with three (3) spaces for each doctor.

6. Restaurants and Other Public Food Service Establishments: One (1) parking space for each three (3) seats of legal capacity.
7. Retail Stores and Shops: One (1) parking space for each one hundred (100) square feet of floor area.
8. Personal Service Shops, including Barber or Beauty Shops: One (1) parking space for each two hundred (200) square feet of floor area.
9. Taverns: One (1) parking space for every sixty-six (66) square feet of floor area.

B. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed at the establishment shall be provided. Where no specific requirement is designated for other businesses, parking space which is adequate according to the above standards shall be provided for employees and patrons.

C. A parking space shall be a minimum area of 10' x 20', with center and cross aisles begin 20' wide.

1015 – Fences

Fences not exceeding six (6) feet in height may be constructed on any portion of a lot except that portion of a front yard between the actual front setback line of the main dwelling unit and the front lot line of the lot. For any fence in excess of six (6) feet, the side yard setback requirements shall apply. Fences located in the front yard portion of a lot shall be limited to a height of four (4) feet and be of a decorative type.

1016 – Dwellings

No person shall use, occupy or permit the use of occupancy of a structure as a dwelling, which does not comply with the dwelling standards of this Ordinance, or standards of the State of Michigan and the United States Department of Housing and Urban Development, whichever is applicable, within any district within the Township. All dwellings shall comply with the minimum square footage requirements of this Ordinance of the land use district for which it is located and be at least twenty-two (22) feet in length by twenty-two (22) feet in width in its core living area, except in the Agricultural District, AG-1, the core living area shall be at least fourteen (14) feet in length by fourteen (14) feet in width. Core living area shall be the main or central part of the dwelling, excluding wings, attached garages, enclosed porches, expansions or any part of a building added after initial completion or added to a mobile home after delivery and set-up on the site and it is occupiable.

1017 – Location of Accessory Buildings and Structures

- A. All accessory buildings and structures shall be in the side yard or rear yard, except when built as part of the main building, or built in a district where land abuts water bodies, in which case said structures shall only be in side yards.

- B. An accessory building attached to the principal building of a parcel shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building.
- C. An accessory building and structure, unless connected with a roof at least four (4) feet wide attached and made part of the principal building as provided, shall not be closer than ten (10) feet to the principal building, and shall meet all setback requirements of the district in which it is to be erected, moved or altered or used.

1018 – Temporary Dwellings

No person shall use or permit the use of any temporary dwellings or trailer as defined in this Ordinance as a principal or seasonal dwelling except after full compliance with Section 8401 Compliance with county Sanitary Code, and further except:

- A. As a temporary dwelling quarters during the construction and installation of any dwelling with the provisions of this Ordinance, when the following conditions are met:
 - 1. The location of the temporary dwelling or trailer shall comply with all setback requirements of this Ordinance.
 - 2. The physical condition of the temporary dwelling or trailer shall not deteriorate to the extent that its continued use threatens the public health, safety or welfare.
 - 3. The use of the temporary dwelling or trailer shall be limited to four (4) months, beginning with the issuance of a land use permit in accordance with Article 84, Section 8401, the permit may be renewed for not more than two (2) months upon approval of the Zoning Administrator, if construction and installation of the dwelling is being delayed and completion of the structure is not found to be the fault of the property owner.
- B. As part of a campground licensed and operated in accordance with the rules and regulations of the Michigan Department of Public Health and the Michigan Mobile Home Commission.
- C. As a temporary recreation on a non-commercial/no-rental basis by tourist, campers and sportsmen on land owned by the user and for a period not to exceed eight (8) weeks in a calendar year. The trailer or temporary dwelling must be removed when not being used by the owner.

1019 – Mobile Homes

No person shall use, occupy or permit the use or occupancy of a mobile home as a dwelling within any district within the Township not designated as a mobile home park, except as hereinafter provided:

- A. It complies with the minimum square footage requirements of this ordinance for the land use district in which it is located.

- B. It shall be at least twenty-two (22) feet in length by twenty-two (22) feet in width in its core living area, except in the Agricultural District, AG-1, the core living areas shall be at least fourteen (14) feet in length by fourteen (14) feet in width. Core living area shall be the main or central part of the mobile home, excluding wings, garages, porches, expansions, or any part of the mobile home added after initial completion or added after delivery and se-up on the parcel.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction code and shall have a wall in the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In addition, it shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- D. Each mobile home shall be installed with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis.
- E. Each mobile it shall be connected to a public sewer and water supply or to such private facilities as are approved by the local Health Department.
- F. The mobile home shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure including permanent attachment to the principal structure and construction of a foundation as required herein.
- G. The mobile home shall comply with the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (HUD) under the provisions of 24 CFR 3280 as the same are from time to time amended. Additionally, all mobile homes shall meet or exceed all applicable roof, snow load, and strength requirements. Compliance with the Mobile Home construction and Safety Standards shall be shown by a HUD Seal affixed to the mobile home and evidence of the existence of a HUD Seal shall be presented to the Zoning Administrator prior to the issuance of and land use permit for a mobile home.
- H. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal Law or otherwise specifically required in this ordinance pertaining to such parks.

- I. All construction required by this section shall be commenced only after a building permit has been obtained in accordance with the applicable construction code provisions and requirements.

1020 – Home Occupations

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

- A. The home occupation(s) takes place in a dwelling owned by the resident and where the resident engaging in the home occupation lives on a full time basis.
- B. The home occupation(s) shall be accessory to the residential use of the property.
- C. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation.
- D. The home occupation(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of the activity except for a sign that shall not exceed six (6) square feet in size.
- E. The home occupation(s) shall not involve the
 1. Generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 299.433, et seq), or
 2. Use of materials which are used in such quantify, or are otherwise required, to be registered pursuant to the code of Federal Regulations, Title 29, Chapter Xvii, part 1910(2), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn, care, operation of a photo-copying machine, paint, printing, art and craft supplies or heating fuel
- F. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.
- G. Home occupation is allowed as a permitted use in the district in which it is located.

1021 – Bulk Regulations

- A. No more than one principle building, structure, use or activity shall be permitted to occur on any one parcel and no accessory buildings, structures, or

uses shall be permitted on any parcel which is not occupied by a principle building, structure, use or activity, except that a land use permit may be issued for the contemporaneous construction of a principle building and an accessory building or structure.

- B. The maintenance of setback height, floor area ratio, coverage, open space, mobile home site, transition strip, parcel area and parcel area per dwelling unit required for one use, building or structure shall be a continuing obligation of the owner of such building or structure or of the parcel on which such use, building or structure shall be located. No setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, parcel area per dwelling unit, allocated to or required about or in connection with one parcel, use, building or structure may be allocated to any other parcel, use, building or structure.
- C. No one parcel once designated and improved with a building or structure shall be reduced to the area or divided into two or more parcels unless each parcel resulting from each such reduction or division and designated and improved with a building or structure shall conform with all of the bulk and yard regulations of the land use district in which it is located, including regulations concerning the minimum parcel area and road frontage.
- D. The setback and yard requirements established by this ordinance shall apply uniformly in each land use district to every parcel, building or structure, except that any of the following structures may be located anywhere on a parcel: open and unroofed terraces, patios, flag poles, hydrants, clothes lines, sidewalks, private driveways, trees, plants, shrubs, and hedges.
- E. The height requirements established by this ordinance shall apply uniformly in each land use district to every building and structure, except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance: spires, belfries, penthouses and domes not used for human occupancy or habitation, chimneys, ventilators, sky-lights, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and receiving antenna, silos, parapets, and other necessary mechanical appurtenances provided their location shall conform where applicable to the requires of the Federal Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

1022 - General Regulations

Keyhole Waterfront Access:

It is the intent of this section to promote the integrity of the lakes within Bear Lake Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made

adjustments to the established shorelines. Nothing in this ordinance shall be construed to limit access to lakes or waterways by the general public by way of public park or public access site provided or maintained by any unit of state, county or local government. This section shall apply in all zoning districts.

A. In any zoning district where a parcel of land is contiguous to a lake, such parcel (the "Access Parcel") may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the waterfront; only if the following conditions are met:

1. The parcel of land contain a minimum of 7,000 square feet; and a minimum of fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such access privileges are extended or dedicated. The minimum depth for such a parcel shall be one hundred forty (140) feet. No access property so created shall have less than one hundred (100) feet of water frontage, with at least fifty (50) lineal feet of water frontage for each lot, parcel or dwelling unit with access privileges. Frontage shall be measured by a straight line, which intersects each side lot line at the water's edge.
2. In no event shall water frontage of such access parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS Map, or have otherwise been determined to be wetland by the Michigan DNR; and in no event shall a swamp, marsh, or bog be altered by dredging, the addition of beach or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
3. In no event shall such access parcel abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
4. An access parcel, as provided for in and meeting the conditions of this ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.
5. Only one pier or dock shall be allowed for each access parcel. The pier or dock shall not be longer than 120% of the average of the four (4) adjacent residential lot piers or docks on either side of the access property.
6. No camping, overnight parking, or use of trailers shall be allowed on the access parcel.

In any district in which access parcels have been established before the effective date of this ordinance or subsequent amendment thereto, such access parcels shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional access parcels.

Article 18 – Land Use Districts

1801 – Land Use Districts

The unincorporated portion of the Township of Bear Lake is hereby divided into five (5) land use districts, from the most restrictive to the least restrictive, as follows:

Article 40	-	Resort Residential, District RR-1
Article 44	-	Residential, District R-1
Article 37	-	Agricultural, District AG-1
Article 55	-	Multiple Use, District M-1
Article 53	-	Commercial, District C-1

1802 – Identification of Official Zoning Map

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

1803 – Authority of Official Zoning Map

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

1804 – Replacement of Official Zoning Map

In the event that the Official Zoning Map become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map which shall supersede the prior official Zoning Map. The new Official Zoning Map correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending this Ordinance or the prior Official Zoning Map, unless it shall have been adopted in accordance with the Zoning Act. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map referred to in the Bear Lake Township Permanent Zoning Ordinance adopted on _____(date) which replaces and superceded the Official Zoning Map which was adopted on _____(date).

1805 – Rules of Interpretation

- A. All questions concerning the exact location of boundary lines of any land use district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals, consistent with the purposes of this Ordinance and the following rules of interpretation.

B. Unless otherwise indicated, the boundary lines of land use districts shall be interpreted in accordance with the following rules of interpretation.

1. A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such centerline as it existed on the date of enactment of this Ordinance.
2. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line as it existed on the date of enactment of this Ordinance.
3. A boundary indicated as approximately following the corporate boundary line of the city, village or township shall be construed as following such line as it existed on the date of enactment of this Ordinance.
4. A boundary indicated as following the water's edge shall be construed as following such water's edge, and in the event of change in the location of the water's edge, shall be construed as following the actual water's edge at the time of interpretation.
5. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline as it exists at the time of interpretation.
6. A boundary indicated as parallel to, or an extension of, a feature indicated in Paragraphs A through E above shall be so construed.

Article 37 – Agricultural, District AG-1

3701 – Use Regulation

A. Permitted uses by permit authorized pursuant to Article 84, 8401. The numbers appearing in parenthesis following the listed uses refer to classification numbers which appear in the Standard Industrial Classification Manual of 1987.

- (1) Agriculture Production –Crop (01)
- (2) Agriculture Production-Livestock (02)
- (3) Agriculture Services (07)
- (4) Forestry (08)
- (5) Fishing, Hunting , and Trapping (09)
- (6) Lumber and Wood Products (24)
- (7) Maple Syrup Rendering Facilities
- (8) Roadside stands for the retail sale of farm products produced on an adjoining farm
- (9) Single family or two-family dwellings (88)
- (10) Multi-family dwellings which serve as the principal residence for seasonal or itinerant farm employees
- (11) Riding stables, riding and hiking trails
- (12) Home occupations, including the incidental sales of farm products
- (13) Accessory uses and buildings
- (14) Farm buildings
- (15) Child Day Care Services (835)
- (16) Storage Buildings

B. Special uses by permit authorized pursuant to Article 86, 8601. The numbers appearing in parenthesis following the listed uses refer to classification numbers which appear in the Standard Industrial Classification Manual of 1987.

- (1) Sand, gravel and mineral extraction (14)
- (2) Oil and gas processing or sweetening facilities (29)
- (3) Electrical, gas and sanitary services (49)
- (4) Retail building materials and gardening supplies establishments (52)
- (5) Campgrounds, trailer parks and mobile home parks (703)
- (6) Barber and beauty shops (723) and (724)
- (7) Farm machinery and equipment sales establishments (5083)
- (8) Oil and gas filed services (138)
- (9) Farm supply establishments (5191)
- (10) Auction Rooms
- (11) Communication Tower
- (12) Architectural Metal Work (3446)

3701 – Minimums

- A. Minimum parcel area – 1 acre with minimum road frontage of 200 feet.
- B. Minimum setbacks, including all accessory buildings.
 - (1) Front – 50 feet.
 - (2) Rear – 20 feet
 - (3) Side – 20 feet
- C. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area – 50 feet.
- D. Minimum floor area – 850 square feet.
- E. Minimum parcel width at building line – 200 feet.

3703 – Special Use Criteria

In addition to the criteria for special use approval contained in 8601, the following standards shall be applied in considering a special use permit application in the Agricultural District, AG-1.

- A. The proposed use shall be situated in a manner so as to reduce to a minimum the amount of productive agricultural land which is converted to the proposed use.
- B. Oil and gas processing plants or sweetening facility shall not be permitted to release hydrogen sulphide gas or mercaptan compounds into the atmosphere.
- C. No oil and gas processing plants or sweetening facilities shall be constructed, operated or maintained within 500 feet of any dwelling.

3704 – Seasonal Help Housing

Dwellings for the use of seasonal and itinerant farm employees and migratory workers shall be exempt from the minimum lot size and minimum floor area requirements of this section, but shall comply with all provisions of the Michigan Public Health Codes and all Federal Regulations.

3705 – Storage Buildings

- A. Minimum Area 2 ½ Acres with minimum road frontage of 330 feet
- B. Minimum set-backs
 - (1) Front - 150'
 - (2) Rear - 20'
 - (3) Side - 20'
- C. Minimum setback from waters edge of any lake, stream, creek, river or wetland area – 150 feet
- D. Maximum floor area 2400 square feet

Article 40 – Resort Residential, District RR-1

4001 – Use Regulations

- A. Permitted Uses by permit authorized pursuant to Article 84, 8401. The numbers appearing in parenthesis following “Permitted Uses” refer to the classification list in the Standard Industrial Classification Industrial Manual 1987.
 - (1) Single and two-family dwellings (88)
 - (2) Accessory buildings, structures and uses
- B. Special Uses by permit authorized pursuant to Article 86, 8601. The numbers appearing in parenthesis following “Special Uses” refer to the classification numbers as used in the Standard Industrial Classification Industrial Manual of 1987.
 - (1) Home occupations solely operated by the owner

4002 – Minimum

- A. Minimum parcel area – 20,000 square feet
- B. Minimum parcel width at building line – 100 feet
- C. Minimum road frontage – 100 feet
- D. Minimum floor area – 1,000 square feet
- E. Minimum setbacks, including all accessory buildings:
 - (1) Front - 50 feet
 - (2) Rear - 20 feet
 - (3) Side - 10 feet
- F. The minimum setback from the water’s edge of any lake, stream, creek, river or wetland area shall be 50 feet or the average distance from the water’s edge of the four nearest neighboring structures of a type similar to the proposed structure, whichever is lesser.
- G. A substandard lot size shall not prevent the use of a building lot or parcel of land of lesser size that was of legal record or has been laid out by a Licensed Land Surveyor prior to the adoption of zoning in Bear Lake Township

Article 44 – Residential District, R-1

4401 – Use Regulations

- A. Permitted uses by permit authorized pursuant to Article 84, 8401. The numbers appearing in parenthesis following permitted uses refer to the classification list in the Standard Industrial Classification Manual of 1987.
 - (1) Single and two-family dwellings (88)
 - (2) Accessory buildings, structures and uses
 - (3) Home occupations
 - (4) State Licensed residential facilities
 - (5) Churches
 - (6) Fire Protection (9224)
- B. Special uses by permit authorized pursuant to 86, 8601. The numbers appearing in parenthesis following special uses refer to the classification numbers are used in the Standard Industrial Classification Manual, 1987.
 - (1) Office of physicians, dentists, osteopathic physicians and other health practitioners. (801), (802), (803), and (804)
 - (2) Bed and Breakfast (7021)
 - (3) Pharmacies

4402 – Minimum

- A. Minimum parcel area – 20,000 square feet
- B. Minimum parcel width at building line – 100 feet.
- C. Minimum road frontage – 100 feet.
- D. Minimum setbacks, including all accessory buildings
 - (1) Front - 50 feet
 - (2) Rear - 20 feet
 - (3) Side - 10 feet
- E. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area – 50 feet.
- F. Minimum floor area – 1,000 square feet
- G. A substandard lot size shall not prevent the use of a building lot or parcel of land of lesser size that was of legal record or has been laid out by a Licensed Land Surveyor prior to the adoption of zoning in Bear Lake Township.

4402 – Maximum

- A. Maximum accessory building floor area – 1,200 square feet
- B. Maximum accessory height to peak of roof – 18 feet.

Article 53 – Commercial District, C-1

5301 – Use Regulations

A. Permitted uses by permit authorized pursuant to Article 84, 8401. The numbers appearing in parenthesis following the listed uses refer to number and classification appearing in a Standard Industrial Classification Manual of 1987.

- (1) Any use allowed as a permitted use in the Multi-Use District, M-1
- (2) Retail establishments (52 through 59)
- (3) Service establishments (70 through 89)
- (4) Finance, insurance and real estate establishment (60 through 67)
- (5) Public administration (91 through 97)
- (6) Construction establishments (15, 16, 17)
- (7) Wholesale trade establishments (50, 51)

B. Special uses by permit authorized pursuant to Article 86, 8601. The numbers appearing in parenthesis following the listed uses refer to number and classifications appearing in the Standard Industrial Classification Manual of 1987.

- (1) Veterinary Services (074)
- (2) Farm labor and management services (076)
- (3) Landscape and horticultural services (078)
- (4) Food and kindred products manufacturing (20)
- (5) Apparel and other textile products manufacturing (23)
- (6) Lumber and wood products manufacturing (24)
- (7) Furniture and fixtures manufacturing (25)
- (8) Miscellaneous converted paper products manufacturing (264)
- (9) Paperboard container and box manufacturing (307)
- (10) Printing and publishing (27)
- (11) Miscellaneous plastics products manufacturing (307)
- (12) Leather and leather products manufacturing (31)
- (13) Electric and electronic equipment manufacturing (36)
- (14) Motor vehicle parts and accessories manufacturing (3714)
- (15) Building, repairing and parts manufacturing (3732)
- (16) Motorcycle and bicycle parts manufacturing (3751)
- (17) Travel trailer and camper manufacturing (3792)
- (18) Instrument and related products manufacturing (38)
- (19) Miscellaneous manufacturing industries (39)
- (20) Sexually Oriented Businesses

The following uses are regulated for which a special use permit is required:

- a. adult book and/or video store
- b. adult motion picture theater
- c. adult mini motion picture theater
- d. adult paraphernalia/novelty store

- e. massage parlor
- f. host or hostess establishments
- g. open dance hall
- h. adult live entertainment establishments regardless of whether alcoholic beverage may or may not be served
- i. adult panorama
- j. any combination of the foregoing

5302 – Minimums

- A. Minimum parcel area – 40,000 square feet
- B. Minimum parcel width throughout – 150 feet
- C. Minimum highway frontage – 150 feet
- D. Minimum setbacks, including all accessory building
 - (1) Front - 100 feet
 - (2) Rear - 20 feet
 - (3) Side - 20 feet
- E. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area – 300 feet
- F. Minimum floor area – 850 square feet

5303 – Additional Special Use Criteria

- A. No storage of any goods, supplies, merchandise or returnable containers shall occur outside the confines of a building or structure, unless there shall be provided an enclosure, by solid fence or its equivalent, not less than six (6) feet high around such yard and storage area. Fences shall be constructed and maintained of materials consisting of solid wood or lumber or a chain link fence with metal strip. Information concerning yard storage and fence materials shall be included in the site plan material required by Article 86, 9601.
- B. Notwithstanding anything to the contrary contained in Section 5301-B, manufacturing establishments applying for special use permits shall be strictly limited to the fabrication and assembling of component parts and materials. Manufacturing operations entailing the production of metals, chemicals, or plastics from raw materials shall not be permitted under a special use permit.
- C. Sexually Oriented Businesses
 - 1. Purpose: It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other

businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal throughout the commercial zone of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

2. Conditions: In order to obtain and retain a special use permit for operation of a sexually oriented business regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:
 - a. A special use permit must be acquired through the special use procedures as described in Article 86
 - b. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by Section 5301 shall not be located within 1,000 feet of any other such regulated uses as defined by this Section, nor within 300 feet of any residentially zoned district or pre-existing residential use prior to enactment of the zoning districts, school, day care center, church, or other religious institution or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective properties;
 - c. The regulated uses, as specified by Section 5301, shall only operate between the hours of 8:00 a.m. and 10:00 p.m.;
 - d. There shall be a manager on the premises at all times;
 - e. No one under the age of 18 shall be allowed onto the premises by the on-site manager of the regulated use;
 - f. No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the building of the regulated use;
 - g. Once a special use permit has been issued for a sexually oriented business, the regulated uses shall not be expanded and/or other amended in the manner required by Section 8611 of this Ordinance;
 - h. A special use permit for a sexually oriented business is subject to the terms and conditions of validity set forth in Section 8609 of this Ordinance.
3. Exceptions to Conditions: The Planning Commission may waive the foregoing spacing requirements if it finds all of the following conditions exist:
 - a. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and

the spirit and intent of the purpose of the spacing regulations will still be observed;

- b. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and residents or a disruption in neighborhood development;
- c. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conversation nor interfere with any program of urban renewal;
- d. Where all other applicable regulations within the Township Zoning Ordinance or other pertinent Township ordinances will be observed.

Article 55 – Multiple Use District, M-1

5501 – Use Regulations

A. It is the intent of this district to protect the complex and varied existing land uses in manufacturing, residential and utilities, while at the same time attempting to accommodate different appropriate development in this area such as retail uses, services, parks and residential uses with the intent that this district will be amended as future development warrants. Permitted uses shall be by permit authorized pursuant to Article 84, 8401. The numbers appearing in parenthesis refer to number classifications appearing in the Standard Industrial Classification Manual of 1987.

- (1) Single and two-family dwellings
- (2) Home occupations
- (3) Parking for currently licensed automobiles
- (4) Retail trade (52 through 5999)
- (5) Finance insurance and real estate (60 through 6799)
- (6) Services (70 through 8999)
- (7) Accessory buildings, uses and structures
- (8) Parking
- (9) Educational Services (82)
- (10) Child Day Care Services (835)

B. Special uses by permit authorized pursuant to Article 86, 8601. The numbers appearing in parenthesis following the listed uses refer to number classifications which appear in the Standard Industrial Classification Manual of 1987.

- (1) Multi-family dwellings
- (2) Outdoor recreation/park
- (3) Campgrounds
- (4) Construction (15 through 1799)
- (5) Manufacturing (20 through 3999)
- (6) Transportation and public utilities (40 through 4971)
- (7) Wholesale (50 through 5199)
- (8) Accessory buildings, uses and structures
- (9) Planned unit development

5502 – Minimums

A. Minimum parcel area – 40,000 square feet except that multi-family dwellings shall provide a parcel of land not less than 5,000 square feet in size for each dwelling unit. For purposes of this Article, the minimum parcel area shall not include lands designated by the Michigan Department of Natural Resource to be wetlands, located in a high risk erosion area or located in flood plain where flood waters are expected to have a destructive current.

B. Minimum parcel and road frontage – 150 feet.

C. Minimum setbacks, including all accessory buildings

- (1) Front - 100 feet
- (2) Rear - 20 feet
- (3) Side - 20 feet
- (4) When a proposed non-residential or non-park use is to be contiguous to any existing dwelling, the proposed non-residential or non-park use shall have created or maintained one of the following buffers along the common boundary of the parcel on which the existing dwelling is located:
 - (a) a set back of 50 feet
 - (b) an earthen berm 4 feet or more in height
 - (c) a solid wall or fence 4 feet or more in height
 - (d) a proportionally adjusted combination of the above

D. Minimum floor area 850 square feet

Article 80 – Non-Conforming Uses, Buildings and Structures

8001 – Continuance

The lawful use of any parcel of land, building or structure existing at the time of the enactment of this Ordinance or, in the case of an Amendment of this Ordinance, then at the time of such Amendment, although it does not conform with the provisions thereof, may be continued as hereinafter provided.

8002 – Involuntary Destruction

- A. No residential or agricultural building or structure damages by fire or other causes to the extent of more than seventy-five (75%) percent of its appraised value shall be repaired or rebuilt except in conformity with the provisions of this Ordinance. Such reconstruction, repair or restoration shall be diligently pursued and, in all cases, commenced within one (1) year following the damage. Resumption of use shall take place within ninety (90) days of completion of such reconstruction, repair or restoration.
- B. No commercial building or structure damaged by fire or other causes to the extent of one hundred (100%) percent of its appraised value shall be repaired or rebuilt except in conformity with provisions of this Ordinance. Such reconstruction, repair or restoration shall be diligently pursued and, in all cases, commenced within three (3) years following the damage. Resumption of use shall take place within ninety (90) days of completion of such reconstruction, repair or restoration.
- C. Clean Up: In the event of an involuntary destruction of any structure in excess of seventy-five (75%) of its appraised value, the property owner shall within thirty (30) days remove all rubble, debris or portions of that structure which shall constitute a hazard to the public health, safety or welfare as determined by the Zoning Administrator. In the event any open basement or excavation shall exist following an involuntary destruction, the owner shall within thirty (30) days fill in such excavation unless reconstruction is commenced in the thirty (30) day period following the involuntary destruction.

8003 – Discontinuance

Any non-conforming residential, agricultural or commercial use, building or structure which has not been occupied or which has not been used for such non-conforming purposes for a period of three (3) years or more shall not thereafter be used or occupied unless it conforms to the provisions of this Ordinance.

8004 – Extension

- A. A non-conforming residential or agricultural building or structure may not be extended, reconstructed or structurally altered during its life to an extent in

aggregate cost of more than fifty (50%) percent of its appraised value, unless said building or structure conforms to the provisions of this Ordinance.

- B. A non-conforming single family dwelling may be extended, reconstructed or structurally altered during its life to an extent beyond an aggregate cost of more than fifty (50%) of its appraised value where the sole non-conformity is a failure to satisfy the minimum parcel area requirement in a particular land use district.
- C. A non-conforming commercial building or structure may not be extended, reconstructed or structurally altered during its life to an extent in aggregate cost of more than one hundred (100%) percent of its appraised value, unless said building or structure conforms to the provisions of this Ordinance.
- D. As used in this section "appraised value" shall be determined as of the time of the first extension, reconstruction or structural alteration. "Appraised value" shall be determined to be two times the state equalized value of the non-conforming building or structure, exclusive of land value as determined by reference to the latest ad valorem property tax records of the Township.

8005 – Substitution

- A. For the purpose of this Section, the permitted uses in the land use districts listed in Articles 40, 44, 37, 55, 53, District RR-1 Resort Residential, contains the most restricted uses and descending to District C-1 Commercial District, containing the least restricted.
- B. With the approval of the Zoning Administrator, a non-conforming use, building or structure may be replaced by or substituted with a more restricted use, even though such replacement does not change the non-conforming status of such use, building or structure in the land use district in which it is located.