

**ZONING ORDINANCE
KEARNEY TOWNSHIP
ANTRIM COUNTY MICHIGAN**

**ARTICLE IV
ZONING DISTRICTS**

Section 4.01 ZONING DISTRICTS. The Township is hereby divided into the following districts:

A	Agricultural
R1	Residential
R2	Residential
R3	Multiple Family
C	Commercial
M	Manufacturing
PD	Planned Development
AP	Airport
RR	Resort Residential

The boundaries of designated districts are shown upon the map made a part of this Ordinance, which map is designated as the Kearney Township Zoning Districts Map. The zoning districts map is a part of this Ordinance and is on file in the office of the Township Clerk and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the zoning districts map and all such notations, references, and other information shown thereon were fully set forth or described herein.

Section 4.01 “A” AGRICULTURAL DISTRICT.

Section 4.01A USES PERMITTED BY RIGHT. The following land or building uses shall be permitted by right in the “A” Agricultural District.

1. Single Family dwellings.
2. Crop and livestock farms, including truck garden, tree farms and other specialty crops, fur bearing animals.
3. Processing of products on the farm premises, including a roadside stand for the sale of products.
4. Florist shops, nurseries, garden supplies and greenhouses.
5. Forest preserves and farm wood lots.
6. Parks and playgrounds.
7. Riding, boarding and training stables.

8. Home occupations.
9. Home-based businesses.
10. Buildings or structures accessory to any of the above permitted uses.

Section 4.01B USES PERMITTED BY SPECIAL USE PERMIT. The following land and/or building uses may be permitted by a Special Use Permit in the "A" Agricultural district:

1. Churches, and related religious buildings and facilities customarily incidental thereof.
2. Essential service buildings and structures.
3. Mobile home parks (see Section 5.01I).
4. Lodging, boarding, and tourist homes.
5. Publicly owned buildings and structures.
6. Real estate sales offices in connection with a specific development for a period of not more than one (1) year with the privilege of extensions for six (6) month periods.
7. Schools.
8. Golf courses, including clubhouse, golf driving range and the incidental sale of food, beverages and golf equipment.
9. Bed and breakfast establishments.
10. Telecommunications towers and facilities and alternative tower structures.

Section 4.01C AREA, HEIGHT AND BULK REGULATIONS. See Table 1 in the Appendix.

Height restrictions in this Article do not apply to telecommunication towers and facilities and alternative tower structures located in accordance with this Ordinance.

Section 4.02 "R1" RESIDENTIAL DISTRICT.

Section 4.02A USES PERMITTED BY RIGHT. The following land and/or building uses shall be permitted by right in the "R1" Residential district:

1. Single family dwellings.
2. Public Parks and playgrounds.
3. Home occupations.

4. Buildings and structures accessory to any of the above permitted uses.

Section 4.02B USES PERMITTED BY SPECIAL USE PERMIT. The following land and/or building uses may be permitted by a Special Use Permit in the "R1" Residential district:

1. Churches, and related religious buildings and facilities customarily incidental thereof.
2. Essential service buildings and structures.
3. Publicly owned buildings and structures.
4. Bed and breakfast establishments.

Section 4.02C AREA, HEIGHT AND BULK REQUIREMENTS. See Table 1 in the Appendix.

Section 4.03 "R2" RESIDENTIAL DISTRICT.

Section 4.03A USES PERMITTED BY RIGHT. The following land and/or building uses shall be permitted by right in the "R2" Residential district:

1. Single family dwellings.
2. Dwellings for two (2) families.
3. Public Parks and playgrounds.
4. Home occupations.
5. Home-based business.
6. Buildings or structures accessory to any of the above permitted uses.

Section 4.03B USES PERMITTED BY SPECIAL USE PERMIT. The following land and/or building uses may be permitted by a Special Use Permit in the "R2" Residential District:

1. Churches, and related religious buildings and facilities customarily incidental thereof.
2. Essential service buildings and structures.
3. Mobile home parks (see Section 5.01I).
4. Publicly owned buildings and structures.
5. Multiple-family dwellings (see Section 4.04).
6. Bed and breakfast establishments.

Section 4.03C AREA, HEIGHT AND BULK REQUIREMENTS. See Table 1 in the Appendix.

Section 4.04 "R3" MULTIPLE FAMILY DWELLINGS.

Section 4.04A INTENT. It is the intent of this Section to provide for multiple family dwellings in portions of the Township located near county primary roads and near a concentration of natural amenities that can be protected by grouped housing.

Section 4.04B SITE DEVELOPMENT STANDARDS. The development of multiple family dwellings shall conform to the Area, Height and Bulk requirements as noted in Table 1 of the Appendix.

Section 4.04C PARKING STANDARDS FOR MULTIPLE FAMILY DWELLINGS. The minimum number of motor vehicle parking spaces for a multiple family dwelling shall be provided in accordance with the following schedule:

Efficiency	One (1) space
One bedroom unit	Two (2) spaces
Two bedroom unit	Two (2) spaces
Three bedroom unit	Three (3) spaces

Section 4.04D EXTERIOR LIGHTING. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

Section 4.04E OUTDOOR STORAGE, SCREENING. External areas for storage of rubbish, trash and other discarded materials shall be enclosed on at least three (3) sides by an opaque fence not less than five (5) feet in height. The waste storage area shall be maintained free from litter. Heating, ventilation or air condition units, heating oil storage tanks or similar appurtenances shall be properly screened.

Section 4.05 "C" COMMERCIAL DISTRICT.

Section 4.05A USES PERMITTED BY RIGHT. The following land and/or building uses shall be permitted by right in the "C" Commercial district:

1. General Retail Establishments.
2. Personal Service Establishments.
3. Office Establishments which perform services on the premises.
4. Professional Service Establishments.
5. Restaurants.
6. Veterinary Establishments including commercial kennels.

7. Commercial Recreation Establishments.
8. Hotels, Motels, Boarding, Lodging, and Rooming Houses.

Section 4.05B USES PERMITTED BY SPECIAL USE PERMIT. The following land and/or building uses may be permitted in the “C” Commercial district provided that vehicular circulation patterns are appropriately designed and regulated to eliminate potential conflicts between:

1. Traffic generated primarily by these facilities.
2. Traffic generated by other uses contained in this district.
3. Traffic on adjacent streets and thoroughfares.
 - A. Establishments which provide primarily retail sales to the general public including those which require service and repair facilities which constitute more than twenty five percent (25%) of their entire floor area. Such establishments shall be limited to:
 1. Boat and other sporting goods sales establishments.
 2. Motorcycle and bicycle sales and service establishments.
 3. Auto parts, tire, battery and accessory dealers.
 4. Garden supply stores.
 5. Stores selling electrical and plumbing goods at retail.
 6. Motor vehicle sales.
 7. Farm equipment sales.
 - B. Indoor commercial recreation establishments which are distinguished from other indoor commercial recreation establishments by virtue of:
 1. Possible incompatibility with surrounding land uses.
 2. Generation of large traffic volumes at certain periods of the day which could create vehicle turning movement problems in the vicinity of the use and increase traffic on adjacent streets.
 3. Hours of operation which may be later than those of surrounding commercial uses. These indoor commercial recreation establishments shall include but shall not be limited to the following:
 - a. Bowling alleys.

- b. Movie theaters and play houses.
- c. Arcades.
- 1 d. Roller and ice skating rinks.
- C. Essential services structures or buildings.
- D. Automobile service stations and Commercial garages (see Section 5.01G).
- E. Drive in retail establishments.
- F. Planned shopping centers (see Section 5.01K).
- G. Drive In or fast food restaurants (see Section 5.01H).
- H. Auto salvage lots and junk yards must be at least forty (40) acres in size and properly screened from view of the public. If not screened naturally the use shall be completely screened by a finished fence or masonry wall eight (8) feet in height or by a well maintained evergreen planting.
- I. Liquefied Petroleum Bulk Plants and Propane Gas Sales to State Fire Marshall requirements pursuant to National Fire Prevention Association Handbook #58, as amended.
- J. Sexually Oriented Businesses (see Section 5.01M).

Section 4.05C ACCESSORY USES. Accessory uses, and minor buildings, and structures customarily incidental to any Primary Use, or Use with Special Approval, except that dredging, filling, construction of piers or docks, buildings extending over the natural water course, or other substantial alteration or encumbrance of the natural shore line is prohibited unless a Special Approval is issued by the Township Board.

Section 4.05D AREA, HEIGHT AND BULK REQUIREMENTS. See Table 1 in the Appendix.

Section 4.06 "M" MANUFACTURING DISTRICT.

Section 4.06A USE REGULATIONS. The following land and/or building uses shall be permitted in the "M" Manufacturing District:

- 1. Uses such as light manufacturing or processing operations, warehouses, research and office buildings shall be permitted by right within the "M" Manufacturing District, subject to all of the following conditions.
 - 1 A. All operations shall be conducted within enclosed structures.

- B. Exterior yard storage shall be screened on sides and rear by solid uniformly finished and maintained wooden or masonry wall or fence of durable material, or a well maintained dense evergreen hedge, each of which shall be no less in height than the enclosed storage, loading activities or accessory structures or trucks except landscapng.
 - C. No unuseable or abandoned cars shall be stored in the open.
2. All uses permitted by right in the "C" Commercial District under Section 4.05A of this Ordinance shall be permitted by right in the "M" Manufacturing District, subject to all of the dimensional regulations applicable to those uses as specified in Table 1 in the Appendix within the "C" Commercial District.
 3. All uses permitted by special use permit in the "C" Commercial district under Section 4.05B of this Ordinance shall be permitted by special use permit in the "M" Manufacturing District, subject to all of the dimensional regulations applicable to those uses as specified in Table 1 in the Appendix within the "C" Commercial District and subject to all of the applicable regulations within Section 4.05B of this Ordinance.
 4. All accessory uses permitted in the "C" Commercial District under Section 4.05C of this Ordinance shall be permitted accessory uses in the "M" Manufacturing District, provided that those uses are accessory to the principle uses permitted under subsections 2 and 3 above.

Section 4.06B AREA, HEIGHT AND BULK REGULATIONS. See Table 1 in the Appendix.

Section 4.06C OFFENSIVE AND HAZARDOUS EMISSIONS. No use shall discharge any produced dust, smoke, odorous matter, toxic fumes, physical vibrations, heat or glare beyond the boundaries of the premises. No noise created from any use shall be allowed that would cause a nuisance to an adjacent "R" District.

Section 4.07 "PD" PLANNED DEVELOPMENT DISTRICT.

Section 4.07A DESCRIPTION AND PURPOSE. A development constructed on a tract of land requiring no minimum lot area, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PD district. This zone shall be established only upon application by the owner of the property for special uses such as, extraction of natural resources, outdoor theaters, drive-ins, race tracks, shopping centers, industrial parks, sanitary landfills, seasonal trailer parks, country clubs, golf clubs, golf courses, riding stables, mobile home parks, hotels, motels, boarding, lodging, and rooming houses, ski areas, skeet, trap and archery ranges, site condominiums, and similar uses not otherwise authorized by this Ordinance and which may require special treatment with regard to screening or setbacks and side and rear yards or which may generate special traffic or other police problems. This Zone shall also be available for areas where problems of terrain may require special treatment on matters of setback or side and rear yard or land area restrictions.

Section 4.07B USE REGULATIONS AND PROCEDURE. The owner of any parcel of land which is situated in an area which is not substantially fully developed, or of fully developed land on which it is proposed to raze buildings may make application to the Planning Commission for a change of zoning to the "PD" Zone. Such application shall be accompanied by a development plan, which shall include the following:

1. A topographic map showing contour lines at five (5) foot intervals.
2. A plot plan which shall show the following:
 - A. The location of all proposed buildings.
 - B. All non-enclosed uses.
 - C. All drainage.
 - D. Parking.
 - E. Loading.
 - F. Traffic handling facilities.
 - G. All screening and landscaping.
 - H. All exterior lighting and signs.
 - I. Sewage disposal system.
3. A detailed statement of the proposed use or uses to be made of the land. The statement shall include a legend detailing the density of buildings, dwelling units, structures, and other amenities.
4. Floor plans and elevation drawings showing architectural style of all buildings.
5. Where the proposed development includes extraction of natural resources, the plans shall indicate the proposed final contours of the land and quantity of material to be removed.

Such portions of the development plan may be waived by the Planning Commission and Township Board if both such Planning Commission and Township Board find, because of the nature of the proposed use, the same would be unnecessary and serve no useful purpose.

Section 4.07B.1A PLANNING COMMISSION PUBLIC HEARING.

1. Planning Commission Public Hearing: The Planning Commission shall review the application for a PD at its next regular meeting following filing and shall set a date for a public hearing within forty five (45) days thereafter. The Township Clerk shall provide notice of the public hearing meeting all of the following requirements:

- A. The content of the notice shall include all of the following information:
1. A description of the nature of the proposed planned unit development request.
 2. A description of the property on which the proposed planned unit development will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, 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 using tax parcel identification numbers or including a map showing the location of the property.
 3. The time, date, and place the proposed planned unit development request will be considered.
 4. The address where and the deadline when written comments will be received concerning the proposed planned unit development request.
- B. The notice shall be published in a newspaper of general circulation within the township not less than fifteen (15) days before the scheduled public hearing.
- C. The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed planned unit development will be located not less than fifteen (15) days before the scheduled public hearing.
- D. The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the property on which the proposed planned unit development will be located and to the occupants of all structures within three hundred (300) feet of the property on which the proposed planned unit development will be located not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection.
- E. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the planning commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

Section 4.07C PERFORMANCE GUARANTEE. The Township Board may require a performance guarantee by the applicant to insure completion of improvements associated with a development project. The improvements subject to the performance guarantee are those features or actions considered necessary by the Township to protect natural resources, or the health, safety and welfare of the residents of the Township, the project area, or the project itself. The performance guarantee is exclusive of those improvements that are guaranteed and deposited in accordance with the Subdivision Control Act. The performance guarantee bond shall be in an amount as determined by the Township Board.

Section 4.07D FEES. The required fees for “PD” Zoning are as established by the Township Board.

Section 4.07E TIME LIMIT ON CONSTRUCTION, REVERSION AND REZONING TO FORMER CLASSIFICATION. Every application for rezoning, when approved by the Planning Commission and Township Board, either as submitted or resubmitted in modified form shall constitute an agreement by the applicant that the use permitted under this Article shall be made, completed and operated as shown on the plan as part of the project in accordance with the provisions of this Article and that the area which has been zoned "PD" shall lose that status and revert to and be resumed to its former zoning classification upon the happening of any one of the following events:

1. If the construction of the approved buildings and improvements shall not be undertaken within one (1) year of the rezoning or within such additional time extension as may be authorized by the Township Board.
2. If, as a result of voluntary sale or conveyance, or any other transfer of ownership whatsoever, the area shall cease to be held, in its entirety, in single or common ownership.

Section 4.08 “AP” AIRPORT DISTRICT.

Section 4.08A PURPOSE.

The purpose of this district is intended to provide an area in and around the Antrim County Airport to both protect the airport, including collateral uses from intrusions, while protecting the surrounding properties from negative impacts from the airport and its related activities.

This township ordinance is not intended to conflict with the Antrim County Airport Zoning Ordinance #1 of October 2000 or the State Airport Zoning Act of 1950 (Act #23 of the Public Acts of the State of Michigan) or the Federal Aviation Regulations.

Section 4.08B USES PERMITTED BY RIGHT IN “AP” DISTRICT.

1. Airport, landing strips, heliports, hangars and related accessory buildings.
2. Offices of operation.
3. Research, development and testing facilities related to airport operations.
4. Communication and technology oriented operations related to the functioning of the airport.
5. Signs, as allowed by the township ordinance.
6. Loading and unloading of cargo and passengers.
7. Sale of fuel and maintenance supplies.

Section 4.08C USES PERMITTED BY SPECIAL USE PERMIT IN “AP” DISTRICT.

1. Restaurants and food service.
2. Motels and Hotels.
3. Parking lots and garages operating as a business.
4. Air cargo shipping business.
5. Other accessory uses customarily appurtenant to a permitted use.

Section 4.08D AREA, HEIGHT AND BULK REGULATIONS IN “AP” DISTRICT.

1. All plans for facilities shall have received approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics based on airport classification prior to submitting to the Township Board for their approval.
2. Height and bulk restrictions are those required by the FAA and Michigan Department of Aeronautics but not exceeding thirty-five feet (35') in height, excluding the control tower portion of the airport terminal.

Section 4.09 “RR” RESORT RESIDENTIAL DISTRICT.

Section 4.09A PURPOSE. The purpose of this district is to provide for recreational facilities requiring large land area (such as golf courses and ski resorts), and associated residential development which may include both short term overnight rental accommodations and year round residential structures ranging from detached single family dwellings to attached multiple family structures. Retail and service businesses are allowed to the extent that they are a usual and necessary part of the recreational and residential development and that exist for, and are of a scale appropriate to the primary purpose of serving the resort.

Section 4.09B USES PERMITTED BY RIGHT. Subject to Section 4.09C of this Ordinance, the following land and/or building uses shall be permitted by right in the “RR” Resort Residential district:

1. Single family dwellings.
2. Multiple family dwellings.
3. Recreation facilities such as golf courses, horse riding stables, downhill and cross country skiing, ball fields, tennis and basketball courts, and swimming pools. Specifically excluded are hunting preserves, gun clubs and shooting ranges and other uses generating excessive levels of noise on a regular basis.

4. Commercial establishments related to the larger development including ski and golf equipment sales and service, sporting apparel, restaurant/bar, delicatessens, and resort land sales offices provided they are determined to be of an appropriate size and scale by the Planning Commission.
5. Hotels and motels.
6. Campgrounds and recreational vehicle parks.
7. Agricultural and silvicultural activities.

Section 4.09C DESIGN STANDARDS. The uses permitted by Section 4.09B above shall meet all of the following design standards:

1. All buildings within the perimeter of the Resort Residential District shall establish a perimeter setback of fifty (50) feet from the edge of the road right of way or property lines of abutting districts (whichever is greater), except where special setback conditions are imposed due to the specific nature of the proposed use. The project perimeter setback area shall be maintained as open space in lawns or be landscaped, or wooded areas, but shall exclude paved surfaces, parking areas, or buildings of any kind. Pathways and trails may occupy a perimeter setback area, and such space may be used for storm water management, snow storage, and/or drainage systems.
2. The maximum residential density for a site shall not exceed the equivalent of one (1) dwelling or three (3) motel or hotel rooms per acre. This density calculation is for the entire site and shall not be construed to prohibit the use of innovative siting techniques such as the use of clustering, for dwellings on a portion of the site to allow for common open space elsewhere on the site.
3. No single family dwelling shall contain less than seven hundred twenty (720) square feet in floor area and shall be no less than twenty (20) feet in width throughout its length. (See Appendix Table 1).
4. Building heights shall be limited to thirty five (35) feet. (See Appendix Table 1).
5. Setbacks from natural water bodies or manmade water bodies that have outlets to natural water bodies that form one or more perimeter boundaries shall be a minimum of fifty (50) feet.
6. Setbacks from neighboring buildings shall be a minimum of twenty (20) feet or a distance equal to the height of the tallest building, whichever is greater. Setback requirements may be varied at the discretion of the Planning Commission if the use or uses are determined to result in noise, glare, or other impacts upon adjacent properties or other uses proposed within the development.
7. All uses in this district shall be subjected to a site plan review and approval in accordance with Article V, Section 5.02 of this Ordinance.