

ARTICLE 60 - INDUSTRIAL-RESIDENTIAL DISTRICT (IR-I)

[Annotation: Zoning classification 6865.]

6001. Purpose:

This zone is intended for the use of industrial activity, maintaining control over pollution, excessive noise, danger factors, etc. with a careful balance of ensuring that the zone will be adequately maintained for the beauty and safety of its occupants.

6002. Permitted Uses:

- A. Warehouses, storage buildings and yards, lumber and coal yards, bulk plants, terminal facilities for truck and railroad lines, laundry and dry-cleaning plants, and dairies.
- B. Small industrial shops used and operated for fabricating, assembling, developing, and processing of such a character as not to be or become obnoxious odors, flames, dust, smoke, noise or vibration, or by reason of the accumulation of unsightly waste materials on the premises.
- C. Personal service establishments such as barber shops and beauty parlors.
- D. Gasoline service stations.
- E. Storage garages.
- F. Salesrooms and repair shops for automobile vehicles, home and farm equipment.
- G. Indoor theaters, bowling alleys, taverns, night clubs, and similar facilities of recreation.
- H. Pick-up shops for laundry and dry-cleaning.
- I. Newspaper and magazine distributing stations.
- J. Signs or other advertising display of a sign as specified in CR-I, number 11.
- K. Single-family dwellings - excluding mobile homes.
- L. Parking for currently-licensed automobiles.
- M. Storage for vehicles owned and used by persons residing on the premises, any or all of which shall not be parked or stored in the front or side yard.
- N. One (1) currently-licensed trailer coach owned or used by persons residing on premises and said trailer shall not be parked or stored in the front or side yard.
- O. Home occupation.
- P. Office or studio of a professional or service person residing on the premises, excluding veterinarians.
- Q. Accessory use buildings and structures customarily incidental to any of the above permitted uses.
- R. Temporary Dwellings subject to the minimum required standards set forth in section 1070.E of this ordinance.

[Annotation: Added by amendment, September 12, 1986]

6003. Permitted Uses by Special Permit:

- A. Multiple Homes (R-II and R-III).
- B. Motels.
- C. Retail establishments not listed above.
- D. Churches, schools, organizational buildings and publicly-owned parks and playgrounds.
- E. Establishments for serving food and/or beverages.
- F. Slaughter houses and/or stockyards.
- G. Cement, lime, and plaster manufacturing or processing.
- H. Sand/Gravel mining and loading operations to be in progress in all land-use districts and to be considered a non-conforming use.
- I. Coal tar products manufacture or use.
- J. Crematory.

- K. Bone distillation or reduction.
- L. Petroleum storage, refining, or processing, including the extraction of certain chemical by-products.
- M. Gas manufacture.
- N. Junk yards and automobile-wrecking establishments.
- O. Boiler works, forging works, rock-crushing plants or other industries likely to cause noise and vibration.
- P. Milk products plants.
- Q. Other commercial or industrial uses may be permitted upon approval by the Maple Grove Township Planning Commission.

6004. Uses Prohibited:

- A. Any use which produces or causes obnoxious odors, fumes, dust, smoke, or waste.
- B. Any use which is or may be dangerous, noise some, or hazardous to the surrounding public and/or property, or any use which is in violation of or results in violation of any County, State, or Federal rule, regulation or statute.

6005. Minimum Required Standards:

- A. Lot Size of Industrial District - a minimum of one (1) acre.
- B. Yard Requirements - No building or structure shall be erected or altered so that it shall be located nearer than one hundred (100) feet from the nearest right-of-way line of highway side lot lines, or rear lot lines.
- C. Building Size - No building or structure shall be erected or altered with an area less than eight hundred (800) square feet.
- D. Off-Street Parking - A minimum of one (1) vehicle space for each fifty (50) square feet of usable floor space.
- E. Maximum Height - Thirty-five (35) feet.
- F. Minimum Floor Area - Eight hundred (800) square feet.
- G. Minimum lot width throughout - One hundred (100) feet.
- H. Setback from nearest high water or stream, lake, or wetland area - (15) feet.
- I. The minimum setback of forty-five (15) feet will include ten (10) feet of greenbelt on Stream, lake, or wetland area.

ARTICLE 76 - WELLHEAD PROTECTION OVERLAY DISTRICT

7601. Area Affected:

Every parcel of land which lies in whole or in part within Wellhead Protection Overlay Zone as depicted on the Official Zoning Map around public Type I water wells is subject to the regulations of this Overlay Zone to the extent the parcel lies within this Overlay Zone. The regulations of this Overlay Zone are in addition to any regulations in the underlying Land Use Districts, however these regulations supercede all conflicting regulations of the underlying Land Use District to the extent of such conflict but no further.

7602. Wellhead Protection Zones:

As shown on the Official Zoning Map, there shall be three concentric sectors within this Overlay Zone:

- A. Sector A shall be an area around the water well intended to be protected by this Overlay Zone which is entirely within the include territory in the Village of Kaleva, and not included on the Maple Grove Township zoning map.
- B. Sector B shall be the next largest area around the water well, as shown on the Official Zoning Map, intended generally to include, at a minimum, an area necessary for a one year zone of protection for the well.
- C. Sector C shall be the remainder of this Overlay Zone outside of Sectors A and B, as shown on the Official Zoning Map, intended generally to include, at a minimum, a ten year zone of protection for the well.

7603. Sector B Land Use Restrictions:

The underlying zoning district notwithstanding, no person shall use land within sector A or B for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector B of this overlay district, except as follows. All uses listed in section 7603.C of this Ordinance shall be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning district.

- A. The uses listed in section 7603.C of this Ordinance shall be prohibited except when one of the two following conditions exist:
 1. The use is a facility (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generates hazardous substances:
 - a. in quantities less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - b. stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,
 - or
 2. The business and facilities use, store or generate hazardous substances
 - a. above the amounts established in section 7603.A.1, and
 - b. has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.
- B. If the proposed uses listed in section 7603.C of this Ordinance are not prohibited pursuant to section 7603.A of this Ordinance, then it shall be considered a special use pursuant to Section 8601 *et. seq.* [11.5] of this Ordinance.
- C. Affected Land Uses:
 1. Any use listed in Section 7604 of this Ordinance

2. Dwellings, Duplexes, Apartment buildings which are connected to on-site sewage disposal and include more than one (1) living unit per twenty thousand (20,000) square feet of land area.
3. Agricultural Production-Crops, Agricultural Production-Livestock [01-0299] (farm) vehicle maintenance and chemical storage areas; tanks for mixing chemicals; power washing; nitrate contamination due to over fertilizing; pesticide and herbicide infiltration
4. Lawn care [0782] (threats from pesticides and containers with residues; improper disposal of washout water)
5. Any Manufacturing [D: 20-3999] that uses: (category includes any business which uses chemical solvents or petroleum-based products)
 - a. Petroleum and coal products (fossil fuel storage; solvent storage and use; blending of materials; outdoor storage piles; large tanks; bulk storage)
 - b. Chemicals and allied products, including paints (chemical storage, use and production; equipment cleaning; industry has made major improvements; management and disposal of hazardous chemicals is the concern)
 - c. Rubber and miscellaneous plastic products (raw materials; hazardous substances; machine shops)
 - d. Furniture manufacturing and refinishing (threats due to chemical solvents, oil-based paints, lacquers, varnishes, etc.)
 - e. Primary metal industry; fabricated metal products (threats due to solvents, strong acid or alkaline solutions, paints, cyanide solutions, and oils; much variation among businesses; floor drains; gondolas with dripping parts; dip tanks; cutting oils; messy products are a concern)
 - f. Electronic and other electric equipment, including metal plating and finishing (threats due to plating solutions, plating sludge, solvents and still bottoms; management and disposal of acids and other hazardous wastes; floor drains are a concern)
 - g. Food processing and food products (processing wastes; caustics from in-line cleaning; wastewater disposal; brine storage; outdoor storage of pulp and other organic wastes)
 - h. Lumber and wood production (chemical treatment of wood; chemical storage)
 - i. Apparel and textile products (hazardous substances; equipment cleaning)
 - j. Paper and allied products; pulp and paper manufacturing (materials storage; pulp waste)
 - k. Printing and publishing (storage and use of chemicals; equipment cleaning; engraving; silk screen residues)
 - l. Leather and leather products (storage and use of hazardous substances)
 - m. Stone, clay and glass products (storage and use of hazardous substances)
 - n. Electronic and other electric equipment (hazardous substances; equipment cleaning; machine shops)
 - o. Other manufacturing or processing which uses chemical solvents, oils, and/or chemicals
 - p. Mining, including iron ore and sand and gravel excavation (spoil disposal; equipment maintenance)
 - q. Oil and gas well drilling and production (threats due to drilling mud, oils, and brine solutions; dehydrating gas condensate)
6. Rail Transportation [40] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)
7. Local and Interurban Passenger transit [41] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)

8. Trucking and Courier services (except. air [421]) (chemical solvents used in vehicle maintenance, paints, thinners, etc.)
9. Trucking terminal facilities [423] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)
10. Transportation by Air [45] e.g. airports (threats due to chemical solvents used in vehicle and aircraft maintenance and de-icing, etc.)
11. Electric Services [491] e.g. electric power generation substations; other electric services (threats due to acids, oil, PCBs, etc.) and fossil fuel power plants (solvents and oils; equipment repair).
12. Combination Utility Services [493] e.g. electric power generation substations; other electric services (threats due to acids, oil, PCBs, etc.) and fossil fuel power plants (solvents and oils; equipment repair).
13. Sewerage systems [4952] (wastewater treatment plants and sludge application sites) (Improper septage waste application)
14. Refuse Systems [4953] (hazardous waste treatment or disposal, sanitary landfills, recycling facilities, hazardous material recycling, used oil collection sites)
15. Chemicals and Allied Products [516]; warehouse operations where paints, solvents, or chemicals are blended or mixed prior to distribution or sale (floor drains; septic systems may connect to groundwater)
16. Petroleum and Petroleum Products [517] (fuel oil tanks; spills and leaks; transfer of product increases potential for spills)
17. Paints, Varnishes and supplies [5198]; warehouse operations where paints, solvents, or chemicals are blended or mixed prior to distribution or sale (floor drains; septic systems may connect to groundwater)
18. Gasoline service stations [554] without vehicle maintenance (spilled fuel runs off to nearby ditch; public drips oil and gasoline; leaking underground tanks)
19. Disinfecting and pest control services [7342] (pesticides and containers with residues)
20. Building Maintenance Services, nec [7349] (small leftover amounts of paints and solvents; improper disposal of hazardous materials; container washout; soaps and rinse water)
21. Photo finishing laboratories [7384] (chemical use and disposal; should be connected to sewer)
22. Miscellaneous repair services [76] (e.g. small engine and electrical equipment repair (solvents; oils; leaks and spills)
23. Reupholstery and Furniture Repair [764], including antiques (threats due to chemical solvents, ignitable or oil-based paints, varnishes, shellac, washing on bare ground; some very small businesses)
24. Golf courses [7922 and 7997] vehicle maintenance and chemical storage areas; tanks for mixing chemicals; power washing; nitrate contamination due to over fertilizing; pesticide and herbicide infiltration
25. Medical and Dental Laboratories [807] (unused chemicals, solvents, reagents, and hazardous wastes; small labs on septic systems are a concern; should not pour chemicals down the drain)
26. Research, Development and Testing Services [873] (unused chemicals, solvents, reagents, and hazardous wastes; small labs on septic systems are a concern; should not pour chemicals down the drain)
27. Home occupations which are auto repair, furniture refinishing, and pesticide applicators.
28. Municipal and state garages for highway and public works departments (vehicle maintenance and chemical storage areas; underground storage tanks; de-icing salts, including storage and application)

7604. Sector C Land Use Prohibitions:

The underlying zoning district notwithstanding, no person shall use land within sector A, B or C for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector C of this overlay district, except as follows. All uses listed in section 7604.C of this Ordinance shall be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning district.

- A. The uses listed in section 7604.C of this Ordinance shall be prohibited except when one of the two following conditions exist:
 1. The use is a facility (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generates hazardous substances:
 - a. in quantities less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - b. stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,
 - or
 2. The business and facilities use, store or generate hazardous substances
 - a. above the amounts established in section 7604.A.1, and
 - b. has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.
- B. If the proposed uses listed in section 7604.C of this Ordinance are not prohibited pursuant to section 7604.A of this Ordinance, then it shall be considered a special use pursuant to Section 8601 *et. seq.* (11.5) of this Ordinance.
- C. Affected Land Uses:
 1. Oil and Gas drilling [13]
 2. Chemicals and Allied Products [28]
 3. Petroleum and Coal Products [29]
 4. Metal Services, nec [347]
 5. Electronic and other equipment [36]
 6. Scrap and Waste Materials [5093]
 7. Automotive Dealers & Service Stations [55] EXCEPT:
 - a. gasoline service stations [554]
 8. Laundry, Cleaning & Garment Services [721]
 9. Auto Repair, Services and Parking [75]
 10. Other types of facilities that use, store or manufacture hazardous substances

7605. Conflicting Federal or State Regulations:

The regulations of this Overlay Zone are not intended to conflict with any law or administrative regulation, on groundwater protection, of the United States, the State of Michigan or any agencies thereof.

7606. Nonconforming Land Uses in this Overlay Zone:

If a land use exists within this Overlay Zone on the date this section takes effect which is not permitted within the respective sector of this Overlay Zone then;

- A. Such nonconforming use of land shall not be moved in whole or in part to any other portion of such land, added to, extended, reconstructed, structurally altered or expanded during its life, Section 80 notwithstanding.
- B. Nothing herein shall prevent the completion of structures for a land use which shall have been diligently prosecuted prior to the passage of this section.
- C. Nothing herein shall prevent the normal repair, reinforcement, rehabilitation of a structure.

ARTICLE 80 - NON-CONFORMING USES

8001. Existing Building, Dwelling, and Land Use:

The lawful use of any building or structure, and of any land or premise as existing and lawful at the time of enactment of this Ordinance or in case of an amendment to this Ordinance, then at the time of such amendment, may be continued on such terms as hereinafter provided although such use does not conform with the provisions of this Ordinance or Amendment thereto.

8002. Non-Conforming Uses:

- A. The lawful use of any building or structure and of any land or premise existing prior to the effective date of this Ordinance, may be continued, if such use of building or structure entails no original construction, alteration, or enlargement thereof, does not constitute a public nuisance or endanger the public health, safety, or welfare.
- B. If the non-conforming use of any building, structure, land or premise is changed to a conforming use, such use shall not hereafter be reverted to any non-conforming use.

8003. Acquiring Non-Conforming Uses:

- A. If the non-conforming use of any building, structure, land, premise, or part thereof, is abandoned for a continuous period of one (1) year, then any future use of said building, structure, land, premise, shall conform in its entirety to the provisions of this Ordinance for the Zoning District in which situated.
- B. Maple Grove Township may acquire, by purchase, condemnation, or otherwise; private property or an interest in private property for the removal of non-conforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in townships. The elimination of the non-conforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. Maple Grove Township Board may institute and prosecute proceedings for condemnation of non-conforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.11 of the Michigan Compiled Laws or other applicable statute.

8004. Non-Conforming Uses and District Boundary Change:

When district boundaries shall hereafter be changed, resulting in a non-conforming use, then said non-conforming use may still be continued, but subject to all other provisions of this section.

8005. Alteration:

Nothing in this Ordinance shall prevent the repair, enforcement, improvement, or rehabilitation of non-conforming buildings, structures, or parts thereof existing at the effective date of this Ordinance or amendment thereto, rendered necessary by wear and tear, providing the extent of aggregate cost shall not exceed fifty (50) percent of the value as determined by a qualified appraiser unless said building is changed to a conforming use; nor prevent compliance with the provisions of the Building Code or Housing Law of the State of Michigan relative to the maintenance of buildings or structures, provided such alteration, repair, improvement, or remodeling shall not increase the original total floor space.

8006. Building Damage:

Nothing in this Ordinance shall prevent the construction, repair, or restoration of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy subsequent to the date of this Ordinance or amendment thereto, providing the aggregate cost of such reconstruction, repair, or restoration shall not exceed seventy-five (75) per cent of its appraised value and such reconstruction, repair, or restoration shall take place within a period of one (1) year from time of occurrence. The Maple Grove Township Zoning Administrator may grant a maximum of two (2) one-year (1 yr.) extensions for completion of said reconstruction, repair, or restoration upon application by the owner, and that said use be identical with the non-conforming use permitted and in effect immediately preceding the damage incurred. Nothing in this Ordinance shall prevent the razing of any building or structure by the owner thereof, upon application to the Zoning Administrator. Buildings or structures, conforming or non-conforming, damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, determined to be a threat to the public health, safety, and welfare, shall, by resolution passed by the Maple Grove Township Board, be condemned and the owner thereof shall be directed to repair or raze same. Copy of said Resolution shall be furnished to the appropriate Building Inspector, and the Manistee County Soil Erosion Department, for the purpose of supporting application for Building or Tear Down Permit.

8007. Completion of a Non-Conforming Building or Structure:

Nothing in this Ordinance or amendment thereto shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted for a period of thirty (30) days prior to the effective date of this Ordinance or amendment thereto, and which will be completed within two (2) years after said effective date.

- A. No basement, cellar, garage, or any incomplete structure in use as a dwelling at the time of the effective date of this Ordinance shall be used as a dwelling unless such building or structure has been brought to the state of completion within two (2) years after the "Notice to Complete", has been issued by the Zoning Administrator.

8008. Non-Conforming Uses, Record of:

Immediately after the effective date of this Zoning Ordinance or amendments thereto, the Zoning Administrator for the Township of Maple Grove shall prepare a record of all non-conforming uses and occupations of lands, buildings, and structures, including tents, and mobile homes, existing at the time of such Ordinances or Amendments. Such record shall contain the names and addresses of the owners of such non-conforming use and of any occupant, other than owner, the legal description of the land, and the nature and extent of use. The Maple Grove Township Planning Commission shall review the record and submit its report to the Maple Grove Township Board as they deem advisable for the maintenance of the public health, safety, and general welfare. The record of non-conforming use of the Planning Commission shall be filed in the Office of the Township Clerk and the Zoning Administrator, which record shall constitute prima facie evidence of the number and extent of the non-conforming use on the effective date of this Ordinance or any amendment thereto. A copy of non-conforming use report shall be furnished by the Zoning Administrator to the property owner and occupant. The record of non-conforming uses shall be reviewed and revised on a continuing basis.

ARTICLE 82 - ADMINISTRATION

8201. Zoning Administrator:

The provisions of this Ordinance shall be administered by the Zoning Administrator, who shall be appointed by the Maple Grove Township Board, for such term and subject to such conditions, at such rate of compensation as said Board shall determine, and the duty of enforcement thereof shall rest with such administrative official or officials as shall be authorized therein by law. The administrative official(s) shall, for the purpose of this Ordinance, have the power of police officers.

8202. Duties:

It shall be the duty of the Zoning Administrator to receive applications for land use permits, and issue or deny same, to inspect buildings, structures, or land use to determine compliance with the land use permits issued and/or compliance with this Ordinance or variances thereof which may have been granted, and shall be in charge of the enforcement of the provisions of this Ordinance.

ARTICLE 83 - PERMITS

8301. Use Permits:

- A. Any person planning to erect, alter, or move any building or structure, or establish a new use of any premises in any Land Use District in Maple Grove Township shall file an application in writing with the Zoning Administrator a "Land Use Permit."
- B. Where the premises concerned in the application shall be of ten (10) acres or less, the application shall be accompanied by a certificate signed by the record owner of the premises and the applicant that the premises do not constitute nor result from a division of land in violation of the Michigan Subdivision Control Act.
- C. Such "Land Use Permit" shall be of multiple copies issued as follows: Two (2) to the applicant, one (1) of which he is to post in a prominent place on the site for which the Permit was granted until construction is completed; one (1) to the Township Supervisor; one (1) to the Building Inspector; and one (1) to be retained in the files of the Zoning Administrator as a part of the permanent Township files.
- D. "Land Use Permit" shall be valid for a period of two (2) years from date of issue provided construction is within twelve (12) months from said date. All construction must be completed within two (2) years from the date of commencement and the Zoning Administrator is hereby authorized to renew the Land Use Permit for a period of one (1) year, if necessary, upon payment of an additional fee in an amount determined by resolution of the Maple Grove Township Board.
- E. The administrator shall require that the application include the form, copies of plans, specifications and such other information as he may deem necessary. Such other information shall include, but not be limited to:
 1. A site plan, drawn to the specifications of section 9404 and 9405 of this Ordinance.
 2. The legal seating and/or sleeping capacity of all buildings and structures, if applicable.
 3. A concise statement of all operations and uses which will be conducted on the land and buildings.
 4. A concise statement of the services, if any, to be offered to the public, if applicable.
 5. Any other information required by this Ordinance.
 6. A non-refundable fee. The fee shall be established from time to time by the Township Board.
 7. An escrow, if applicable, for complex applications in an amount which shall be collected in escrow to pay for all costs of professional review expenses of engineers, community planners, lawyers, and any other professionals whose expertise the Commission values and hires to review an application. The amount of escrow shall be established from time to time by the Township Board, or the amount shall be estimated by the Administrator for the particular application. The applicant shall receive a copy of the statement of fees for those professionals who worked on the application. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Permit. If any unexpended balance remains in the escrow it shall be returned to an applicant.
 8. A copy of any other necessary permits required prior to a Construction Code Permit or a copy of a written agreement for, or written intent for concurrent approval for those permits.

[Annotation: Added by amendment August 9, 1995, effective August 10, 1995 at 12:01am.]

- F. The Zoning Administrator shall, within fifteen (15) days from date of receipt of an application, advise the applicant if additional documentation or evidence is required and shall within thirty (30)

days of receipt of all required documentation, inform the applicant of the granting or denial of a "Land Use Permit."

8302. Other Requirements:

Before issuing a "Land Use Permit", the Zoning Administrator shall have the power to make an "on-site" inspection, require the applicant to furnish as supporting data, evidence of Title, inspection reports from the County Planning Department, the Soil Conservation District, the Manistee Health Department, or other administrative bodies, when the Zoning Administrator believes it to be in the interest of the public health, welfare, or safety to require such reports. Any conditions or recommendations of alteration to proposed land use by such reports shall be included in the "Land Use Permit" if issued. The Zoning Administrator shall also require such other data such as plat plans, site surveys, building plans to scale, and any other documentary deemed necessary to ascertain application conformance with the requirements of this Ordinance.

8303. Land Use Permit Fees:

The Maple Grove Township Board shall by resolution, establish a Schedule of Land Use Permit Fees and make it available to the Zoning Administrator.

8304. Essential Public Services:

- A. Any public services and landfill operated by Maple Grove Township shall continue to be operated and maintained subject to the provisions of this Ordinance and applicable State and/or County regulations.
- B. Nothing herein contained shall waive the necessity of any utility to obtain franchises and comply with the provisions of any other law or ordinance.

8305. Permit Exemptions:

- A. Section 8302 notwithstanding, a zoning permit or fee is not needed under this section for the following uses. Nothing in this section exempts or requires construction permits, other than required by P.A. 230 of 1972, as amended (being the State Construction Code Act, M.C.L. 125.1501 et. seq.).
 - 1. Only exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district.
 - 2. Relocation or replacement of machinery or equipment within a building located in a commercial or industrial zone, conforming to the provisions of this Ordinance and used for commercial or industrial purposes, not for any modification to such building in connection with said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.
 - 3. The erection, construction, alteration, or maintenance by the public utilities or municipal departments or commissions of overhead or underground gas, electrical, water, communication, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals, hydrants, towers, pools, electrical substations, gas regulation stations, and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service to individual customers/clients, but not including regional, long distance, interstate distribution or collection systems. Wireless communication facilities shall not be deemed a public utility facility under this section.
 - 4. Temporary buildings or any structure not fastened to a foundation, and which is considered personal property for property tax purposes and which is less than one hundred (100) square feet in size.
 - 5. Open space.
 - 6. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.

7. Plowing and planting cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation on one or more parcels of land.
8. Harvesting of timber as part of a forest management activity when part of a forest management plan.
9. Hedges, arbors, trees, gardens, plants, shrubs.
10. Sidewalks, driveways to dwellings, duplexes, apartment buildings.
11. Domestic animal shelters.
12. Accessory structures to dwellings and duplexes which are constructed by minors or children for purposes of play by the same minors and children including, but not limited to, playhouses, dollhouses, treehouses, forts, hideouts, bike ramp and so on, so long as such accessory structures adhere to setback requirements of this Ordinance.
13. Hunting structures such as but not limited to duck blinds, deer blinds, tree stands.
14. Personal property sales.
15. Signs which indicate land is private property, trespassing is not allowed, hunting or other specific activities are not allowed.
16. Accessory buildings and structures containing 80 square feet or less, which are accessory to a conforming residential structure or farm; accessory buildings and structures between 81 and 149 square feet shall require a land use permit but not a building permit unless otherwise required by law.

[Annotation: Subsection 16 added by amendment, effective December 22, 2002.]

- B. Notwithstanding Section 8301, a temporary or permanent accessory structure shall not require a Construction Code Permit under this Ordinance provided such structure is less than 150 square feet in size, is similar in construction to the principal structure on the parcel and is suitably anchored against wind damage.

[Annotation: This section amended May 8, 2000.]