

CLARENCE TOWNSHIP ZONING ORDINANCE

Article I

PREAMBLE, TITLE, PURPOSE and LEGAL CLAUSES

PREAMBLE - An ordinance adopted in accordance with the Township Rural Zoning Act, Public Act 184 of 1943, as amended, to establish comprehensive zoning regulations, and zoning districts, for Clarence Township, Calhoun County, Michigan, to provide for the administration, and enforcement of the ordinance, and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith. 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, the Michigan Zoning Enabling Act.

Section 1.01 - TITLE

This ordinance shall be known and may be cited as “The 1991 Zoning Ordinance of Clarence Township, as amended”.

Section 1.02 - PURPOSE

It is the purpose of this Zoning Ordinance to promote the public health, safety, and general welfare of the inhabitants of Clarence Township through land development regulations that encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property and conserve property values, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties, to implement the goals, objectives and policies of the Clarence Township Master Plan adopted pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

Section 1.03 - VALIDITY AND SEVERALTY CLAUSE

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by a court of competent jurisdiction to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

Section 1.04 - INTERPRETATION and CONFLICTING PROVISIONS

- A.** In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with existing and unrepealed provisions of law or ordinances or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or land, provided however, that where this Ordinance imposes a greater restriction upon the use of buildings, structures, land or open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.
- B.** This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive, or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provisions of this Ordinance shall govern.

Section 1.05 - VESTED RIGHT

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the protection of public health, safety, and welfare, except as provided in Article V (Nonconforming Uses, Lots and Structures).

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Section 1.06 - EFFECTIVE DATE

This ordinance was adopted by the Township Board of the Township of Clarence, Calhoun County, Michigan, at a meeting held on July 8, 1991 and notice of its adoption was ordered published in newspapers having general circulation in said township. The effective date of this ordinance is thirty (30) days from the date of adoption. The effective date is August 6, 1991.

End of Article I

(Art. I Amended 6-14-10 / Ord. 24-3)

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Article II

GENERAL ADMINISTRATION, PERMITS and CERTIFICATES of OCCUPANCY

Section 2.01 - PURPOSE

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a Zoning Permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a Building Permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Construction Code.

Section 2.02 - RESPONSIBILITY FOR ADMINISTRATION

- A. General Administration:** The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, the Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator may simultaneously serve as the Building Inspector.
- B. Duties of the Zoning Administrator:** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:
1. Review Applications: Undertake and/or assist in the review of Zoning Permit applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
 2. Issue Zoning Permits: Issue Zoning Permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the proper body or official.
 3. File of Applications: Maintain files of all applications submitted under this Ordinance, action on such applications, and any performance guarantees associated with permits.
 4. Inspections and Violations: Assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance.
 5. Record of Complaints: The Zoning Administrator shall keep a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
 6. Reports: The Zoning Administrator shall report to and attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as may be requested, to report on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise.

Section 2.03 - ZONING PERMIT and BUILDING PERMIT REQUIRED

No excavation shall be initiated, no structure or building shall be erected, altered, or moved, and no land or building shall be used or undergo a change in use until the Zoning Administrator has issued a Zoning Permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the State Construction Code through the issuance of a Building Permit. No Zoning Permit or Building Permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. At the preference of the applicant, an application for a Building Permit may simultaneously serve as an application for a Zoning Permit. See Section 2.07(B) regarding simultaneous applications.

Section 2.04 - CERTIFICATE of OCCUPANCY REQUIRED

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a certificate of occupancy has been issued for that premises certifying that the structure or use complies with the provisions of this Ordinance and the State Construction Code. Prior to the issuance of such certificate of occupancy, the Building Inspector shall be satisfied that the building to be erected or that the alterations to be done shall comply in all respects with this Ordinance, the State Construction Code, and all other applicable laws and regulations including those pertaining to sewage disposal and potable water.

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Section 2.05 - ZONING PERMIT APPLICATION and REVIEW PROCEDURES

A. General Application and Review Procedures: An application for a Zoning Permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a Zoning Permit shall be issued. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the Zoning Permit. Zoning Permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the designated approving body, consisting of the Planning Commission unless expressly provided otherwise by this Ordinance, directs the Zoning Administrator to do so.

1. **Plot Plan / Site Plan:** An application for a Zoning Permit shall include the submittal of a plot plan or site plan. An application for a single family or two-family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to Section 2.07. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article XVIII (Site Plan Review), unless expressly provided otherwise by this Ordinance.
2. **Special Land Uses/Special Exception Uses:** In addition to meeting the site plan requirements of Article XVIII, a Zoning Permit application for a use classified as a “special land use” or “special exception use” according to Article III shall be processed according to the provisions of Article XIX (Special Land Uses), which requires a public hearing and final action by the Planning Commission.
3. **Variiances:** Where the approval of a variance by the Zoning Board of Appeals pursuant to Article XVII is necessary for the approval of a proposed plot plan or site plan, the applicant shall go before the Zoning Board of Appeals on the variance matter prior to seeking approval of the plot plan or site plan.
4. **Incomplete Applications:** If Zoning Permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. **Performance Guarantees:** A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this Ordinance. See Section 2.10.
6. **Permit Refusal in Writing:** In any case where a Zoning Permit or other approval requested under this Ordinance is refused, the reasons shall be provided to the applicant in writing. Such notification may include a copy of the meeting minutes and motion containing such reasons.

Section 2.06 - PERMIT WITHHOLDING AND REVOCATION

- A. Withholding Permit:** Where this Ordinance grants approval authority to a specific body, as in the case of plot plan approval by the Zoning Administrator and variance approval by the Zoning Board of Appeals, the designated approving body may withhold approval of an application pending verification that an applicant has received required county, state or federal permits including but not limited to sewage disposal and potable water permits, soil erosion and sedimentation control permits, flood plain permits, and MDEQ permits for alteration of wetlands. Similarly, the Zoning Administrator, Zoning Board of Appeals, Planning Commission or Township Board may condition its approval of the requested application on which it is required to act upon the receipt of any of the above mentioned county, state or federal approvals or withhold the issuance of a Zoning Permit until said permits from other agencies have been obtained.
- B. Revocation/Stop Work Order:** A body which grants approval of a permit or application under this Ordinance, such as in the case of a Zoning Administrator’s approval of a plot plan and the Planning Commission’s approval of a special exception use application, may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation made in the application. Prior to the revocation of a permit for any use or building subject to site plan approval, the body which approved such permit shall hold a hearing on such revocation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on the revocation. At the hearing, the body holding the hearing shall state the basis for the revocation and the permit holder shall be given the opportunity to present evidence and testimony against such revocation. Following the hearing, the approving body may revoke the permit, delay such revocation for a specified time period to permit the permit holder time to correct specified violations, or find there is no basis for such revocation. Upon permit revocation, or in the case where revocation is delayed to correct violations, all further construction and usage shall cease other than for the purpose of correcting violations, unless specifically provided for otherwise by the revocation body. Failure to comply with a revocation order is a violation of this Ordinance.

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Section 2.07 - SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

- A. Zoning Permit Application Review Procedures:** An application for a Zoning Permit for single-family and two-family dwellings and accessory uses and structures thereto shall be available from the Zoning Administrator. The Zoning Administrator shall be the approving body for such permits. Following the receipt of a complete application, the Zoning Administrator shall review the application and determine its compliance with this Ordinance. Upon a determination that the application is in conformity with this Ordinance, the Zoning Administrator shall issue the Zoning Permit.
1. Calhoun Conservation District Review: The Zoning Administrator shall forward a copy of all zoning permit applications to the Calhoun Conservation District, which shall review such applications within the context of the impact of the proposal on the natural environment including such matters as wetlands, surface waters, and stream banks, including how impacts can be minimized, and provide advisory comments in writing to the applicant and Zoning Administrator. The Zoning Administrator need not delay taking action on the application if the Zoning Administrator has not received correspondence from the Calhoun Conservation District within fifteen (15) days of submitting the application to the District.
- B. Zoning Permit Application Requirements:** An application for a Zoning Permit shall include the following minimum materials and information, and three (3) copies of all application materials shall be submitted. At the preference of the applicant, an application for a Building Permit may simultaneously serve as an application for a Zoning Permit provided all of the following information is made part of the Building Permit application.
1. Application Form: The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal approvals and permits including, but not necessarily limited to, MDEQ wetland permits and approvals by the County Drain Commissioner for grading and soil and erosion control.
 2. Plot Plan: An accurate, readable, scale drawing constituting a plot plan, identifying the following:
 - a. Name, address and telephone number of the applicant (and owner if different).
 - b. A property line survey showing property dimensions, bearings, lot area, legal description, and an arrow pointing north, prepared by a Michigan-licensed surveyor.
 - c. The location and footprint of existing structures, and the location, height, and footprint of proposed structures to be erected, altered, or moved on the lot.
 - d. Distances of buildings and structures from lot lines.
 - e. A description of proposed use(s) of the building(s), land and structures.
 - f. Configuration of the driveway and parking areas.
 - g. Existing public and private right-of-ways and easements.
 - h. Existing and/or proposed location of septic drain field or sewer hook-up, and potable water well.
 - i. The general location of on-site natural features consisting of wetlands and similar marshy environments; lakes, rivers, streams and other surface waters; and wooded areas.
 - j. Any other information deemed necessary by the Zoning Administrator to determine Ordinance compliance and provide for the enforcement of this Ordinance.
- C. Approved Plot Plans:** At least two (2) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant.
- D. Plot Plan Changes:** The Zoning Administrator shall review proposed changes to an approved plot plan in the same manner as an original plot plan application.

Section 2.08 - APPLICATION FEES

- A. Application Fees Required:** Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application. The amount of such fees shall be established by the Township Board by resolution and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township and may include but are not limited to costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and any costs associated with assistance provided by qualified professionals including planners, engineers, and/or attorneys.

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- B. Professional Review and Fee:** For any application for a Zoning Permit, variance, or other approval under this Ordinance, the Township Board or the designated reviewing body may require the payment of a professional review fee when professional input is desired before a decision is made due to the character or complexity of the proposal or concern over the potential impacts of the project including environmental impacts. The applicant is entitled to a refund of any unused professional review fee. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and matters which may create a threat to public health, safety or the general welfare, and may include a recommended course of action. Mitigation measures or alterations to a proposed design may be suggested where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.

Section 2.09 - SITE INSPECTIONS

The Zoning Administrator shall have the authority to make inspections of premises for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. The owner or his agent or representative, and the occupant or lessee of every building, or other person having the care and management thereof, shall give the Zoning Administrator free access thereto upon request at all reasonable times. No person shall interfere with the Zoning Administrator in the discharge of his/her duties.

Section 2.10 - PERFORMANCE GUARANTEES

- A. Purpose:** In authorizing any Zoning Permit or granting other approvals under this Ordinance other than a single-family or two-family dwelling and accessory structures and uses thereto, but including platted subdivision and site condominium approvals, the approving body for such permit or approval may require that a performance guarantee be furnished to ensure compliance with the requirements, specifications and conditions imposed with the granting of such permit or approval.
- B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:
1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roadways, lighting, utilities, sidewalks, screening and drainage. In no case shall any portion of a performance guarantee be required for improvements intended to principally serve the public at large versus users of the development site.
 2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
 3. **Amount and Time Required:** The amount of the performance guarantee shall be equal to the estimated cost of improvements for which the performance guarantee is to cover, according to a detailed cost estimate submitted by the applicant and found satisfactory by the Township Board. After approval of the cost estimate, the performance guarantee shall be submitted at the time of issuance of the permit authorizing the approved use or construction. No performance guarantee shall be required prior to the date on which the Township is prepared to issue the Zoning Permit.
- C. Return of Performance Guarantee:** The following procedure shall be followed in the return of performance guarantees:
1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect said improvements and shall transmit a recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejection.
 2. **Approval of Payment:** The Township Board shall either approve, partially approve or reject the return of the performance guarantee for the improvements or conditions, after consideration of the recommendation of the Zoning Administrator's written statement, and shall notify the obligor in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of improvements. Where approval or partial approval is granted, the Township Clerk shall release the approved

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payment to the applicant within ten (10) days of the approval. The portion of the performance guarantee to be returned shall be proportional to the work completed and shall be based on the itemized cost estimate for the applicable improvement.

3. **Lack of Full Completion:** Should installation of improvements fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent contractor, and assess all costs of completing the improvements or conditions against the performance guarantee. Any balance remaining shall be returned to the applicant.

D. Record of Performance Guarantees: A record of performance guarantees shall be maintained by the Zoning Administrator.

Section 2.11 - TIMELY ACTION on APPLICATIONS

A. General Intent: All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

B. Specific Guidelines: The following time provisions shall apply unless specifically provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits, the submittal of an incomplete application, the need to submit additional application materials following initial deliberations, or unforeseeable practical delays in distributing applications to the necessary review bodies. The prescribed review periods below require that an application must be received by the Zoning Administrator at least thirty (30) days prior to the meeting when the designated reviewing body would normally begin deliberation on such application and, if submitted within a lesser time, the Planning Commission may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. **Applications Requiring Zoning Administrator Action:** A complete application for a Zoning Permit for a single-family or two-family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within fifteen (15) days of the submittal of the complete application.
2. **Applications Requiring Planning Commission Action:** Action on an application by the Planning Commission, as in the case of making a decision on an application for special land use approval or an amendment petition, shall occur within ninety (90) days of receipt of a complete application. Where a public hearing is required to be held, this time frame shall be extended by thirty (30) days.
3. **Applications Requiring Township Board Action:** Where this Ordinance requires the Township Board to act on an application, as in the case of an amendment petition, the Township Board shall take action on the application within ninety (90) days of the receipt of a complete application. Where the Township Board must delay action until receipt of a recommendation from the Planning Commission, as in the case of an amendment petition, the Township Board shall take action on the application within ninety (90) days of the receipt of such recommendation.
4. **Applications Requiring Zoning Board of Appeals Action:** Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within ninety (90) days of the receipt of a complete application.
5. **Public Hearing Notices:** See Section 2.12.

Section 2.12 - PUBLIC HEARING NOTICES

A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

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- B. Recipients and Means of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.
1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
 2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
 3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Clarence Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
 - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail, in the case of a text amendment or zoning map amendment.
- C. Timing of Notice and Determination of Notice Given:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.
- D. Confirmation of Notices Made by Mail or Personal Delivery:** The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

End of Article II

(Art. II Amended 6-14-10 / Ord. 24-3, to address ordinance administration, previously comprised of "Definitions" that were relocated to Article XXIV)

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Article III
ZONING DISTRICTS, REGULATIONS, and MAP

Section 3.01 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

Conservation Districts

RC Resource Conservation District

Agricultural Districts

AG Agricultural District

Residential Districts

R-1 Low Density Residential District
R-2 Medium Density Residential District
R-3 High Density Residential District
R-MF Multiple Family Residential District
R-MHC Manufactured Housing Community District

Commercial Districts

C-1 Local Commercial District

Industrial Districts

I-1 Light Industrial District

Section 3.02 Zoning District Map

A. The boundaries of the respective Districts enumerated in Section 3.01 are defined and established as depicted on the Official Zoning Map entitled CLARENCE TOWNSHIP ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

B. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Clarence Township Zoning Ordinance, the map being adopted on the ___ day of _____, 20__.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

C. The Official Zoning Map shall be located at the official offices of Clarence Township and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

Section 3.03 Purposes of Zoning Districts

See Table 3-1 of this Article.

Section 3.04 Interpretation of District Boundaries

A. Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application for an interpretation to the Zoning Board of Appeals. The Zoning Board of Appeals shall apply the following standards in arriving at a decision on such matters:

1. Boundaries indicated as approximately following roads shall be construed as following the center lines of said roads or highways.
2. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as specified on the Official Zoning Map. If no distance is specified, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
3. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
4. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.

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5. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, canals, or other water courses shall be construed to follow such centerlines.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern. The “more restrictive district” shall be construed to mean the district that places greater restrictions on development based on such factors as authorized uses and standards for lot area, setbacks, lot coverage, and related development features.

Section 3.05 Permitted Uses in Zoning Districts

A. Compliance with Zoning Regulations: Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of or addition to an existing use, building and structure, occurring after the effective date of this Ordinance, shall be subject to all regulations of this Ordinance including regulations specific to the Zoning District in which such use, building, or structure shall be located. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

B. Principal Uses Permitted in Each Zoning District: Tables 3-2 and 3-3 of this Article identify the principal land uses permitted in each of the districts enumerated in Section 3.01. No land use shall be established on a lot except in conformance with Tables 3-2 and 3-3. In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the Tables delineate whether a land use permitted in a particular District is a “Permitted by Right Uses” or a “Special Land Use”.

1. **Permitted by Right Uses:** Land uses permitted by right are the primary uses and structures specified for which the District has been established, and are typically subject to plot plan approval or site plan approval (Sec. 2.05).
2. **Special Land Uses:** Special land uses are uses and structures that have been generally accepted as reasonably compatible with the primary uses and structures permitted in the District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses shall be subject to a public hearing and site plan approval. Special land uses may also be referred to as “special exception uses.” See Article XIX, Special Land Uses.

C. Accessory Uses: Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to and customarily associated with the principal use of the property are permitted in all Districts and shall conform to the provisions of this Ordinance. Such uses shall include, for example purposes, home occupations in association with a dwelling, garages in association with a dwelling, and a farm market in association with a farm.

D. Prohibited Uses: Any use of land not specifically permitted is prohibited, including any use of land not specifically identified in Tables 3-2 and 3-3. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and standards that will apply for that use. If the Township Board approves such an amendment, then an application can be processed to establish that use. Nothing in this subsection (D) shall be interpreted to infer that approval of such an amendment will result in an approval of a subsequent application for the use in question.

Section 3.06 Site Development Requirements of Zoning Districts

A. All land uses shall comply with the site development requirements of the District in which it is located, as delineated in Table 3-4, in addition to all other applicable site development provisions of this Ordinance including, but not limited to, provisions and standards pertaining to signs, off-street parking and loading, lighting, landscaping and screening, environmental protection, and access.

B. No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

C. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot area and lot width.

D. No portion of one lot shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.

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E. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such law or ordinance shall govern.

Section 3.07 Special District Provisions

A. Manufactured Housing Community District (R-MHC)

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan need not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article XVIII of this Ordinance, except where said procedures and requirements are superseded by the requirements of P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Labor and Economic Growth and all other agencies pursuant to the Mobile Home Commission Act.
3. In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
 - a. Minimum Parcel Size: Ten (10) acres.
 - b. Minimum Site Size: The manufactured housing community shall be developed with sites averaging a minimum of 5,500 square feet per mobile home unit. This 5,500 square foot standard for any one site may be reduced provided that the individual site shall be equal to at least 4,400 square feet and that for each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.

Section 3.08 Essential Services

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This exemption shall not apply to administrative buildings, communication towers, public utility storage yards and substations, and similar above-ground facilities and uses associated with such essential services.

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