

PEACOCK TOWNSHIP
LAKE COUNTY, MICHIGAN

Zoning Ordinance

Adopted 2020-02-26

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Introduction

This land use Plan is the culmination of several months' work by the Peacock Township Planning Commission. Peacock Township originally became involved in land use planning many years ago with the adoption of a zoning ordinance. Currently, the Township has an ordinance in effect, which was adopted September 22, 1970 and amended May 27, 1976 and November 1979. Three years ago the Peacock Township Board recognized that, as in all things, updates were needed, and submitted the task to the Planning Commission. While commencing work the Peacock Township Planning Commission recognized that long range planning was called for and requested the Township Board to create a Planning Commission. After full consideration the Board agreed and the Peacock Township Planning Commission was created on March 25, 1987.

The following Land Use Plan and Ordinance is the work product of that commission, over two years' time. Although throughout the entire process various disagreements arose, at all times the Township can be assured the overall best interest of its residents and property owners was kept at the forefront.

Planning Process

During the course of its deliberations the Planning Commission has maintained an observant look around the community. Members of the Commission have been provided considerable insight and have listened with interest to the various discussions concerning planning, existing historical land use, developmental trends and population growth. These discussions have raised numerous issues relating to the Townships future growth.

Quite simply, the Commission in formulation of this plan analyzed the history of the Townships growth, the current status of its development, and the projection of where the Commission desired the Township to go in the future.

Historical Development

Peacock Township is located in the central quarter of Lake County in the northwest quadrant of Michigan's Lower Peninsula. It is situated approximately seventy-five miles north of Grand Rapids, Sixty miles south of Traverse City, and thirty-five miles east of Ludington. Peacock Township is comprised of thirty-six sections. Sixty three percent of all land area is either State or federally owned.

Syers, Ingerman, and Wolf Lake are the only three lakes in the Township. The area surrounding Wolf Lake, located in the south central portion, is the most densely developed area of the Township. The little Manistee River runs through the Township for several miles, primarily in the northwest. Clancy's Creek flows from Syers Lake into the Little Manistee. The Syers Lake-Clancy Creek area has seen substantial amount of development in the last few years. Although retaining some of its traditional characteristics, the area around the downstream portion of the Little Manistee as it leaves the Township has seen growth as well. The Village of

Peacock, once a large populated bustling town, is now a sparsely populated area.

The Township is served by a limited number of paved roads. M-37, the main highway, runs completely through the Township in a north south direction. As it passes the Wolf Lake area, commercial development exists on both sides. Four Mile Rd. runs west from M-37 through Peacock to the Township line. A small amount of commercial development exists along Four Mile rd., mostly close to Peacock.

The vast majority of land use by private individuals consists of part time residences and cottages. The Township has a number of retirement residences consistent with its high percentage of population of persons over the age of fifty-five. The small amount of commercial development is almost entirely tourist and seasonal resident oriented. Restaurant, motels and small shops make up the majority of establishments. Major grocery shopping is done in Baldwin, six miles south of the Township line. Trips to Traverse City, Ludington and Grand Rapids are not uncommon to make major purchases.

Industry is almost nonexistent in the Township. A sawmill is located on the south border of the Township. The entire Lake County area is involved in the timber and wood product industry. Small steel and fabricating firm moved from Peacock to an adjoining township several years ago. No adequate provisions have been made to service the types of endeavors.

Objectives

The Planning Commission through its deliberations has set certain objectives as long range desires for the Township. Any Plan or zoning ordinance the commission hopes will be designed to further these goals.

Objective #1: The Environment

The protection of natural resources, as well as the scenic and environmental quality of the Township area is a major goal. Development should minimize any disturbance causing soil erosion, and surface and ground water contamination. Toxic emissions and noise pollution are major concerns as well.

Objective #2: Residential Development

To discourage the development of additional housing in areas overly congested at present and to encourage development and higher densities where appropriate.

Objective #3: Commercial Development

Provide for the basic needs of the residents and the tourist population in such a way as to limit conflict with residential uses and yet provide for adequate access along major highways.

Objective #4: Industrial Development

Provide for limited industrial development in areas that will not conflict with the natural resources and the aesthetic quality of the Township.

Objective #5:

Discourage and avoid conflicts between incompatible land uses.

Objective #6

To improve the quality of housing within the Township by enforcement of adequate building and zoning standards.

Objective #7

In general to protect and to improve the quality of life within the community.

LAND USE PLAN SPECIFICS

After reviewing the various objectives, the Planning Commission has adopted certain land use categories that it believes will help achieve these objectives in certain areas.

“AG” Agricultural District

Agricultural Districts are those open areas where farming, forestry operations and other such rural-type activities exist and should be preserved or encouraged. These areas are spread throughout the Township recognizing that the main attraction for living in as well as commercial activity is the recreational opportunities these areas provide. Development in these areas should be limited so that they not be destroyed.

“R1” Residential District

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly low-density single-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area. This area in the Township is largely the Wolf Lake and Syers Lake areas.

“R2” Residential District

This district classification is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to service the inhabitants of the area. In general this area includes the vast majority of residential areas in the Township. Areas in the past, which may have been designated as Agricultural, are now projected for new development.

“R3” Residential District

This district classification was developed in recognition of the growing trend toward mobile homes and mobile home parks and the need for well-located and properly

developed areas to accommodate them. Areas for this district are placed in few sections of the Township.

“C/LI” District

In 2018 the Township Planning Commission and Board recognized that it's commercial and industrial corridor contained a mixture of uses ranging from heavy industrial to retail, to services. Because these uses were fairly stable and unlikely to change, it initiated an amendment to the zoning ordinance to combine the commercial and industrial districts into a single zoning district identified as “C/LI”. This district contains a variety of permitted and special land uses common to the commercial and industrial districts. All properties in the former C-1, c-2, I-1 and I-2 districts on the commercial and industrial corridor were rezoned to the new C/LI District Zoning Classification.

IMPLEMENTATION

The adoption of a Land Use Plan is not the end product. The Plan is only a guide for local decision makers and must be updated as times change. Local laws and ordinances must be amended or revised to implement the plan. The Planning Commission in conjunction with its planning work has a new proposed zoning ordinance. The new ordinance should be enforced in conjunction with other State and Federal regulations. A classic example would be the Subdivision Control Act, being Public Act 288 of 1967.

In addition, the Planning Commission has recommended that the Zoning Administrator take an active role in site plan review and further follow up to insure compliance with the ordinance.

In addition, the Township should insist on enforcement of building code and health code requirements by the agencies involved.

Another important issue is solid waste disposal. The lack of local facilities has caused a major problem which the county or Township need to address. As is always the case, no Land Use Plan is ever complete. The plans will, in time need to be revised, updated and modified as major changes occur.

PEACOCK TOWNSHIP ZONING ORDINANCE

Title

This ordinance shall be known and cited as the “Peacock Township Zoning Ordinance”. It is a Zoning Ordinance that was originally enacted pursuant to Act 184 of the Public Acts of Michigan for 1943, as amended, which was known as the “Township Rural Zoning Act”. The State of Michigan adopted the “Zoning Enabling Act” (PA 110 of 2006) which replaced the Township Rural Zoning Act and the individual similar acts for cities and villages. This Ordinance and all amendments thereto is now in compliance with the Zoning Enabling Act. Its purpose is for the establishment of zoning districts in the unincorporated portions of Peacock Township, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings, building or structures, including tents and trailer coaches which may hereafter be erected or altered; for the regulation of the area of yards, courts, and other open spaces and the sanitary, safety and protective measures that shall be required for such dwellings, building or structures, including tents and trailer coaches; for the designation of the maximum number of families which may be housed in buildings dwellings and structures, including tents and trailer coaches; to establish a zoning board of appeals, to grant authority to said board in addition to that expressly provided in said Public Act 110 to provide for the enforcement of the provisions of said ordinance; and penalties and other relief for the violation of said ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

Preamble

In accordance with the authority and intent of Act 110 of the Public Acts of 2006, as amended, the Township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or energy conservation. The Township further desires to assure adequate sites for industry, commerce, food production, recreation and residences; to provide for the free movement of vehicles upon the streets and highways of the Township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure adequate space for parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and buildings within the Township are so related as to provide for the economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township.

Enacting Clause

The Township of Peacock, County of Lake, State of Michigan ordains:

ARTICLE I

Short Title

This ordinance shall be known as the Peacock Township Zoning Ordinance.

ARTICLE II

Definitions

GENERAL. When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word “shall” is always mandatory and not merely directory. The word “building” includes the word “structure” and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

SPECIFIC TERMS. The following terms shall have the following meanings when used in the within ordinance:

Accessory Building

Shall mean a building or a portion of a building subordinate to and on the same lot as a main building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage.

Accessory Use

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principle use of the main building or lot.

Apartment House

A building used and /or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service or utilities in common.

Basement or Cellar

That portion of a building partially below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling.

Boarding House

A dwelling in which lodging or meals, or both, are furnished to three or more guests for compensation.

Building

A structure erected on site, a mobile home or mobile structure, a remanufactured or precut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Child Care

- A. "Family child care home" means a private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.
- B. "Group child care home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Dwelling, Single Family

A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

- A. It complies with the minimum, square footage requirements of this ordinance as per Article VII
- B. It has a minimum width across any front, or side exterior wall of 24 feet and complies in all respects with the applicable building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction

and where such standards or regulations are different than those imposed by the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, then and in that event such federal or state standards or regulation will apply.

- C. It is firmly attached to permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of 1972 PA 230, as amended and shall have a wall of same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufactures set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulation of the Michigan Mobile Home Commission.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- E. In the event the dwelling is a mobile home, the connections to a public sewer and water supply or to such private facilities must be made within 90 (ninety) days of the mobile home being brought to the site.
- F. The dwelling contains no additions or rooms or other areas, which are not, constructed of similar workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- G. The foregoing standards shall not apply to a mobile home located in a mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
- H. The building complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- I. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Michigan Building Code

as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230 as amended, as provided and required.

Dwelling, Two Family

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respect to the standards set forth for single- family dwellings.

Dwelling, Multiple Family

A building containing three or more dwelling units designed for residential use and conforming in all other aspects to the standards for single-family dwellings.

Essential Services

The term "Essential Services" means the erection, construction, alteration, or maintenance by public utilities or Township Departments or Commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drain sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings EXCEPT THOSE EXPRESSLY REFERRED TO HEREIN) reasonably necessary for the furnishing of adequate service by such utilities or Township Departments or Commissions or for the public health or safety or general welfare.

Family

- A. An individual or a group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Home Occupations

Occupations engaged in within a dwelling by the resident or residents of the same complying with the following conditions and limitations:

- A. Are operated in their entirety within the dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in or use of a residential-type garage upon the premises.
- B. Are only conducted by the person or persons occupying the premises as their principal residence or a major portion of each month; provided, however, the zoning board of appeals shall have the authority to permit additional subordinate assistants who do not reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three in number.
- C. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
- D. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
- E. No goods are sold from the premises, which are not strictly incidental to the principal home occupation conducted therein.
- F. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbances or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is being conducted.
- G. Any such home occupation shall be subject to annual inspection by the zoning inspector of the Township and may be terminated by order of such inspector whenever the same fails to comply with the zoning ordinance.
- H. The Planning Commission shall have authority to determine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health safety and general welfare of the neighborhood will not thereby be impaired.

House Trailer or Mobile Home

Any vehicle whether self-propelled or non-self-propelled, used or adapted to be used or so constructed as to permit its being used as a conveyance upon the public streets or highways and for the occupancy as a dwelling or sleeping place for one or more persons, office or other business use, and whether or not the same has a foundation there under if said foundation is designed to

permit the removal of such house trailer and its re-adaptation to use upon the public streets and highways.

House Trailer Park or Mobile Home Park

Any parcel or tract of land which three or more occupied trailer coaches or mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such trailer coaches.

House Trailer or Mobile Home Site or Space

A portion of the mobile home park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or trailer coach.

Junkyard

Any land or building used for storage and/or sale of paper, rags, scrap, metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

Lot

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on a street.

Lot Area

The total horizontal area included within the lot lines. Where front lot line is the centerline of a street or lies in part or in whole in the street area, the lot shall not include the part of the lot in use or to be used as the street.

Lot Corner

A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two cords of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the "corner". In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. The lot owner and zoning administrator shall determine one street or the other as the front street.

Lot Depth

The mean horizontal distance from the front street line to the rear lot line.

Lot, Interior

A lot other than a corner lot.

Lot, Front Line

That side of a lot abutting upon a public or private street right-of-way or abutting upon a lake; in the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage.

Lot of Record

A parcel that is legally recorded in the register of deeds office as of the time of the adoption of the first Peacock Township Zoning Ordinance.

Lot, Rear Line

Ordinarily that lot line, which is opposite and most distant from the front lot line as herein before defined. In the case of an irregular shaped lot, a line ten feet in length entirely within the lot and parallel to the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.

Lot, Side Line

Any side line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right of way shall be known as a Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an Interior Side Lot Line.

Lot Width

The mean horizontal distance between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such lot lines.

Non-conforming Lot of Record

A parcel that is legally recorded in the register of deeds office, but does not currently conform with the zoning ordinance's requirements for lot size, dimensions or setbacks.

Non-conforming Uses or Structures

A building or structures or the use of a building, structure or land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

Office

A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, (accounting, filing, recording, communication, and/or stenographic) equipment for the use in the office business, and the personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbance, nuisance or annoyance beyond the confines of said rooms or building.

Portable Temporary Outside Toilet

A portable toilet that is self-contained, that can have the effluent removed in a sanitary way that does not leave residue or sewage in the ground or on the ground. Typically a “Porta-John”.

Recreational Vehicle

For purposes of this Ordinance a “recreational vehicle” is a vehicle designed to be used primarily for temporary dwelling and/or recreational purposes. A recreational vehicle contains cooking and/or sleeping facilities within a unit that is either self-propelled or designed to be attached to a motor vehicle (“towed”). Recreational vehicles include self-propelled motor homes, pickup campers, travel trailers, and tent trailers.

Mobile Homes Not Recreational Vehicles

Any similar vehicle or unit that is more than 40 feet in overall length or when erected exceeds 320 square feet in area shall be considered to be a “mobile home” and a single-family residence and not a recreational vehicle.

Setback

A minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

Stand Alone Accessory Building

Shall mean a building located on a lot and used as the primary building with no other residential structure or building located on the same lot, said building being used or devoted exclusively to an accessory use, including but not limited to, a private garage. A stand-alone Accessory Building may be constructed as the only building on a parcel or lot as a permitted use in any zoning district, provided said stand-alone Accessory Building shall comply with all other building size and setback requirements for the district in which it is located. If the parcel on which the Stand Alone Accessory Building is located is less than five acres in area, the property owner may apply for a special exception permit allowing the same by following the procedures set forth in

Article IV. Structures 200 square feet or less in area require only a Land Use permit from the township zoning administrator subject to inspection until dwelling is built and all building and mechanical inspections have been approved. Stand-alone Accessory Buildings over 200 square feet in area will require a special exception use permit following the procedures set forth in Article IV.

Structure

Anything constructed or erected with a fixed or generally permanent location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, tennis courts, swimming pools, paved patios (as long as they are 35' from water and meet setbacks) and loading docks. Fences, poles, and flags, installed but removable recreational equipment (such as trampolines), ornamental fixtures, sculptures, sidewalks, and driveways shall not be considered structures.

Zones or Zoning District Boundaries

Where uncertainty exists as to the boundaries of any of the districts or zones shown on the zoning map, the following rules shall apply:

- A. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.
- B. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundary lines.
- C. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant there from, such lot lines shall be such boundaries.
- D. If unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- E. If all or any portion of any public street, alley, right of way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.
- F. The Zoning Board of Appeals shall have the authority to make map interpretations to determine zone boundaries as authorized by the Michigan Zoning Enabling Act.

ARTICLE III - ZONING DISTRICTS

DIVISION OF TOWNSHIP

The Township of Peacock shall be divided into zoning districts, as herein after described, within which districts no buildings or premises shall be used and no building shall herein after be erected, altered, or located except for the uses and purposes herein after set forth as “permitted uses” under each separate zoning district classification, or herein after set forth as “special exception uses” under each such zoning district classification; subject however to such prior approval as is hereinafter required to be obtained from the Planning Commission for such special exception uses.

“AG” Agricultural District

A. Statement of Purpose

Agricultural districts are those open areas of the Township where farming, dairying, forestry operations and other such rural type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the township, county, state, and nation.

B. Permitted Uses

1. Farm dwellings, barns, stables, silos, housing for farm labor, and accessory buildings, structures and uses customarily incidental to any of the forgoing permitted uses.
2. Agricultural, horticultural, vitacultural, dairy farming, cattle raising, poultry raising, livestock raising, farm forestry and other similar bona fide farming or agricultural enterprises excluding, however, rendering plants, commercial fertilizer production, or garbage feeding or disposal activities.
3. Greenhouses or nurseries.
4. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business including an advertising sign not more than eight square feet in area advertising such products.
5. Home occupations as defined in this ordinance.
6. Churches and parish houses, public schools and educational institutions and other municipal buildings, structures or uses.
7. Community buildings, parks, public schools and educational institutions and other municipal buildings, structures or uses.

8. Essential services.
9. Cemeteries.
10. Private landing fields.
11. Single and two-family homes.
12. Medical Marijuana Grow Facilities, which must be licensed by the State of Michigan.

C. Special Exception Uses

1. Public Utility and service buildings.
2. Nursing or convalescent homes.
3. Wildlife reserves.
4. Hunting Preserves.
5. Animal feed lots and piggeries.
6. Campgrounds.
7. A complex or development of a multiple number of permitted or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.
8. Earth removal, quarrying, gravel processing, mining and related mineral extraction business.
9. Medical Marijuana Grow Facilities, Secure Transporters, Processing Facilities and Safety Compliance Facilities, which must be licensed by the State of Michigan.

“R1” RESIDENCE DISTRICT

A. Statement of Purpose

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly low density. Single-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area.

B. Permitted Uses

1. Private single-family dwellings.
2. Private two-family dwellings
3. Home occupations, including the use of a single family residence for the instruction of a fine art or craft within the residence.

4. Schools, libraries, and other municipal structures and uses.
5. Golf courses, parks, and other municipally-owned or operated public recreational facilities.
6. Churches.
7. Hospitals.
8. Essential public utility services, excluding buildings and regulator stations.
9. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business
10. Family child care homes, as defined by this Ordinance and MCL 722.111, as amended.
11. Maintain horses for personal recreational purposes together with a reasonable number of accessory buildings, in accordance with the following:
 - a. No farm animals shall be housed, penned, grazed or otherwise permitted on any platted property.
 - b. Acreage to maintain horses shall maintain at least five acres for the animals, however, there shall be a minimum of two acres for each horse maintained on the property.
 - c. Horses shall be fenced or penned with materials sufficient to contain the animals. Animals running at large is prima facie evidence the enclosure was not sufficient. No barn or accessory building housing animals, or any fenced or pasture areas shall be within seventy-five feet of the road right of way or two hundred feet from any dwelling.

C. Special Exception Uses

1. Private three or four family dwellings.
2. Group child care homes (for between 7 and 12 children) as defined in this ordinance and by MCL 722.111, as amended.
3. Nursing or convalescent homes.
4. Boarding and lodging houses containing not more than six separate units.
5. Essential Public utility service buildings, or gas or electric regulator stations or buildings'
6. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

“R2” RESIDENCE DISTRICT

A. Statement of Purpose

This district classification is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to service the inhabitants of the area.

B. Permitted Uses

1. Any use permitted in the “R1” Residence District.
2. Multiple dwellings, excluding hotels, motels, and similar transient residence buildings.
3. Family Child Care homes as defined in this ordinance and by MCL 722.111, as amended.
4. Nursing and convalescent homes.
5. Boarding and lodging houses.
6. Medical clinics and doctor’s offices for the treatment of human beings, provided that they are constructed in appearance as a residence.
7. Maintain horses for personal recreational purposes together with a reasonable number of accessory buildings, in accordance with the following:
 - a. No farm animals shall be housed, penned, grazed or otherwise permitted on any platted R2 property.
 - b. Acreage to maintain horses shall maintain at least five acres for the animals, however, there shall be a minimum of two acres for each horse maintained on the property.
 - c. Horses shall be fenced or penned with materials sufficient to contain the animals. Animals running at large is prima facia evidence the enclosure was not sufficient. No barn or accessory building housing animals, or any fenced or pasture areas shall be within seventy-five feet of the road right of way or two hundred feet from any dwelling.

C. Special Exception Uses

1. Private clubs, fraternities and lodges, excepting those which the chief activity is a service customarily carried on as a business.
2. Essential public utility service buildings, or gas or electric regulator stations or buildings.
3. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

“R3” Residence District

A. Statement of Purpose

In recognition of the growing trend toward manufactured housing and mobile home/manufactured housing parks and the need for well-located properly-developed areas to accommodate them, this district is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same. Such area should also be suitable for residential use and should be so located as not to impede other more conventional residential developments in the vicinity.

B. Permitted Uses

1. Mobile home/manufacturing housing parks under license from the Michigan Agency responsible for licensing the same, together with accessory buildings and uses customarily incident thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes unless the same are located upon a developed mobile home site; subject, however, to the following conditions and limitations:
 - a. Conditions And Limitations for Mobile Home Parks
 - 1) All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated there under by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
 - 2) Accessory buildings and uses incidental to a mobile home park such as recreational. Buildings and facilities, laundry facilities, maintenance garage and storage facilities.
2. Single family dwellings; and two- and three-family dwellings

C. Special Exception Uses

1. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry, or animals produced, raised or grown upon the premises.
2. Essential public utility service buildings, or gas or electric regulator stations or buildings.
3. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with the spirit of this ordinance

with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

C/LI Commercial and Light Industrial District

A. Statement of Purpose

This district is a combined Commercial and Light Industrial District Zoning Classification which is intended to consolidate the commercial and industrial uses in the township into a single zoning district. As Peacock Township is generally rural, it has had difficulty attracting commercial and industrial uses to the area. Furthermore, the areas formerly zoned for commercial and industrial uses separately adjoined one another and there did not appear to be any need for transitional barriers as the uses are all compatible with one another. While Peacock Township is committed to the general rural and agricultural character, it is felt that the combining of the commercial and industrial areas will increase the visibility and viability of commercial and industrial uses in those areas previously designated separately.

B. Permitted Uses

1. Any manufacturing or treatment activities.
2. Retail sales businesses.
3. Professional offices for physicians, real estate agents, attorneys, engineers and the like.
4. Banks, savings and loan associations, and other lending institutions, including paycheck loan businesses
5. Funeral parlors
6. Restaurants, including fast food and drive-through facilities, as well as drive-ins
7. Essential public utility services
8. Indoor theaters
9. Hotels, motels and other transient-stay facilities but not campgrounds
10. Cleaning and laundry service customer stations
11. Rug weaving
12. Barber shops and beauty parlors.
13. Shoe repair shops
14. Churches
15. Outdoor theaters
16. Veterinary Clinics and hospitals
17. Kennels and pet shops

18. Bus terminals
19. Indoor and outdoor recreational facilities
20. Drive-in eating or fast food establishment.
21. Wholesale sales and warehousing
22. Farming and agricultural operations, together with a reasonable number of accessory buildings and the right to sell products, poultry or animals produced, raised or grown upon the premises.
23. Sign Shop
24. Cider Mill
25. Cemeteries
26. Nurseries and greenhouses
27. Industrial or Manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings except:
 - a. Delivery operations for such activities
 - b. Outdoor storage activities as may be allowed by special use permit
28. Automatic dry cleaning and laundry facilities
29. Bait houses
30. Outdoor automobile sales
31. Indoor commercial recreational facilities
32. Contractor's yards
33. Accessory buildings and uses customarily incidental to any of the foregoing uses
34. Automobile repair garages and quick oil change facilities

c. Special Exception Uses

1. Gasoline stations
2. Automobile repair garages
3. Motor freight warehousing and truck yards
4. Mining operations with incidental mineral processing
5. A complex or development of a multiple number of "permitted" or "special exception uses" which do not comply with all of the conditions and limitations

pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedures and standards specified in the ordinance for special exception uses.

6. Medical Marijuana Grow Facilities, Secure Transporters, Processing Facilities and Safety Compliance Facilities, which must be licensed by the State of Michigan.

ARTICLE IV - SPECIAL EXCEPTIONS

A. Special Exception Standards

In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance. Such Special Exception Uses have been selected because of the unique characteristic of the uses which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said commission would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use; would not, in any manner, be detrimental or injurious thereto; would not, in any matter, be detrimental or injurious to the use or development of adjacent properties to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the Planning Commission for the allowance of such Special Exception Use can and will, in its judgment, be met at all times by the applicant.

B. Special Exception Procedure

1. All applications for Special Exception Use Permits shall be filed with the township clerk and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a Special Exception Use Permit.

2. The Planning Commission shall, upon receipt of the application in proper form schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration and the owners and occupants of all property within 300 feet of the boundary of the property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be given in accordance with applicable statutory requirements.
3. Following such hearing, said Planning Commission shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. Unless extended for good cause a decision shall be rendered in writing within 30 days of said hearing. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said commission in its written decision and shall be filed with the Zoning Administrator of the township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; be consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
4. The Planning Commission shall have the right to limit the duration of a Special Exception Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said board after a hearing upon application of any aggrieved party.
5. The plot plan and specifications and all conditions, limitations and requirements imposed by the board shall be recorded with the township and shall be incorporated as a part of the special exception permit. Violations of any of these at any time shall cause revocation of said permit and said special exception use shall cease to be a lawful use.
6. Any property which is the subject of a special exception permit which has not been used for a period of six months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such special exception was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception uses shall thereupon terminate.

7. To insure compliance with the zoning ordinance and any conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement; conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the township treasurer at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

ARTICLE V - NON-CONFORMING USES

The following regulations shall control lawful non-conforming uses in existence at the time of passage of this ordinance.

- A. Lawful non-conforming uses or structures in existence at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.
- B. Nonconforming structures which are damaged or destroyed by fire, flood, explosion, wind, vandalism, ice, snow, mold infestation, or other acts of God are not required to be rebuilt in accordance with the provisions of this ordinance provided:
 1. Reconstruction does not increase the structure's previous nonconformity.
 2. The structure is restored to the size, location and use that it had immediately prior to the damage or destruction occurred.
 3. Once a nonconforming structure has been moved or altered to comply with the provisions of this ordinance, it shall not revert to nonconforming status.
- C. If the non-conformity use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of land and structure shall be in conformity with this ordinance.
- D. In any district in which single-family residences are permitted, a single-family residence and customary accessory buildings may be erected on any lot-of-record so long as setback requirements can be met. If a parcel contains two or more nonconforming lots which are contiguous and would make one or more conforming zoning lots, then only one dwelling would be permitted per conforming parcel. The spirit of this provision is to limit density in areas of historically small lots to provide for proper isolation for wells, septic systems, drainage and similar public health conditions.

ARTICLE VI - SETBACK AND SIDELINE SPACING

- A. In "A" Agricultural Districts, "R-1" Residence Districts, "R-2" Residence Districts, and "R-3" Residence Districts there shall be a setback from all street right of way lines of not less than 35 feet for all structures and side line and back line setback of 10 feet. If an existing building, accessory building or structure is destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy if space is available, any replacement building, accessory building, or structure must comply with all setback requirements. If space is not available it may be reconstructed on the original site. In no event, irrespective of the location of the lot line, shall buildings be constructed closer than 35 feet to the high water mark.
- B. In C/LI the minimum setback line for buildings shall be 75 feet from all street right-of-way lines abutting the property and there shall be a minimum setback line for parking or storage of automobiles and vehicles outside buildings or structures of not less than 25 feet provided however, that in any such districts where there are existing buildings (other than private residences or buildings originally constructed as private residences) already existing on the effective date of this amending ordinance, on the side of the street between such intersecting streets, the minimum set-back for buildings on such side of the street shall be to a depth as established by such existing commercial or industrial building which is closest to the street line. In no event, however, shall vehicle parking be allowed on private premises closer than 25 feet to the street right-of-way line abutting such premises except where such parking is presently being conducted on the effective date of this ordinance, and no other parking area on the premises is available which would permit parking beyond said 25-foot setback requirement. There shall be no side or rear line restriction from interior lot lines for commercial and industrial buildings within such commercial and industrial districts unless otherwise specified in this ordinance. Any residential buildings, however, constructed within said district shall be set back not less than ten feet from such interior, side and rear lot lines. *Exception: Due to the limited size of the parcels located therein, the setback on the commercial strip in Sections 26 and 35 lying east and west of M-37 is set at 35 feet.
- C. It is further provided that notwithstanding anything herein contained to the contrary, the minimum setback line shall be 25 feet for gasoline pumps, display racks, air pumps, and other equipment; 75 feet for cars, stored or placed upon property used for storage of, or occupancy by, junk cars or used cars for the purpose of sale of parts or junk there from; and 25 feet for cars and other vehicles on property used for the sale of used cars. The minimum setback line for poultry or animal shelters, coops, barns, or sheds shall be 75 feet.
- D. No temporary outside toilets shall be erected closer than 15 feet to the side line of the premises upon which such structure is to be placed; provided, however, that such structure shall not be erected closer than 25 feet to any building being used as a permanent habitation upon adjoining premises.

ARTICLE VII - AREA AND HEIGHT REQUIREMENTS

All private dwelling units containing two bedrooms or less shall contain not less than 750 square feet of "first-floor space" as measured around the exterior of said dwelling. Two family dwelling units and multiple-family dwelling units shall not contain less than 750 square feet of habitable floor area per individual unit.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

Buildings or structures hereinafter constructed, or additions to existing buildings located in residential districts, I, II, or III shall not exceed 30 feet in height. Buildings or structures hereinafter constructed, or additions to existing buildings or structures located in the C/LI or agricultural districts shall not exceed 40 feet in height, with exception of towers - see article XIV. Dwelling units with not less than 480 square feet may be constructed on properties containing at least five acres.

The minimum parcel size in all residential zoning districts (AG, R1, R2 and R3) is five (5) acres.

ARTICLE VIII - OFF-STREET PARKING OF MOTOR VEHICLES

- A. Every property owner shall provide and maintain at all times as adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.
- B. Parking space shall be provided in the manner and location herein specified.
 - 1. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.
 - 2. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed 26 feet in length. The parking of any other type of commercial vehicles, or buses, except for those parked on school property, is prohibited in a residential zone. Special exceptions may be granted upon proof of strict necessity.

D. Requirements for all parking spaces and parking lots:

1. Each automobile parking space shall be not less than 200 square feet in area nor less than 10 feet wide exclusive of driveway and aisle space.
2. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
3. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four feet or more than eight feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
4. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.
5. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
6. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plan, etc., are complied with.
7. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

E. Minimum Required Parking Spaces:

1. Apartment houses: Two parking spaces per dwelling unit.
2. Office buildings: One parking space for each 200 square feet of floor space utilized for workspace for employees.
3. Retail stores, supermarkets, department stores, personal service shops, and shopping centers: One parking space for each 100 square feet area in the basement and on the first floor used for retail sales; one space for each 150 square feet of floor area on the second floor used for retail sales; one space

for each 300 square feet of floor area on the third floor used for retail sales; and one space for each 400 square feet of any additional floor used for retail sales.

4. Manufacturing buildings: One parking space for each three employees on the maximum shift.
 5. Libraries, museums and post offices: One parking space for each 100 square feet of floor area.
 6. Bowling alleys: Three parking spaces for each alley.
 7. Motels and tourist homes: One parking space for each separate unit.
 8. Theaters, auditoriums, stadiums and churches: One parking space for each four seats.
 9. Dance halls, assembly halls and convention halls without fixed seats: One parking space for each 75 square feet of floor area if to be used for dancing or assembly.
 10. Restaurants and night clubs: One parking space for each 75 square feet of floor area.
 11. Roadside stand: Four parking spaces.
 12. Other uses not specifically mentioned: In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
 13. Mixed uses in the same building: In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except ad to churches and auditoriums incidental to public and parochial schools permitted herein.
- F. The Zoning Board of Appeals shall have authority to grant variances from the foregoing where it is satisfied under the circumstances prevailing that the requirements for off-street parking are unnecessarily too large for the particular development.

ARTICLE IX - USE DISTRICT BOUNDARIES

- A. The location and boundaries of the zones established in the township shall be shown on a map entitled zoning map of Peacock Township and said map, section, or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

- B. The official copy of the zoning map, properly attested, shall be in the custody of the township clerk.
- C. Such zoning map may be amended from time to time to reflect changes in zones and the rezoning of property shown thereon in the same manner as amendments may be made to the text of this zoning ordinance. Such changes shall be recorded to scale on duplicate copies of the original official zoning map and shall be accomplished by written legal descriptions in appropriate amending ordinances.

ARTICLE X - RESIDENTIAL BUFFER AREA

- A. As a result of the lack of zoning prior to the adoption of this ordinance, many residential dwellings have been constructed and located within areas that are now predominately commercial or industrial areas. In order to protect such existing dwellings from new commercial or industrial activities or structures, it is herein provided that no new commercial or industrial activities or structures shall hereafter be located closer than 100 feet to any such existing dwelling which is occupied for dwelling purposes and further such new commercial or industrial structure or activity shall be screened from such adjoining dwelling in accordance with the provisions of Article XI of this ordinance.

The foregoing provision shall not, however, operate to reduce the useable area of the adjoining commercial or industrial property under bona fide separate ownership on the effective date of this ordinance below 50%. If the same would cause such a result, this buffer area shall be accordingly reduced to permit such 50% use.

ARTICLE XI - GENERAL LIGHTING AND SCREENING REQUIREMENTS

- A. All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare, which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.
- B. Except as otherwise provided in this zoning ordinance, all premises used for business, commercial or industrial purposes and located within the C/LI district shall be screened from adjoining premises located in an "R-4" Residence District or higher district classification by any of the following:
 - 1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.

2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
3. No such planting area, wall or fence shall be closer than 10 feet from any adjoining street right-of-way line.

ARTICLE XII - TENTS AND TRAVEL TRAILERS

A. General Regulations

1. No permit shall be required for the parking or storage of a recreational vehicle on parcels with a single family residence located thereon.
2. Annual permit - Any recreational vehicles parked on a parcel of land with no residence for a period of fifteen (15) consecutive days or more requires an annual permit. No permit is required for fourteen (14) days or less.

B. Required

1. The owner of the recreational vehicle to be used, parked or stored on parcels without a single family residence shall have applied for, and received an annual permit from the Zoning Administrator. The cost of the permit is \$50. The permit shall be displayed in a visible area, on the exterior of the vehicle. The term of the annual permit shall begin on May 1 of the calendar year (or such later date on which the permit is issued) and lasting through April 30 of the following calendar year.
2. The application for an annual permit shall be on a form designed by the Planning Commission. The form shall be filled out and returned to the Zoning Administrator and shall also include:
 - a. A site drawing or plan showing the location of the vehicle on the parcel in relation to the lot size and the setbacks of the zone where the vehicle is to be located.
 - b. A copy of the current driver's license of the owner of the recreational vehicle.
 - c. A copy of the vehicle registration, or other proof of ownership reasonably acceptable to the Zoning Administrator.
 - d. Other information as the Zoning Administrator may reasonably request.
3. Full compliance with all regulations shall be a condition for issuance of a permit.

C. Inspection

Prior to issuing an annual permit, the Zoning Administrator shall inspect the recreational vehicle and site to determine whether it complies with the applicable laws, rules, and regulations including but not limited to adequate provisions for the supply of potable water and the disposal of sanitary waste and approved by District 10 Health Department. At that time, the Zoning Administrator will also ensure the recreational vehicle is roadworthy.

Such compliance shall be a condition of issuing the permit.

D. Storage of Recreational Vehicles

1. **Storage on parcels with single family residences.** Recreational vehicles which are licensed and operable may be stored out-of-doors on parcels containing a single family residence so long as they are owned or used by owner or occupant of the residence.
2. **Storage on parcels without single family residences** Recreational vehicles may be parked or stored out-of-doors on parcels not containing a single family residence only under the following conditions:
 - a. Only one recreational vehicle is permitted per parcel if said parcel is under five (5) acres in size.
 - b. On acreage of five (5) or more acres in size recreational vehicle parking and storage is limited to three (3) recreational vehicles and each recreational vehicle must have a permit. To have more than three (3) recreational vehicles the property must be a state-licensed campground.

Storage of unoccupied tents, travel trailers, or other recreational vehicles is a permitted commercial use in the commercial district provided such use meets all requirements of the district. The storage of two unoccupied tents, travel trailers, automobile trailers, or other recreational vehicles is permitted as an accessory use in any residential or agricultural district only on a lot occupied also by a permanent residential dwelling. These items shall not be stored in the required front yard setback and must be parked at least ten feet from adjacent properties.

In R1 and platted subdivisions, travel trailers, automobile trailers and recreational vehicles shall be limited to one per property owner.

ARTICLE XIII - DISMANTLED, NON-OPERATING OR UNLICENSED MOTOR VEHICLES

- A. No person, firm or corporation shall store, place or permit to be stored or placed, allowed to remain on any parcel of land for a period of more than 10 days in any one year a dismantled, partially dismantled or inoperable motor vehicle, unless

the same is kept in a wholly enclosed structure, or is located in an approved junkyard by special exception as herein provided, or unless a variance therefore is first obtained from the township zoning board of appeals to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

- B. No person, firm or corporation shall park or store upon premises within the township a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is kept within an enclosed building, approved junkyard, or unless a variance is first obtained therefore from the board of appeals, to be granted only in special hardship cases beyond the control of the applicant, where special peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.
- C. The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operating motor vehicles upon any land in the township except within areas where a junk dealer is permitted to operate or the area is zoned for such purpose.
- D. These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

ARTICLE XIV - ADVERTISING SIGNS, BILLBOARDS AND TOWERS

- A. No advertising signs or billboards of any kind or nature shall be erected in an “R-1” or “R-2” Residence District or any variation of the same except as follows:
 - 1. In an “R-1” Residence District, a name plate not exceeding one square foot in area containing the name and the home occupation of the occupant of the premises and a temporary sign pertaining to the construction, lease, hire or sale of a building or premises not exceeding eight square feet in area may be installed or constructed.
- B. In an “A” Agricultural, or “R-3” Residence District classification or any variation of the same, a sign not exceeding 18 square feet in area advertising permitted services rendered or offered upon or from the premises where the same is situated (except for home occupation and temporary signs which may be governed by 1. above) may be constructed provided it is located not less than one-half the required building setback distance from the street right-of-way line abutting the property; it, in no way, constitutes a traffic hazard; is of a subdued nature commensurate with the residential or agricultural character of the neighborhood; is maintained in a neat and attractive manner; contains no neon or intermittent lighting or other bright or glaring lighting which would be a nuisance or annoyance to a neighborhood or which would create any electrical disturbance therein; and if projecting from a building or located over a sidewalk or pass way is not less than 11 feet above such sidewalk or pass way.
- C. None of the foregoing signs shall be erected or installed until a permit is first obtained from the building and zoning inspector of the township.
- D. Advertising signs, advertising goods, products, services or activities sold, produced, rendered or available from or upon the premises where the same are located, may be installed or constructed within the C/LI district classification provided they are located not less than 10 feet from the side line of the property nor less than one-half the required building setback distance from the abutting street right-of-way line; in no manner constitute a traffic hazard; are not less than 11 feet above any sidewalk or pass way for pedestrians or vehicles beneath the same; are not a nuisance or annoyance by reason of lighting, electrical disturbance, or unreasonable size, and are not constructed or installed until a permit has first been obtained therefore from the building and zoning inspector of the township.
- E. No advertising sign or billboard permit shall be issued until the building and zoning inspector is satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy, and durable manner with proper bracing, anchorage, and foundation.
- F. Signs within business, commercial or industrial areas, as defined in the “Highway Advertising Act of 1972” (1972 PA 106) bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by

the provisions of such statute, notwithstanding the provisions of the within zoning ordinance.

G. Communications towers –

1. Communications towers shall be processed as follows:

Tower and Antenna Height Processing Method -

- Less than 50 feet: Site Plan Review by The Zoning Administrator
- 50 to 100 feet: Site Plan Review by the Planning Commission
- Greater than 100 feet: Special Land Use

2. All towers shall be properly secured and shall meet all building code requirements.
3. A tower, or tower and antenna, one hundred (100) feet or higher may serve as the principal use of a lot or parcel in the Rural Forest, Commercial or Industrial District. Towers, or towers and antenna, one hundred (100) feet or higher shall not be permitted in other zone districts unless it can be demonstrated by qualified engineering personnel that the placement in the Rural Forest, Commercial, or Industrial District will not permit an acceptable range of coverage when compared to that achievable in one of the other zone districts. In such cases, the Township may authorize placement in another district, subject to land use approval.
4. Towers one hundred (100) feet or higher shall be set back from all property lines a minimum one (1) foot per each one (1) foot of tower and antenna height. Towers of less height shall not encroach on required yard setbacks.
5. Towers, including antennas, one hundred (100) feet or higher shall be at least five hundred (500) feet from the nearest dwelling. Towers, including antennas three hundred (300) feet or higher shall be at least one thousand (1000) feet from a residential dwelling.
6. Towers:
 - a. Shall contain no advertising.
 - b. Towers one hundred (100) feet or higher shall be designed to support the placement of multiple antennas. Commercial Towers (tower owners) shall provide reasonable opportunity for the placement of antennas by those other than the owner of said tower.
 - c. Shall comply with all State and Federal regulations.
 - d. Shall only contain lighting if necessary to comply with State and Federal regulations. In any case, the extent of said lighting shall be the minimum necessary to achieve State or Federal compliance.
 - e. Towers for commercial telecommunications services which are abandoned or unused shall be removed by the owner or operator along with any associated buildings, structures or equipment within 180 days of a written

notice from the Township, unless a time extension is granted by the Zoning Administrator determines that the owner or former owner of the facility is taking active steps to insure its removal.

7. Amateur radio antennas operating under a license issued by the Federal Communications Commission shall be subject to the provision of this section, unless such provisions would preclude or prevent the operation of the antenna, then such provisions shall not apply.
8. In its reasonable discretion, the Planning Commission may impose additional terms and conditions regulating the construction, installation, use, repair, maintenance and removal of an antenna or tower in order to achieve the intent and purpose of this section.

ARTICLE XV - MISCELLANEOUS PROTECTION REQUIREMENTS

- A. Every structure hereafter erected for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities.
- B. NO temporary outside toilets shall hereafter be erected. Portable temporary outside toilets ("Porta-Johns") are permitted.
- C. No structure, the major portion of which consists of a basement, shall be occupied for living and / or sleeping purposes by human beings except under a special exception use permit from the township Planning Commission for a limited period of two (2) years to permit the construction of the above grade dwelling superstructure as shown on appropriate plans submitted by the applicant and provided said Board is satisfied of the applicant's ability and intent to complete such construction within said period.
- D. Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.
- E. Not more than one dwelling shall be constructed on any lot and said lot shall be in conformity with Article XV, Paragraph H.
- F. Yard sales, Garage sales, Auctions or similar activities are permitted for one sale per month for a consecutive three (3) day period. After the sale all residuals of the activity shall be completely removed from the premises and road sides.
- G. The keeping of more than three dogs and/or cats, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses or livestock is prohibited within or upon any platted properties used primarily for residential purposes or within or upon any area located within 132 feet of such

aforesaid platted properties unless such latter area is located in a C/LI District classification; provided, however, that no more than two such litters shall be allowed to so remain on the afore described premises within any consecutive 12-month period. All such poultry, pigs, hogs, horses, livestock or more than three dogs and/or cats shall also be prohibited in any area of the township if the same become obnoxious by reason of odor or noise. The determination of the board of appeals, established under the statute and this ordinance, shall, in the absence of fraud, be conclusive on the question of whether such are so obnoxious.

- H. In all zoning districts of the township each lot shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet, in order to build or maintain a dwelling thereon. (See Article III, Definitions for “Lot Area” and “Lot Width”).

Keyhole” or “Antifunneling

The purpose of this Ordinance is to minimize man-made adjustments to established shorelines within the Township and to establish regulations for the use of riparian property along those shorelines and to avoid allowing excessive use of a lake, river or stream, which could compromise water ecology and public safety.

- A. Intent: It is the intent of this section to promote the integrity of lakes, rivers, and streams within Peacock Township while preserving the quality of recreational use of the inland waters, to protect the ecological balance of the water by limiting incompatible land use of the wetlands associated with the lakes, river or streams and maintain the natural beauty of the area by minimizing man-made adjustments to the established shorelines. Nothing in this ordinance shall be constructed to limit access to the lake, river or streams by general public by way of public park or public access site provided or maintained by any unit of state, county or local government.
- B. Regulations In any zoning district where a parcel of land is contiguous to a lake, river or stream, such parcel of land may be used only if the following conditions are met:
1. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
 2. That one (1) pier or dock may be located on such access property in such lengths as allowed by law.
- C. Non-conforming uses: In any district in which accesses have been established

before the effective date of this ordinance or subsequent amendment thereto, such accesses shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

ARTICLE XVI - BOARD OF APPEALS

A. Authority and Membership

1. A township zoning board of appeals shall be appointed by the township board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The board of appeals shall consist of three members; one member shall be a member of the township Planning Commission. One member may be a member of the township board. An elected officer of the township shall not serve as chairman of said board and an employee or contractor of the township board may not serve as a member or an employee of said Board of Appeals.
2. The term of each member shall be three (3) years and until a successor has been appointed and qualified, said successor must be appointed not more than one month after the expiration of the preceding terms. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the township board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the township board.
3. A member of the zoning board of appeals may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.
4. A member shall disqualify himself from a vote in which he has a conflict of interest as defined by the Zoning Board of Appeals' bylaws and policies. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
5. The township board may appoint not more than two (2) alternate members to the zoning board of appeals for the same term as regular members, to be called to serve on a rotating bases. An alternate member may serve when a regular member of the board is absent or has abstained due to a conflict of interest. In the case of a conflict of interest said alternative member shall serve on said case until a final decision is made. An alternate member has the same voting rights as a regular member of the zoning board of appeals.
6. The zoning board of appeals shall not have authority to consider use variances.
7. The zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.

B. Meetings and Powers

1. Meetings of the board of appeals shall be held at the call of the chairperson and at other times as the zoning board of appeals in letters, rules and procedures may specify.
2. The zoning board of appeals shall maintain a record of its proceedings which shall be filed with the township clerk.
3. The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps and may adopt rules to govern its procedures. It shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
4. The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision or determination of the administrative official or body to decide in favor of an applicant.

C. Procedure on Appeal

1. All appeals from any order, requirement or determination made by any administrative official or body must be taken within thirty (30) days from the date of the notification of said order, requirement or determination by filing a notice of appeal in writing specifying the grounds and facts of said appeal.
2. Upon receiving notice of the appeal the administrative official from whom the appeal is taken shall immediately transmit to the zoning board of appeals all the records regarding the issue appealed.
3. An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that by reason or facts stated in the certificate a stay would cause imminent peril to life or property.
4. The zoning board of appeals shall schedule a hearing in regard to said appeal and shall provide notice of same by publishing in a newspaper of general circulation at least 15 days before the meeting at which the matter will be considered. If the request for an interpretation or appeal of an administrative decision involves a specific parcel, the zoning board of appeals must send notice by mail or personal delivery to:
 - a: The owners of property for which the approval is being considered.
 - b: All persons to whom real property is assessed within 300 feet of the property.
 - c: Occupants of all structures within 300 feet of the property (regardless of whether the property occupant is located in the township), if the name of the occupant is not known, the term "occupant" may be used.

5. The notice specified in Paragraph 4 must:
 - a. Describe the nature of the zoning request, application or hearing.
 - b. State the time, date and place of the meeting/hearing.
 - c. Indicate the property that is the subject of the hearing.

D. Decisions of the Zoning Board of Appeals.

1. All decisions of the zoning board of appeals shall be made within a reasonable period of time.
2. The zoning board of appeals may impose reasonable conditions on any approval of an appeal or decision which they are required to make. Conditions shall be imposed in a manner consistent with the zoning act and must be related to the standards by which the decision is reached.
3. The decision of the zoning board of appeals shall become final thirty (30) days after the provision of a notice of decision to the applicant by the Zoning Board of Appeals or, if no written decision is provided, thirty (30) days after the approval of the minutes of the meeting at which the decision was made.
4. Upon reaching a decision, the zoning board of appeals shall create a record of same which shall include:
 - a. A description of the applicant's request.
 - b. The zoning board of appeal's motion and vote.
 - c. A summary or transcript of all competent material and evidence presented at hearing: and,
 - d. Any conditions attached to an affirmative decision.
5. A person having an interest in a decision made by the zoning board of appeals may appeal said action to the circuit court, within the time frame provided by statute, which shall review the record in accordance with the requirements of the zoning act.

ARTICLE XVII - ZONING ADMINISTRATION AND ENFORCEMENT

A. Administration

The provisions of this Ordinance shall be administered by the Peacock Township Board in accordance with the State of Michigan, Zoning Enabling Act, PA 110 of 2006, as amended. The Peacock Township Board shall employ a Zoning Administrator to act as its officer and except as otherwise provided in this Ordinance the Zoning Administrator shall administer and enforce this Ordinance including the receiving and processing of applications for zoning permits, special use permits, amendments and appeals for variances or other matters the Zoning Board of Appeals or Township Planning Commission is required to decide. The Administrator shall also be responsible for the inspection of premises, the issuance of zoning permits and institution of proceedings for the enforcement of the provisions of this Zoning Ordinance.

B. Land Use Permits

It shall be unlawful for any person to commence excavation for any building or structure or to commence the erection, addition, alteration or repair of any building, structure or parking area or move any building or structure, or to construct, place or install any power pole, transformer, power line or like appurtenance, or any water well or septic system, and no land use shall be commenced until a land use permit has been secured from the Zoning Administrator. Except upon a written order of the Township Zoning Board of Appeals, no such Land Use permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance. Exempted from the requirements of this section are ordinary farm buildings used in an agricultural pursuit (other than those used or intended for human habitation) such as barns, sheds, outbuildings, silos, grain storage facilities, pen fences, and corrals, except where the construction of the above infringes on the required front, side or rear yard. If an infringement is proposed, an application for review by the Zoning Board of Appeals shall be filed. Also exempted from the permit requirements are interior alterations and ordinary maintenance repairs on all dwellings and their related outbuildings. Interior alterations on other buildings are also exempt provided the alterations shall not change the use thereof. Exterior changes which create additional floor area shall require a permit.

C. Land Use Permit Application

Application for a land use permit shall be filed in writing with the Zoning Administrator, signed by the person, firm, co-partnership or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership or corporation. There shall be submitted with all applications for zoning permits one (1) copy of a plot plan, giving accurate dimensions on either a scale drawing or a rough sketch. Drawings shall be required on all structures and shall contain the following information:

1. Existing and intended use of the structure
2. Lines and dimensions of the lots to be used.
3. Location upon the lot of all existing and proposed structures and any streets bordering the property.
4. Applications for land use permits under the provision of this Ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit.
5. Other information with respect to the proposed structure, use, lot and other adjoining property as may be required by the Zoning Administrator.

D. Amendments

Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the zoning map may be amended, supplemented or changed by ordinance of the Peacock Township Board.
2. Proposals for amendments, supplements or changes may be initiated by the Peacock Township Board on its own motions, by the Township Planning Commission on its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
3. The procedures to be followed for initiating and processing an amendment shall be as follows:
 - a. Each petition by one (1) or more persons for amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee prescribed to cover administrative and publication costs.
 - b. The Township Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Township Planning Commission may recommend any additions or modifications to the original amendment proposal.
 - c. After deliberation on any proposal, the Township Planning Commission shall conduct at least one (1) public hearing, notice of the public hearing shall be given in accordance with applicable statutory requirements.
 - d. Following such hearing the Township Planning Commission shall consider the testimony taken at the public hearing and its own findings, and shall make a determination as to its recommendation. This recommendation shall then be submitted to the Lake County Planning Commission. The

approval of the County Planning Commission shall be conclusively presumed unless the Commission shall, within the thirty (30) days of its receipt, have notified the Township Clerk of its disapproval.

- e. After receipt of the County Planning Commission recommendation, the Township Planning Commission shall transmit the proposed amendment to the Township Board. The Township Board may hold a public hearing notice of which shall be given in accordance with applicable statutory requirements. If the Township board deems necessary it may refer any amendments, additions or departures to the Planning Commission for a report. After receiving the report, the Township Board shall grant a hearing on any proposed amendment to any property owner who, by certified mail addressed to the clerk of the board, requests to be so heard and shall request the Planning Commission to attend any such hearing. Thereafter, at any regular meeting or at any special meeting called therefore, the Township Board may ordain and enact into law the proposed amendment to the Peacock Township Zoning Ordinance.
 - f. Following the adoption of a zoning ordinance or amendments same shall be filed with the township clerk and notice of ordinance adoption shall be given in accordance with applicable statutory requirements.
 - g. No application of a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.
4. The Township shall have the power to revoke or cancel any change of zoning affected for any failure or neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in any petition, application, specification, plan or sketch submitted or filed pertaining to rezoning proceedings or for failure to carry out any provisions of such application, petition, specification, plan or sketch or conditions or provisions on which such amendment was granted.

E. Filing Fees

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the required filing fees. Fees for a land use permit, a petition for an appeal to the Board of Appeals, a petition for an amendment to this Ordinance, a petition for a special use permit, and other required filing fees shall be established by the Township Board. Failure to obtain a permit prior to construction shall result in all fees being doubled.

F. Enforcement

1. Buildings erected, altered, moved, razed, or converted or any use of land or premises carried on in violation of any provisions of this Ordinance are declare to be a nuisance per se.
2. The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the violator of all conditions found to be in violation of this ordinance. If a violation is not corrected, the Zoning Administrator shall issue a Civil Infraction Ticket.

ARTICLE XVIII - Penalties, Nuisance, Enforcement

A. Civil Infraction Violation

Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitations, fines, damages, expenses, and costs may be ordered as authorized by Public Act 110 of 2006 as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$75.00, plus other costs, damages, expenses, and other sanctions for each infraction.
2. Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of the ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement of provision (i) committed by a person within any three (3) year period (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - a. The fine for any offense which is a second offense shall be no less than \$150.00, plus costs.
 - b. The fine for any offense which is a third repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.
3. Failure to comply with an order, judgment or default in payment of a civil fine, costs, damage or expense so ordered may result in enforcement actions, including but not limited to imprisonment, collection, placements of liens or

other remedies as permitted in Chapter 87 of Act 236 of public Acts of 1961 as amended (Revised Judicature Act) .

B. Nuisance

A violation of this Ordinance is deemed to be a nuisance per se, subject to abatement by a court of competent jurisdiction.

C. Continuing Offenses

Each day on which a violation of the Ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

D. Parties Liable

Any person who violates any of the provisions contained in the Ordinance, whether as owner, lessee, permittee, licensee, agent, servant, and employee or in any other capacity shall be liable as a principle.

E. Enforcement Actions

This ordinance shall be enforced by the Peacock Zoning Administrator or any person or persons designated by the Peacock Township Board

F. Non-Exclusive Penalties

The prohibition and penalties provided by this ordinance shall be in addition to, and not exclusive of, prohibitions and penalties provided by other applicable laws, finances, rules or regulations.

ZONING DISTRICT CLASSIFICATION PER INDIVIDUAL SECTION

- Section 1. The West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ and the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ is zoned agricultural. The remainder of the Section is zoned as Residential II.
- Section 2. All the real estate lying 250' either side of M-37 is designated as C/LI. The remainder of the Section is zoned as Agricultural.
- Section 3. All the real estate within Section 3 is zoned as Agricultural except for a 250' strip along the West side of M-37 which is C/LI.
- Section 4. and 5. These sections are zoned as Residential II.
- Section 6. All of this section is zoned as Agricultural.
- Section 7. 8. and 9. These sections are designated as Residential II.
- Section 10. This section is designated as Residential II, except for a 250' strip along the west side of M37 which is C/LI.
- Section 11. This section is zoned Residential II except for a 250' strip along the East side of M-37 and except for that portion of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ lying south of Old 63, which is designated as C/LI.
- Section 12. Section 12 is zoned Residential II.
- Section 13. The North $\frac{1}{2}$ of Section 13 is zoned Residential II. The South $\frac{1}{2}$ is zoned Agricultural.
- Section 14. Section 14 is zoned Residential II, except for a 250' strip along the East side of M-37 which is C/LI.
- Section 15. The East $\frac{1}{2}$ of Section 15 is zoned Residential II and the West $\frac{1}{2}$ is Residential III, except that a 250' strip along the West side of M-37 is C/LI.
- Section 16. The East $\frac{1}{2}$ is zoned Agricultural and the West $\frac{1}{2}$ is zoned Residential II.
- Section 17. This section is zoned Residential II.
- Section 18. This section is zoned Residential III.
- Section 19. This section is Residential III.
- Section 20. This section is Residential II.
- Section 21. This section is zoned Agricultural.
- Section 22. This section is Agricultural except for the East 250' along M-37 which is C/LI.
- Section 23. This section is Agricultural, except for a 250' strip along M-37 which is C/LI.
- Section 24. This section is Residential III.
- Section 25. This section is Residential II.
- Section 26. This section is zoned Residential I, except that a strip 250' wide along the East side of M-37 and that portion of real estate between M-37 and the Plat of Wolf Lake Subdivision is zoned C/LI.
- Section 27. This section is zoned Residential I, except for that portion within 250' of M-37 which is C/LI.
- Section 28. The East $\frac{1}{2}$ of section 28 is Residential I. The West $\frac{1}{2}$ is Agricultural.
- Section 29. The North $\frac{1}{2}$ of the section is Agricultural, while the South $\frac{1}{2}$ is Residential II.

Section 30. and 31. These sections are Agricultural.

Section 32. This section is Residential II.

Section 33. The West $\frac{1}{2}$ of this section is Residential II and the East $\frac{1}{2}$ Residential I.

Section 34. The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ is C/L1. The rest of the Southeast $\frac{1}{4}$ is Agricultural except however the entire Southeast $\frac{1}{4}$ is subject to a 250' C/LI strip along the West side of M-37. The rest of Section 34 is Residential I except for the 250' C/LI strip along M-37.

Section 35. The South $\frac{1}{2}$ of this section is Agricultural, The North $\frac{1}{2}$ is zoned as Residential I. However, a strip of land 250' wide along the East side of M-37, except parcel #43-06-035-016-00 zoned AG, and a strip of land 250' wide along the West side of M-37 in the unplatted real estate and all of the plat of the 2nd Addition to Wolf Lake Subdivision is zoned C/LI. .

Section 36. This section is zoned as Agricultural.