

**MENTOR TOWNSHIP
OSCODA COUNTY MICHIGAN**

ZONING ORDINANCE

MENTOR TOWNSHIP

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**ZONING ORDINANCE
FOR THE
TOWNSHIP OF MENTOR
OSCODA COUNTY**

CHAPTER I

DEFINITIONS

Section I. ACCESSORY BUILDING. A subordinate building and/or structure on the same lot with one (1) main building.

Section II. ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

Section III. AUTOMOBILE OR TRAILER SALES AREA. An area used for the display, sales or rental of new or used motor vehicles or trailers in operable condition.

Section IV. BOARD. Whenever the "Board" is used, it refers to the Board of Appeals.

Section V. BUILDING. A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Section VI. BUILDING –HEIGHT OF. The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.

Section VII. BULK STATION. A place where crude petroleum, gasoline, naphtha, benzol, kerosene, benzene, or any other liquid except such will stand a test of one-hundred-fifty (150) degrees Fahrenheit, closed-up-tester, are stored for wholesale purposes where the aggregate capacity of all storage tanks is more than six-thousand (6,000) gallons.

Section VIII. CORNER LOT. A lot having frontage on two (2) intersecting streets or upon two (2) portions of turning street where an angle of an intersection is less than one-hundred-forty-five (145) degrees.

Section IX. CURB LEVEL. The mean level of the established curb in front of the building. Where no grade level has been established, the Township shall cause to be established by competent agencies such grade level for the purpose of these regulations.

Section X. DOG KENNEL. Any place where more than three (3) dogs over six (6) months of age are housed or cared for and which is not an animal hospital.

Section XI. DWELLING.

A. Dwelling, Single-Family. A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square footage requirements for this ordinance for the zone in which it is located.
2. It complies in all respect with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230 as amended, 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 for construction are different than those imposed by the Michigan State Construction Code, then and in that event such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230 as amended, and shall have a wall all of the same perimeter dimensions 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 be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
4. In the event that a dwelling is a mobile home as defines herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with the second one(1) being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and

appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 9. The dwelling 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.
 10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state and federal law or otherwise specifically require in the ordinance of the Township pertaining to such parks.
 11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with applicable Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230 as amended provisions and requirements.
- B. Dwelling, Two-Family. A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section XI.
- C. Dwelling, Multiple-Family. A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section XI. A. Dwelling, Single-Family.
- D. Mobile Homes. Mobile homes which do not conform to the standards of Section XI. shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided.

Section XII. ESSENTIAL SERVICES. Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or

disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of utility service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare but not including offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies

Section XIII. GARAGE-PRIVATE. A detached building and/or structure or portion of main building with the primary purpose of temporary storage of motor vehicles.

Section XIV. JUNK YARD. An open space where waste, surplus, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including house wrecking, structural steel materials, equipment and automobile wrecking.

Section XV. LOT. A parcel of land which is or may be occupied by one (1) main building, or use, and its accessories, including the open spaces required by this Ordinance, but not necessarily conforming to platted lot lines. The word "lot" shall include plot or parcel.

Section XVI. LOT LINE-FRONT. On all lots except corner lots, a line separating the lot from the street. In the case of a corner lot, a line separating the narrowest side distance of the lot dimension from the street.

Section XVII. MOBILE HOME OR HOUSE TRAILER. Any vehicle or similar portable structure, including titled vehicles and so called "double-wides", self-propelled, or meant to be towed, supported by wheels, jacks, foundation and designed or constructed to permit occupancy for dwelling or sleeping purposes. This does not include modular homes or pre-fabricated homes. No additions or roofs shall be added to any mobile home without first obtaining a permit from the Township Board.

Section XVIII. MOTEL. Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as motel or motor courts, and distinguished from furnished rooms in an existing residential building.

Section XIX. NON-CONFORMING USES. The use of a building, structure, lot or other parcel of land conflicting with the provisions of this Ordinance.

Section XX. NON-CONFORMING STRUCTURE. A dwelling and/or structure lawfully existing at the time of adoption of this Ordinance or any amendment thereto and which does not conform to the regulations of the zone in which it is located.

Section XXI. SETBACK. A minimum horizontal distance between the wall/line of a building and/or structure and either the existing lot line, the right-of-way line, or the proposed future street line.

Section XXII. STABLE-PRIVATE. A stable used or to be used by an individual for housing horses, owned by said individual for the use of himself and his immediate family.

Section XXIII. STABLE-PUBLIC. A stable used or to be used in any manner as excluded in the foregoing paragraph.

Section XXIV. STORY. The portion of a building and/or structure included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Section XXV. STORY-HALF. That portion of a building and/or structure between the eaves and ridge line of a pitched roof.

Section XXVI. STREET. A public thoroughfare which affords the principal means of access to abutting property.

Section XXVII. STRUCTURE. Anything constructed or erected, which requires permanent location above, on or below the ground or attachment to something having such location, including but not exclusive to personal and/or commercial communication/reception tower and/or antenna; personal and/or commercial energy producing and/or storage tower and/or panels; and commercial advertising signs.

Section XXVIII. STRUCTURE-ALTERATIONS. Any change in the supporting members of a building and/or structure such as bearing walls, columns, beams or girders.

Section XXIX. THEATER-INDOOR. An indoor theater shall be any building and/or structure used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public with or without charge in which building and/or structure has a roof completely sheltering actors and patrons.

Section XXX. THEATER-OUTDOOR. An outdoor theater shall be any other place used for the presentation or dramatic spectacles, shows, movies, or other entertainment open to the public with or without charge, including drive-in theaters.

Section XXXI. YARD. An open space on a lot unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance.

Section XXXII. YARD-FRONT. The Yard across the full width of the lot, the depth of which distance between the front lot line and the front wall of main building and public land, street, road or highway. The depth of the required front yard shall be measured from the nearest point of the front lot line toward the nearest part of the main buildings and/or structure.

Section XXXIV. YARD-REAR. The Yard, except for accessory buildings and/or structures extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building and/or accessory buildings and/or structures. The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest part of the main buildings and/or structure.

Section XXXV. YARD-SIDE. The Yard between a main building and/or structure and the side lot line, extending from the front yard to the rear yard, the width of the required side yard shall be measured

from the nearest point of the side lot line toward the nearest part of the main buildings and/or structure.

Section XXXVI. HOME OCCUPATION.

- A. **Definition:** A home occupation is a work activity carried on for profit or for non-profit purposes, where all or part of the activity takes place within a structure where the principal use is for residential purposes and where the activity is not being legally conducted as another principal use that is permitted outright.
- B. **Purpose:** It is intended that home occupations shall only be permitted to exist in those particular instances whereby the residential character and integrity of the neighborhood is not disturbed. The occupational activity at the home shall not be noticeable from off the premises. Home occupations which are characterized by a high intensity of use, only appropriate to a commercial zoning district, shall not be allowed as home occupations within residential districts.
- C. **Types and Districts Permitted:** Home occupations shall be permitted for purposes of regulation and protection of residential neighborhoods. Home occupations which do not involve client business visits to the home shall be permitted. This type of home occupation is typified where business transactions with clients are conducted by telephone, mail, or off premises of the license holder.

Typical examples of home occupations which could be permitted within the bounds of the above definition are: Home business offices of contractors, trade persons and professionals, artist studios, free-lance photography, writing, typing/word processing services, computer programming, housecleaning and lawn care services, direct sale product distributors or agents, mail order services, sewing services and other similar uses.

Home occupations which meet the criteria as well as other standards of this Section shall be allowed by administrative permit as an accessory use on the premises of a single family detached dwelling, a multi-family dwelling unit, a townhouse dwelling unit, or a mobile home in the following districts: R-2 and R-3.

- D. **Prohibition:** The following uses, by nature of the business investment and or conduct or the environmental and social impacts, have a pronounced tendency to exceed the performance limits placed upon home occupations allowed under this section and ultimately have a detrimental effect on the residential character of a neighborhood. Therefore, the uses listed below and similar ones shall not be permitted as home occupations when a specified activity is carried on at the home premises: Auto Mechanical/Body Repairs; painting of vehicles, trailers or boats; Beauty Salons and Barber/Hair Styling Shops; Carpentry, Cabinet Makers, furniture refinishing; Contractor's equipment storage yards; Escort services and Massage Parlors; Professional Offices of Medical Doctors, Dentists, Chiropractors, Ophthalmologists and Optometrists and Other Health Care Professions; Restaurants and Taverns; Retail/Wholesale Merchandising with in-person sales; Tow Truck Services; and Veterinary uses. In addition to these enumerated, any work activity held illegal by other applicable civil or criminal statues shall be prohibited as a home occupation.

- E. Performance Standards: In order for any home occupation to be permitted or continue to be permitted, the following performance standards shall be agreed to in writing by the applicant and be maintained for the duration of the permit:
1. Accessory Nature. The home occupation shall be clearly incidental and subordinate to the residential use, and shall under no circumstances change the residential character of the dwelling unit.
 2. Number of Occupations. Only one (1) home occupation shall be permitted for one (1) dwelling unit.
 3. Permitted Personnel. The home occupation shall be conducted at the permitted address only by residents of the dwelling unit.
 4. Maximum Floor Area. The home occupation shall only be conducted within the living area of the dwelling unit and shall not occupy more than twenty-five percent (25%) and up to a maximum of four-hundred (400) square feet. The living area is that part of the dwelling unit which is enclosed and which is protected from the elements and heated, including interior halls, closets, utility and storage areas, but excluding carports, screened porches unenclosed and sun heated areas.
 5. Displays and Storage. All display and storage of materials or supplies used in the home occupation shall be done within the living area of the dwelling unit and within the space limitations specified in Subsection 4 above and shall not be visible from any street. Contractors, trade persons and the like shall not use yard areas for storage of materials and supplies used in business activities conducted off the premises.
 6. Exterior Appearances. There shall be no change in the outside appearance of the premises, not the installation of any sign to give indication that a home occupation is being conducted.
 7. Equipment. No supplies or equipment shall be used in the home occupation which creates fire or explosion hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal senses off the lot if the occupation is conducted in a single family dwelling unit, mobile home, or outside the dwelling unit if conducted in other than a single family dwelling unit or mobile home. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
 8. Commercial Vehicles. In the conduct of the home occupation, the use of commercial vehicles by the home occupation personnel shall be limited to no more than one (1) vehicle which shall be no greater size than one (1) ton and shall be parked in an adequate off-street parking area.
 9. Advertising of Location. No advertising in the public media shall include the residential address of the home occupation. Telephone numbers may be included in such advertising.
 10. Maintenance of Neighborhood Residential Character. The home occupation shall not adversely affect the hospitality or value of the surrounding properties, nor alter the residential character of the neighborhood.

- F. Special Considerations for the Handicapped: exceptions to above will be considered in the case of handicapped residents, provided that the public welfare would not be adversely affected.
- G. Other Code Requirements: any occupational licenses which are required by Oscoda County and/or State of Michigan and/or United States Federal agency must be obtained for all home occupations.
- H. Exceptions: the following shall not be considered subject to the home occupations provisions of this section: Babysitting/child care in the home for up to three (3) unrelated children and part time individual tutoring including musical instruction at the home provided that tutoring sessions do not exceed more than four (4) visits per one (1) day, and provided that no musical instruments are amplified or excessively loud.
- I. Prior Non-Conforming Uses: any lawful home occupations which was being actively engaged in prior to the adoption of amendments to this section and which was non-conforming use under the previous terms of this ordinance but becomes a special use under the amended terms of this section, shall be required to obtain approval for a Zoning Compliance Permit in order to come into conformance with the amended terms of this section.
- J. Vested Rights: this article shall not in any way limit or modify the vested rights of any person to conduct a dome occupation previously licensed under prior law to the license holder's home (street) address where a previous permit or authorization has been granted or applied for and where such previous permit or authorization remains in effect.
- K. ZONING COMPLIANCE PERMIT. Home Occupation R-2 and R-3 One-Family Zones.
 - 1. Zoning Compliance Standards.
 - a. 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 the other functions, is authorized to approve the establishment of certain uses designated as special uses within the various zoning classifications set forth in the ordinance.
 - b. Such Zoning Compliances have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.
 - c. With this in mind, such special 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, circumstance and safe guards proposed therefor 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 to the use of 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 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 use can and will, in its judgement, be met at all times by the applicant.

- d. The burden of proof of facts which might establish a right to a Zoning Compliance Permit under the foregoing standards shall be upon the applicant.

2. Zoning Compliance Procedure,

- a. All applications for Zoning Compliance 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 Zoning Compliance Permit.
- b. The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by publication in a newspaper of general circulation in the Township and notification sent by mail or by personal delivery to the applicant, the owner of the property proposed for rezoning and the owners and occupants of all property within three-hundred (300) feet of the boundary of the property proposed to be rezoned 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 mailed or personally delivered between five (5) and fifteen (15) days prior to the hearing. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- c. All notices shall describe the nature of the special land use request, indicate the property which is the subject of the special land use request, state when and where the special land use request will be considered, and indicate when and where written comments will be received concerning the request.
- d. Following such hearing, said Planning Commission shall either grant or deny a permit for such special use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said Commission in its 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 purpose which are affected 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.

3. Zoning Compliance General Provisions.

- a. The Planning Commission shall have the right to limit the duration of a special use where the same is of a temporary nature and may reserve the right to 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 commission after a hearing upon application of any aggrieved party.
- b. The plot plan and specification and all conditions, limitations, and requirements imposed by the Planning Commission shall be recorded with the Township and shall be incorporated as a part of the Zoning Compliance Permit. Violations of any of these at any time shall cause revocation of said permit and said special use shall cease to be a lawful use.

4. Zoning Compliance Performance.

- a. Any property which is the subject of a Zoning Compliance Permit which has not been used for a period of one (1) year (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 use 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 uses shall thereupon terminate.
- b. To ensure 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 the faithful completion of the required improvement. Such security shall be deposited with the Township Clerk 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 (6) 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.

CHAPTER II GENERAL PROVISIONS

Section I. THE EFFECT OF ZONING. Zoning affects every dwelling, structure and use and extends vertically. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zone district in which it is located.

Section II. GRADE LEVEL. The finished surface of ground areas outside the walls of any building and/or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow from the building walls in such direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. When property is developed adjacent to existing properties previously existing grades shall have priority.

Section III. DUMPING RUBBISH AND WASTE MATTER. It shall be unlawful throughout the Township of Mentor to permit waste water from sinks or other similar drains and sewage to drain onto the land, yard or other spaces from dwellings, business places of all types and accessory buildings and/or structures thereto, and to throw any such waste water and cans, food containers, broken or whole bottles, crockery or utensils of any kind, automobile bodies or parts, old stoves, junk parts of any machinery, or any litter, flammable matters or substance, offal, ashes, industrial by-products or waste, clinkers, cinders, or any other similar waste objects, either upon the land owned, occupied, or used by any individual or company, or upon any land in public places or privately owned of another, unless such place has been designated as a public dumping ground by the Municipality. It shall also be unlawful to drain any waste water, water containing waste or foreign substances, or any sewage, raw or treated, from any dwelling or business place of any kind either by open ditch or by pipes into any ditch, creek or stream of any kind in the Township of Mentor.

Section IV. REQUIRED AREA OR SPACE.

- A. No lot being a part of a recorded plat, and no parcel of unplatted land or site shall be so reduced that the yard, setback, open space or area is less than the minimum requirements of this Ordinance.

Division of a lot resulting in a smaller area than prescribed herein may be permitted for the purpose of adding to the existing building site or sites.

- B. Every building and/or structure hereafter erected shall be located on a lot or parcel of land, the description of and the deed to which shall be on record in the office of the Register of Deeds in the County, and no more than one (1) main building with the customary accessory buildings and structures shall be erected on such lot or parcel of land.

- C. Accessory buildings and/or structures, including enclosed and unenclosed porches, and garages attached to a dwelling or other main building, shall be deemed a part of such building for the purpose of determining yard space, areas and setbacks.
- D. All unattached accessory buildings and/or structures shall be located in the rear yard of the premises.
- E. In determining lot and yard requirements, no area shall be ascribed to more than one (1) main building, or use and no area necessary for compliance with the space required for one (1) main building shall be included in the calculation of the space requirements for any other building and/or structure or use.
- F. The first permanent structure on an unimproved property shall meet or exceed the minimum floor area requirement for a residence in the zoning district that applies

Section V. EXISTING PLATTED LOTS. Where an existing residentially zoned platted lot has an area of not less than seventy-five percent (75%) of its zoned district requirements, and where such lot can provide the side yard requirements of its zone, a one (1) family use is permitted. Where four (4) or more adjacent lots are in single ownership, and where such lots contain less than seventy-five percent (75%) of the zone district requirements, such lots shall be utilized in conformance with the zoning ordinance minimum requirements. In the event two (2) or three (3) adjacent lots are in single ownership and the Mentor Township Planning Commission shall find that there is no practical possibility of obtaining additional land, it may permit their use as a single lot having the requirement lot area, if it shall determine that they can be used without adversely affecting the character of the neighborhood; provided, however, that no side yard shall be less than five (5) feet and that off-street parking requirements are met. An owner of an existing platted lot in single ownership of less than seventy-five percent (75%) of its zone requirements may appeal to the Board of Appeals.

Section VI. ESSENTIAL PUBLIC SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead, surface or underground gas, electrical, steam or water, distribution or transmission systems, collection communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the Township of Mentor in any use district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance; but not including offices and buildings and/or structures or yards used for bulk storage, fabrication or manufacturing of materials used by utilities or municipal departments or other government agencies.

Section VII. TEMPORARY BUILDINGS. Temporary buildings and/or structures for uses incidental to construction work and all debris shall be removed with fifteen (15) days after completion or abandonment of the work.

Section VIII. MOVING OF BUILDINGS. The moving of a building and/or structure to a different location shall be considered as the erection of a new building and/or structure and all provisions, regulations or requirements relative to the erection of a new building and/or structure shall be applicable thereto.

Section IX. DAMAGED BUILDINGS AND/OR STRUCTURES. A building and/or structure damaged by fire, collapse, or an act of God to such extent that the cost of repair and reconstruction exceed fifty percent (50%) of the valuation of the building and/or structure at the time the damage occurred, shall not be repaired or reconstructed unless made to comply in all respects with the provisions of this act relative to such buildings and/or structures thereafter erected.

Section X. LOCATION OF TRAVEL TRAILER, TRAILER COACHES, BOATS, AND UTILITY TRAILERS.

- A. No person shall park or occupy a trailer outside of a licensed trailer camp except as provided in this Ordinance. Emergency or temporary parking of a trailer on any street, alley or highway will be permitted for a reasonable period not exceeding twelve (12) hours subject to any other and further regulations or limitations imposed by traffic or parking regulations or ordinance for that street, alley or highway.
- B. It shall be unlawful for any person or persons to occupy a trailer coach for dwelling purposes outside a trailer coach park, except while such occupant or occupants thereof are building a permanent residence, and then for not longer than a period of six (6) months; provided that such time may be extended for good reasons shown by the Township Board, but in that occasion such time shall not be extended to exceed six (6) months. A trailer permit and zoning compliance permit shall be obtained from the Township Board before any trailer is permitted on the property. A fee may be required by the Township Board.
- C. All trailer coaches or house trailers used for dwelling purposes, twenty (20) feet or more in length shall be provided with two (2) exits which shall be spaced a sufficient distance apart to insure a means of escape in the event of fire.
- D. In no instance shall a trailer coach be used and occupied as a dwelling or for sleeping purposes by a greater number of persons at any time than such trailer coach or house trailer is designed to accommodate.
- E. No house trailer or trailer coach shall at any time be parked between the established setback line and the front-line of any lot or parcel of land.
- F. Campers and/or travel trailers may be parked and occupied on a residence in all zones where occupants of said trailer or camper are visiting relatives or friends of said residence for a period not to exceed fourteen (14) days. A permit shall be obtained from the Township Board.
 - 1. More than one (1) camper and/or travel trailer or more than three (3) tents may be parked and occupied on a residence within AuSable River Zone where occupants of said trailer, camper or tent are visiting relatives or friends of said residence for a period not to exceed fourteen (14) days with permit from Township Board. Land owner within AuSable River Zone may be granted up to four (4) permits annually with no one (1) permit to exceed fourteen (14) days and no four (4) permits to exceed twenty-one (21) days annually.

- G. Not more than one (1) unoccupied trailer and/or boat shall be stored or parked on any one (1) piece of property outside of a licensed trailer camp, trailer sales lot or boat sales lot at any time. Such unoccupied trailer and/or boat may be stored:
1. In a garage provided for the same which is located not less than ten (10) feet from any other structure.
 2. In the rear yard of a dwelling provided it is located not less than five (5) feet from any other structure or side property line. It shall be unlawful to store any unoccupied trailer and/or boat on any otherwise unoccupied site lot, field, parcel or tract of land.

Section XI. MOBILE HOME SUBDIVISIONS. Mobile home subdivision hereafter platted shall meet the following minimum requirements.

- A. Front Yard – There shall be a front setback of not less than thirty-five (35) feet.
- B. Side Yard – There shall be a side yard of at least ten (10) feet on each side of any mobile home or building and/or structure in this zone.
- C. Rear Yard – There shall be a rear yard of at least ten (10) feet.
- D. Yard Area – No lot shall be less than sixty-five (65) feet wide at the distance of twenty-five (25) feet from its front lot line.

If a lot diminishes in width from front to rear. It shall be no less than sixty-five (65) feet at a distance of twenty-five (25) feet, measure at right angles, from its front line on a parallel with the front lot line.

No lot shall have an area of less than twelve-thousand (12,000) square feet. Where a public water system and sanitary sewage facilities are available the lot shall be at least fifty (50) feet wide at a distance of twenty-five (25) feet from its front lot line on a line perpendicular to the sides of the lot. No lot with both public water and sewer shall be less than five-thousand (5,000) square feet in area.

Each mobile home shall have a minimum floor area of six hundred (600) square feet and a minimum width of twelve (12) feet.

Section XII. MOBILE HOME PARK. Mobile home parks must meet the following requirements:

- A. No mobile home site shall be less than forty (40) feet in width and contain not less than four-thousand (4,000) square feet. Every mobile home park shall have a minimum land area of at least ten (10) acres and minimum side, front and rear yards of fifty (50) feet each.
- B. All electric and telephone service shall be installed underground.
- C. There shall be a minimum width of twenty (20) feet between mobile homes.
- D. Only enclosed storm drainage to an outlet shall be used.
- E. Mobile home parks or travel trailer parks shall be constructed in accordance with the Michigan Department of Health requirements.
- F. Platted Mobile Home Subdivisions may be permitted upon application and special approval by the Mentor Township Planning Commission if it is deemed that the development will not be detrimental to the neighborhood.

Section XIII. GASOLINE SERVICE STATION. No permit shall be granted for the construction or operation of a gasoline service station on other than a corner parcel of land, if unplatted, unless the land upon which service station is situated shall have a minimum frontage upon the street of one hundred-ten (110) feet.

Section XIV. TRAFFIC VISIBILITY ACROSS CORNERS. In any residential, shopping center or business district on any corner, whether it be a platted lot or other parcel of land, no fence, structure or planting over thirty (30) inches in height, except trees, which must be trimmed to permit visibility, shall be erected or maintained within twenty (20) feet of the corner property line so as to interfere with traffic visibility across the corner.

Section XV. MIXED OCCUPANCIES. Throughout the Township of Mentor where any part of any building and/or structure is used for residential purposes and the remainder thereof is used for conducting any business, commercial or industrial enterprise, the part thereof so occupied as a dwelling, and all buildings and/or structures erected, altered or moved into any zoned district outside of the residential or agricultural districts, shall conform to the minimum requirements for dwellings with reference to floor space, height or ceiling, bathroom, toilet space and sanitary requirements as stated for the Residential District of the Ordinance, and such provisions shall apply as fully as if here repeated.

Section XVI. PLATS – LOT AREAS. The lot size requirements in new plats shall be the same as the requirements for new homes in the various zoning districts of the Township of Mentor.

Section XVII. RAZING OF BUILDINGS AND/OR STRUCTURES. No building and/or structure shall be razed until a permit has been obtained from the Township Board who shall be authorized to require a bond. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety, including filling of excavations and proper termination of utility connections.

Section XVIII. RESIDENTIAL ZONES. The following uses are permitted in all residential zones:

- A. Public libraries, museums and art galleries upon application and approval of the Township Board.
- B. Municipal, State and Federal administrative or service buildings, if found to be essential to service the neighborhood or community; provided, however that such use shall be permitted only upon permit from the Township Board after finding that such use will be in conformity with the character of the adjacent neighborhood and with respect to uses described above, in that they are essential to service the neighborhood or community and cannot feasibly be located in a zone where they should otherwise be permitted. The Township Board shall establish requirements for setback, side yard, parking, screening and other conditions necessary to conform to the same character of the adjacent neighborhood.

Section XIX. BASIS OF DETERMINING FRONT YARD REQUIREMENTS. The required front yard shall be measured from the proposed right-of-way line as set forth on a major street plan, which has been superimposed on the Zoning map. All major right-of-way lines shall be considered to be no less than

thirty-three (33) feet from the center line unless additional right-of-way has previously been obtained by the Township of Mentor.

Section XX. BULK STATIONS. Bulk stations are prohibited without first applying for and obtaining a permit therefore from the Mentor Township Planning Commission, and no such permit shall be granted without due notice to adjacent owners and the opportunity for them to be heard thereon, and the Mentor Township Planning Commission may not grant such a permit if it appears that such use will be detrimental to the adjacent premises or will be visible from any public highway or the dwelling of any other applicant. The Mentor Township Planning Commission may include such other and additional conditions in the permit as in its discretion are necessary for the protection of the neighborhood and in keeping with the purposes of this Ordinance, and may require a bond to assure compliance therewith.

Section XXI. JUNK YARDS. Car wrecking establishments, automobile graveyards, junk yards and other accumulations of wrecked, used, worn out and discarded vehicles, machinery and materials are prohibited without first applying and obtaining a permit from the Mentor Township Planning Commission, and no such permit shall be granted without due notice to the adjacent owners and opportunity for them to be heard thereon, and the Mentor Township Planning Commission may not grant such permit if it appears that such use will be detrimental to the adjacent premises or will be visible from any public highway or the dwelling of any other applicant. The Mentor Township Planning Commission may include such other and additional conditions in the permit it feels are necessary for the protection of the neighborhood and in keeping with the purposes of this Ordinance, and may require a bond to assure compliance therewith.

Section XXII. DOG KENNELS. Dog kennels are prohibited without first applying for and obtaining a permit therefore from the Mentor Township Planning Commission, and no such permit shall be granted without due notice to adjacent owners and the opportunity for them to be heard thereon, and the Mentor Township Planning Commission may not grant such a permit if it appears that such use will be detrimental to the adjacent premises or will be visible from any public highway or the dwelling of any other applicant. The Mentor Township Planning Commission may include such other and additional conditions in the permit as in its discretion are necessary for the protection of the neighborhood and in keeping with the purposes of this Ordinance, and may require a bond to assure compliance therewith.

Section XXIII. STABLES. Stables are prohibited without first applying for and obtaining a permit therefore from the Mentor Township Planning Commission, and no such permit shall be granted without due notice to adjacent owners, and the opportunity for them to be heard thereon, and the Mentor Township Planning Commission may not grant such a permit if it appears that such use will be detrimental to the adjacent premises or will be visible from any public highway or the dwelling of any other applicant. The Mentor Township Planning Commission may include such other and additional conditions in the permit, as in its discretion, are necessary for the protection of the neighborhood and in keeping with the purposes of this Ordinance, and may require a bond to assure compliance therewith.

Section XXIV. PETS. The keeping of more than three (3) dogs and/or cats, and/or one (1) caged rabbit, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, sheep,

goats, horses or any other livestock is prohibited within or upon any lot located within the A-R, G-B, or R-A zones, unless such lot contains a minimum of five (5) acres. The keeping of poultry, pigs, sheep, goats, horses or any other livestock or more than three (3) dogs/three (3) cats/one (1) caged rabbit shall be totally prohibited in the R-1, R-2, R-3 and commercial zones or within two-hundred-fifty (250) feet of such zones and shall also be prohibited in any area of the Township if same becomes obnoxious by reason of odor and/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. Any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth.

CHAPTER III

AuSABLE RIVER ZONE

Section I. DESCRIPTION AND PURPOSE. A zone for providing low density desirable residential area, recreational and other specialized rural uses requiring large tracts of land, so as to preserve the high quality of the AuSable River in Mentor Township. The zone is as follows:

- A. An area including the north (N) one half (1/2) of Section 7 and Sections 8, 9, 10, 11, 14, 15, 16, and 17 of T26N-R3E and
- B. Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 33, 23, and 24 of T26N-R4E.

Section II. USE REGULATION. Land and/or building in the AuSable River Zone may be used for the following purposes only:

- A. One (1) single family dwelling on each lot.
- B. Park, playgrounds, community centers and facilities therein, owned and operated for day use by a government agency or a non-profit group.
- C. A detached accessory building and/or structure not more than twenty (20) feet in height and subject to the following conditions.
 1. Said accessory building and/or structure shall not be located closer to a side or yard line than allowed for a principal building.
 2. A detached accessory building and/or structure, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot lines than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.
 3. A detached accessory building and/or structure, any portion of which is located to the rear of the main building shall be located not nearer than ten (10) feet to such main building.
- D. A land owner may be granted a permit to place one (1) self-contained camper trailer on his own property for a period not to exceed fourteen (14) days. (Any camper trailer found without a permit will be held in violation of this Township Ordinance.)
 1. More than one (1) camper and/or travel trailer or more than three (3) tents may be parked and occupied on a residence where occupants of said trailer, camper or tent are visiting relatives or friends of said residence for a period not to exceed fourteen (14) days with permit from Township Board. Land owner may be granted up to four (4) permits annually with no one (1) permit to exceed fourteen (14) days and no four (4) permits to exceed twenty-one (21) days annually.

Section III. HEIGHT REGULATIONS. No residential building and/or structure shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is less.

Section IV. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall be hereafter erected unless the following yards, lot areas and building and/or structure coverage requirements are provided for and maintained in connection with such buildings, structure or enlargement.

- A. Front Yard. There shall be front yard setback of not less than forty (40) feet from the right-of-way line of any public roadway.
- B. Side Yard. For residential buildings and/or structures there shall be a total side yard of seventy (70) feet, providing that no side yard shall be less than thirty (30) feet. For all other buildings and/or structures, there shall be a minimum side yard of sixty (60) feet.
- C. Rear Yard. There shall be a rear yard of not less than one-hundred (100) feet.
- D. Lot Area. The minimum lot area use in this zone shall be one hundred-eight-thousand-nine-hundred (108,900) square feet (2 ½ acres) with minimum lot width of one-hundred-sixty-five (165) feet. A registered plat shall have a minimum lot size sixty-thousand (60,000) square feet with a minimum lot width of one-hundred-fifty (150) feet.

Section V. MINIMUM FLOOR AREAS. Each dwelling unit in this zone shall have a minimum first (1st) floor area of seven-hundred-sixty-eight (768) square feet. Floor space shall be measured on the outside perimeter exclusive of breezeway and garage. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished area may be included if one (1) wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from finished living quarters.

Section VI. EXEMPTION. Area zones R-3 within the AuSable River Zone shall be exempt from AuSable River Zone regulations.

CHAPTER IV

GREEN BELT ZONE

Section I. DESCRIPTION AND PURPOSE. A zone for providing the most desirable residential, summer home, and cottage area that may complement such use of the zone, so as to preserve the high quality of the AuSable River system and prevent further deterioration thereof. The Green Belt Zone is four-hundred (400) feet from the river's edge and tributaries on both sides of the AuSable River including tributaries Perry, Comins, Glennie, Blockhouse, Wolf, Loud and Nine Mile creeks in Mentor Township.

An area including:

- A. Area extending four-hundred (400) feet from the river's edge on both sides of the AuSable River and all tributaries and lakes which are directly connected with the river in Mentor Township.
- B. Subdivisions:

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|------------------|-----------------------|--|
| 26-3 /Section 11 | AuSable Banks | 006-570 |
| 26-3 /Section 11 | Papas Place | 006-560 |
| 26-3 /Section 11 | River Bend | 006-590 |
| 26-3 /Section 11 | Stack's AuSable Acres | 006-550 <small>split R-3 and G-B</small> |
| 26-3 /Section 12 | AuSable Banks | 006-570 |
| 26-3 /Section 12 | Moorehaven | 006-580 <small>split R-3 and G-B</small> |

Section II. USE REGULATION. Land and/or building and/or structure in the Green Belt Zone may be used for the following purposes only:

- A. One (1) single family dwelling on each lot.
- B. Parks and playgrounds for day use only.
- C. Plats.
- D. Guest houses will be permitted, only as follows.
 - 1. On lots containing ninety-thousand (90,000) square feet with a minimum first (1st) floor are of four-hundred-eighty (480) square feet and must be constructed to the rear of the principal building.
 - 2. On lots containing ninety-thousand (90,000) square feet frontage, with the guest house fronting on the river the regulations of Section IV and V as set forth below must be met.
- E. A detached accessory building and/or structure not more than twenty (20) feet in height and subject to the following conditions.
 - 1. Said accessory building and/or structure shall not be located closer to a side or rear line than allowed for a principal building.
 - 2. A detached accessory building and/or structure, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot lines than the width of the side yard required on the lot

for the main building and shall maintain a front setback equal to or greater than that of the main building.

3. A detached accessory building and/or structure, any portion of which is located to the rear of the main building shall be located not nearer than ten (10) feet to such main building.
 4. A detached accessory building and/or structure may not serve as living area.
- F. Clubs, upon application and permit from the appropriate Township Board(s).

Section III. HEIGHT REGULATIONS. No building and/or structure shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is lesser.

Section IV. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall be hereafter erected unless the following yards, lot areas and building and/or structure coverage requirements are provided for and maintained in connection with such buildings, structure or enlargement.

- A. The minimum lot size shall contain sixty-thousand (60,000) square feet. The minimum frontage width shall be two-hundred (200) feet.
- B. Front Yard. No building and/or structure shall be constructed closer than two-hundred (200) feet from the water's edge, except for every one (1) foot of ground elevation above minimum grade level, one (1) foot may be subtracted from the minimum set back, however, no structure shall be closer than one-hundred-fifty (150) feet from the water's edge. Pump houses will be permitted if no more than nine (9) square feet and not more than three (3) feet in height, and situated to the rear of the "native protection strip." Docks may be constructed not to exceed four (4) feet in width or more than twelve (12) feet in length with no more than four (4) feet of the dock extending into the water.
- C. Side Yard. For residential buildings and/or structures there shall be a side yard of ten (10) feet.
- D. Rear Yard. Rear yards shall be at least fifty (50) feet landward of dwelling. To coincide setback with "native protective strip" of seventy-five (75) feet, no building and/or structure shall be closer that that allowed by the "native protective strip" of seventy-five (75) feet. Where stricter regulations apply, they shall be adhered to. This shall apply to all zones.

Section V. MINIMUM FLOOR AREAS. Each dwelling unit in this zone shall have a minimum first (1st) floor area of seven-hundred-sixty-eight (768) square feet, except guest houses. Floor space shall be measured on the outside perimeter exclusive of breezeway and garage. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished area may be included if one (1) wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from finished living quarters.

Section VI. NATIVE PROTECTIVE STRIP. A strip seventy-five (75) feet wide bordering each bank of the river in this zone shall be maintained in trees and shrubs or in natural state. Trees and shrubs may be trimmed and pruned for a view of the river and a dock by permission of the zoning administrator.

Section VII. FLOOD AREA AND GRADE LEVEL. No dwelling shall be constructed on nor filling allowed on lands which are subject to flooding or on land where a minimum of four (4) feet between existing grade and high ground cannot be met.

Section VIII. SANITARY WASTE SYSTEMS. Disposal field and septic tanks shall be no closer than one-hundred-fifty (150) feet to the water's edge. The disposal field tile shall be at least four (4) feet above the high water table. Field tile trench bottoms shall be at least two (2) feet above high water table and may not be directed into a natural drain. Dry wells are prohibited.

Section IX. SUB SOIL DRAINAGE SYSTEMS. No septic or disposal fields shall be nearer than one-hundred-fifty (150) feet to any sub soil drainage system (footing drains) emptying directly into the river or creeks.

Section X. TRIBUTARIES. Tributaries within the AuSable River Zone and Green Belt Zone shall adhere to the following regulations:

- A. All tributaries outside the AuSable River Zone shall be subject to the following regulations:
1. A registered plat shall have a minimum lot size of thirty-thousand (30,000) square feet with a minimum lot width of one-hundred-fifty (150) feet.
 2. In this zone a native protective strip of fifty (50) feet wide bordering each side of the tributary shall be maintained in trees and shrubs or its natural state. Trees and shrubs may be trimmed and pruned by permission of the zoning administrator.
 3. Front Yard. A front yard shall be a minimum of one-hundred (100) feet from the tributary edge.
 4. Side Yard. A side yard of fifteen (15) feet.
 5. Rear Yard. A rear yard landward of dwelling shall be a minimum of ten (10) feet.
 6. Accessory Buildings and/or Structures. All accessory buildings and/or structures shall be a minimum of ten (10) feet from the rear lot line.

Section XI. FLOOD AREA AND GRADE LEVEL. No dwelling shall be constructed on lands which are subject to flooding or on land where a minimum of four (4) feet between existing grade and high ground cannot be met.

Section XII. SANITARY WASTE SYSTEMS. Disposal field and septic tanks shall be at least one-hundred-fifty (150) feet from the closest point of the tributary edge. The disposal field tile shall be at least four (4) feet above the high water table. Field tile trench bottoms shall be at least two (2) feet above high water table and may not be directed into tributary or a natural drain. Dry wells are prohibited.

Section XIII. SUB SOIL DRAINAGE SYSTEMS. No septic or disposal fields shall be nearer than one-hundred (100) feet to any sub soil drainage system (footing drains) emptying directly into the tributary.

Section XIV. DAMS AND OBSTRUCTIONS. No dams or obstructions which will interfere with the natural flow of the water shall be allowed on any tributary in Mentor Township, Oscoda County, Michigan.

Section XV. NOTIFICATION OF DEPARTMENT OF NATURAL RESOURCES. A copy of each application for variance, amendment, special use permit, or a request regarding a non-conforming use shall be forwarded to the Natural Rivers Unit of the Department of Natural Resources for review at least thirty (30) days before a hearing by the Mentor Township Planning Commission.

CHAPTER V

R-1 ONE-FAMILY ZONE

Section I. DESCRIPTION AND PURPOSE. A zone providing most of the desirable residential characteristics attributed to a single-family district.

An area including:

- A. Section 6, T26N, R3E. The northeast one-quarter (NE ¼) of the northwest one-quarter (NW ¼).
- B. Section 6, T26N, R3E. The south one-half (S ½) of the southwest one-quarter (SW ¼).
- C. Section 18, T26N, R3E. The northeast one-quarter (NE ¼) of the northwest one-quarter (NW ¼) and the northwest one-quarter (NW ¼) of the northeast one-quarter (NE ¼).
- D. This includes Fairland, Legion Woods and Sylvan Heights Subdivisions.
- E. Properties in this zone that are within three-hundred-fifty (350) feet of the centerline of M-33 in Section 6, 7, 18 and 19, T26N, R3E shall be included in the C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.
- F. Subdivisions:
26-3 /Section 18 Fairland 006-510

Section II. USE REGULATION. Land and/or building and/or structure in the R-1 Zone may be used for the following purposes only:

- A. One (1) single-family dwelling on each lot.
- B. Public schools and colleges which may include on campus: dormitories, libraries, museums, art galleries and similar uses approved by the Mentor Township Planning Commission when owned and operated by a government agency. Fifty (50) foot side and rear yards are required if the property abuts any residentially zoned lots.
- C. Private non-profit schools and colleges or private schools operated as commercial enterprises.
- D. Parks, playgrounds, community centers and facilities therein, owned and operated for day use by a government agency or a non-profit neighborhood group.
- E. Churches: provided the building and/or structure is at least fifty (50) feet from any other residentially zoned lot.
- F. A detached accessory building and/or structure not more than twenty (20) feet in height and subject to the following conditions:
 - 1. Said accessory building and/or structure shall not be located closer to a side line than allowed for a principal building.
 - 2. A detached accessory building and/or structure, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot lines than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.

3. A detached accessory building and/or structure, any portion of which is located to the rear of the main building shall be located not nearer than ten (10) feet to such main building.

G. No Home Occupations shall be permitted.

Section III. HEIGHT REGULATIONS. No building and/or structure shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is lesser.

Section IV. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall be hereafter erected unless the following yards, lot areas and building and/or structure coverage requirements are provided for and maintained in connection with such buildings, structure or enlargement.

- A. Front Yard. There shall be front yard setback of not less than thirty (30) feet.
- B. Side Yard. There shall be side yards of at least ten (10) feet, except on corner lots where a side yard of at least twenty (20) feet shall be maintained on the street side.
- C. Rear Yard. There shall be a rear yard of not less than fifty (50) feet.
- D. All lots in this district shall a minimum frontage of one-hundred (100) feet, and if the lot occupied by said residence has both sewer and water, the minimum lot area for residences in this district shall be thirteen thousand-five-hundred (13,500) square feet; if such lots has either sewer or water but not both, minimum lot size shall be fourteen thousand-five-hundred (14,500) square feet; and if neither sewer nor water are provided, the minimum lot size shall be fifteen-thousand (15,000) square feet.

Section V. MINIMUM FLOOR AREAS. Each dwelling unit in this area shall have a minimum according to the following:

- A. A one-story house shall contain a minimum of one-thousand-two-hundred (1,200) square feet.
- B. A two-story house shall have a minimum first (1st) floor area of nine-hundred (900) square feet. A two-story house shall be one (1) dwelling having two (2) full stories above grade.
- C. A one and one-half (1 ½) story or tri-level house shall have a minimum first (1st) floor area of nine-hundred-eight (980) square feet.
- D. Floor space shall be measured on the outside perimeter exclusive of breezeway and garage.
- E. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished area may be included if one (1) wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from finished living quarters.
- F. Any property in this zone that falls within the Green Belt Zone shall be subject to the Green Belt Zoning.

CHAPTER VI

R-2 ONE-FAMILY ZONE

Section I. DESCRIPTION AND PURPOSE. A zone providing most of the desirable residential characteristics attributed to a single-family district.

An area including:

- A. Section 7, T26N, R3E. Part of the south one-half (S ½) of the northwest one-quarter (NW ¼) of the southwest one-quarter (SW ¼) east of Court Street.
- B. Section 18, T26N, R3E. The south one-half (S ½) of the northwest one-quarter (NW ¼).
- C. This includes Legion Park Addition and Bissland and Barnum's 4th Addition.
- D. Properties in this zone that are within three-hundred-fifty (350) feet of the centerline of M-33 in Section 6, 7, 18 and 19, T26N, R3E shall be included in the C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.
- E. Subdivisions:

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|------------------|--|------------------|
| 26-3 /Section 06 | Legion Woods | 006-360 |
| 26-3 /Section 06 | Sylvan Heights | 006-370 |
| 26-3 /Section 18 | Bissland & Barnums 4 th Addition to Mio | 006-507 thru 508 |

Section II. USE REGULATION. Land and/or building and/or structure in the R-2 Zone may be used for the following purposes only:

- A. Single-family dwelling.
- B. Public schools and colleges which may include on campus: dormitories, libraries, museums, art galleries and similar uses approved by the Mentor Township Planning Commission when owned and operated by a government agency. Fifty (50) foot side and rear yards are required if the property abuts any residentially zoned lots.
- C. Private non-profit schools and colleges subject to the conditions stipulated in Section B above, and said private schools shall not include trade schools, business colleges or private schools operated as commercial enterprises.
- D. Parks, playgrounds, community centers and facilities therein, owned and operated for day use by a government agency or a non-profit neighborhood group.
- E. Churches: provided the building and/or structure is at least fifty (50) feet from any other residentially zoned lot.
- F. A detached accessory building and/or structure not more than twenty (20) feet in height and subject to the following conditions:
 - 1. Said accessory building and/or structure shall not be located closer to a side line than allowed for a principal building.
 - 2. A detached accessory building and/or structure, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building

and not nearer to the side lot lines than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.

3. A detached accessory building and/or structure, any portion of which is located to the rear of the main building shall be located not nearer than ten (10) feet to such main building.
- G. Home Occupation. A Zoning Compliance permit may be applied for in the R-2 Zone.

Section III. HEIGHT REGULATIONS. No building and/or structure shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is lesser.

Section IV. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall be hereafter erected unless the following yards, lot areas and building and/or structure coverage requirements are provided for and maintained in connection with such buildings, structure or enlargement.

- A. Front Yard. There shall be front yard setback of not less than thirty (30) feet.
- B. Side Yard. There shall be side yards of at least ten (10) feet, except on corner lots where a side yard of at least twenty (20) feet shall be maintained on the street side.
- C. Rear Yard. There shall be a rear yard of not less than fifty (50) feet measured from the rear lot line.
- D. Lot Area and Side Yard. Single-family dwellings shall have at least one-thousand two-hundred (1,200) feet with a minimum width of eighty (80) feet at the building and/or structure line.

Section V. MINIMUM FLOOR AREAS. Each dwelling unit in this area shall have a minimum first (1st) floor area of nine-hundred-sixty (960) square feet.

- A. A one-story house without a full basement shall contain a minimum of nine-hundred-sixty (960) square feet.
- B. A one-story house with a full basement shall contain a minimum of nine-hundred-sixty (960) square feet.
- C. A two-story house shall have a minimum first (1st) floor area of six-hundred-twenty-four (624) square feet. A two-story house shall be one (1) dwelling having two (2) full stories above grade.
- D. A one and one-half (1 ½) story or tri-level house shall have a minimum first (1st) floor area of nine-hundred (900) square feet.
- E. Floor space shall be measured on the outside perimeter exclusive of breezeway and garage.
- F. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished area may be included if one (1) wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from finished living quarters.

- G. Any property in this zone that falls within the Green Belt Zone shall be subject to the Green Belt Zoning.

CHAPTER VII

R-3 ONE-FAMILY ZONE

Section I. DESCRIPTION AND PURPOSE. A zone providing some of the desirable residential characteristics attributed to a single family district.

An area including:

- A. Section 4, T25N, R3E. That portion southwest (SW)/southwest (SW) between Eggleston Road and Mack Lake.
- B. Section 9, T25N, R3E. The northwest one-quarter (NW $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$).
- C. Section 9, T25N, R3E. That portion of the east one-half (E $\frac{1}{2}$) of the northwest one-quarter (NW $\frac{1}{4}$) lying south (S) of Mack Lake.
- D. Section 9, T25N, R3E. That portion of the west one-half (W $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$) lying south (S) of Mack Lake.
- E. Section 9, T25N, R3E. That portion of the east one-half (E $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$) lying south (S) of Mack Lake.
- F. Section 10, T25N, R3E. That portion of the west one-half (W $\frac{1}{2}$) of the northwest one-quarter (NW $\frac{1}{4}$) lying south (S) of Mack Lake.
- G. Section 10, T25N, R3E. That portion of the east one-half (E $\frac{1}{2}$) of the northwest one-quarter (NW $\frac{1}{4}$) lying south (S) of Mack Lake.
- H. Section 10, T25N, R3E. The east one-half (E $\frac{1}{2}$) of the southwest one-quarter (SW $\frac{1}{4}$).
- I. Section 10, T25N, R3E. The west one-half (W $\frac{1}{2}$) of the southeast one-quarter (SE $\frac{1}{4}$).
- J. Section 19, T25N, R3E. The northwest one-quarter (NW $\frac{1}{4}$).
- K. Section 6, T26N, R3E. The west one-half (W $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$).
- L. Section 7, T26N, R3E. The west one-half (W $\frac{1}{2}$) of the southeast one-quarter (SE $\frac{1}{4}$).
- M. Section 7, T26N, R3E. The south one-half (S $\frac{1}{2}$) of the southwest one-quarter (SW $\frac{1}{4}$).
- N. Section 7, T26N, R3E. The north one-half (N $\frac{1}{2}$) of the southwest one-quarter (SW $\frac{1}{4}$).
- O. Section 8, T26N, R3E. The west one-half (W $\frac{1}{2}$) of the northeast one-quarter (NE $\frac{1}{4}$).
- P. Section 8, T26N, R3E. The southwest one-quarter (SW $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$).
- Q. Section 18, T26N, R3E. The northwest one-quarter (NW $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$).
- R. Section 18, T26N, R3E. The southwest one-quarter (SW $\frac{1}{4}$).
- S. Section 18, T26N, R3E. The west one-half (W $\frac{1}{2}$) of the southeast one-quarter (SE $\frac{1}{4}$).
- T. Section 8, T26N, R4E. The north one-half (N $\frac{1}{2}$) of the southwest one-quarter (SW $\frac{1}{4}$).
- U. Section 8, T26N, R4E. The southwest one-quarter (SW $\frac{1}{4}$) of the southwest one-quarter (SW $\frac{1}{4}$).
- V. Section 14, T26N, R4E. The north one-half (N $\frac{1}{2}$) of the southwest one-quarter (SW $\frac{1}{4}$).
- W. Section 15, T26N, R4E. The southwest one-quarter (SW $\frac{1}{4}$) of the northeast one-quarter (NE $\frac{1}{4}$).
- X. Section 15, T26N, R4E. The north one-half (N $\frac{1}{2}$) of the northwest one-quarter (NW $\frac{1}{4}$) and the southeast one-quarter (SE $\frac{1}{4}$) of the northwest one-quarter (NW $\frac{1}{4}$).
- Y. Section 16, T26N, R4E. The northwest one-quarter (NW $\frac{1}{4}$) of the northeast one-quarter (NE $\frac{1}{4}$).
- Z. This includes Fair Acres Subdivision.

AA. Properties in this zone that are within three-hundred-fifty (350) feet of the centerline of M-33 in Section 6, 7, 18 and 19, T26N, R3E shall be included in the C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.

BB. Any property in this zone that falls within G-B GREEN BELT ZONE shall be subject to the Green Belt Requirements.

CC. Subdivisions:

| | | |
|------------------|-----------------------------|---------------------------|
| 26-3 /Section 09 | Kirtlandia | 006-135 |
| 26-3 /Section 09 | Make Lake Heights No.2 | 006-130 |
| 26-3 /Section 09 | Maier's Mack Lake Heights | 006-121 thru 125 |
| 26-3 /Section 09 | National Forest Park | 006-101 thru 110 |
| 26-3 /Section 10 | Kirtland Shores | 006-150 |
| 26-3 /Section 10 | Kirtland Shores No. 2 | 006-160 |
| 26-3 /Section 10 | Little Mack | 006-140 |
| 26-3 /Section 02 | Cosby Subdivision | 006-350 |
| 26-3 /Section 02 | Fairacres Subdivision | 006-355 |
| 26-3 /Section 07 | Dennis Anderson | 006-520 |
| 26-3 /Section 07 | Village of Mio | 006-407 thru 469 |
| 26-3 /Section 07 | Legion Park Addition to Mio | 006-380 |
| 26-3 /Section 08 | AuSable River Heights | 006-530 |
| 26-3 /Section 08 | AuSable River Heights No.2 | 006-540 |
| 26-3 /Section 11 | Stack's AuSable Acres | 006-550 split R-3 and G-B |
| 26-3 /Section 12 | Moorehaven | 006-580 split R-3 and G-B |
| 26-3 /Section 18 | Village of Mio | 006-407 thru 469 |
| 26-4 /Section 08 | Sit N Rest | 006-750 |
| 26-4 /Section 16 | McKinley Heights | 006-775 |

Section II. USE REGULATION. Land and/or building and/or structure in the R-3 Zone may be used for the following purposes only:

- A. Single-family dwelling.
- B. Public schools and colleges which may include on campus: dormitories, libraries, museums, art galleries and similar uses approved by the Mentor Township Planning Commission when owned and operated by a government agency. Fifty (50) foot side and rear yards are required if the property abuts any residentially zoned lots.
- C. Private non-profit schools and colleges subject to the conditions stipulated in Section B above, and said private schools shall not include trade schools, business colleges or private schools operated as commercial enterprises.
- D. Parks, playgrounds, community centers and facilities therein, owned and operated for day use by a government agency or a non-profit neighborhood group.
- E. Churches: provided the building and/or structure is at least fifty (50) feet from any other residentially zoned lot.
- F. A detached accessory building and/or structure not more than twenty (20) feet in height and subject to the following conditions:

1. Said accessory building and/or structure shall not be located closer to a side line than allowed for a principal building.
 2. A detached accessory building and/or structure, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot lines than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.
 3. A detached accessory building and/or structure, any portion of which is located to the rear of the main building shall be located not nearer than ten (10) feet to such main building.
- G. Home Occupation. A Zoning Compliance permit may be applied for in the R-3 Zone.

Section III. HEIGHT REGULATIONS. No building and/or structure shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is lesser.

Section IV. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall be hereafter erected unless the following yards, lot areas and building and/or structure area coverage requirements are provided for and maintained in connection with such buildings, structure or enlargement.

- A. Front Yard. There shall be front yard setback of not less than thirty (30) feet.
- B. Side Yard. There shall be side yards of at least ten (10) feet, except on corner lots where a side yard of at least twenty (20) feet shall be maintained on the street side.
- C. Rear Yard. There shall be a rear yard of not less than fifty (50) feet measured from the rear lot line.
- D. Lot Area and Side Yard. Single-family dwellings shall have at least one-thousand two-hundred (1,200) feet with a minimum width of eighty (80) feet at the building and/or structure line.
- E. Waterfront Lot. Front setback shall be from water's edge of lakes, rivers and streams.
 1. Front Yard. There shall be a front setback of not less than fifty (50) feet.
 2. Side Yard. There shall be side yards of at least ten (10) feet each, except on corner lots where a side yard of at least twenty (20) feet shall be maintained on the street side.
 3. Rear Yard. There shall be a rear yard setback of not less than thirty (30) feet measured from the rear lot line.

Section V. MINIMUM FLOOR AREAS.

- A. A one-story house shall have a minimum of seven-hundred-sixty-eight (768) square feet.
- B. A two-story house shall have a minimum first (1st) floor area of six-hundred-twenty-four (624) square feet. A two-story house shall be one (1) dwelling having two (2) full stories above grade.
- C. A one and one-half (1 ½) story or tri-level house shall have a minimum first (1st) floor area of six-hundred-seventy-two (672) square feet.
- D. Floor space shall be measured on the outside perimeter exclusive of breezeway and garage.

- E. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished area may be included if one (1) wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from finished living quarters.
- F. Any property in this zone that falls within the Green Belt Zone shall be subject to the Green Belt Zoning.

Section VI. FLOOD AREA AND GRADE LEVEL. No dwelling and/or structure shall be constructed on lands which are subject to flooding or on land where a minimum of four (4) feet between existing grade and high ground cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between finished grade level and high ground water only under the following conditions:

- A. No material is allowed to enter the water either by erosion or mechanical means.
- B. Fill material is of a pervious material such as gravel or sand.

Section XII. SANITARY WASTE SYSTEMS. Disposal field and septic tanks shall be at seventy-five (75) feet from the closest point of the water's edge. The disposal field tile shall be at least three and one-half (3 ½) feet above the high water table. Field tile trench bottoms shall be at least two (2) feet above high water table and may not be directed into water. Dry wells are prohibited.

Section XIII. SUB SOIL DRAINAGE SYSTEMS. No septic or disposal fields shall be nearer than forty (40) feet to any sub soil drainage system (footing drains) emptying directly into the water.

CHAPTER VIII

R-A RECREATION AND AGRICULTURE ZONE

Section I. DESCRIPTION AND PURPOSE. This zone is intended for large tracts. It is not intended for any use except agricultural, recreational, low-density, single-family residential and other specialized rural uses requiring large tracts of land. This restriction is necessary to prevent development without proper planning. If development and subdividing are to occur, they should be preceded by sound planning. No subdivision shall be approved in this area unless preceded by re-zoning for residential or other purposes. All dwelling shall meet all standards.

An area including all areas not otherwise zoned.

Section II. USE REGULATION. Land in the R-A Zone may be used for the following purposes only:

- A. Single-family dwelling.
- B. Two-family structures may be permitted upon application and special approval by the Mentor Township Planning Commission if it deemed that the development will not be detrimental to the neighborhood.
- C. Public schools and colleges which may include on campus: dormitories, libraries, museums, art galleries and similar uses approved by the Mentor Township Planning Commission when owned and operated by a government agency. Fifty (50) foot side and rear yards are required if the property abuts any residentially zoned lots.
- D. Private non-profit schools and colleges subject to the conditions stipulated in Section C above, and said private schools shall not include trade schools, business colleges or private schools operated as commercial enterprises.
- E. Parks, playgrounds, community centers and facilities therein, owned and operated by a government agency or a non-profit neighborhood group.
- F. Churches: provided the building and/or structure is at least fifty (50) feet from any other residentially zoned lot.
- G. A detached accessory building and/or structure not more than twenty (20) feet in height and subject to the following conditions:
 1. Said accessory building and/or structure shall not be located closer to a side line than allowed for a principal building.
 2. A detached accessory building and/or structure, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot lines than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.
 3. A detached accessory building and/or structure, any portion of which is located to the rear of the main building shall be located not nearer than ten (10) feet to such main building.

- A. Farms for both general and specialized farming together with farm dwellings and building and/or structures and other installations useful to such farms. Feedlots for the feeding of animals for resale shall be allowed by regulating entity special use permit only.
- B. Roadside stands for sale of produce grown on the premises.
- C. Country clubs, golf courses, and publicly owned athletic grounds.
- D. A land owner may be granted a permit to place one (1) self-contained camper trailer on property of ten (10) or more acres for a period not to exceed one (1) month from the date of the issue of permit. One (1) one-month renewal is permitted upon request of the landowner. Only one (1) permit and renewal shall be issued per parcel per twelve (12) month period. The unit must be placed at a minimum of one-hundred (100) feet from any public road right-of-way line that borders the property. A fee shall be charged for this permit at a rate determined by the Township Board of Trustees.
- E. Public stables, dog kennels, veterinary clinics, and other animal housing facilities.
- F. Mobile home parks or trailer parks constructed in accordance with the Michigan Department of Health requirements and upon application and special approval by the Mentor Township Planning Commission, if it is deemed that the development will not be detrimental to the neighborhood.
- G. Platted mobile home subdivisions may be permitted upon special application and special approval by the Mentor Township Planning Commission, if it is deemed that the development will not be detrimental to the neighborhood.

Section III. HEIGHT REGULATIONS. No building and/or structure shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is lesser.

Section IV. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall be hereafter erected unless the following yards, lot area and building and/or structure coverage requirements are provided for and maintained in connection with such buildings, structure or enlargement.

A. Front Yard.

- 1. On water. There shall be a front setback of not less than thirty (30) feet.
- 2. Off water. There shall be front yard setback of not less than forty (40) feet with said distance to be measured from the proposed right-of-way line as set forth on the major street plan which has been superimposed on the Zoning map. On major streets the right-of-way line shall be considered to be thirty-three (33) feet from the centerline unless additional right-of-way has previously been obtained by the Oscoda County Road Commission.

B. Side Yard.

- 1. On water. There shall be side yards of at least ten (10) feet, except on corner lots where a side yard of at least twenty (20) feet shall be maintained on the street side.
- 2. Off water. For residential buildings and/or structures, there shall be a total side yard of seventy (70) feet provided that no side yard shall be less than thirty (30) feet. For all other buildings and/or structures, there shall be a minimum side yard of thirty (30) feet.

C. Rear Yard.

1. On water. There shall be a rear yard of not less than fifty (50) feet measured from the rear lot line or from the water line.
2. Off water. There shall be a rear yard of not less than one-hundred (100) feet.

D. Lot Area. The minimum lot are for use in this zone shall be one-hundred-eight-thousand-nine-hundred (108,900) square feet including any road right-of-way with a minimum lot width of one-hundred-sixty-five (165) feet.

Section V. MINIMUM FLOOR AREAS.

- A. Each one-story house shall have a minimum of **three-hundred-twenty (320) square feet.**
- B. A two-story house shall have a minimum first (1st) floor area of six-hundred-twenty-four (624) square feet. A two-story house shall be one (1) dwelling having two (2) full stories above grade.
- C. A one and one-half (1 ½) story or tri-level house shall have a minimum first (1st) floor area of six-hundred-seventy-two (672) square feet.
- D. Floor space shall be measured on the outside perimeter exclusive of breezeway and garage.
- E. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished area may be included if one (1) wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from finished living quarters.
- F. Any property in this zone that falls within the Green Belt Zone shall be subject to the Green Belt Zoning.

Section VI. FLOOD AREA AND GRADE LEVEL. No dwelling and/or structure shall be constructed on lands which are subject to flooding or on land where a minimum of four (4) feet between existing grade and high ground cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between finished grade level and high ground water only under the following conditions:

- A. No material is allowed to enter the water either by erosion or mechanical means.
- B. Fill material is of a pervious material such as gravel or sand.

Section XII. SANITARY WASTE SYSTEMS. Disposal field and septic tanks shall be at seventy-five (75) feet from the closest point of the water's edge. The disposal field tile shall be at least three and one-half (3 ½) feet above the high water table. Field tile trench bottoms shall be at least two (2) feet above high water table and may not be directed into water. Dry wells are prohibited.

Section XIII. SUB SOIL DRAINAGE SYSTEMS. No septic or disposal fields shall be nearer than forty (40) feet to any sub soil drainage system (footing drains) emptying directly into the water.

CHAPTER IX

C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE

Section I. DESCRIPTION AND PURPOSE. This zone shall be a general commercial zone containing uses which include the sale of commodities or performance of services for the entire community and to accommodate the need of highway tourist traffic.

An area including:

- A. From the south (S) section line of Section 19, T26N, R3E to the north (N) boundary of Mentor Township, three-hundred-fifty (350) feet of the centerline of M-33 shall be considered C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.
- B. All land within Mentor Township that is west (W) of M-33 shall be considered C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.
- C. Beginning from Kernaghan Trail and County Road 600 east (E) to intersection of County Road 600 and Reed Road, south (S) from County Road 600 on Evans Road nine-hundred (900) feet, and east (E) and west (W) of Evans Road for total width of three-hundred-fifty (350) feet.
- D. All property located four-hundred-sixty-two (462) feet north (N) and south (S) of South River Road and west (W) from boundary of Mentor Township Cemetery property to four-hundred (400) feet east (E) of the water's edge of Wolf Creek.

Section II. USE REGULATION. Land and/or building and/or structure in the C-1 Zone may be used for retail sales of the following types of merchandise only:

- A. Food stuffs, petroleum products, pharmaceutical allied products, clothing and dry goods of all kinds, hardware, retail furniture and household appliances and florist shop; provided that any building and/or structure for the sale of petroleum products shall have no more than two (2) stalls for the servicing of motor vehicles.
- B. Shops or stores for conducting the following businesses, to wit electrical supplies, fixtures, accessories for carrying on the trade of electricians, decorators, painters, photographers, plumbers, and similar artisans except metal workers.
- C. For the purpose of rendering personal service such as, by way of illustration and not in limitation, barber shop, beauty shop, real estate office, doctor and/or dentist office, and insurance office.
- D. For the purpose of providing recreational facilities for the community such as theaters, bowling alleys and billiard halls.
- E. For the purpose of providing tourist facilities such as restaurants, motels, motor hotels, and bed and breakfast facilities.
- F. Recreational and amusement centers.
- G. Delicatessens, restaurants and other dispensaries of food products where such is consumed mainly on the premises.
- H. Automobile sales and service. All vehicles stored outdoors must be currently registered

- I. Residence a Zoning Compliance permit may be applied for in the C-1 Zone. Any residence eventually permitted shall be a minimum seven-hundred-sixty-eight (768) square feet.

Section III. HEIGHT REGULATIONS. No building and/or structure shall exceed thirty (30) feet or two (2) stories in height, whichever is lesser.

Section IV. SIGNS. No signs, signboards or billboards shall be erected or used in this zone except those which meet the following conditions:

- A. Pertain only to specific permitted use of the premises.
- B. Does not face an adjoining residential district.
- C. Advertising signs shall not be permitted on any road right-of-way.
- D. Any sign projecting above the building and/or structure roof line shall be approved by the Mentor Township Planning Commission.

Section V. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall hereafter be erected unless the following requirements are provided:

- A. Front Yard. Basis of determination of Front Yard requirements: The requirements for front yard shall be measured from the proposed right-of-way line as set forth on a major street plan, which has been superimposed on the Zoning map. On other major streets the right-of-way lines shall be considered to be thirty-three (33) feet from the center line unless additional right-of-way has previously been obtained by the Oscoda County Road Commission. All trunk primary county roads shall be sixty-six (66) feet in width. The major trunk primary county roads in Mentor Township are numbered: 600, 601, 602, 604 and 489.

Front Setback. There shall be a minimum setback of seventy-five (75) feet the front lot line. The above seventy-five (75) feet setback applies to all Mentor Township east of M-33 except the property from 14th Street north to 4th Street in the village of Mio, Michigan. Where there are adjacent commercial uses with a lessor front yard, there shall be permitted a front yard equal to that of the average of all existing commercial uses within four-hundred (400) feet on either side the site.

- B. Side Yard. There shall be no side yard requirements in this district except that where a building and/or structure is not constructed to the property line there shall be maintained a minimum side yard of ten (10) feet for fire protection purposes. Where C-1 Zone abuts a residential zone on the side, a side yard of at least twenty-five (25) feet must be maintained. On the street side of a corner lot at least thirty-five (35) feet must be maintained.
- C. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet except that where a commercial zone abuts a residential zone in the rear a minimum of fifty (50) feet must be maintained.

Section VI. OFF-STREET PARKING. Off-street parking facilities must be provided.

Section VII. BUILDING AND/OR STRUCTURE REGULATIONS. All buildings and/or structures in this zone shall meet the following requirements:

- A. Be permanently attached to a foundation that meets the State of Michigan Construction Code standards.
- B. Be connected to a public sewer and water supply or to such private facilities approved by the local Health Department.

CHAPTER X

C-2 COMMERCIAL ZONE

Section I. DESCRIPTION AND PURPOSE. This zone shall be a specified commercial zone containing uses which include the sale of commodities or performance of services for specific members of the community and to accommodate the need of highway tourist traffic.

An area including Parcel Number #3-19-04-20: Section 19, T26N, R3E. The west eleven acres of the north one-half (N ½) of fractional (FRL) southwest one-quarter (SW ¼) of the northwest one-quarter (NW ¼).

Section II. USE REGULATION. Land and/or building and/or structure in the C-2 Zone may be used for retail sales of the following types of merchandise only:

- A. Food stuffs, pharmaceutical allied products, clothing and dry goods of all kinds, and sexually-oriented retail items.
- B. Shops or stores for conducting the businesses of inside retail sales and services, by way of illustration and not in limitation, barber shop, beauty shop, tattoo parlor, massage salon, sexually-oriented business, real estate office, doctor and/or dentist office, and insurance office. For the purpose of rendering personal service such as, by way of illustration and not in limitation, barber shop, beauty shop, real estate office, doctor and/or dentist office, and insurance office.
- C. For the purpose of providing recreational facilities for the community such as bowling alleys, billiard halls and sports complex.
- D. Delicatessens, restaurants and other dispensaries of food products where such is consumed mainly on the premises.
- E. Land owner seeking a Zoning Compliance permit may be applied for in the C-2 Zone with any residence eventually permitted shall be a minimum seven-hundred-sixty-eight (768) square feet.

Section III. HEIGHT REGULATIONS. No building and/or structure shall exceed thirty (30) feet or two (2) stories in height, whichever is lesser.

Section IV. SIGNS. No signs, signboards or billboards shall be erected or used in this zone except those which meet the following conditions:

- A. Pertain only to specific permitted use of the premises.
- B. Sign shall display business name and address only.
- C. Does not face an adjoining residential district.
- D. Advertising signs shall not be permitted on any road right-of-way.
- E. Signage shall be attached to the primary premise.
- F. No more than one (1) sign shall be permitted on the premise.
- G. No sign shall project above the building and/or structure roof line.
- H. No sign shall exceed sixty (60) square feet in size.

Section V. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall hereafter be erected unless the following requirements are provided:

- A. Front Yard. Basis of determination of Front Yard requirements: The requirements for front yard shall be measured from the proposed right-of-way line as set forth on a major street plan, which has been superimposed on the Zoning map. On other major streets the right-of-way lines shall be considered to be thirty-three (33) feet from the center line unless additional right-of-way has previously been obtained by the State of Michigan-Department of Transportation and Oscoda County Road Commission.

All trunk primary county roads shall be sixty-six (66) feet in width.

The major trunk primary county roads in Mentor Township are numbered: 600, 601, 602, 604 and 489.

Front Setback. There shall be a minimum setback of seventy-five (75) feet the front lot line, said distance to be measured from the street right-of-way line. The above seventy-five (75) feet setback applies to all Mentor Township east of M-33.

- B. Side Yard. There shall be maintained a minimum side yard of ten (10) feet for fire protection purposes. Where C-2 Zone abuts a residential zone on the side, a side yard of at least twenty-five (25) feet must be maintained. On the street side of a corner lot at least thirty-five (35) feet must be maintained.
- C. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet except that where a C-2 Zone abuts a residential zone in the rear a minimum of fifty (50) feet must be maintained.

Section VI. OFF-STREET PARKING. Off-street parking facilities must be provided. All such parking shall be located behind the front building line.

Section VII. SETBACK. There shall be a minimum setback of seventy-five (75) feet to the front building line, said distance to be measured from the street right-of-way line.

Section VIII. BUILDING AND/OR STRUCTURE REGULATIONS. All buildings and/or structures in this zone shall meet the following requirements:

- A. Be permanently attached to a foundation that meets the State of Michigan Construction Code standards.
- B. Be connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- C. Be in compliance with permit and licensing regulations.
- D. Be constructed with off-set entries and windows minimizing exterior exposure to inside retail goods and/or services.

Section IX. BUFFER STRIP REQUIREMENTS. All lots and/or parcels in this zone shall meet the following requirements:

- A. Whenever premises in this district are adjacent to a residential district, there shall be provided a side or rear line buffer strip of land on the commercial side of the boundary between the two (2) districts of a minimum of one (1) foot for each ten (10) feet of frontage feet required.
- B. The area set aside for a buffer strip shall be landscaped with plantings that provide an effective screening at all seasons of the year.

CHAPTER XI

C-3 HEAVY COMMERCIAL AND INDUSTRIAL ZONE

Section I. DESCRIPTION AND PURPOSE. This zone is established to serve the non-retail, heavy commercial, construction and industrial needs of the community.

An area including the portion of Section 29, T25N, R3E in southeast one-quarter (SE ¼).

Section II. USE REGULATION. Land and/or buildings and/or structures in the C-3 Zone may be used for the following permitted uses only:

- A. For mercantile establishments involved in the sale of all kinds of goods, wares, and merchandise at wholesale.
- B. Recreation Centers.
- C. Building and/or structure materials, contractors, plants and storage.
- D. Machine and light manufacturing shops.
- E. Automobile sales and service, used car lots.
- F. Warehousing.
- G. Light machine and fabrication shops.
- H. Ice cream and dairy products plants, bakery and confectionary plants, produce storage facilities.
- I. Boat, cabinet and furniture manufacturing.
- J. Chemical, plastics, electronics and pharmaceutical manufacturing, provided that the same shall be of such character as not to cause the emission of offensive odors.
- K. Metal fabrication, printing shops, punch press operations, tools and die shops.
- L. The Mentor Township Planning Commission may permit the following uses in the district when located at least four-hundred (400) feet from the residential district and, as based upon the evidence presented, it finds that such use will not become hazardous, noxious or offensive:
 - 1. Bulk storage of petroleum products, metal reduction and rolling mills.
 - 2. Any principal use judged by the Mentor Township Planning Commission not to be or become hazardous, noxious or offensive, not otherwise provided for in this Ordinance.

Section III. GENERAL CONDITIONS. The following conditions are required in this district that all permitted uses shall be conducted wholly within a completely enclosed building unless such uses normally require such to be conducted in other than an enclosed building, in which case such uses shall be approved by the Mentor Township Planning Commission.

Section IV. HEIGHT REGULATIONS. No building and/or structure shall exceed thirty (30) feet or two (2) stories in height, whichever is lesser.

Section V. SIGNS. No signs, signboards or billboards shall be erected or used in this zone except those which meet the following conditions:

- A. Pertain only to specific permitted use of the premises.

- B. Does not face an adjoining residential district.
- C. Advertising signs shall not be permitted on any road right-of-way.
- D. No sign shall project above the building and/or structure roof line.

Section VI. AREA REGULATIONS. No building and/or structure nor the enlargement of any building and/or structure shall hereafter be erected unless the following requirements are provided:

- A. Front Yard. Basis of determination of Front Yard requirements: The requirements for front yard shall be measured from the proposed right-of-way line as set forth on a major street plan, which has been superimposed on the Zoning map. On other major streets the right-of-way lines shall be considered to be thirty-three (33) feet from the center line unless additional right-of-way has previously been obtained by the State of Michigan-Department of Transportation and Oscoda County Road Commission.

All trunk primary county roads shall be sixty-six (66) feet in width.

The major trunk primary county roads in Mentor Township are numbered: 600, 601, 602, 604 and 489.

Front Setback. There shall be a minimum setback of seventy-five (75) feet the front lot line with said distance measured from the street right-of-way line. The above seventy-five (75) feet setback applies to all Mentor Township east of M-33.

- B. Side Yard. A side yard of at least ten (10) feet in width will be required in this district except where C-3 Zone abuts a residential district on the side yard, in which case a minimum of twenty-five (25) feet shall be required. On the street side of a corner lot at least thirty-five (35) feet must be maintained.
- C. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet except that where a C-3 Zone abuts a residential zone on the rear lot line, in which case a minimum of fifty (50) feet shall be required.

Section VII. OFF-STREET PARKING. Off-street parking facilities must be provided. All such parking shall be located behind the front building line.

Section VIII. SETBACK. There shall be a minimum setback of seventy-five (75) feet to the front building line, said distance to be measured from the street right-of-way line.

Section IX. BUILDING AND/OR STRUCTURE REGULATIONS. All buildings and/or structures in this zone shall meet the following requirements:

- A. Be permanently attached to a foundation that meets the State of Michigan Construction Code standards.
- B. Be connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- C. Be in compliance with permit and licensing regulations.

- D. Be constructed with off-set entries and windows minimizing exterior exposure to inside goods, manufacturing and/or services.

Section X. BUFFER STRIP REQUIREMENTS. All lots and/or parcels in this zone shall meet the following requirements:

- A. Whenever premises in this district are adjacent to a residential district, there shall be provided a side or rear line buffer strip of land on the commercial side of the boundary between the two (2) districts of a minimum of one (1) foot for each ten(10) feet of frontage feet required.
- B. The area set aside for a buffer strip shall be landscaped with plantings that provide an effective screening at all seasons of the year.

CHAPTER XII

P-1 PLANNED DEVELOPMENT ZONE

Section I. DESCRIPTION AND PURPOSE. A zone which will be established only upon application by the owner of the property for special uses not otherwise authorized by this Ordinance and which may require special treatment with regard to screening or setbacks and side and rear yards, or which may generate special traffic or other police problems. This zone shall also be available where problems of terrain may require special treatment of matters of setbacks or side yard and rear yard land area restrictions.

Section II. USE REGULATIONS AND PROCEDURE.

- A. The owner of any parcel which is not substantially fully developed or fully developed land on which it is proposed to raze buildings and/or structures and redevelop the parcel, may make application to the Mentor Township Planning Commission. Such applications shall be accompanied by a development plan which includes a topography map showing contour lines at five (5) foot intervals, a plot plan showing the location of all proposed buildings and/or structures, all non-enclosed uses, all drainage, parking, loading and traffic handling facilities. It shall also state in detail the proposed use and/or uses to be made of the land. It shall also include floor plans and elevation drawings showing architectural style of all buildings and/or structures except where the Mentor Township Planning Commission shall expressly waive the requirement of floor plans and elevation drawings. Where the proposed development includes extraction of natural resources, a plan shall be presented indicating the proposed final contours of the land and quantity of material to be removed.
- B. The Mentor Township Planning Commission is specially authorized to require to the recording of a plat in connection with any application when they deem it to be necessary to the proper development of any area.
- C. The approval of any application shall be in the form of an amendment to this Ordinance and shall incorporate the development by reference. It shall also specify the permitted use in detail which excludes any other use. It shall also specify required side yard, front yard, building and/or structure height and lot size requirements and, in residential areas, minimum building and/or structure size requirements. If an amendment approving a Planned Development Zone application shall not specially provide for each said requirements, the requirements of the least restricted zone in which such use is otherwise permitted shall apply, but if the use is not otherwise permitted, the most restricted provisions of this Ordinance with respect to each such requirement shall apply.
- D. The approval shall also contain any other conditions of restrictions including by way of illustration but not of limitation, the following: hours of operation, Green Belt or other buffer area, restrictions on noises, vibrations, dissemination of dust or fumes, lighting and signs, volumes of activity and type of surety necessary to guarantee compliance with the terms of conditions set forth in the approval.

- E. The Mentor Township Planning Commission shall not have jurisdiction to grant further variations with respect to the Planned Development Zone unless the original approval of the application expressly provides therefore.

CHAPTER XIII

NON-CONFORMING USES AND STRUCTURES

Section I. The following regulations shall control non-conforming uses on existence at the time of passage of this Ordinance.

Section II. Non-conforming uses or structures in existence at the time of passage of this Ordinance shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provision of this Ordinance.

Section III. If the cost of replacement of a con-conforming use or structure, which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy, exceeds fifty percent (50%) of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this Ordinance.

Section IV. If a non-conforming use is changed to a permitted or more restrictive use in this district in which it is located, it shall not revert or be changed back to a non-conforming or less restrictive use.

Section V. If the non-conforming use of any land or structure shall terminate its activity for a continuous period of time exceeding one (1) year, such use shall not be re-established, and any future use of land and structure shall be in conformity with this Ordinance.

Section VI. The lawful non-conforming use of land not involving substantial buildings and/or structures, non-conforming advertising signs and structures which are not necessary to the permitted uses of substantial structures, and temporary, moveable or makeshift buildings and/or structures, fences and other structures which are accessory to non-conforming uses not involving substantial buildings and/or structure, shall be discontinued and the incidental structures removed within five (5) years from the date of passage of this amendment. All subsequent use of such and shall be in conformity with the provisions of this Ordinance.

CHAPTER XIV

PARKING AND LOADING SPACES

Section I. OFF-STREET PARKING. All off-street parking required by this Ordinance for residential purposes shall be provided on the same lot with the principal building, and the parking space required for commercial and industrial uses shall be on the same lot within three-hundred (300) feet thereof.

Section II. REQUIREMENTS. Off-street parking facilities in the various districts shall be as follows:

| Zone | Required | Minimum Area Required |
|------|----------|--------------------------------|
| R-1 | yes | two (2) spaces / dwelling unit |
| R-2 | yes | two (2) spaces / dwelling unit |
| R-3 | yes | two (2) spaces / dwelling unit |

Multiple-family uses shall provide off-street parking facilities on a ratio of two (2) spaces per one (1) dwelling unit.

Section III. PHYSICAL STANDARDS.

- A. Each parking space shall contain not less than one-hundred-sixty (160) square feet exclusive of aisles, entrances and exits.
- B. Except for single-family residential uses, all off-street parking area shall be surfaced with asphalt, concrete or similar materials.
- C. Adequate drainage outlets shall be provided to handle the needs of off-street parking facilities.

Section IV. PUBLIC BUILDINGS AND/OR STRUCTURES. Theaters, churches and other places of public assembly shall provide at least one (1) parking space for each four (4) seats

Section V. ZONING COMPLIANCE PERMIT. The Mentor Township Planning Commission may, without proof of unnecessary hardship but after public hearing, grant any applicant a variance in the requirements of this chapter, if the Mentor Township Planning Commission finds from the evidence presented that the intended use of a proposed building and/or structure does not require parking facilities to the degree specified herein. However, the Mentor Township Planning Commission shall require that adequate open areas be retained around such a building and/or structure to permit development of the required parking area should the use of the building and/or structure change at a later date.

Section VI. LOADING SPACES.

- A. Each loading space shall be at least ten (10) feet in width and twenty-five (25) feet in length.

- B. No such space shall be located closer than fifty (50) feet to any residential district, unless wholly within an enclosed building and/or structure or shielded from such residential district by a solid board or masonry fence at least six (6) feet in height.
- C. If there are railroad loading or unloading facilities on such property, such are may be included when computing loading space, provided that at least two (2) motor vehicle loading spaces shall be provided.

Section VII. JOINT USE. When a principal building is used for a combination of business and residential purposes, additional space shall be provided for the parking of not less than one (1) motor vehicle for each one (1) dwelling unit.

CHAPTER XV

BOARD OF APPEALS

Section I. ESTABLISHMENT OF A BOARD OF APPEALS. There shall be a Board of Appeals as provided by the Township Rural Zoning Act which shall have such powers and duties as prescribed by law. The Board of Appeals shall consist of three (3) members. The first (1st) member of the Board of Appeals shall be a member appointed by the Township Board from the Township Planning Commission. The remaining members of the Board of Appeals shall be selected from the electors of the Township residing outside of any incorporated cities or villages. The members selected shall be representatives of the population distribution and of the various interests present in the Township. One (1) member shall be a member of the Township Board. An elected officer of the Township shall not serve as chairman of the Board of Appeals. An employee or contractor of the Township Board may not serve as member or an employee of the Township Board of Appeals. The term of each member shall be for three (3) years, commencing January 1, 1985. Except the first member appointed shall serve two (2) and the remaining member for three (3) years.

Section II. OFFICERS. The Township Board of Appeals shall elect from its membership a Chairman, Vice-Chairman and such other officers as deemed necessary.

Section III. RULES OF PRECEDURE. The Township Board of Appeals shall adopt rules and regulations. Copies of such regulations shall be made available to the public at the office of the Township Clerk.

- A. The zoning Board of Appeals will meet only if there is a prior written request.
- B. The presence of two (2) members shall constitute a quorum. The Township Board of Appeals shall act by resolution. The concurring vote of two (2) members of said Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the Applicant on any matter upon which it is required to pass by this Ordinance, or to grant variations from the requirements of this Ordinance.
- C. The Township Board of Appeals shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be filed promptly in the office of the Board and shall be a public record.

Section IV. AUTHORITY OF THE BOARD OF APPEALS. The Board of Appeals shall:

- A. Hear and decide upon requests for the interpretation of the provisions of this Ordinance.
- B. Grant variances from the strict application of the zoning ordinance where the strict application thereof would result in exceptional hardship upon any property, provided that such relief or variance can be granted without substantial impairment of the intent or purpose of this Ordinance. This provision shall not be construed to permit the Board under a guise of a variance to change the uses of land.

- C. Hear and decide appeals where it is alleged by the applicant that there is error in the refusal of a building permit or in any other order, requirement, decision or determination made by the building inspector or zoning administrator.

Section V. GENERAL. No variance in the provisions or requirements of the Ordinance shall be authorized by the Township Board of Appeals unless the Board finds from reasonable evidence that all the following facts and conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district, and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- C. That authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest.
- D. That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

Section VI. CONDITION OF APPROVAL. In authorizing a variance the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other condition regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

Section VII. PROCEDURES. The following procedure shall be required:

- A. An appeal for variance from any ruling of the Zoning Administrator or other administrative officer administering any portion of this Ordinance may be taken by any person or any governmental department affected or aggrieved.
- B. An application for Zoning Compliance permit authorized by this Ordinance may be taken by any person or government department affected.
- C. The Township Board of Appeals shall not consider any application without the payment by the applicant or appellant to the Township Treasury of a fee established by the Mentor Township Board of Trustees.
- D. When an application of appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place the said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Such notices shall be served personally or by mail at least seven (7) days prior to the day of such hearing upon the applicant or the appellant and the Zoning Administrator. Any party may appear at such hearings in person or by agent or by attorney.

- E. Upon the day set for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such future notice as it deems proper to be served. In the case of any adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

Section VIII. DECISIONS OF THE BOARD. The Township Board of Appeals shall decide on all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

Section IX. STAY OF PROCEEDINGS. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Township Board of Appeals, after notice of appeals shall have been filed with him, that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than with a restraining order which may, on due cause shown, be granted by the Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

CHAPTER XVI

ADMINISTRATION AND ENFORCEMENT

Section I. ZONING COMPLIANCE PERMIT REQUIRED. It shall be unlawful for any person to commence excavation for installation of utilities for temporary or permanent use or construction of any building structure or parking area, or to make structural changes in any existing building and/or structure without first obtaining a Zoning Compliance Permit from the Township Zoning Administrator. No permit shall be issued for the construction, alteration or remodeling of any building and/or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Ordinance. No plumbing, electrical or drainage permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicating that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance.

Section II. ADMINISTRATIVE OFFICIALS. Except as otherwise indicated in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises and the issuing of Zoning Compliance Permits.

Section III. PERMITS. Every application for a Zoning Compliance Permit shall be made as required by the zoning code and shall designate the existing or intended use of the structure or premises or part thereof which is a proposed to alter, erect or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two (2) ink, blueprint or Photostat copies of drawings, made to scale, showing the actual lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the zoning administrator. One (1) copy of both plans and specifications shall be filed in and retained by the office of the zoning administrator, and the other shall be delivered to the applicant when the zoning administrator has approved the application and issued the permit. In cases of minor alterations, the zoning administrator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this ordinance. A land use permit shall be effective for twelve (12) months from the date of issue. Extension of that time may be obtained by applying to the Zoning Administrator. Such extension of permit effectiveness is required only if the land use change planned under the original permit had not been yet completed.

Section IV. ZONING COMPLIANCE PERMIT INSPECTION. It shall be unlawful to 1) commence installation of utilities for temporary or permanent use; 2) commence construction of any structure or premise; or 3) use or permit the use of any structure or premise, hereafter altered, extended or erected, until the zoning administrator shall have made an inspection of the premises.

Section V. VIOLATIONS AND PENALTY.

- A. Nuisance per se. Any land, dwelling, buildings or structures, (including tents and trailer coaches), used, erected, altered, razed or converted in violations of this Ordinance or in violation of any regulation, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance, are hereby declared to be a nuisance per se.
- B. Inspection. The Zoning Administrator, or designee shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.
- C. Penalties.
 - 1. Any person, partnership, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction, and shall be subject to a fine of not more than five hundred dollars (\$500.00). Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
 - 2. The Zoning Administrator, or designee, is hereby designated as the authorized Township Official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
 - 3. In addition to enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violations of this Ordinance.
- D. Conflicting Regulations. When a conflict exists between this Ordinance and a State or Federal regulation, deed restriction, or private covenant, the more stringent regulation shall control.

Section VI. AMENDMENTS. The Township Board may from time to time amend, supplement or change by Ordinance, the boundaries of districts or regulations herein established, in accordance with the state law.

CHAPTER XVII

VALIDITY

Section I. VALIDITY. Should any section, clause or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

CHAPTER XVIII

MAPPED DISTRICTS

Section I. MAPPED DISTRICTS. To carry out the purpose of this Ordinance, the Township of Mentor shall be divided into the following districts:

| Zone | Designation | Type |
|------|--------------------------------------|-------------|
| A-R | AuSable River Zone | Residential |
| G-B | Green Belt Zone | Residential |
| R-1 | One Family Zone | Residential |
| R-2 | One Family Zone | Residential |
| R-3 | One Family Zone | Residential |
| R-A | Recreation and Agriculture Zone | |
| C-1 | Commercial and Highway Business Zone | |
| C-2 | Commercial Zone | |
| C-3 | Heavy Commercial and Industrial Zone | |
| P-1 | Planned Development Zone | |

Section II. BOUNDARIES OF DISTRICT MAP. The Boundaries of such districts, shown upon the map attached hereto, and made a part hereof, are hereby established, said map being designated as the map of the Township of Mentor, Oscoda County, Michigan, showing Use Districts. Said map and all notations, references and other information thereon shall be a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

Section III. DESCRIPTION OF ZONES.

A-R AuSABLE RIVER ZONE. A zone for providing low density desirable residential area, recreational and other specialized rural uses requiring large tracts of land, so as to preserve the high quality of the AuSable River in Mentor Township.

An area including:

- A. An area including the north (N) one half (1/2) of Section 7 and Sections 8, 9, 10, 1, 14, 15, 16, and 17 of T26N-R3E and
- B. Sections 7, 8, 9, 10, 11, 12, 13, 14, 1, 16, 17, 18, 21, 33, 23, and 24 of T26N-R4E.

G-B GREEN BELT ZONE. A zone for providing the most desirable residential, summer home, and cottage area that may complement such use of the zone, so as to preserve the high quality of the AuSable River system and prevent further deterioration thereof. The Green Belt Zone is four-hundred (400) feet from the river's edge and tributaries on both sides of the AuSable River including tributaries Perry, Comins, Glennie, Blockhouse, Wolf, Loud and Nine Mile creeks in Mentor Township.

An area including:

A. extending four-hundred (400) feet from the river's edge on both sides of the AuSable River and all tributaries and lakes which are directly connected with the river in Mentor Township.

B. Subdivisions:

| | | |
|------------------|-----------------------|---------------------------|
| 26-3 /Section 11 | AuSable Banks | 006-570 |
| 26-3 /Section 11 | Papas Place | 006-560 |
| 26-3 /Section 11 | River Bend | 006-590 |
| 26-3 /Section 11 | Stack's AuSable Acres | 006-550 split R-3 and G-B |
| 26-3 /Section 12 | AuSable Banks | 006-570 |
| 26-3 /Section 12 | Moorehaven | 006-580 split R-3 and G-B |

R-1 ONE FAMILY ZONE. A zone providing most of the desirable residential characteristics attributed to a single-family district.

An area including:

G. Section 6, T26N, R3E. The northeast one-quarter (NE ¼) of the northwest one-quarter (NW ¼).

H. Section 6, T26N, R3E. The south one-half (S ½) of the southwest one-quarter (SW ¼).

I. Section 18, T26N, R3E. The northeast one-quarter (NE ¼) of the northwest one-quarter (NW ¼) and the northwest one-quarter (NW ¼) of the northeast one-quarter (NW ¼).

J. This includes Fairland, Legion Woods and Sylvan Heights Subdivisions.

K. Properties in this zone that are within three-hundred-fifty (350) feet of the centerline of M-33 in Section 6, 7, 18 and 19, T26N, R3E shall be included in the C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.

L. Subdivisions:

| | | |
|------------------|----------|---------|
| 26-3 /Section 18 | Fairland | 006-510 |
|------------------|----------|---------|

R-2 ONE FAMILY ZONE. A zone providing most of the desirable residential characteristics attributed to a single-family district.

An area including:

F. Section 7, T26N, R3E. Part of the south one-half (S ½) of the northwest one-quarter (NW ¼) of the southwest one-quarter (SW ¼) east of Court Street.

G. Section 18, T26N, R3E. The south one-half (S ½) of the northwest one-quarter (NW ¼).

H. This includes Legion Park Addition and Bissland and Barnum's 4th Addition.

I. Properties in this zone that are within three-hundred-fifty (350) feet of the centerline of M-33 in Section 6, 7, 18 and 19, T26N, R3E shall be included in the C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.

J. Subdivisions:

| | | |
|------------------|--|------------------|
| 26-3 /Section 06 | Legion Woods | 006-360 |
| 26-3 /Section 06 | Sylvan Heights | 006-370 |
| 26-3 /Section 18 | Bissland & Barnums 4 th Addition to Mio | 006-507 thru 508 |

R-3 ONE FAMILY ZONE. A zone providing some of the desirable residential, characteristics attributed to a single family district.

An area including:

DD. Section 4, T25N, R3E. That portion southwest (SW)/southwest (SW) between Eggleston Road and Mack Lake.

EE. Section 9, T25N, R3E. The northwest one-quarter (NW ¼) of the northwest one-quarter (NW ¼).

FF. Section 9, T25N, R3E. That portion of the east one-half (E ½) of the northwest one-quarter (NW ¼) lying south (S) of Mack Lake.

GG. Section 9, T25N, R3E. That portion of the west one-half (W ½) of the northeast one-quarter (NE ¼) lying south (S) of Mack Lake.

HH. Section 9, T25N, R3E. That portion of the east one-half (E ½) of the northeast one-quarter (NE ¼) lying south (S) of Mack Lake.

II. Section 10, T25N, R3E. That portion of the west one-half (W ½) of the northwest one-quarter (NW ¼) lying south (S) of Mack Lake.

JJ. Section 10, T25N, R3E. That portion of the east one-half (E ½) of the northwest one-quarter (NW ¼) lying south (S) of Mack Lake.

KK. Section 10, T25N, R3E. The east one-half (E ½) of the southwest one-quarter (SW ¼).

LL. Section 10, T25N, R3E. The west one-half (W ½) of the southeast one-quarter (SE ¼).

MM. Section 19, T25N, R3E. The northwest one-quarter (NW ¼).

NN. Section 6, T26N, R3E. The west one-half (W ½) of the northeast one-quarter (NE ¼).

OO. Section 7, T26N, R3E. The west one-half (W ½) of the southeast one-quarter (SE ¼).

PP. Section 7, T26N, R3E. The south one-half (S ½) of the southwest one-quarter (SW ¼).

QQ. Section 7, T26N, R3E. The north one-half (N ½) of the southwest one-quarter (SW ¼).

RR. Section 8, T26N, R3E. The west one-half (W ½) of the northeast one-quarter (NE ¼).

SS. Section 8, T26N, R3E. The southwest one-quarter (SW ¼) of the northwest one-quarter (NW ¼).

TT. Section 18, T26N, R3E. The northwest one-quarter (NW ¼) of the northwest one-quarter (NW ¼).

UU. Section 18, T26N, R3E. The southwest one-quarter (SW ¼).

VV. Section 18, T26N, R3E. The west one-half (W ½) of the southeast one-quarter (SE ¼).

WW. Section 8, T26N, R4E. The north one-half (N ½) of the southwest one-quarter (SW ¼).

XX. Section 8, T26N, R4E. The southwest one-quarter (SW ¼) of the southwest one-quarter (SW ¼).

YY. Section 14, T26N, R4E. The north one-half (N ½) of the southwest one-quarter (SW ¼).

ZZ. Section 15, T26N, R4E. The southwest one-quarter (SW ¼) of the northeast one-quarter (NE ¼).

- AAA. Section 15, T26N, R4E. The north one-half (N ½) of the northwest one-quarter (NW ¼) and the southeast one-quarter (SE ¼) of the northwest one-quarter (NW ¼).
- BBB. Section 16, T26N, R4E. The northwest one-quarter (NW ¼) of the northeast one-quarter (NE ¼).
- CCC. This includes Fair Acres Subdivision.
- DDD. Properties in this zone that are within three-hundred-fifty (350) feet of the centerline of M-33 in Section 6, 7, 18 and 19, T26N, R3E shall be included in the C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.
- EEE. Any property in this zone that falls within G-B GREEN BELT ZONE shall be subject to the Green Belt Requirements.
- FFF.Subdivisions:
- | | | |
|------------------|-----------------------------|---------------------------|
| 26-3 /Section 09 | Kirtlandia | 006-135 |
| 26-3 /Section 09 | Make Lake Heights No.2 | 006-130 |
| 26-3 /Section 09 | Maier's Mack Lake Heights | 006-121 thru 125 |
| 26-3 /Section 09 | National Forest Park | 006-101 thru 110 |
| 26-3 /Section 10 | Kirtland Shores | 006-150 |
| 26-3 /Section 10 | Kirtland Shores No. 2 | 006-160 |
| 26-3 /Section 10 | Little Mack | 006-140 |
| 26-3 /Section 02 | Cosby Subdivision | 006-350 |
| 26-3 /Section 02 | Fairacres Subdivision | 006-355 |
| 26-3 /Section 07 | Dennis Anderson | 006-520 |
| 26-3 /Section 07 | Village of Mio | 006-407 thru 469 |
| 26-3 /Section 07 | Legion Park Addition to Mio | 006-380 |
| 26-3 /Section 08 | AuSable River Heights | 006-530 |
| 26-3 /Section 08 | AuSable River Heights No.2 | 006-540 |
| 26-3 /Section 11 | Stack's AuSable Acres | 006-550 split R-3 and G-B |
| 26-3 /Section 12 | Moorehaven | 006-580 split R-3 and G-B |
| 26-3 /Section 18 | Village of Mio | 006-407 thru 469 |
| 26-4 /Section 08 | Sit N Rest | 006-750 |
| 26-4 /Section 16 | McKinley Heights | 006-775 |

R-A RECREATION AND AGRICULTURE ZONE. This zone is intended for large tracts. It is not intended for any use except agricultural, recreational, low-density, single-family residential and other specialized rural uses requiring large tracts of land. This restriction is necessary to prevent development without proper planning. If development and subdividing are to occur, they should be preceded by sound planning. No subdivision shall be approved in this area unless preceded by re-zoning for residential or other purposes. All dwelling shall meet all standards.

An area including all areas not otherwise zoned.

C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE. This zone shall be a general commercial zone containing uses which include the sale of commodities or performance of services for the entire community and to accommodate the need of highway tourist traffic.

An area including:

- E. From the south (S) section line of Section 19, T26N, R3E to the north (N) boundary of Mentor Township, three-hundred-fifty (350) feet of the centerline of M-33 shall be considered C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.
- F. All land within Mentor Township that is west (W) of M-33 shall be considered C-1 COMMERCIAL AND HIGHWAY BUSINESS ZONE.
- G. Beginning from Kernaghan Trail and County Road 600 east (E) to intersection of County Road 600 and Reed Road, south (S) from County Road 600 on Evans Road nine-hundred (900) feet, and east (E) and west (W) of Evans Road for total width of three-hundred-fifty (350) feet.
- H. All property located four-hundred-sixty-two (462) feet north (N) and south (S) of South River Road and west (W) from boundary of Mentor Township Cemetery property to four-hundred (400) feet east (E) of the water's edge of Wolf Creek.

C-2 COMMERCIAL ZONE. This zone shall be a specified commercial zone containing uses which include the sale of commodities or performance of services for specific members of the community and to accommodate the need of highway tourist traffic.

An area including Parcel Number #3-19-04-20: Section 19, T26N, R3E. The west eleven acres of the north one-half (N ½) of fractional (FRL) southwest one-quarter (SW ¼) of the northwest one-quarter (NW ¼).

C-3 HEAVY COMMERCIAL AND INDUSTRIAL ZONE. This zone is established to serve the non-retail, heavy commercial, construction and industrial needs of the community.

An area including the portion of Section 29, T25N, R3E in southeast one-quarter (SE ¼).

P-1 PLANNED DEVELOPMENT ZONE. A zone which will be established only upon application by the owner of the property for special uses not otherwise authorized by this Ordinance and which may require special treatment with regard to screening or setbacks and side and rear yards, or which may generate special traffic or other police problems. This zone shall also be available where problems of terrain may require special treatment of matters of setbacks or side yard and rear yard land area restrictions.

CHAPTER XIX

EFFECTIVE – ADOPTED DATES

Section I. This Ordinance shall be effective February 10, 1972.

Section II. As amended:

09/18/1986

12/29/1988

05/18/1989

06/01/1990

08/03/1990

04/15/1991

05/18/1993

05/20/1996

05/17/1999

04/15/2002

08/19/2002

06/21/2004

01/20/2005

07/16/2004

09/07/2007

11/05/2008

01/19/2009

08/17/2009

01/20/2013