

ARTICLE III GENERAL PROVISIONS

Section 3.1 PURPOSE & SCOPE

A. It is the purpose of this Article to establish supplemental regulations for lots, uses, and activities addressed in Articles IV - XIII, that relate to accessory uses, dimensional standards, various exceptions, access and other aspects of land use and design that are not addressed in the remaining Articles of this Ordinance.

B. Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, constructed, re-constructed, altered or used for purposes other than in conformity with the provisions of this Ordinance.

Section 3.2 LOT AND YARD AREA REQUIREMENT EXCEPTIONS

Nonconforming Lots of Record: In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any lawfully created single lot of record recorded with the Register of Deeds at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided the use of the lot conforms with the following requirements or a yard requirement variance is obtained through approval of the Zoning Board of Appeals. See also Section 28.7 and Section 29.8.

A. Lot Areas and Widths: On a lot of record, the Zoning Administrator is authorized to waive the minimum lot size, width, and width at the building line requirements, provided that the intended structure is in full compliance with all other requirements of this Ordinance.

B. Front and Rear Yards: On any lot of record where the front and rear yard setbacks reduce the buildable area to less than twenty-five (25) feet, the Zoning Administrator is authorized to reduce both the front yard and the rear yard setback requirements by up to ten (10) percent of the depth of the lot to accommodate a requested buildable area. If the rear yard abuts a lake or stream, emphasis shall be given to the protection of the lake or stream. The front yard setback shall be reduced up to the full ten (10) percent first before the rear yard setback is reduced.

C. Existing Structures: Where a structure already exists on a parcel and it is nearer a front or a rear lot line than the setback required for that district, the Zoning Administrator is authorized to issue a Zoning Permit to expand said structure or erect an accessory building, provided such addition or new construction is not located nearer a

front or rear lot line than the existing structure and will not cause a significant health or safety hazard.

D. Side Yards: On any lot of record where the side yard setback requirements reduce the buildable width to less than twenty-five (25) feet, the Zoning Administrator is authorized to reduce the side yard setback requirements by up to ten (10) percent of the lot width, however, no interior side yard shall be reduced by more than three (3) feet, and no exterior side yard shall be reduced by more than six (6) feet.

Section 3.3 FIRE HAZARDS AND EMERGENCY VEHICLE ACCESS

A. In order to reduce fire hazards, no building or structures, including roof overhangs, shall be closer than ten (10) feet to any neighboring property line, except as provided in Sec. 3.2, above.

B. Each dwelling unit shall be provided reasonable vehicular access by a driveway which may be negotiated under normal weather conditions by emergency vehicles serving the Townships, or an emergency vehicle set up area suitable for accommodating fire fighting apparatus shall be provided within a reasonable distance and reasonable pedestrian access provided to the structure.

C. Driveways shall be clear to a width of fifteen (15) feet and an overhead clearance of fifteen (15) feet throughout its length, and shall not exceed ten (10) percent in grade, except with permission of the Fire Chief, in which case it may not exceed fifteen (15) percent in grade if paved.

D. Any driveway or dead-end private road longer than eight-hundred (800) feet in length shall provide an above ground or below ground water reservoir not closer than fifty feet nor more than seventy-five feet (75) from the first principal structure served by the driveway or private road and shall provide sufficient fire storage for two (2) hours at the highest fire demand in the zone. All reservoir design and construction shall conform to A.W.W.A. standards and/or requirements of the Fire Chief with jurisdiction.

Section 3.4 STRUCTURE SETBACKS ON ROADWAYS

A. Except as provided for in Article XIX for signs, the minimum setback for all principal buildings and accessory structures from all state or federal owned and operated highways shall be seventy-five (75) feet from the highway right-of-way, whether it be for a front, side or rear yard, regardless of setbacks listed in Districts or Table of Dimensional Requirements.

B. If the road right-of-way line is readily determinable (by reference to a recorded survey and set irons), the setback shall be measured from such right-of-way line. If the road line is not so determinable the setback on a road with sixty-six (66) feet of right-of-way shall be measured one-hundred (100) feet from the centerline of the traveled surface of the right-of-way. For roads with right-of-way more than sixty-six (66) feet, the

minimum setback from the centerline shall be one (1) foot for each additional foot of right-of-way up to one-hundred (100) feet and then one-hundred twenty-five (125) feet of setback for any right-of-way greater than one-hundred (100) feet.

C. No portion of any structure or freestanding sign may be located closer to any lot line than is authorized in the District provisions and Table of Dimensional Requirements.

D. All structures, including signs, located on multiple road frontage lots shall observe the minimum required front yard setback from all arterial or primary roads.

Section 3.5 NUMBER OF DWELLINGS AND USE OF LOTS OR PREMISES

A. Every dwelling, cottage, cabin, or mobile home erected outside of a mobile home park shall be located on a lot or premise, and no more than one (1) such building or structure shall be erected on such lot or premise. Provided, however, that in the R-4 and RP districts an additional dwelling may be constructed on a single lot, provided that the lot has double the land area and double the width to accommodate the additional dwelling in accord with the required provisions of the District.

B. A lot in a commercial district may contain more than one principal building and/or principal use provided all uses are permitted by right, right with conditions, approved special use permit, or an approved PUD, and the buildings and uses meet the cumulative lot area, lot width, parking, signage, and lot coverage requirements and that none of the principal buildings violate any of the yard size, setback or other dimensional requirements.

C. All commercial activity shall take place within an enclosed building, unless specifically authorized to be conducted outside as part of the use regulations of the District, or via special land use standards of this Ordinance.

Section 3.6 UNSAFE, RAZING & MOVING BUILDINGS

A. Nothing in this Ordinance shall prevent compliance with an order by the Building Inspector, the County Prosecutor, or a judge to demolish, correct, improve, strengthen, or restore to a safe condition any building declared to be unsafe.

B. No building which requires a demolition permit under the Michigan Building Code shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance guarantee, in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations, proper termination of utility connections and the proper removal and closure of any water well and septic

system. If the building is safely razed and the site cleaned as specified in the permit, then the bond shall be returned within thirty (30) days of completion of the razing. If razing is not accomplished according to the terms of the approval, then the Township shall cash the performance bond and use the money to restore the site to a safe condition. Costs in excess of the bond shall be charged back to the property owner and placed as a lien on the property if not paid in a timely fashion.

C. Moving Buildings: No existing building or structure of any type or kind larger than two hundred (200) square feet, shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless authorized by the Zoning Administrator. Before granting or denying such authorization, the Zoning Administrator shall consider the following standards:

1. The type and kind of construction of the existing building in relation to its strength and whether or not the building may be a fire hazard.
2. Whether or not the type and age of the building is in keeping with adjoining and neighboring buildings.

Section 3.7 WATER ACCESS LOTS

A. Access lots may be lawfully created after the effective date of this Ordinance provided they have a minimum front yard width of fifty (50) feet, and a minimum of fifty (50) feet wide through the length, and have fifty (50) feet of frontage along the water line of the adjacent lake, river or stream.

B. Access lots having a minimum width of fifty (50) feet through its depth may be used for a beach structure provided said structure meets all dimensional setback requirements, is no larger than one hundred fifty (150) feet gross square footage in size, and is not used for other than non-commercial waterfront recreational uses and related storage.

C. Unless the residences having privilege to use an access lot are within three hundred (300) feet of the access lot, a minimum of two (2) parking spaces shall be provided off of the road right-of-way for each fifty (50) feet in width of the access lot.

D. No more than two (2) families may share each fifty (50) feet of an access lot, whether access is gained by easement, joint or common fee ownership, lease, license, condominium unit, stock or membership in a corporation, or by any means.

E. Access lots to water created after the effective date of the amendment adding this provision to the Ordinance that are less than fifty (50) feet in width shall not be less than twenty-five (25) feet in width from the start of the access to the water's edge, shall not be used for dockage and shall not have any building erected on the access. A temporary structure, like a sunshade or picnic table shall not be placed closer than fifty (50) feet to the water's edge.

Section 3.8 BOAT DOCKS LIMITATIONS

- A. The purpose of this section is to regulate the use of lakefront property and control boat docks and dockages in order to: protect natural resources; guide the proper development of shoreline areas; prevent overcrowding of land and water; minimize pollution and degradation of public waters; protect life and property by reducing the risk of boating accidents; preserve the recreational use of lakes and lake environments; protect property values; and, protect the public health, safety and general welfare.
- B. Except as otherwise provided in this Ordinance for access lots, not more than one (1) dwelling unit may have the use of water frontage per one hundred (100) feet thereof as measured along the water's edge. Not more than one (1) dock and no more than (2) boat dockages (as defined in Sec. 2.2 of this Ordinance) shall be permitted for each fifty (50) feet of contiguous lake frontage.
- C. Notwithstanding the foregoing, lots of record less than one hundred (100) feet in width, but greater than fifty (50) feet in width will be allowed one (1) dock. In these instances, one (1) boat dockage will be allowed for every twenty-five (25) feet of contiguous water frontage.
- D. Public recreational areas regulated by governmental agencies are not subject to the standards set forth in this Section.
- E. Dock and boat dockage privileges are not severable from the lot to which they are appurtenant, and may not be separately sold, leased, assigned, or otherwise alienated, conveyed, or encumbered.
- F. No docks are permitted at stub road ends, public accesses, or access walkways.

Section 3.9 PROHIBITED USES

No building or structure or part thereof shall be erected, altered or used on land used, in whole or in part, for any use, process or activity resulting in the emission of odor, fumes, dust, smoke, waste, noise or vibration, light encroachment, accumulation of trash or other unsightly conditions which shall make it obnoxious to the public interest, health or welfare, or is not specifically permitted by the terms of this Ordinance. Also see Section 22.7.

Section 3.10 ACCESSORY USES

- A. No construction of an accessory use structure shall be permitted without the foundation for a principal use structure first being in place in the R-1, R-2, R-3, R-4, VR, RP-2.5, and C/R districts. However, an accessory structure may be constructed on a separate lot(s) provided the separate lot(s) is immediately adjacent to the lot on which the principal use structure is located. An affidavit shall be recorded with the County

Register of Deeds combining both lots and that both lots are/will remain as one lot and under common ownership.

B. No accessory building or structure on the same lot or on an adjacent lot (pursuant to subsection A above) with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

C. Accessory structures shall meet the same setback requirements as a principal structure.

**AMENDED BY BENZONIA AND PLATTE TOWNSHIP BOARDS AT A SPECIAL JOINT MEETING AT PLATTE TWP. HALL ON NOVEMBER 27, 2013, AND WAS EFFECTIVE ON DECEMBER 2, 2013.

Section 3.11 MAXIMUM SIZE ACCESSORY STRUCTURES

Storage buildings or other accessory structures shall not be allowed in the R-1, R-2, R-3, R-4, VR, and C/R districts without the presence of a principal use or at least the foundation for a principal structure and visible progress or 25% completion of the upper story(s) above either the crawl space or basement and completion of the principal structure in one-year. See Section 3.10. The total ground level gross square footage of all accessory structures on any single residential lot or parcel in the R-1, R-2, R-3, R-4, and VR districts residential use shall not exceed the first floor gross square footage of the principal structure residence on such lot or parcel exclusive of attached accessory structures. . Agricultural use structures are exempt from this provision.

**AMENDED BY BENZONIA AND PLATTE TOWNSHIP BOARDS AT A SPECIAL JOINT MEETING AT PLATTE TWP. HALL ON NOVEMBER 27, 2013, AND WAS EFFECTIVE ON DECEMBER 2, 2013.

Section 3.12 HEIGHT LIMITATIONS & EXCEPTIONS

A. Subject to the remaining provisions of this section and subject to provisions in Article XII for lots in the Crystal Lake Watershed, structure height limitations in the various zoning districts shall be as indicated on the Table of Dimensional Requirements in Article XXX.

B. Subject to subsection (C), the following features are exempt from the district height limitations set forth in subsection (A):

1. Chimneys, church spires, elevator shafts and similar structural appendages not intended as places of occupancy or storage,
2. Flagpoles, television, amateur radio towers and similar devices, heating, air conditioning and similar equipment, fixtures and devices.

C. The features listed in Subsection (B) are exempt from the height limitations provided, not more than ten percent (10%) of a total roof area if so located may be consumed by such features.

Section 3.13 MINIMUM REQUIREMENTS FOR DWELLINGS

A. It is the intent of this Section to provide a wide variety of single family housing options in Benzonia or Platte Township, including the need for lower cost single family housing while protecting the public health and safety. It is recognized that the modern mobile home and manufactured home compares favorably with existing site constructed dwellings, provided that such mobile homes and manufactured homes are similar in appearance, design, and construction with existing single family dwellings in the vicinity. It is the purpose of this Section to provide standards for the construction, installation, and appearance of all single family homes in order to insure compatibility with existing dwellings located in the surrounding area.

B. The following minimum requirements apply to all dwelling units outside of mobile home parks except as provided in subsection C of this Section.

1. All construction required in this Section shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Building Code provisions and Ordinance requirements. Mobile homes which do not conform to the standards of this Section shall not be used for dwelling purposes within the Township unless located within a mobile home park or unless used for temporary residence purposes as provided in Section 3.14.
2. All dwelling units located outside of mobile home parks shall comply with the following requirements:
 - a. The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
 - b. All dwellings shall be connected to a sewer system and water supply system approved by the Benzie-Leelanau District Health Department.
 - c. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1') foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
 - d. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar or better quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. All additions to dwellings shall meet all of the requirements of this Ordinance and any applicable Codes.
 - e. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity including: a 1:4 roof pitch, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwelling; not less than two exterior doors with the first one facing

the front yard and the second one being in either the rear or side of the dwelling; and, contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

- f. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design, and appearance of single family dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area or, where said area is not so developed by the character, design, and appearance of one or more single family dwellings located outside of mobile home parks within four (4) square mile area. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- g. Prior to issuance of a zoning permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with all the standards applicable to mobile homes set forth in Section 3.13 (B).
- h. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- i. A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure, approved by the Zoning Administrator.
- j. For legal nonconforming mobile homes that are located outside mobile home parks, mobile home plats, or of places where Temporary Permits for placement of a mobile home have been issued; once that mobile home is removed it must be replaced with a mobile home in good condition that is also certified by the

American National Standards Institute or the HUD Mobile Home Construction and Safety Standards or by a site constructed home or manufactured home that meets all applicable code requirements.

C. A single family dwelling in the R-1, R-2, and R-3 districts, including a mobile home except in a mobile home park, shall have a minimum width of twenty (20) feet over fifty (50) per cent of the entire structure length.

D. The minimum gross living area of a dwelling, and the minimum size for the footprint of the living portion of a dwelling shall be seven hundred-twenty (720) square feet.

Section 3.14 TEMPORARY BUILDINGS, STRUCTURES AND USES

Temporary buildings, structures, and uses are permitted in all districts only under the following conditions:

A. Habitation of Accessory Structures, Tents and Travel Trailers as Temporary Dwellings: Except for tents and recreational vehicles in bona fide campgrounds, no structure shall be used for dwelling purposes for more than fifteen (15) days in succession nor more than sixty (60) days in one (1) year, that does not meet the minimum standards for a dwelling unit as defined in this Ordinance and the State Construction Code Act, Public Act 230 of 1972, with amendments. This means that no garage or other accessory building, cellar, basement, cabin, or partial structure, whether of a fixed or portable construction, nor any tent, travel trailer, recreational vehicle, trailer coach, mobile home, or other structure not in compliance with P.A. 230 of 1972, or the previous sentence, shall be erected or moved onto a lot and used for any temporary dwelling purpose unless authorized by the Zoning Administrator by the issuance of a Temporary Zoning Permit as provided for in Section 14.9, or by means of a Special Land Use Permit pursuant to Section 16 or unless constructed as a year around dwelling per the applicable requirements of this Ordinance.

B. Temporary Housing: The Zoning Administrator may issue a temporary Zoning Permit for a mobile home or other temporary dwelling unit used for temporary dwelling purposes, subject to the following limitations and procedures:

- 1) The purpose of the temporary housing is either to provide on-site housing for residents of the lot while a new dwelling unit is being constructed or while rebuilding due to fire, collapse, explosion, act of God or acts of a public enemy;
- 2) The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she can have the foundation and complete building framing in place within six (6) months and the entire residence completed within one (1) year. This period may be extended up to one (1) additional year by the Zoning Administrator when the following standards are met:
 - a) A good faith effort has been shown to build a new or rebuild a

- destroyed dwelling unit;
 - b) The time extension is reasonably necessary considering the practical difficulties associated with actual construction;
 - c) Occupancy of the structure being rebuilt is reasonably possible within the time extension;
 - d) Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
- 3) The lot or parcel is located in any residential district;
- 4) A performance guarantee as provided for in this ordinance is collected and said temporary dwelling is removed within fifteen (15) days after construction is complete.
- 5) The following additional approvals are obtained:
 - a) Any applicable permits from the Building Inspector
 - b) Approval of a septic system and well from the Benzie-Leelanau District Health Department
 - c) A driveway permit from the County Road Commission or Michigan Department of Transportation, as applicable.
- 6) Any mobile home permitted by temporary permit for purposes other than a) or b) above prior to the effective date of this amendment, may be issued a temporary permit by the Zoning Administrator for continuation of use of an existing mobile home by the present occupant, but no other, provided the dwelling remains in good structural condition, the septic system and well remain approvable by the Benzie-Leelanau District Health Department and a performance guarantee as provided for in this ordinance is collected to insure the temporary mobile home is removed within thirty (30) days of its no longer being used by the present occupant.

C. Temporary Contractor's Buildings: Temporary structures and temporary uses incidental to construction work, such as contractor storage buildings, semis or mobile homes used for contractor equipment, foreman offices and related activities, but not for habitation are not required to observe setbacks, and no temporary Zoning Permit is needed, provided:

- 1) Such buildings, structures or uses impede no clear vision area (see Section 3.20); and
- 2) are removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever period of time is the shortest.

D. Temporary Real Estate Offices: Are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The temporary Zoning Permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.

E. Churches & Schools: Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies and all yard requirements of this Ordinance are met.

F. Christmas Tree Sales: The display and sale of Christmas trees on a farm in the RP Districts or at a business in the Commercial Districts, or at a church in any District, is permitted without a temporary Zoning Permit, provided it is incidental and accessory to the principal use or a temporary use of a vacant lot. The display and sale of Christmas trees is permitted for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year. Any Christmas tree sales in a location or under circumstances other than those defined above is permitted only by a Temporary Zoning Permit issued at the discretion of the Zoning Administrator.

G. Auctions: The public sale of property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. Off-street parking areas shall be provided and parking is prohibited within the right-of-way of a major thoroughfare.

H. Garage Sales: Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:

- 1) Any garage sale, rummage sale or similar activity shall be allowed without a temporary Zoning Permit for a period not to exceed three (3) days within a six (6) month period.
- 2) All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line.
- 3) No signs advertising a garage sale or similar activity shall be placed upon a public right of way or other public property. All signs advertising a garage sale shall be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.
- 4) Signs shall also conform with the requirements of Section 19.4.A.6.

I. Sawmills (portable): Establishment of a temporary sawmill for cutting of trees from a single parcel or lot is permitted by Temporary Zoning Permit. The sawmill shall not be located closer than five hundred (500) feet to a dwelling unit other than that of the owner of the property on which the temporary sawmill is established. The Temporary Permit shall be valid for six (6) months, but may be renewed.

J. Firewood Sales: Firewood sales shall be limited to firewood cut from that parcel or lot only. Cutting and splitting by machines shall conform with the location requirements for temporary sawmills above. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.

K. Roadside Stands: Roadside stands selling products grown on the premises are permitted in the RP Districts provided the following standards are complied with:

- 1) Space for the parking of the customers' vehicles shall be furnished off the road right-of-way in the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area with a minimum of three (3) off-street parking spaces.
- 2) The roadside stand shall be located at least twenty-five (25) feet from the edge of the road.
- 3) Any roadside stand structure shall be seasonally erected and removed once the growing season is complete or November 1st, whichever comes first.

L. Transient and Amusement Enterprises: Circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gatherings of people, may be permitted as a conditional use in specified zoning districts if approved by the Planning Commission and upon the finding by the Planning Commission that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare. The requirements of Section 22.7 and 22.10 must be met. The Planning Commission may require posting of a bond or other acceptable security payable to the Township, in which the event occurs, in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

Section 3.15 LOT FRONTAGE/DEPTH RATIO

In order to conserve land resources and limit inappropriate crowding of land, all lots created after the effective date of this Ordinance with a lot area of less than forty (40) acres, shall have a lot width or frontage which is equal to or greater than 1/4 the depth of the longest side of said lot.

Section 3.16 USE OF OPEN SPACE

A. No yard surrounding a dwelling, or structure used for dwelling purposes, may be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second hand building materials or other discarded, disused or rubbish-like materials or structures.

B. The location, parking or storage of recreational vehicles shall be allowed on a lot used for a dwelling, provided; wherever possible, such location, parking, or storage is not in the front yard nor in the minimum setback areas required for structures in the side and rear yards.

C. No outdoor storage or parking of vehicles or trucks, over one (1) ton rated capacity, or similar heavy equipment or construction equipment, shall be permitted in a yard or on a lot located in R-1, R-2, or R-3 Districts, other than for the temporary parking of trucks or equipment engaged in construction on the site or being used for temporary pickup or delivery purposes. Such vehicles are permitted on lots in all other districts.

Section 3.17 DAMAGED BUILDINGS

Any building that has been partially destroyed by fire, storm, water, tornado or other disaster or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage or the effective date of this Ordinance. In the interim, the site shall be protected or screened from hazards to children.

Section 3.18 KEEPING OF ANIMALS AND LIVESTOCK

The following shall apply to the keeping of animals and livestock:

- A. Except for individual pets or children's projects such as 4-H or FFA, the raising or keeping of a reasonable number of small animals such as rabbits, poultry, goats and sheep shall not occur on a lot or parcel of less than two and ½ (2.5) acres. The raising or keeping of livestock such as cattle, horses and hogs, shall not occur on a parcel of land less than two and one-half (2.5) acres in area, and only one (1) such animal, over six (6) months of age shall be allowed per each two and ½ (2.5) acres on parcels under twenty (20) acres in area.
- B. Non-domesticated, wild, or exotic species of animals, or crossbreeds or hybrids thereof, shall be allowed only with written approval of the County Animal Control Officer or supervising agency with jurisdiction.
- C. No storage or unusual accumulation of manure or odor or dust-producing materials shall be permitted within one hundred (100) feet of any side or rear property line abutting a residential district or existing structure used for residential purposes.
- D. The provisions of this section shall not be interpreted to restrict any rights of farmers on land in districts in which agriculture is permitted in this Ordinance from the keeping of livestock in a manner permitted under Michigan's Right to Farm Act, being Public Act 93 of 1981, as amended, or consistent with any management practices established pursuant to that act.

Section 3.19 ACCESS TO PUBLIC ROAD

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public road right-of-way, or a private road easement held in common by all property owners abutting, and shall

be shown on all sketch and site plans (see definition of “easement” in Section 2.2). The location and characteristics of the private road easement, other access point or driveway to a public road shall conform with the requirements in Section 3.22 as well as with those in Sections 3.3 and 3.20.

Section 3.20 CLEAR VISION CORNERS

These regulations govern the protection of clear vision site distances on property outside of the road right-of-way and are in addition to the site distance requirements of the County Road Commission.

A. No fence, wall, sign, screen, any planting, berm, boulder, or other structure shall be erected or maintained in such a way as to obstruct clear vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines thirty (30) feet from the point of intersection of the right-of-way lines. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads' centerline which lays between the point of intersection of the other centerline and the extension of line drawn through the points thirty (30) feet from the intersection of the right-of-way lines. (See Figure 3-1).

B. No fence, wall, sign, screen, any planting, berm, boulder, or other structure shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points which are located on the right-of-way line and the driveway twenty (20) feet from the point of intersection of the right-of-way line and driveway. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting road and the driveways' centerlines which lays between the point of intersection of the centerlines and the extension of the line drawn through the points 20 feet from the intersection of the right-of-way line and driveway. (See Figure 3-2).

Figure 3-1
CLEAR VISION ON CORNER

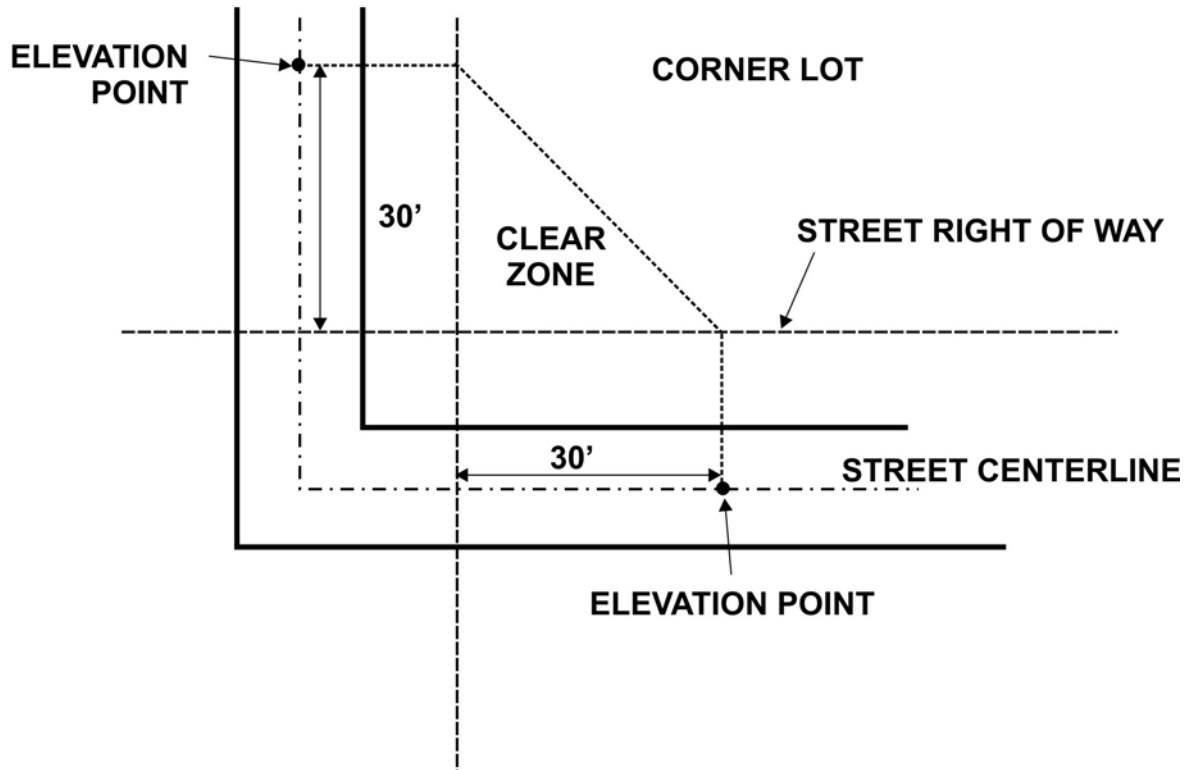
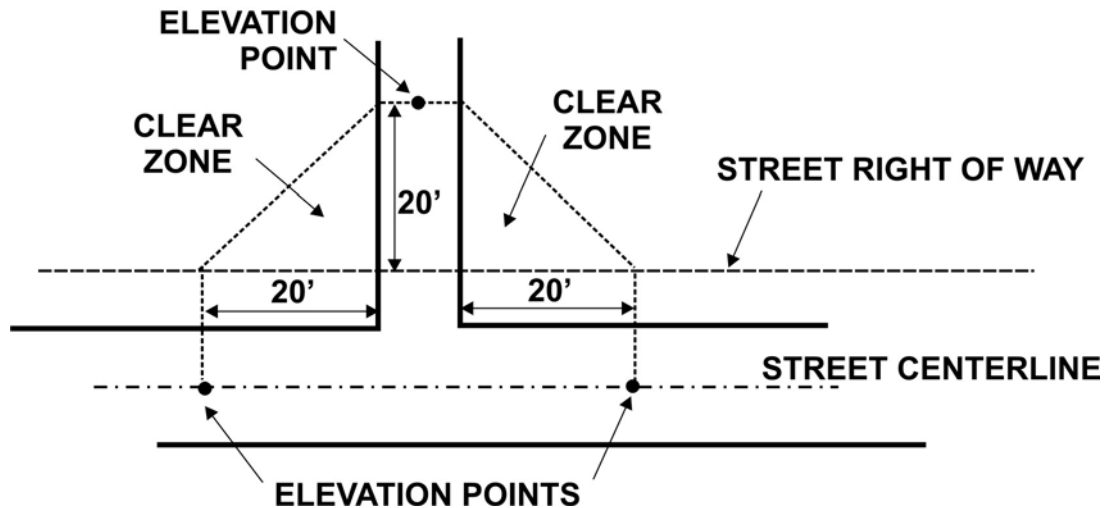


Figure 3-2

CLEAR VISION AT DRIVEWAYS



Section 3.21 VACATED STREET

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation.

Section 3.22 ACCESS MANAGEMENT

3.22.1 Purpose: The purpose of this Section is to establish minimum regulations for access to property. These regulations ensure: all newly created lots and existing lots being redeveloped or upgraded have adequate access for emergency vehicles and do not unnecessarily impede traffic flow or create a safety problem on the public road to which they connect. Standards are established for curb cuts and driveways, service roads, and new public and private streets.

3.22.2 Minimum Frontage and Access: No person, firm or corporation shall hereafter divide any land without providing for public access or permanent private easements for access to such divided lands. All lots created after the effective date of this Ordinance, or an amendment thereto, shall have the required minimum frontage along a public street or private road, or at the building line, depending on the Zoning District, and shall have access consistent with the requirements of this Article. A second means of access to a group housing development, subdivision, mobile home park or nonresidential development is not subject to the minimum lot frontage requirement for the second means of access. Pursuant to the Land Division Act, Public Act 288 of 1967, as amended, access shall be reviewed and approved when any land division is reviewed for compliance with this Ordinance. Local Township land division and road maintenance

ordinances and agreements pursuant to them may also apply. A traffic impact assessment may be required pursuant to Section 22.10.C. prior to determining conformance of proposed access to this Section.

3.22.3 Curb Cuts and Driveways: No driveway shall connect to a public street or private road without first receiving approval of the driveway location and cross-section specifications from the County Road Commission on a County Road or the Michigan Department of Transportation on a State or Federal Highway. Provided, however, such approval shall not be given where such curb cuts and driveways will cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Townships shall contain a plan for the proposed driveway access to the premises. Said plan shall be approved by the Zoning Administrator prior to the issuance of a Zoning Permit. No such plan shall be approved unless such driveway access is onto a dedicated public street, an approved private road or alley. Driveways shall, at a minimum, meet the following standards:

1. Storm drains, or culverts, if allowed, shall be installed in line with and on the same grade as those being connected with.
2. Drives shall enter perpendicular to the existing public street, private road, or alley.
3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in ten (10) feet of horizontal distance) unless a greater slope is necessary to meet the sidewalk elevation from the street
4. The driveway shall meet clear vision standards of Section 3.20.
5. Driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street.
6. Driveways shall be designed to minimize runoff and erosion and shall not alter existing drainage unless approved by the Zoning Administrator.

B. The Zoning Administrator shall inspect the driveway as developed for compliance with the above standards prior to issuance of a Certificate of Zoning Compliance.

C. In commercial (C-1, C-3 and C-4 Districts), light industrial (LI) and office (O) zones, no more than one driveway shall be allowed per lot or parcel unless separated by two hundred (200) feet, or unless traffic safety requires another driveway within a shorter distance as established by a qualified traffic engineer, or unless additional driveways are permitted in special land use standards for a particular use, such as drive-through restaurants.

D. The new driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all other access requirements of this Ordinance are met.

E. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the County Road Commission or Michigan Department of Transportation.

F. No single or two-family driveway shall have a width less than ten (10) feet nor more than sixteen (16) feet at the street right-of-way line. The curb cut, including flares, shall not be more than 1.5 times the width of the driveway at the street right-of-way.

G. Driveways serving commercial, industrial or institutional uses, shall have a width at the sidewalk of at least twenty-five (25) feet for two-way access and at least fifteen (15) feet for one-way access.

H. A single driveway serving more than one non-residential use is encouraged provided the design meets contemporary engineering standards for safe access and efficient traffic flow. Similarly, shared parking lots between uses with peak uses at different times of the day, or connected parking lots between abutting parcels are encouraged. A shared driveway, shared parking lot and/or connected parking lot agreement shall be prepared and shall be approved by the County Prosecutor, before being signed and recorded with the County Register of Deeds (see Section 14.11). Such agreements shall detail the terms and conditions concerning use and maintenance of a shared driveway, shared parking lot, or connected parking lot.

I. No driveway shall serve more than one (1) dwelling unit unless the use is a duplex, a multiple family structure, a PUD, an apartment building, or meets the requirements for a joint or common driveway in Section 3.22.8.

J. A driveway shall be located no closer than fifteen (15) feet from a lot line unless it is a joint driveway serving more than one (1) dwelling unit (see I above); or unless the road authority and Zoning Administrator agree that a closer location is the safest location under the particular circumstances.

3.22.4 Business Access: No business access shall cross residentially-zoned property.

3.22.5 One Driveway per Parcel: All land in each parcel having a single tax code number, as of the date of the amendment adding this provision to the Ordinance, which front on a major thoroughfare shall be entitled to only one (1) driveway access from said street or highway. Subsequent division of each parcel, either as metes and bounds descriptions, as plats created in accord with the Land Division Act, Public Act 288 of 1967 as amended, or as site condominiums in accord with the Condominium Act, Public Act 59 of 1978 as amended, shall provide access by a single subdivision road, other public road or by an approved service drive. No direct additional access to the major thoroughfare shall be permitted with subsequent divisions unless more than thirty (30) residential lots are created, or more than one-hundred (100) dwelling units in an apartment complex are created, then a second access shall be provided to the major thoroughfare only if no other access is possible via another public or private road.

3.22.6 Service Drives: Service drives which parallel a major thoroughfare and connect multiple parcels in either the front or the rear of the property are encouraged. The Site Plan Review Committee shall review and either approve, deny or approve with conditions all service drives to insure safe and adequate continuity of the service drive between contiguous parcels. The standards for service drives follow:

A. Width: A minimum of twenty-four (24) feet with construction to standards established by the County Road Commission for base and thickness of asphalt.

B. A minimum of fifteen (15) feet snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of fifteen (15) feet from the major thoroughfare right-of-way.

C. All driveway radii shall be concrete curbs.

D. The entrance to the service drive from a public road other than the major thoroughfare shall be at least one hundred-fifty (150) feet from the centerline of the major thoroughfare to provide for adequate stacking and maneuvering.

E. The service drive shall be a public street, or a private road maintained by adjoining property owners or users who shall enter into a formal agreement together for the joint maintenance of the service drive. The County Prosecutor shall approve the terms of the agreement before it is recorded with the County Register of Deeds. No service drive shall be established on existing public right-of-way.

F. Landscaping along the service drive shall conform with the requirements of Sections 21.3 and 21.9. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.

G. All separate parking areas shall use no more than one (1) access point or driveway to the service drive.

H. All traffic signage and pavement markings along the service drive shall conform to the current Michigan Manual of Uniform Traffic Control Devices.

3.22.7 Existing Road Width: Where a private road or street in existence prior to the effective date of this provision has no recorded width, the width will be considered to be sixty-six (66) feet for the purposes of establishing setbacks and measured equal distance from the midpoint of the road surface.

3.22.8 Common Driveways Serving Two Residential Dwelling Units:

A. The purpose of this Section is primarily to provide for the use of common driveways that serve no more than two (2) dwelling units in situations where sight distance limitations and/or natural features limitations produce a situation where two lots that otherwise meet the minimum lot width requirements of this Ordinance are better served by a common driveway. Common driveways are not intended as the first step in

creating a private road nor are common driveways intended to create access to a parcel which does not have access on a public or private road.

B. A Zoning Permit shall be required for the establishment of a common driveway. A single thirty-three (33) foot right-of-way which serves as ingress and egress for no more than two (2) dwelling units or parcels of land may be permitted by the Zoning Administrator.

1. The easement shall not be less than thirty-three (33) feet in width.
2. The applicant for a common driveway shall provide the Zoning Administrator with certified copies of recorded irrevocable property covenants and/or deed restrictions that limit the driveway easement to serving only two (2) parcels.
3. Eligible lots shall conform to the minimum lot width requirements for the zoning district in which they are located.
4. A common driveway may straddle two lots or take all its easement for ingress and egress from one or the other.
5. The common driveway shall be in compliance with the standards of the Benzie County Road Commission and shall be specifically permitted under rules adopted by the Board of the County Road Commission.
6. No common driveway easement shall extend more than five hundred (500) feet from the center line of the public or private road which it accesses.
7. The common driveway width, surface condition and adjacent vegetation shall be kept in good passable condition in all seasons sufficient to permit emergency vehicles to safely and easily pass over the common driveway. This means a passable area at least fifteen (15) feet wide and fifteen (15) feet high for the entire length of the common driveway.
8. All culverts shall be sized and constructed of materials sufficiently strong to permit safe and convenient passage by emergency vehicles.
9. Area at the end of the common driveway shall be sufficient to permit safe and convenient turnaround and set up area for emergency vehicles.

3.22.9 Standards of County Road Commission or MDOT: If the standards of the Benzie County Road Commission or Michigan Department of Transportation are more restrictive than those of this Section, the more restrictive standards shall apply.

Section 3.23 PUBLIC STREET STANDARDS

3.23.1 Requirements to be Met: New public streets or public roads shall conform to the requirements of this Section and those of the County Road Commission.

3.23.2 Construction Standards: The creation of a public street that serves a division of land, a subdivision or a parcel shall meet or exceed the cross-sectional construction standards, site distance, drainage and any other requirements as specified in "Standards and Specifications for Plat Development and Street Construction" or other standards adopted by the County Road Commission.

3.23.3 Proposed new public roads which are not part of a subdivision shall either be developed as private roads pursuant to Section 3.24 or may be approved by the Site Plan Review Committee and the Township Board of Trustees in the township(s) in which the road is (are) located.

3.23.4 Dedication of Rights-of-Ways or Easements: All new public streets shall be dedicated to and accepted by the public, and no structure or development activity shall be established within approved rights-of-ways or easements. All plans as submitted for approval must show the proposed street including a legal description, and must include the grades for these streets.

3.23.5 Connection to County Roads and State Highways: Construction authorization from the County Road Commission is required for connection to Township roads and from the Michigan Department of Transportation for connection to a State or Federal Highway. Interconnection between public roads is strongly encouraged. At the discretion of the Planning Commission, a proposed public street may be disapproved unless it connects to another public street or road when necessary to provide safe traffic flow and emergency vehicle access.

3.23.6 Cul-de-sacs: Cul-de-sacs shall meet or exceed cross-section specifications established by the County Road Commission and:

A. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.

B. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines. See Figure 3-3.

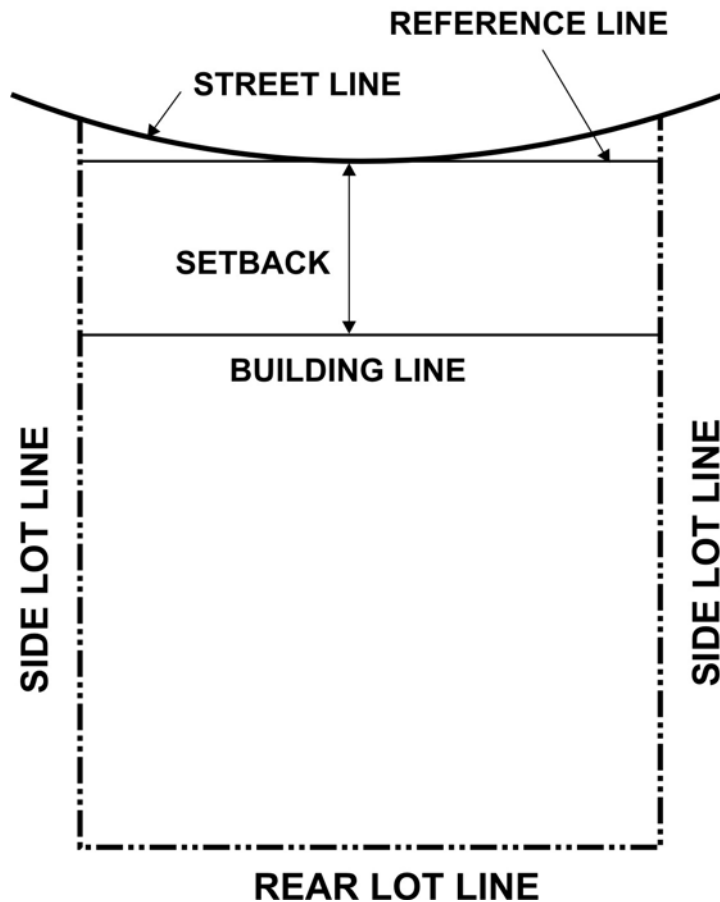
C. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.

3.23.7 Limit on Length: New public or private streets with only one connection to another public street, county road or state highway shall not be longer than one thousand three hundred-twenty (1,320) feet. Dead end roads more than eight-hundred (800) feet in length may require the installation of a water hydrant tank, at the discretion of the Fire Chief with authority in the Township.

3.23.8 Maximum Number of Lots Served: No more than thirty (30) lots may gain access to a single public street if only one point of intersection is provided between the new public street and another existing public street.

Figure 3-3

LOTS FRONTING ON A CUL-DE-SAC



3.23.9 Application Review and Approval or Rejection:

A. The Zoning Administrator shall review, and send to the Site Plan Review Committee, the plans of a new public street not a part of a proposed plat for review and comment. If the new street is proposed to connect to a state or federal highway, a copy of the application shall be sent to the Michigan Department of Transportation (MDOT), for review and comment with a date specified as to when comments are needed.

B. The Site Plan Review Committee shall approve or disapprove the new public street with conditions necessary to ensure conformance with the standards of this Ordinance.

C. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

3.23.10 Failure to Perform: Failure by the applicant to begin construction of the new street according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new plan shall be required subject to any changes made by the Township in its standards and specifications for road construction and development.

3.23.11 Issuance of Zoning Permit: No Zoning Permit shall be issued for a structure on any new public street until such street is given final approval by the Board of the County Road Commission.

3.23.12 Posting: All new public streets shall be designated as such and shall be posted by the applicant on a sign meeting standards on file in the office of the County Road Commission. The sign shall be paid for by the applicant. The Zoning Administrator shall check with the County Addressing Designee to avoid a duplicate of names and gain approval of same.

Section 3.24 PRIVATE ROAD DEVELOPMENT

3.24.1 Intent: The purpose of this Section is to provide for the general location, character, and extent of private roads in Benzonia and Platte Townships. Lot orientation and other development circumstances also are regulated herein. The private road development Section is hereby established to provide for the proper development and utilization of land abutting private roads while at the same time making proper provision for the present and future health, safety and welfare of the people of the community.

3.24.2 Uses Regulated: Except as provided below, any development resulting in the use by one or more lots, parcels or site condominium units of a roadway other than a public road for direct access must be reviewed and the private road approved before any Zoning Permits are issued. In the case of a private road that is part of a development requiring site plan review, the private road may be approved as part of the site plan review process. In those cases, the Zoning Commission may require the same information as in this Article for private road approval and shall use the same standards for approval as contained in this Article.

A. If the Township has a private road ordinance in effect which conflicts with this Ordinance, the provisions of such private road ordinance shall control.

B. Private roads in place at the effective date of the amendment which adds this Section are nonconforming and exempt from the provisions of this Section 3.24, provided:

1. The private roads were built and have been subsequently maintained in accordance with any regulations, permit or agreement in place at the time they were approved; and
2. Any increase in the number of dwelling units served by a nonconforming private road will require the private road serving that lot to be examined in light of these standards, except as provided by B.1. and 2. above, and the private road may be required to be upgraded per the standards of this Section 3.24 and prior to issuance of a Zoning Permit for any new dwellings served by the private road, if the private road is found to be substandard.

3.24.3 Preliminary Conference with Zoning Administrator: The applicant shall contact the Zoning Administrator to request a preliminary conference prior to any financial investment in the proposed development, in order to ensure it will be compatible with Township Ordinances. There is no extra fee for the preliminary conference.

3.24.4 Application for Private Road Development Permit:

A. Following a preliminary conference with the Zoning Administrator, if the applicant wishes to proceed, the applicant must file an application for a Private Road Development Permit with the Zoning Administrator, pay the required filing fee and request placement of the request on the Planning Commission agenda.

B. The applicant must provide proof of ownership or written consent of the property owner to make the application, along with the address of the applicant and owner (if different).

3.24.5 Site Plan Submittal Requirements:

A. The information in B. below shall be on or accompany a site plan depicting the proposed private road unless waived by the Zoning Administrator.

B. Sufficient copies of a site plan in a scale of at least 1" = 100' must be provided to the Zoning Administrator at least forty-five (45) days prior to a Planning Commission meeting. The site plan shall include the following:

1. A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'.
2. Property lines of existing or proposed parcels to be served by the private road, property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any), including those areas across abutting roads.
3. Locations, widths, and names of existing or prior easements of record, public and/or private.
4. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
5. Existing and proposed drainage patterns and any proposed retention ponds.
6. For parcels over twenty (20) acres in size, the site plan shall show the topography drawn as contours with the interval available on the U.S. Geological Survey map of the area where the property is located.
7. The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over twelve (12) percent.
8. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, or easements for future utilities, if any.
9. Future divisions, if any.
10. Layout of the proposed private road, indicating right-of-way widths,

surface width, grades, connections to other private roads or public streets.

11. Proposed private road maintenance agreement and proposed private road easement agreement.

12. Proposed street name.

3.24.6 Road Commission & County Prosecutor Review: A copy of the private road site plan and all attachments shall be transmitted by the Zoning Administrator to the Benzie County Road Commission for review and comment. The Zoning Administrator shall send the proposed road maintenance agreement and road easement agreement to the County Prosecutor for review and comment. At least fourteen (14) days shall be provided for their review and comment. A reply shall be provided to the Zoning Administrator. If no response is received, it shall be conclusively presumed that the County Road Commission has no objection.

3.24.7 Standards for Approval: The following criteria represent minimum standards for approval of private roads. The approving body shall determine if unusual conditions exist that warrant higher standards or conditions of approval. Any unusual conditions shall be set forth in the record of the approving body along with the rationale for higher design standards or conditions of approval.

A. All private roads serving fifteen (15) or more dwellings shall have a minimum sixty-six (66) foot wide right-of-way and be built to Benzie County Road Commission specifications, as outlined in their publication "Standards and Specifications for Plat Development and Street Construction". Private roads and single access drives that serve one (1) through fourteen (14) single family dwellings shall conform with the requirements in Table 3-1.

**Table 3-1
SINGLE ACCESS DRIVE & PRIVATE ROAD STANDARDS**

# of Lots Served	Roadway Width or Easement Width	Width of Improved Road Surface	Surface Type	Bump Out or Turnaround	Ditch/Utilities Minimum Side Slope	Max Grade
1	20 ft.	10 ft.	Dirt/gravel	18 ft. x 60 ft. at 400 ft. intervals	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	10% or approval of Fire Chief
2-4	33 ft.	18 ft. with 2 ft shoulders on each side	6" gravel/clay mix over 6" granular material	Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 18 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	10% or approval of Fire Chief
5-15	66 ft.	20 ft. with 3 ft shoulders on each side	6" gravel/clay mix over 6" granular material	Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 20 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	10% or approval of Fire Chief
>15	66 ft.	Shall meet	requirements	of County Road	Commission	

B. Building setbacks shall be measured from the outside edge or boundary of the private road right-of-way easement. This will help provide snow storage from plowing and minimum space for storm water runoff.

C. Private roads shall be planned and so constructed in relation to land contours and obstructions as to provide safe, adequate, ingress and egress by private driveway for each parcel. Clearing and grubbing is required for a clear line of sight and passage throughout the corridor, with a minimum of fifteen (15) feet wide and fifteen (15) feet of clear height throughout the corridor. This will accommodate fire fighting equipment, other emergency vehicles, snow plows, school buses, sanitation vehicles and similar service vehicles. See also Section 3.3.

D. Road layout shall fit the general pattern established by adjacent roads and streets. All intersections shall be at ninety (90) degree angles.

E. All road sub-bases shall be designed, constructed and maintained to withstand usage by utility, service and emergency vehicles. The ground for a road shall be prepared as follows:

1. Fill slopes must not be constructed on natural slopes steeper than one (1) unit vertical in two (2) units horizontal (50% slope). The ground surface must be prepared to receive fill by removing woody vegetation such as shrubs, topsoil and other unsuitable materials and scarifying to provide a bond with the new fill. Where slopes are steeper than one (1) unit vertical in five (5) units horizontal (20% slope) and the height is greater than five (5) feet, stability must be achieved by benching at the toe into sound bedrock or other competent material.
2. Composition of fill material must follow these requirements:
 - a. Detrimental amounts of organic material will not be permitted in fills
 - b. Rock sizes greater than twelve (12) inches in maximum dimension must be placed two (2) feet or more below grade, measured vertically.
 - c. Rocks must be placed so as to assure filling of all voids with well-graded soil
 - d. The upper two (2) feet of fill must be compacted for stability in preparation for placement of surfacing material.

F. Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the "Michigan State Manual of Uniform Traffic Control Devices" on all private roads where such roads intersect public streets or another private road.

G. Rights-of-way shall connect the private road system of the proposed development to any road or right-of-way of existing abutting developments or subdivisions where an existing road or right-of-way terminates at the boundaries of the proposed development. This requirement may be waived by the Planning Commission for private roads serving more than four (4) lots, or the Site Plan Review Committee for private roads serving four (4) or fewer lots. The waiver may be granted if findings in the record of the approving body show that natural barriers, pre-existing man-made barriers, or other factors result in a practical difficulty which is greater than the public safety and traffic efficiency benefits to be gained by the connection.

H. A private road legal description shall grant easements for installation and maintenance of public utilities.

I. The layout of roads shall provide a continuous circuit of travel. This requirement may be waived by the Planning Commission for private roads serving more than four (4) lots, or the Site Plan Review Committee for private roads serving four (4) or fewer lots. The waiver may be granted upon making finding in the record of the approving body that the lands to be developed are limited in area by purpose or by natural barrier. Granting of the waiver allows the road to terminate in an approved cul-de-sac that meets the design requirements in the Benzie County Road Commission specifications, as outlined in their publication "Standards and Specifications for Plat Development and Street Construction" as modified by this Ordinance, provided a right-of-way is established extending from the end of the cul-de-sac to the development boundary.

Road right-of-ways or easements created for this purpose shall be non-exclusive and shall prohibit the construction or placement of buildings or structures within the right-of-way. Where a natural barrier exists or a future tie-in with an existing road in an adjoining development or subdivision is not feasible, this right-of-way requirement may be also waived.

J. All private roads shall be named by the applicant and the name approved by the Benzie County Addressing Designee in the Equalization Department in accordance with established standards, and directives and street signs shall be erected at the cost of the applicant, in the same manner and method, and in accordance with the requirements of the Road Commission.

K. The road maintenance agreement signed by applicant/owner(s) to be recorded with the County Register of Deeds shall provide for:

1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
2. A workable method of apportioning the costs of maintenance and improvements to current and future properties served by the private road.
3. A notice that if repairs and maintenance are not made, the Township may bring the road up to established County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.
4. A notice that no public funds of the Township are to be used to build, repair, or maintain the private road.

L. Road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds providing for:

1. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
2. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress, egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

M. Spacing of Private Roads: No more than one (1) private road may be established for each parcel of land existing at the time of the effective date of this amendment to the ordinance, and it shall have at least the roadway width or easement depicted on Table 3-1, depending on the number of dwelling units serviced. Private roads, or driveways serving an individual parcel, which are created after the effective date of this amendment to the ordinance, must observe at least six hundred (600) feet of separation between the center lines of driveways, private roads and any intersecting public roads as measured along the centerline of the public street to which the driveway or private road connects.

N. Private roads which create four (4) or more lots; or that are located in the RP or Residential Districts may reduce the required minimum lot frontage to one-hundred (100) feet for the lots fronting on the private road.

O. Nothing in this section shall be interpreted to allow residential development that requires platting under the Land Division Act, as amended to occur without first obtaining approval as a platted subdivision.

P. Failure to maintain the private road in compliance with the standards for horizontal and vertical clearance, ditching, road and shoulder grading, and the other dimensional requirements of Figure 3-3 shall constitute a violation of this ordinance.

Q. The plan requirements of the County Road Commission publication "Standards and Specifications for Plat Development and Street Constructions" shall be followed in addition to the site plan requirements of Part IV of Article 14, beginning with Section 14.20 of this Ordinance for all private roads serving more than fifteen (15) lots. Plans shall be prepared and endorsed by a Michigan Registered Civil Engineer. As built plans are required and shall contain the engineer's certification that all specifications have been complied with during construction and that the plans are a true representation of the actual construction.

3.24.8 Application Review and Approval or Rejection:

A. The private road shall be reviewed as part of the review of the development proposal served by the proposed road. Said review may be conducted as part of a site plan review process, or at the applicant's discretion, separately if no other development approvals from the Township are needed.

B. If the private road plans are approved by the Site Plan Review Committee, construction authorization will be issued by the Zoning Administrator. One copy of the approved plan shall be returned to the applicant. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

3.24.9 Issuance of Permit for Structures Served by Private Roads:

A. No building permit or Certificate of Zoning Compliance shall be issued for a structure or use provided access by a private road until such private road is approved pursuant to the requirements of Section 3.24.8.

B. No private road shall be constructed until the Zoning Administrator has issued a Private Road Construction Permit and a soil erosion and sedimentation control permit has been issued by the Soil Erosion and Sedimentation Control officer, when applicable.

3.24.10 Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Zoning Administrator within one (1)

year from the date of approval shall void the approval and a new site plan shall be required by the Township subject to any changes made herein or subject to any changes made by the County Road Commission, Planning Commission or Township Board of Trustees in its standards and specifications for road construction and development.

3.24.11 Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

“This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed.

This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.”

Section 3.25

Reserved for future use.

Section 3.26

Reserved for future use.

Section 3.27

Reserved for future use.

Section 3.28 GOVERNMENT OWNED LANDS

A. All government owned lands are exempt from this zoning ordinance except as provided below.

1. All government owned lands zoned in the Public Lands District are primarily used for recreation, forest and wildlife management and use shall be guided by management plans for the property in question.
2. All permitted uses within the boundaries of the Sleeping Bear Dunes National Lakeshore are subject to provisions outlined in individual agreements entered into by the owner of any real property within this district and the National Park Service, as authorized by Public Law 91-479.

3. All other government owned lands are permitted uses by right in the district in which they are located and shall be used in a manner deemed appropriate by the governmental entity owning the land. In addition:
 - a. A management plan for the property is strongly encouraged. If a building is proposed, a site plan is required.
 - b. Public use of such lands shall seek to conform with a “good neighbor” policy and incorporate where feasible, and not contrary to other broader public interests or laws, those site designs and impact mitigating measures otherwise required of private development under this Ordinance. This is especially meant to apply to road access, parking, signage, landscaping, buffering, berming, and fencing issues. Upon request, the Township Planning Commission will review any proposed site plan for a public building or use submitted to it and will comment on the degree to which the proposal conforms with site plan requirements and mitigating requirements of this Ordinance that would otherwise apply to similar private development. The governmental entity owning the land shall have the final decision as to whether or not to incorporate comments from the Township Planning Commission into its site design and/or use characteristics.

B. Any publicly owned parcel transferred to a non-government entity shall immediately be subject to the zoning regulations of the district. In the event the parcel is adjacent to two or more separate zoning districts, the parcel's designation will be subject to a ruling by the Planning Commission which shall be final, unless the land is reclassified by a rezoning approved by the Township Board of Trustees.