

**ZONING ORDINANCE**  
**of**  
**MERRILL TOWNSHIP**

**Enacted 1977**  
**Amended 2001**

**Merrill Township Offices**

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THE TOWNSHIP BOARD OF MERRILL TOWNSHIP, NEWAYGO COUNTY, MICHIGAN, under the authority of the Township Rural Zoning Act, being Act 184, of the Public Acts of 1943, as amended, HEREBY ORDAINS AS FOLLOWS:

## ARTICLE I SHORT TITLE AND PURPOSE

1.1 SHORT TITLE. This ordinance shall be known as the Zoning Ordinance of 1977 of the Township of Merrill, as amended in 2000.

1.2 PURPOSE. Among other purposes, these provisions are designed to conserve and protect lands, waters, and other natural resources in the Township for their most suitable purposes.

1.3 SCOPE. It is not intended by this Ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement.

1.4 CONTROL. Where this ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this ordinance shall prevail.

## ARTICLE II DEFINITIONS

When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural; and words used in the plural number include the singular; and the word "shall" is always mandatory and not merely directive. Any word or term not defined herein shall be used with a meaning of common utilization. For the purpose of this Ordinance certain terms and words are herewith defined.

2.1 ACCESSORY BUILDING. A subordinate structure on the same premises with a main building occupied or devoted to an accessory use. Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building.

2.2 ACCESSORY USE. A use naturally and normally incidental and subordinate to any principal use on the same premises.

2.3 ALTERATION OF BUILDING. A change in the supporting members of a building, or change in building structure; such as bearing walls, column, beams, or girders, or an addition.

2.4 BASEMENT. That portion of a building below the first floor joists, at least half of whose clear ceiling height is below the level of the adjacent ground.

2.5 BILLBOARD OR SIGNBOARD. Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.

2.6 BOARDING HOUSE OR ROOMING HOUSE. A dwelling having one kitchen and used for the purpose of providing meals and lodging for compensation to more than two persons, other than members of family occupying such dwelling, on a weekly or other long term basis.

2.7 BUILDING. Anything that is constructed or erected having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

2.8 DAY-CARE FACILITY. A facility for the care of children under 18 years of age, as licensed and regulated by the state, where one (1) child or more is received for care and supervision of less than twenty-four (24) hours per day unattended by a parent or legal guardian.

2.9 DRIVEWAY. An improved public or private passageway providing vehicular ingress and egress from a public or private road to a parcel or building on abutting grounds.

2.10 DWELLING OR APARTMENT. Any building or portion thereof which is used as a permanent residence or sleeping place by one or more persons or occupied in whole or in part as a home, cottage, condominium unit, apartment, residence, or sleeping place, either permanently or temporarily, by one or more families. Motels, hotels, tourist rooms, cabins, tents, campers, and travel trailers are not dwellings. Dwellings shall include single unit dwellings, two-unit dwellings, and multi-unit dwellings.

2.11 DWELLING UNIT. A building or portion thereof designed for use or occupancy by one (1) person or one (1) family for living and sleeping purposes with housekeeping facilities.

2.12 FAMILY. A person living alone, or two or more persons who share a domestic relationship based upon birth, marriage or other domestic bonds as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

2.13 FARM. Any parcel of land containing at least ten acres which is used for agriculture.

2.14 FLOOD PLAIN. All areas adjoining a lake, stream, river or creek, or a channel and their branches and tributaries which are subject to a one (1) percent chance of inundation during any one hundred (100) year period.

- 2.15 FLOOR AREA. The area computed by measuring the dimensions of the outside walls of a building excluding attic and basement floors, unenclosed porches and patios, terraces, breezeways, carports, verandas and garages, and mobile homes as title reads, provided, however, legal title to mobile homes shall be conclusive.
- 2.16 FOSTER CARE HOME. A single-family dwelling occupied as such in which one (1) or more minor children or adults, who are not related to an adult member of the family occupying the single-family dwelling are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.
- 2.17 GARAGE. An accessory building used for parking or storage of vehicles.
- 2.18 HOME OCCUPATIONS. Occupations that are carried on in the home.
- 2.19 JUNK. Any waste, worn out and/or discarded materials.
- 2.20 JUNK OR SALVAGE YARD. A place where waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, in an open area or partially in an open area, but not including a dump.
- 2.21 KENNEL—COMMERCIAL. Any land, building, or structure where a total of three or more dogs and/or cats, six months of age or older, are boarded, housed, bred, or trained for remuneration.
- 2.22 LOT. A platted tract of land adjoining a dedicated public street or a perpetual, recorded private street but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plat.
- 2.23 MOBILE HOME. A portable unit built without permanent foundation to be towed on its own chassis comprised of a frame and wheels, designed to be connected to utilities at a site and used as living quarters.
- 2.24 MOBILE HOME PARK. A parcel of land, upon which three or more mobile homes are located on a continual non-recreational basis, that is offered to the public for that purpose, regardless of whether a charge is made therefore; together with any building, structure, enclosure, street, equipment, or facility used or intended for the occupancy of a mobile home.
- 2.25 NON-CONFORMING. Situation in which a use, structure, parcel, or any combination thereof, does not conform to the regulations of the zone in which it is located.
- 2.26 PARCEL. A tract of land which can be legally described with certainty, and is capable of being located by survey.

- 2.27 PARCEL LINES. Lines bounding a parcel as herein described.
- 2.28 PARKING AREA. An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employers or the general public.
- 2.29 PERSON. A legal entity or individual human being. "Person" shall include an association, corporation, organization, partnership or a firm.
- 2.30 PLANNING COMMISSION. The Merrill Township Planning Commission.
- 2.31 PRINCIPAL, PERMITTED, OR MAIN USE. The primary or predominant use of the premises.
- 2.32 PUBLIC UTILITY. Any person, firm or corporation duly authorized to furnish to the public under State, County or Municipal regulations, electricity, gas, steam, cable television, communication, transportation, sanitary sewer, or water services.
- 2.33 RECREATIONAL VEHICLE. Vehicular transportable structure mounted on wheels that is self-propelled or towed by a motor vehicle. For purposes of this Ordinance, a recreational vehicle is designed to provide temporary living quarters for recreational, camping, or travel use. This definition includes, but is not limited to, portable structures commonly known as travel trailers, travel homes, fold-down campers, truck-mounted campers, converted buses, and fifth wheels.
- 2.34 RIGHT-OF-WAY. A street, road, or other thoroughfare or easement permanently established for passage of persons or vehicles.
- 2.35 SALES. The display of item(s) and/or services with the purpose or intent to sell.
- 2.36 SERVICE STATION OR FILLING STATION. A place where fuel and lubricating oils for motor vehicles are offered for sale at retail to the public, including sales of automobile accessories and repair service.
- 2.37 SETBACK. The minimum horizontal distance between the line of the building, including decks and porches but excluding steps, and the parcel line.
- 2.38 SIGN. Any announcement, declaration, illustration or insignia used to advertise or promote the interests of any person, product or project when the same is placed, painted or displayed out of doors in view of the general public.
- 2.39 SINGLE OWNERSHIP. Ownership by one person or by two or more persons jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.



2.40 STABLE—COMMERCIAL. Any land, building, or structure where horses for Hire, sale or boarding are kept.

2.41 STORY. That portion of a building included between the surface of any floor and the surface of the floor above it; where there is not a second floor, then story shall mean the space between the floor and the ceiling next above it. A story, thus defined, shall not include any portion of a building having more than 50 percent of its total cubic content below the established grade level.

2.42 STREET/ROAD. A thoroughfare or easement permanently established for passage of people, animals, and vehicles.

2.43 STRUCTURE. Anything constructed, erected, or placed, which requires permanent or non-permanent location on the ground or attachment to something having such location, including but not limited to buildings, signs, antennas, towers, pools, satellite dishes, etc.

2.44 SWIMMING POOL. A constructed basin or structure used for holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pool, temporarily erected upon the ground holding less than 300 gallons of water.

2.45 TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes. The term includes the structure and any support thereto.

2.46 TOWNSHIP BOARD. The Merrill Township Board of Trustees.

2.47 YARDS.

- A) Front yard: an open space extending the full width of the parcel between the front line of the principal structure and the front parcel line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- B) Rear yard: an open space, extending for the full width of the parcel between rear line of the principal structure and rear parcel line, unoccupied except by an accessory use as hereinafter permitted.
- C) Side yard: an open space situated between the side line of the principal structure on such parcel and the adjacent side line of the parcel and extending from the rear line of the front yard to the front line of the rear yard, unoccupied, except as hereinafter permitted.

ARTICLE III  
GENERAL PROVISIONS

**3.1 ACCESSORY BUILDINGS.**

- A) Accessory buildings are not permitted in required front or side yards.
- B) Accessory buildings of less than one hundred (100) square feet are allowed in required rear yards no closer than four (4) feet from any parcel line.
- C) No accessory buildings shall be placed closer than thirty (30) feet from any street right-of-way.
- D) No more than two (2) accessory buildings are permitted on parcels under two (2) acres.
- E) Accessory buildings shall be esthetically congruent with surrounding architecture as determined by the Zoning Administrator. Use of semi trailers, mobile homes, campers, and the like for storage is prohibited except as a temporary use for construction projects.

**3.2 ANIMALS.** Raising and keeping of fowl, rabbits, domestic animals, horses, cows and pigs, is permitted provided they are properly housed and fenced so as not to become a public nuisance and subject to the following restrictions:

- A) One acre or less parcel: raising and keeping of household pets, not to exceed three in total combination per parcel.
- B) One acre but less than two acres: raising and keeping of fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises.
- C) Two acres but less than five acres: one horse or one cow or one pig per acre, provided that any pen or building or structure housing animals shall be a minimum of fifty feet from any property line.
- D) Five acres or more: one additional head of horse, cow, pig, or other large domestic animal for each additional one-half acre above the required five acres. Provided, however, that any pen or building or structure housing animals shall be a minimum of fifty feet from any property line.

**3.3 BASEMENT DWELLINGS.** The use of the basement of a partially built or planned building as a residence or dwelling unit is prohibited. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a

dwelling unit is prohibited unless there is a means of direct access, at least thirty (30) inches by sixty (60) inches, from each room to the outside. Further provided, that where one wall is entirely above grade level of the yard adjacent to said wall, and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling.

**3.4 BUILDING MOVED.** No structure which has been wholly or partially erected on any premises located within or outside the Township of Merrill shall be moved to or placed upon any other premises in this Township without full conformance to all provisions of this ordinance in the same manner as a new building.

**3.5 CLEAR VISION CORNERS.** On any corner parcel, no fence, structure, or planting over thirty (30) inches in height or that blocks the view of motorists shall be erected or maintained within the required setback distance of the intersection of right-of-way lines or clear vision area. The clear vision area shall be determined by a line drawn between two points each being thirty (30) feet from the intersection of the rights-of-way of two intersecting streets.

**3.6 COMMUNICATION TOWERS EXCEEDING FIFTY (50) FEET.** Communication towers exceeding fifty (50) feet in total height, including antennas or other attached appurtenances, where permitted, must follow these conditions:

- A) The setbacks from all property lines shall be at least the height of the tower.
- B) A six (6)-foot-high, chain link fence surrounding the tower and all supporting wire ground supports (anchors) on all sides shall be erected.
- C) All equipment and machinery shall be stored in a fully enclosed building.
- D) Any building shall be set back at least fifty (50) feet from all parcel lines. All parking areas and drives shall be set back at least fifty (50) feet from all side and rear parcel lines.

**3.7 EARTH MOVING.**

- A) Topsoil shall not be stripped, excavated or otherwise removed for sale or for use other than on the same parcel of ownership except:
  - 1) In connection with construction and grading operations associated with issuance of a building permit;
  - 2) When the topsoil is in surplus amounts (surplus being defined as topsoil in excess of six (6) inches in depth);

- 3) When it is a product of authorized excavation of muck, peat, sand, gravel, or other mineral deposits.

3.8 ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions of overhead or underground gas, electrical, steam or water distribution or transmission systems; collection, communication, and supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fiber optics, fire alarm boxes, police call boxes, traffic signals, hydrants, towers (not to exceed fifty (50) feet in height including attached antennas and appurtenances), poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith and 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 Merrill in any use zone.

3.9 FENCES. Solid fences of not more than six feet in height are permitted in side or rear yards and a well-maintained open wire fence without height limitation is permitted in all yards. Solid fences are not permitted within thirty (30) feet of any street right-of-way.

3.10 FLOOD PLAIN. The flood plain areas of lakes, major rivers and their branches shall be determined from time to time by an engineer or agency designated by the Newaygo County Board and a public record of said information shall be kept in the offices of the Township Zoning Administrator. No building for human occupancy shall be erected, or hereafter occupied, if vacant, in flood plain areas.

3.11 GENERAL LIGHTING. All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare that is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public roadways.

3.12 HEIGHT EXCEPTIONS. The height limitations of all zones may be exceeded by the following structures: parapet-walls, chimneys, silos and farm barns, roof mounted television and radio antennas, monuments, cupolas, spires or other ornamental projections, water towers or fire towers. The setbacks from all property lines shall be at least the height of the structure.

3.13 HOME OCCUPATION. A home occupation is permitted provided that it:

- A) Is conducted entirely within a residential or accessory building and is not evident from the street or from neighboring premises.
- B) Does not change the character of the building in which it is conducted and does not create a nuisance.

- C) Employs not more than one person who is not a resident of the premises.
- D) Employs only mechanical equipment which is similar in power and type to that generally used for household purposes and hobbies.
- E) Devotes not more than fifty (50) percent of the principal structure to such home occupation.

3.15 JUNK. The storage, collection or placing of discarded material, building materials, inoperable or unlicensed motor vehicles or refuse is prohibited in all zones except as provided in this Ordinance.

3.15 MOBILE HOME.

- A) Must meet all zoning district requirements as stated in the Merrill Township Zoning Ordinance.
- B) HUD approved.
- C) Meet and conform to Newaygo County Building and Health Department requirements.
- D) Combining two or more mobile homes is prohibited.

3.16 MOBILE HOME PARKS. All mobile home parks must comply with the State Statutes of Michigan governing Mobile Home Park and all mobile home parks must conform with Merrill Township Special/Exceptional Use standards.

3.17 NON-RESIDENTIAL USES IN RESIDENTIAL ZONES. Public and Institutional uses are special uses in the Residential Zones. All such uses shall provide front, side and rear yards which are at least twice the height of the wall facing thereon, or the distance required by the zone, which ever is the greater. Any such use that provides living quarters for more than ten persons shall be located on a parcel of at least one acre.

3.18 PRINCIPAL USE. No parcel may contain more than one principal building or use, provided that groups of apartment buildings or retail business building under single ownership shall be deemed a principal use collectively.

3.19 PRIVATE ROADS. It is the intent of this Ordinance to permit the development of private roads as an alternative to public roads provided said private roads are properly designed, constructed, and maintained so as to accommodate the movement of traffic.

- A) Maintenance, repair, and liability for private roads shall be the responsibility of benefiting property owners with access to the private

road and not the responsibility or liability of the township or township staff. The developer shall establish, by appropriate deed provisions, an association that shall be responsible for road maintenance and repair and that shall have the authority to apportion and collect the cost of maintenance and repair from benefiting property owners. A private road maintenance agreement shall be recorded at the office of the Register of Deeds. The recording shall be a separate recording from the deed, but the deed shall also have attached to it a copy of the private road maintenance agreement or otherwise give notice of the private road maintenance agreement. All property owners subject to payment for maintenance of the private road shall receive notice of the above maintenance agreement. Benefiting properties must be identified in the agreement and any change in benefiting properties must be reflected in a revised agreement.

B) It is recommended that private roads meet the following design standards:

- 1) Have a minimum sixty-six (66)-foot-wide right-of-way easement granted to the adjacent property owners.
- 2) Be constructed in a good and workmanlike manner upon and parallel to the centerline of the right-of-way easement granted to the adjacent property owners.
- 3) Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the drive, by sloping the sides of the drive from the center thereof, or by other effective methods.
- 4) Have a firmly compacted sand and gravel base of not less than ten (10) inches in depth of which at least six (6) inches in depth shall be gravel.
- 5) Have a finished driving surface width of not less than sixteen (16) feet wide.
- 6) Be constructed over adequate culverts where necessary.
- 7) All cul-de-sacs terminate with turnarounds having a right-of-way radius of fifty (50) feet and a finished driving surface turning radius of twenty-eight (28) feet.

**3.20 PRIVATE SWIMMING POOLS.** Private swimming pools are permitted provided the swimming pool:

- A) Is maintained in a clean and healthful condition in accordance with Newaygo County Health Department requirements.
- B) Shall not be emptied in any manner that will cause water to flow upon another parcel or be emptied on any adjacent land or street.
- C) Shall be completely enclosed with a permanent substantial fence and gates at least four (4) feet in height above the ground level. No opening shall be designed or maintained as to permit access to the pool except under the supervision of the possessor or by his permission.
- D) Shall not be closer than ten feet to any side or rear parcel line and no part of any pool shall be constructed within the required front yard or a required side yard. No swimming pool shall be closer than 30 feet from a street right-of-way.

**3.21 RECREATIONAL UNITS.** No campers, tents, travel trailers or vehicles designed primarily for temporary living or sleeping shall be placed in Merrill Township other than in approved parks or campgrounds without first obtaining a permit from the Zoning Administrator and must comply with Newaygo County Health Department standards. Provided, however, recreational vehicles owned by the owner of record on parcels containing a permanent dwelling is permitted and does not require an annual permit. For purposes of this provision, the term "storage" means placement of a portable dwelling upon a parcel for an indefinite period of time for purposes of safe keeping or preservation. During such time, said unit is not to be utilized for recreational or sleeping purposes. Storage shall not occur in required front yard or required side yard areas.

**3.22 REQUIRED AREA OR SPACE.** No parcel, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this ordinance.

**3.23 RESTORING UNSAFE BUILDING.** Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the Zoning Administrator.

**3.24 SEWER AND WATER.** Where Municipal services are available provision must be made to install public sewers and water service to buildings occupied by human beings. In the absence of public sewer/water provision must be made for a safe water supply and sewage disposal system. Compliance with the Newaygo County Health Department requirements is mandatory.

**3.25 YARDS.** Every parcel must provide front, rear, and side yards as required within its zone. In the case of double front parcels or parcels having an irregular shape where the yards are not easily determined, address side shall be considered the front yard for purpose of determining setbacks. Lakefront parcels may consider lake side the front yard.

**3.26 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF.**

No structure, land, or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered except in conformity with the regulations herein set forth. All parcels created after the effective date of this Ordinance shall meet the minimum requirements of the underlying zone.

**ARTICLE IV  
CLASSIFICATION OF ZONES**

**4.1 ZONES.** For the purpose of this Ordinance, Merrill Township is hereby divided into seven Zones to be known as:

- A) Rural Residential Zone is intended to conserve and protect rural Township lands for single-family dwellings in low density, rural, natural settings. All areas not otherwise zoned in the Township are Rural Residential.
- B) Suburban/Lake Residential Zone is generally for single family housing in the Brohman, Nichols Lake, and Woodland Park areas. This classification is for platted areas.
- C) Central Business Zone along both sides of 11 Mile Road, from Blair Avenue on the west, continuing to the east Township section lines of sections three (3) and ten (10), and along both sides of Bingham Avenue, from 11 Mile Road to the north Township border, designed to serve the shopping and merchandising activities of the Township.
- D) Highway Business Zone along both sides of M-37, excluding State and Federal land, is designed to accommodate the commercial activities of the Township and the traveler.
- E) Apartment/Mobile Home Park Zone is designed to encourage apartment and mobile home development in a safe and attractive environment.
- F) Greenbelt Zone is all land within one hundred fifty (150) feet of the East Branch of: Held Creek, in sections thirty-one (31) and thirty-two (32); the South Branch of the Pere Marquette River, in sections ten (10), eleven (11), fifteen (15), sixteen (16), nineteen (19), twenty (20), and twenty-one (21); Tank Creek, in sections four (4), five (5), eight (8), and seventeen (17); and Bear Creek, in section twenty-one (21).
- 7) Wilderness Recreational Zone is all Federal and State owned land in the Township.



For allowable uses in each zone, refer to Merrill Township Land Use Chart, pages 14, 15, and 16. For dimensional requirements in each zone, refer to Merrill Township Dimensional Standards Chart, page 17.

4.2 MAP. The map entitled Zoning Map, page 18, delineating the above zones is hereby declared to be a part of this Ordinance. Except where references by dimensions are shown on said map, the zone boundary lines follow parcel lines, municipal boundary lines, section lines, fractional section lines, or the center lines of highways, streets or alleys as they existed at the time of adoption of this Ordinance.

4.3 PARCEL DIVIDED BY ZONE LINE. Where a zone boundary line of the Zoning Map divides a parcel, the least restricted use shall not extend beyond such line.

## MERRILL TOWNSHIP ZONE LAND USES

Land Use Types: P - Permitted N - Not Permitted S - Special E - Exceptional		Zones:	RR - Rural Residential	S/LR - Suburban/Lake Residential	CB - Central Business	HB - Highway Business	A/MHP - Apartment/Mobile Home Park	G - Greenbelt	WR - Wilderness Recreational
			RR	S/LR	CB	HB	A/MHP	G	WR
1. Single-family dwellings			P	P	P	P	N	P	N
2. State licensed residential day care or foster care facilities (6 or less persons)			S	S	S	S	N	S	N
3. State licensed residential day care or foster care facilities (7 or more persons)			S	S	S	S	N	S	N
4. Child and family day care centers (6 or less persons)			P	P	P	P	P	P	N
5. Child and family day care centers (7 or more persons)			S	S	S	S	N	S	N
6. Mobile home park, mobile home subdivision/condominium)			N	N	N	N	P	N	N
7. Single-family subdivision/site condominium (detached unit)			E	E	E	E	N	N	N
8. Duplex/two family			P	S	P	P	N	P	N
9. Multiple-family, townhouses, condominiums (attached)			N	N	N	N	S	N	N
10. Nursing homes, convalescent homes, homes for the aged			S	S	S	S	N	S	N
11. Hotels and motels			N	S	S	S	N	N	N
12. Rooming/boarding houses			P	S	S	S	N	S	N
13. Bed and breakfasts			P	P	P	P	N	P	N
14. Stores, markets, rental shops			N	N	P	P	N	N	N
15. Retail often involving outdoor displays such as new and used vehicles, greenhouses, lumber, and similar retail facilities			N	N	S	S	N	N	N
16. Auto and truck repair shop, tire/batter shop, gasoline service station, instant oil change, auto wash building			N	N	S	P	N	N	N
17. Eating drinking establishments			N	N	P	P	N	N	N

## MERRILL TOWNSHIP ZONE LAND USES

	Zones:							
<b>Land Use Types:</b> P - Permitted N - Not Permitted S - Special E - Exceptional	RR - Rural Residential S/LR - Suburban/Lake Residential CB - Central Business HB - Highway Business A/MHP - Apartment/Mobile Home Park G - Greenbelt WR - Wilderness Recreational							
	RR	S/LR	CB	HB	A/MHP	G	WR	
18. Finance, bank, insurance, real estate establishments	N	N	P	P	N	N	N	
19. Personal, business, professional design and financial services, such as salons, tax preparation, shoe repair, plumbing, heating, electrical, publishing, similar uses	N	N	P	P	N	N	N	
20. Funeral home	N	N	S	S	N	N	N	
21. Movie theater (except drive-in movie theaters)	N	N	S	S	N	N	N	
22. Bus passenger station and bus storage building	N	N	S	S	N	N	N	
23. Medical and legal services	N	N	P	P	N	N	N	
24. Business offices	N	N	P	P	N	N	N	
25. Government offices	N	N	P	P	N	N	P	
26. Home occupations	P	P	P	P	P	P	N	
27. Campgrounds/RV camps/resorts	S	S	N	S	N	S	S	
28. Essential services (without storage buildings/storage yards)	P	P	P	P	P	P	P	
29. Essential services (with storage buildings/storage yards)	S	S	S	S	S	S	S	
30. Radio, television, and similar communication facilities and towers (50 feet or more in height)	E	N	N	E	N	E	E	
31. Farms	P	N	N	P	N	P	N	
32. Mini-warehouse and self-storage	N	N	N	S	N	N	N	
33. Earth removal over 2 acres/mineral extraction	E	E	N	N	N	N	E	
34. Roadside stands for the sale of produce grown on site	P	P	N	P	N	P	N	
35. Golf courses	E	E	N	E	N	N	N	

## MERRILL TOWNSHIP ZONE LAND USES

Land Use Types: P - Permitted	Zones: RR - Rural Residential							
N - Not Permitted	S/LR - Suburban/Lake Residential							
S - Special	CB - Central Business							
E - Exceptional	HB - Highway Business							
	A/MHP - Apartment/Mobile Home Park							
	G - Greenbelt							
	WR - Wilderness Recreational							
	RR	S/LR	CB	HB	A/MHP	G	WR	
36. Public or private schools, churches, hospitals, and other public or private institutions	S	S	S	S	N	N	N	
37. Sport shooting ranges/clubs	E	N	N	N	N	N	E	
38. Public/private recreational parks, playgrounds, clubs	S	S	S	S	S	S	S	
39. Adult entertainment uses	N	N	N	N	N	N	N	
40. Large appliance repair, equipment rental/leasing, machinery repair, welding repair, tool and die shops, and machine shops	N	N	N	S	N	N	N	
41. Recreational/amusement establishments: sports/fitness/recreation center, bowling center, dance studio, race track, amusement park, coin operated amusement facility	E	N	N	E	N	N	N	
42. Museum and art gallery	N	N	S	S	N	N	S	
43. Extermination/pest control	N	N	P	P	N	N	N	
44. Veterinary clinic and animal hospital	N	N	S	S	N	N	N	
45. Commercial kennel/stable	S	N	N	S	N	N	N	
46. Other uses similar to the above as identified for the individual zones shall be subject to review and approval of the Planning Commission. In no case shall the Planning Commission find a use to be similar which does not meet the intent and character of the uses of the underlying zone.	S	S	S	S	S	S	S	

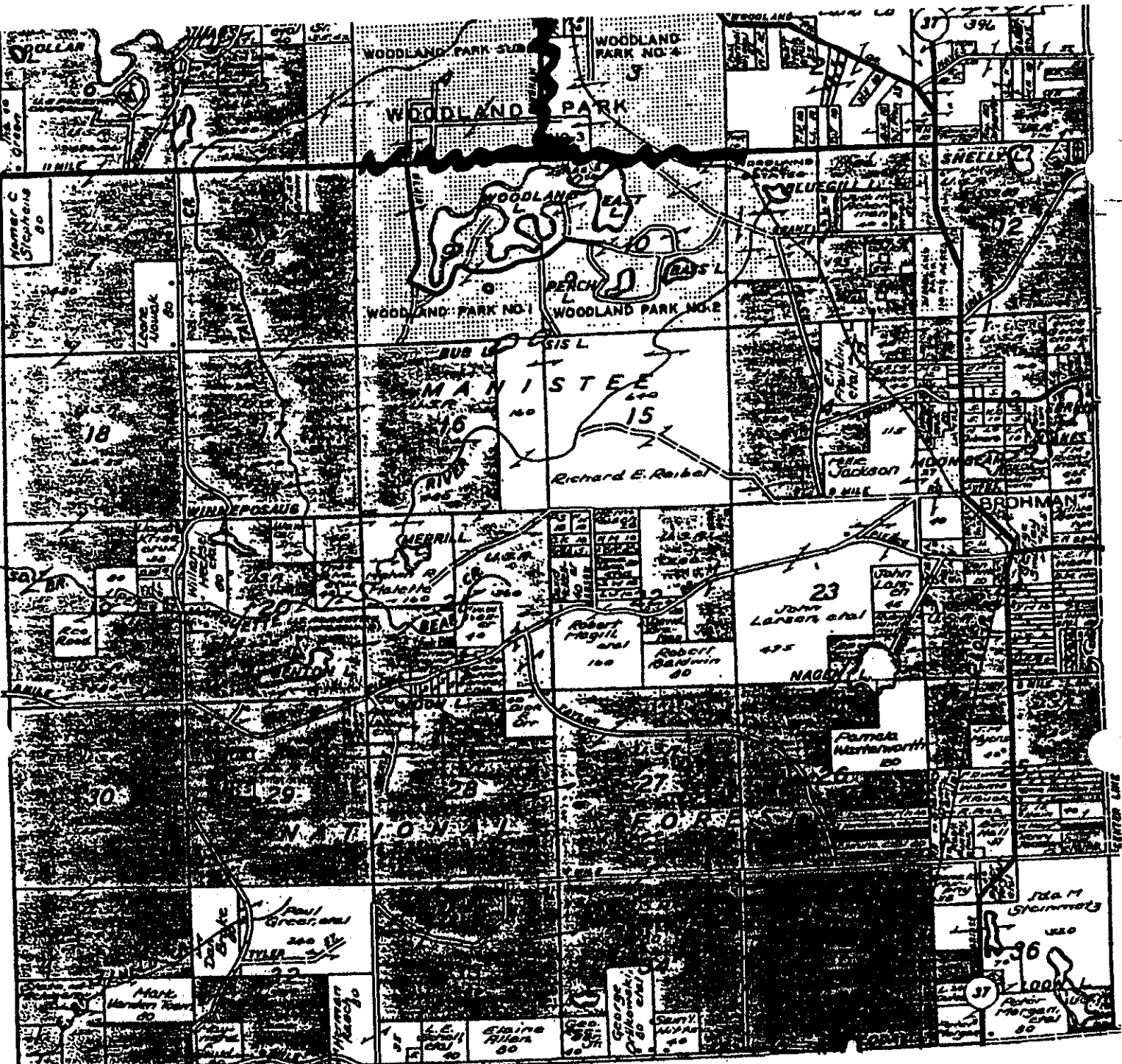
## MERRILL TOWNSHIP DIMENSIONAL STANDARDS

RR: Rural Residential	A: Apartments
S/LR: Suburban/ Lake Residential	MHP: Mobile Home Park
CB: Central Business	G: Greenbelt
HB: Highway Business	

	RR	S/LR	CB	HB	A	MHP	G
Land area	2.5 acres	10,000 sq. ft.	10,000 sq. ft.	20,000 sq. ft.	22,500 sq. ft.	10 acres (4000 sq. ft. minimum per unit)	2.5 acres
Minimum land width at front line (road side) of parcel	165 ft.	100 ft.	100 ft.	100 ft.	150 ft.	330 ft.	165 ft.
Minimum land depth	330 ft.	100 ft.	100 ft.	200 ft.	150 ft.	1320 ft.	330 ft.
Maximum land depth	width X 4	width X 4	width X 4	width X 4	width X 4	width X 4	width X 4
Height of building	lesser of 2 1/2 stories or 35 ft.	lesser of 2 1/2 stories or 35 ft.	lesser of 2 1/2 stories or 35 ft.	lesser of 2 1/2 stories or 35 ft.	lesser of 2 1/2 stories or 35 ft.	lesser of 2 1/2 stories or 35 ft.	lesser of 2 1/2 stories or 35 ft.
Required front yard setback	30 ft.	30 ft.	30 ft.	100 ft. from center of highway	100 feet from center of road	100 feet from center of road	30 ft.
Required side yards setback	30 ft. each	15 ft. each	15 ft. each	20 ft. each	30 ft. each	50 ft. each	30 ft. each
Required rear yard setback	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	50 ft.	150 ft. to water
Minimum area of building (1)	576 sq. ft.	576 sq. ft.	576 sq. ft.	576 sq. ft.	576 sq. ft. per unit	576 sq. ft. per unit	576 sq. ft.

(1) Does not pertain to accessory buildings.

Merrill Township Zoning Ordinance as amended 09/12/2002, 11/14/2002, 07/08/2004, and 06/11/2009



- |                             |                  |
|-----------------------------|------------------|
| Apartment/ mobile home park | slanted lines    |
| Wilderness recreational     | gray             |
| Rural residential           | white            |
| Suburban/ Lake residential  | dotted           |
| Central business            | wavy line        |
| Highway business            | solid black line |
| Greenbelt                   | see text.        |

## ARTICLE V NON-CONFORMING USES

5.1 CONTINUANCES OF NON-CONFORMED USE OR STRUCTURE. The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued even though such use or structure does not conform with the provisions of this Ordinance. Structures, or uses non-conforming by reason of height, yards and area or parking provisions may be extended, altered or modernized provided that there is no additional encroachment of the height, area or parking provisions.

5.2 UNLAWFUL USE NOT AUTHORIZED. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

5.3 CHANGE OF USE. The use of a non-conforming building may be changed to another non-conforming use if the Board finds that such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a non-conforming use to a prior non-conforming use or to waive the other provisions of this Article.

5.4 RESTORATION AND REPAIRS. Such repairs and maintenance work as are required to keep a non-conforming building or structure in sound condition may be made. If a non-conforming building or structure is damaged or destroyed to the extent of 60 percent of its real value by fire, flood, wind or other calamity, its reconstruction shall be in accordance with this Ordinance. A non-conforming use damaged to a lesser extent may be restored to its size at the time prior to such damage and its use resumed. Any such restoration shall be started within a period of one year of the time of such damage and diligently prosecuted to completion.

5.5 NON-CONFORMING DUE TO RECLASSIFICATION. The foregoing provisions of this Article shall also apply to building, land or uses which hereafter become non-conforming due to any reclassification of zones or any subsequent change in the regulations of this Ordinance.

5.6 NON-CONFORMING USES DISCONTINUED. No building or premises where a non-conforming use has ceased for more than twelve months shall be devoted to a non-conforming use except as provided in Section 5.3.

## ARTICLE VI SPECIAL/EXCEPTIONAL USES

6.1 PURPOSE. In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other

functions, is authorized to approve the establishment of certain uses designated as Special/Exceptional Uses within the various zoning classifications set forth in the Ordinance. Such Special/Exceptional Uses 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 zones and accordingly detrimental thereto.

**6.2 STANDARDS.** With this mind, such Special/Exceptional Uses are not permitted within the particular zone in which they are listed unless and until the Planning Commission, in its absolute discretion, is satisfied that the following standards are met:

- A) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
- B) Location, arrangement, appearance, and sufficiency of off-street parking.
- C) Location, arrangements, walkways, lighting, and size and entrances of structure(s).
- D) Relationships of the various uses to one another.
- E) Adequacy, type and arrangement of trees, shrubs, and other landscaping used to constitute a visual and/or a noise-detering screen.
- F) In the case of residential uses, the adequacy of usable open space for playgrounds and recreation.
- G) Adequacy of water supply, storm water and sanitary waste disposal facilities.
- H) Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding, and/or erosion.
- I) Compliance with applicable regulations of the Township Zoning Ordinance.
- J) Compatibility of adjoining uses on and off the site and preservation thereof.

**6.3 PROCEDURES.**

- A) The developer shall submit a plan of his proposal to the Township Planning Commission including the following documents:



- 1) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within three hundred (300) feet of the applicant's property.
  - 2) Boundaries of the involved property with survey, legal description, and parcel number.
  - 3) A site plan showing location, proposed use, and height of all buildings, locations of all interior roads, parking areas, with access and egress drives thereto, open spaces, landscaping, location of outdoor storage, if any; location of existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
  - 4) A tracing overlay showing all soil types, their location and those areas, if any with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
  - 5) Evidence that the proposal is compatible with the objectives of the Township's Master Plan.
  - 6) A general statement as to how common open space, if any, is to be maintained.
- B) The Zoning Administrator shall review that basic requirements of specific zone can be met. Zoning Administrator shall convey to the Planning Commission completed application, in proper form, with required information, as shown in Article 6.3. Following required notification, the Planning Commission shall review and make determination for Special Use permits.
- C) The Zoning Administrator shall convey to the Planning Commission completed application, in proper form, with required information, as shown in Article 6.3. The Planning Commission shall hold at least one (1) public hearing, following required notification, and make determination for Exceptional Uses.
- D) Notification: the Zoning Administrator shall, upon receipt of the application in proper form, notify, regarding the review/hearing, the applicant, the owner of the property proposed for consideration, and the owners and occupants of all property within three hundred (300) feet of the boundary of the property proposed for consideration, as shown by

the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered and published in a local newspaper between five (5) and fifteen (15) days prior to the review/hearing. Notification need not be given to more than one occupant to a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one 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 of the structure. All notices shall describe the nature of the Special/Exceptional Use request, indicate the property which is the subject of the Special/Exceptional Use request, state when and where said request will be considered, and indicate when and where written comments will be received concerning the request.

- E) Decision: Following such review/hearing, the Planning Commission shall either grant, grant with conditions, or deny a permit for such Special/Exceptional 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 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 facility loads caused by the land use or activity.
- F) Duration: The Planning Commission shall have the right to limit the duration of a Special/Exceptional Use where the same is of a temporary nature and shall reserve the right of 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.
- G) In the event that any property which is the subject of a Special/Exceptional permit 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/Exceptional use was granted, the Special/Exceptional Use permit shall be null and void.

- H) Changes: After Special/Exceptional Use plan has been approved, the Planning Commission shall permit no other type of development on the site without further approval. This limitation shall apply to successive owners.
- I) To insure compliance with the Zoning Ordinance and any conditions, limitations or requirements imposed by the Planning Commission, as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required would take more than six months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

## ARTICLE VII PARKING AND LOADING SPACES

**7.1 REQUIRED PARKING SPACES.** Within any zone, no building, structure or premises shall be used, erected or structurally altered except that there be provided, on the same parcel as the principal use they are intended to serve, off-street parking spaces, minimum of one hundred eighty (180) square feet each, in accordance with the following schedule:

- A) Residential: two (2) parking spaces required for each dwelling unit and one (1) for each sleeping unit in such uses as hotels, motels, cabins, campgrounds, or resorts.
- B) Business: one (1) parking space required for each one hundred (100) square feet, or fraction thereof, of gross floor space.
- C) Place of Public Assembly: one (1) parking space for each four (4) seats.

**7.2 REQUIRED LOADING AND UNLOADING SPACES.** There shall be provided and maintained on all property, the use of which requires the receipt of distribution by vehicle of materials and/or merchandise, adequate off-street loading and unloading

space. Any use of public roads for loading or unloading purposes shall be deemed to be a violation of this ordinance.

## ARTICLE VIII SIGNS AND BILLBOARDS

### 8.1 GENERAL PROVISIONS.

- A) All signs and nameplates shall be set back a minimum of five (5) feet from any property line.
- B) No advertising sign or of any kind or nature exceeding four (4) square feet in area shall be erected until a permit has first been obtained from the Zoning Administrator.
- C) Signs and billboards that were erected prior to the effective date of this ordinance, but do not comply with the provisions of this ordinance, shall be permitted, provided that they are maintained in good condition and repair. Signs which are no longer safe or serve the purpose for which they were intended or which have been abandoned or are not maintained in accordance with this ordinance shall be removed by the property owner within thirty (30) days of written notice by the Zoning Administrator. Signs that are removed for any reason shall not be continued, rebuilt or replaced except in conformity with the provisions of this Ordinance.
- D) No sign shall be lighted by flashing or intermittent illumination of duration of less than twenty seconds. All light sources used for the illumination of signs, buildings, or area surrounding shall be completely shielded from the path of vehicular traffic using the public streets.
- E) No sign shall exceed a height of twenty (20) feet or extend above the height of the building to which it is attached.
- F) No new billboards are permitted Merrill Township; no additional height or width to existing billboards will be allowed.

### 8.2 SIGNS IN RESIDENTIAL ZONES.

- A) One non-illuminated accessory professional or nameplate sign not more than four (4) square feet in area.
- B) One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed eight (8) square feet in area.
- C) One subdivision sign in subdivision developments as permitted in this Ordinance.

- D) A sign or sign aggregating not more than twelve (12) square feet for parking uses permitted by this Ordinance or which the Planning Commission deems necessary to the public welfare.
- E) One sign of not more than twelve (12) square feet advertising the name and activities of a permitted non-residential use.
- F) Customary farm and farm crop signs, not to exceed (4) square feet in size, limit of two (2).
- G) None of the signs permitted in the Residential Zones shall be erected nearer any street or road than half the set-back required for the principal building to be erected on said parcel, provided that one free-standing house numbering sign, not exceeding eight (8) inches wide by twenty-four (24) inches tall and nameplate of mailbox sign, not more than seventy-two (72) square inches in area are permitted in required front yards.

### 8.3 SIGNS IN BUSINESS ZONES.

- A) No business establishment shall have a total of more than three (3) signs facing upon any one street, provided that the total sign area for all signs permitted shall not exceed twenty-five (25) percent of the area of the face of the building to which they are attached or stand in front of.
- B) All signs attached to a building shall be flat signs, parallel to the face of the building wall. No sign shall extend farther than fifteen (15) inches from the face of the building upon which it is attached, provided however, that where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be closer than eight (8) feet from the ground level below said sign. The maximum width of any single sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached or related.
- C) Part of all of the total sign area computed within the maximum total area permitted may be a free-standing or pylon sign, placed at or behind the set-back line where the principal building is located fifty (50) feet or more from the front property line said sign shall not exceed the sum of two (2) square feet for each linear foot the sign sits back from the front property line, plus one square foot for each foot of building set-back from the front property line. The free-standing sign shall not exceed five (5) feet in height if located on the ground and shall be at least eight (8) feet from the ground if a pylon sign.
- D) All light sources, except for diffused lighting within translucent signs, used for the illumination of signs, business buildings or areas surrounding them shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties.

- E) Gasoline service stations, automotive sales area and automotive repair shops may display in addition to the foregoing signs, the following signs that are deemed customary and necessary to their respective businesses:
- 1) One freestanding or pylon sign, provided that each such sign shall not exceed fifty-four (54) square feet in area on a side.
  - 2) Two temporary signs located inside the property lines advertising special seasonal servicing, provided that each such sign does not exceed nine (9) square feet in area.
  - 3) Directional signs or lettering displayed over individual entrance doors or bays.
  - 4) Customary lettering insignias which are structural parts of a gasoline pump.
  - 5) A non-illuminated credit card sign.
- F) Temporary pennants, flags, or banners shall be permitted in any business zone for a period of not more than thirty (30) days without a permit, provided that they are kept in a state of good repair. Permit is required for display greater than thirty (30) days.
- (G) All temporary signs, political, garage sales, etc. shall be removed within 72 hours after the primary use is completed.

## ARTICLE IX ADMINISTRATION AND ENFORCEMENT

9.1 ADMINISTRATION. The Office of Zoning Administrator is hereby established to effect proper administration of this Ordinance. For the purpose of this Ordinance, the Zoning Administrator shall have the power of a police officer. The Zoning Administrator shall make periodic inspections of the Township to ascertain that the requirements of this Ordinance are being complied with.

9.2 LAND USE AND PLANS. No building, or part thereof, shall hereafter be erected, moved, enlarged or altered until an application, filed by the owner or his agent, stating the intended use of the structure and of the land, accompanied by land use plans, a plot plan and such other information as may be necessary to provide for the enforcement of this Ordinance, be approved by the Zoning Administrator or his agent. Building and plot plans shall be signed by the person preparing them or by the owner of the property or building involved. No land use permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All land use permits shall expire one year from their date of issuance.

### 9.3 PERMITS.

A) Regular Land Use Permit:

1) It shall be a violation of this Zoning Ordinance for any person to commence excavation for, or construction of any dwelling or structure, or make structural change in any existing dwelling or structure, including fireplaces and chimneys, or installation of any manufactured building, without first obtaining a Land Use Permit from the Zoning Administrator and a Newaygo County Building Permit as required.

2) When a question arises concerning parcel lines, the Zoning Administrator may require that a survey be made describing the parcel of land and a survey map be prepared and signed by a licensed surveyor or a licensed engineer and that a copy be filed with the Zoning Administrator before a permit will be issued.

B) Temporary Land Use Permit: The following temporary uses are permitted by special temporary land use permit. All uses may be terminated upon violation of this ordinance.

1) Trailers or Mobile Homes. An individual trailer or mobile home may be used as a temporary living or working quarters for up to one year while a dwelling is being constructed on the same premises. The Zoning Administrator prior to completion of the dwelling may approve a reasonable extension.

2) The use of an individual trailer or mobile home as a temporary dwelling may be approved by the Zoning Administrator in the Residential Zones for a period of up to 90 days for persons having short term or temporary employment within Newaygo County; said permit shall only be valid for one designated site and no trailer may be parked in a required front yard space.

3) Construction Projects. The storage of building supplies and machinery, temporary storage building and customary trade, contractor or architect's by the Zoning Administrator for a period of up to twelve months. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.

4) Subdivision Office. The Zoning Administrator may authorize a temporary certificate of occupancy for a dwelling in a new subdivision to be used as a sales and management office for a period of twelve months.

5) Camping

- a) Campgrounds authorized by the Township and licensed by the State of Michigan shall not be subject to these requirements.
- b) Camping shall be subject to the following:
  1. In no case shall there be more than four (4) recreational vehicles for camping per lot or parcel.
  2. On properties that are less than a half (1/2) acre in size, one (1) annually permitted recreation vehicle is permitted for camping and one (1) additional tent or recreation vehicle for camping not to exceed fourteen (14) calendar days in any thirty (30) day period is permitted. On properties that are a half (1/2) acre and less than one (1) acre in size, two (2) annually permitted recreation vehicles are permitted for camping and one (1) additional tent or recreation vehicle for camping not to exceed fourteen (14) calendar days in any thirty (30) day period is permitted. On properties that are one (1) acre and less than two (2) acres in size, two (2) annually permitted recreation vehicles are permitted for camping and two (2) additional tents or recreation vehicles for camping not to exceed fourteen (14) calendar days in any thirty (30) day period are permitted. On properties that are two (2) acres or more in size, four (4) annually permitted recreation vehicles are permitted for camping and four (4) tents or recreation vehicles for camping not to exceed fourteen (14) calendar days in any thirty (30) day period are permitted, provided that the total number of all recreation vehicles for camping does not exceed more that provided for in 1. above.
  3. All campers shall comply with the following rules:
    - a. Quiet hours shall be maintained between the hours of 11:00 p.m. and 7 a.m.
    - b. Annual camping permit(s) shall be issued to or renewed by the property owner.
    - c. No annual camping permits shall be issued to individuals under eighteen (18) years of age.



- d. Upon termination of camping all equipment and supplies must be removed.
  - e. Sewage storage and disposal shall be in accordance with the regulations of the Newaygo County Health Department.
  - f. Garbage and refuse build-up on the premises is prohibited and must be removed after each stay.
  - g. Areas used for camping must be kept in a neat, clean and sanitary condition.
  - h. Campers shall be maintained in good and mobile condition.
  - i. Dilapidated campers shall be removed from the property.
  - j. All recreational vehicles and related camping activities, with the exception of camp fires, shall maintain a setback of fifteen (15) feet for side yards, thirty (30) feet for front and rear yards, and fifty (50) feet from the ordinary high water mark of any water body.
  - k. In-ground septic facility, water well, and electricity shall be permitted on a lot without a principal structure.
  - l. Recreational campfire areas shall be contained by a fire ring. Burning permits shall be obtained when required and fires shall be adequately monitored and contained. The campfire shall not constitute a nuisance to neighboring properties due to the size or location of the fire, excessive smoke, or noxious items being burned.
  - m. Camping activities shall not be a nuisance to surrounding property.
4. All complaints related to camping must be submitted on the Merrill Township Complaint Form.

C. Failure to comply with the requirements of this Section is a violation of the Zoning Ordinance and subject to enforcement regulations.

#### 9.4 VIOLATIONS.

- A) Powers and authority adopted: Pursuant to the powers and authority given and delegated by statute, as same may be amended from time to

time, the Township may deem a violation of a police power ordinance as a municipal civil infraction subject to a civil fine, same to be specified by the Township Board.

- B) Any owner or agent, and any person or corporation, who shall allegedly violate any of the provisions of this Ordinance or allegedly fail to comply with any of the requirements thereof or who shall refuse reasonable opportunity to inspect any premises shall be subject to the civil infractions enforcement procedures as herein stated.
- C) The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his/her attention.
- D) Civil infraction enforcement procedures: The procedures specified herein shall be followed by the Civil Infraction Enforcement Officer (the Zoning Administrator) in enforcing this Zoning Ordinance.
  - 1) A letter may, but is not required, be sent by the Zoning Administrator to a person alleged to be in violation of the Zoning Ordinance.
  - 2) If sent, the letter shall:
    - a) Identify with as much specificity as is known to the Zoning Administrator the person allegedly in violation of the Zoning Ordinance
    - b) State the address to which the letter is sent
    - c) State the date the letter is written
    - d) State a time of response by date of which the Township may take further action
    - e) Identify the Zoning Administrator
    - f) Specify the article of the Zoning Ordinance under which the violation has allegedly occurred
    - g) Specify the violation of the Ordinance
    - h) Specify the penalty for violation of the Ordinance if prosecution occurs
    - i) Request immediate action by the alleged offender to correct the violation

- 3) The Zoning Administrator shall keep a record:
  - a) The letter sent
  - b) The date the letter was sent
  - c) The means of delivery of the letter
  - d) Any response to the letter by the alleged violator
- 4) If a letter has been sent and the violation has not been completely corrected, or if a letter is not sent, then the Zoning Administrator shall issue a civil infraction violation citation to the alleged offender.
- 5) Said civil infraction violation citation shall be served on the alleged offender in any manner allowed by law, including first class mail with sufficient U.S. postage affixed thereto and deposited in a U.S. Postal Service depository.
- 6) Within three (3) business days of the date that the civil infraction violation citation has been issued the Zoning Administrator shall post or cause to be posted a copy of said violation citation on any property relating to the occurrence of the alleged violation. One notice is sufficient for all contiguous parcels even though separate legal descriptions exist for each.
- 7) The Zoning Administrator shall keep a record of:
  - a) Any warning letters sent to the alleged offender
  - b) The civil infraction violation citation issued
  - c) The date same was issued
  - d) The method of service of the violation citation on the offender
  - e) The date and place of posting the notice on property, if applicable to the violation alleged
- 8) The Zoning Administrator shall issue the civil infraction violation citation on a form approved by statute, rule or regulation, including the Michigan Supreme Court Administrator's Office.
- 9) The Township has not established a violations bureau, and all civil infractions violation citations shall, after issuance, be

processed in accordance with and follow procedures established by the statutes, laws, rules and regulations set forth by the State of Michigan, its duly authorized agencies, and the courts of the State of Michigan, same to be the Trial Court for the County of Newaygo, Michigan, for violations of civil infraction ordinances adopted by the Township of Merrill.

- 10) Any civil fine assessed for a civil infraction violation shall be set by the Township Board.

**9.5 DUTIES OF THE BUILDING INSPECTOR.** The Office of Building Inspector is hereby established. This Ordinance shall be followed by the Building Inspector who shall in no case issue any Building Permit nor grant any Certificate of Occupancy where the proposed building, alteration or use would be in violation of any provision of this Ordinance.

- A) Responsibility of the Building Inspector: The Building Inspector shall inspect all new construction or alterations at the time footings are placed, at the time basic walls are completed and at the completion of the construction or alterations authorized. He shall make such additional inspections he deems necessary to insure compliance with the provisions of this Ordinance.
- B) Records: The Building Inspector shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family houses, and of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Township Board.

**9.6 CERTIFICATE OF OCCUPANCY.** No building hereafter erected or altered shall be occupied or used for any purpose until the Building Inspector shall have issued a Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Office of the Building Inspector. A copy shall be sent to the Township Clerk and to the Assessor.

## ARTICLE X BOARD OF APPEALS

**10.1 MEMBERSHIP AND APPOINTMENT.** Pursuant to the Township Rural Zoning Act, there shall be established a Board of Appeals, consisting of no less than three members.

- A) The first member of such Board shall be a member of the Merrill Township Planning Commission.
- B) The second member may be a member of the Township Board appointed by the Township Board.

- C) Other members shall be selected and appointed by the Merrill Township Board from among the electors residing in the Township.

Members of the Board of Appeals may be removed from office by the Township Board for non-performance of duty, misconduct in office, upon written charges and after public hearing.

10.2 GENERAL GRANT OF POWER. The Board of Appeals shall perform all the duties and have all the powers prescribed by Act 184, Public Acts of 1943, as amended. It shall adopt rules of procedure consistent with the provisions of said Act and of other local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

10.3 EMPLOYEES. The Board of Appeals, may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.

10.4 MEETINGS. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine for the efficient conduct of its business. All meetings shall be open to the public.

10.5 APPEALS. Any party aggrieved by a decision or order of the Zoning Administrator or by an officer or agency of the Township may make an appeal to the Board of Appeals.

- A) Must complete notice of appeal/variance form (can be obtained from Zoning Administrator).
- B) File notice of appeal/variance form with Township Clerk within thirty (30) days after date of action.
- C) The Clerk shall serve a copy of the notice upon the officer or agency from whom the appeal is taken.
- D) The officer or agency shall transmit all records, from which action was taken, to the Board of Appeals.
- E) An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Board of Appeals that a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Board of Appeals or by the Circuit Court.
- F) Any additional costs caused by the action of the applicant shall be paid by the applicant.

**10.6 VARIANCES.** Subject to the provisions of Article 10.7 of this Ordinance, and in addition to other duties and powers specified herein, the Board of Appeals, after public hearing shall have the power to decide applications for variances:

- A) Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Zoning Administrator or other administrative agency of the municipality in the carrying out of the provisions of this Ordinance; or
- B) Where it is alleged that by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship; provided that the Board of Appeals shall not grant a variance on a parcel if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the parcel; or
- C) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request made to vary such regulations, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

**10.7 VARIANCES PROHIBITED.** No variance in the provision or requirements of this Ordinance shall be authorized by the Board of Appeals unless such Board finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or of the public health, safety and welfare, and further, that two of the following facts and conditions exist:

- A) That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone.
- 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 zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.
- C) That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonable practical a general regulation as part of this Zoning Ordinance.

**10.8 LAND USE VARIANCE.** The Board of Appeals shall schedule a public hearing on a land use variance at least 30 days after receipt of the appeal. The Board of Appeals shall notify the Township Planning Commission of the appeal and request a

study and report. The Board of Appeals shall make no decision until the report of the Commission is received, provided such report shall be made within forty (40) days.

**10.9 PUBLIC HEARINGS.** Upon the filing of any appeal or other matter over which the Board of Appeals has jurisdiction, the Board of Appeals shall hold a public hearing on such matters not earlier than 15 days after the date of such filing, and shall cause notice of the time and place of the hearing to be given to the applicant and similar notice stating the purpose of the hearing to be published in a newspaper of general circulation. The applicant shall give personal notice of the time, place and purpose of the hearing by hand with signature obtained, or by certified mail, to all owners of the property within 300 feet of the property to be affected by said appeal or application at least 72 hours prior to said hearing. The applicant shall present satisfactory proof to the Board of Appeals at the time of the hearing that said notices have been served. Whenever said owners are non-residents, such notice may be given by certified mail to the last known address of the property owner as shown by the most recent tax lists.

**10.10 DECISIONS.** The Board of Appeals shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision. Upon failure to do so, such application shall be deemed to be decided adversely to the applicant in the same manner as though the Board of Appeals had rendered its decision to that effect.

**10.11 FEES.** Upon filing of any appeal or application to the Board of Appeals, the applicant shall pay the determined fee as established by the Township Board to defray the cost of publishing notice of hearing and recording the matter.

Said fee shall be paid to the Township Clerk before any action is taken on said petition. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after such change.

**10.12 TIME LIMIT.** If the variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within three months after the date the variance is granted, and the structure or alteration shall be completed within twelve months of said date. The Board of Appeals may, upon application stating the reason therefor, extend either the three or twelve month periods, but if the Board of Appeals finds no good cause for the failure to act or complete within such periods and if the Board of Appeals further finds that conditions have altered or changed the interval since the action was granted, the Board of Appeals shall revoke or rescind its approval. Should the applicant fail to obtain the necessary permit or fail to commence work within such three-month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal and all permissions, variances and permits shall be deemed automatically rescinded.

10.13 VOTE NECESSARY FOR DECISION. The final disposition of any matter of the Board of Appeals shall require the concurring vote of a majority of its members, except that a unanimous vote shall be required to override the recommendations on the Land use Variance of the Township Planning Commission.

10.14 MINUTES AND RECORDS. The secretary shall keep minutes of the Board of Review's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Board of Review's examinations and official actions, all of which shall be filed with the Township Clerk and be a public record.

10.15 LIMITATION OF BOARD ACTION. The Board of Appeals may not through any decision, interpretation or action alter, vary or otherwise negate any provision of this Ordinance except as specified. Where the Board of Appeals finds recurrent requests for relief of any specific provision of this Ordinance or where the Board of Appeals considers that any specific provision is creating unnecessary hardship, the Board of Appeals shall submit a request for re-study and reconsideration to the Township Planning Commission.

## ARTICLE XI AMENDMENTS AND ZONE CHANGES

11.1 AMENDMENTS TO THE ZONING ORDINANCE. Amendments to the Merrill Township Zoning Ordinance may be adopted in accordance with the terms and provisions of the Township Rural Zoning Act (Act 184, Michigan Public Acts of 1943, as amended).

11.2 PROCEDURE. The procedure for amending the Merrill Township Zoning Ordinance shall be as follows:

- A) The Township Planning Commission shall hold at least one public hearing. Notice of the involved hearing shall be in accordance with the following:
  - 1) Notice of hearing shall be conveyed by two (2) publications in a newspaper of general circulation within Merrill Township; the first notice to be printed not more than thirty (30) days nor less than twenty (20) days, and second notice to be printed not more than eight (8) days, before the date of hearing.
  - 2) At least twenty (20) days' notice of the time and place of hearing shall be given by mail to each electric, gas, pipeline, and telephone public utility company, and to each railroad operating in the zone affected, that has registered its name and mailing address with the Township for the purpose of receiving such notice. An affidavit of mailing shall be maintained.



- 3) Notices must include the location and time when the tentative text and any maps relative to the proposed amendment may be examined.
- 4) If a proposed amendment advocated the rezoning of a specific real estate parcel, notice of the proposed rezoning shall be given to the owner of the parcel in question, and to all persons or entities to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet of the property proposed for rezoning.
  - a) Notice in this instance shall be delivered personally or by mail to the respective owners and tenants at the address given on the last assessment role. An affidavit of mailing shall be filed with the Planning Commission prior to the hearing.
  - b) Notice shall be made not less than eight (8) days prior to the zoning meeting.
  - c) The notice shall indicate the time, place, date, and purpose of the involved hearing.

B) Submission of Ordinance for Approval:

- 1) The proposed amendments, including any zoning maps, shall be conveyed to the Newaygo County Planning Commission for review and recommendation.
- 2) If the recommendations have not been received by an authorized representative of the Township within thirty (30) days of the date upon which the Newaygo County Planning Commission received the proposed amendments, a conclusive presumption that the County waived its right to review and recommend inures.

C) Conveyance of Proposed Amendments, Maps, and Summary of Public Comments to Township Board:

- 1) The Planning Commission shall transmit a summary of comments received at the public hearing, and the text of the proposed amendments, to the Township Board.
- 2) The Township Board may conduct an additional hearing or hearings if it deems necessary. Notice of Township Board meeting shall be published in a newspaper of general circulation within Merrill Township; notice shall be published not more than

fifteen (15) days nor less than five (5) days prior to the date of hearing.

- 3) If the Township Board proposes or considers amendments, changes, corrections, or modifications of the proposed amendments which may significantly alter or modify the original recommendation of the Planning Commission, the Township Board shall refer the same to the Planning Commission for a report and recommendation on said changes within the specified time parameters.
- 4) A property owner may request a hearing upon the proposed amendment or amendments by addressing a request via certified mail to the Township Clerk.
- 5) The Township Board may request the presence of the Planning Commission at the involved hearing.
- 6) At a regular or special meeting, the Township Board may adopt by majority vote of its membership the text of any amendment considered pursuant to the terms and provisions previously cited.

D) Notice of Adoption of Amendments:

- 1) The adopted amendments shall be filed with the Township Clerk within fifteen (15) days of the date of adoption.
- 2) One notice of adoption shall be published in a newspaper of general circulation within the Township of Merrill within fifteen (15) days of the date of adoption.
- 3) The notice of adoption shall include the following:
  - a) Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the entire text of the amendment shall be included within the notice.
  - b) The effective date of the amendment shall be specified. In the event penalty provisions inure to a violation of any amendment or amendments, the amendments in question shall not take effect for at least thirty (30) days from the publication date.
  - c) The notice shall specify the place and time where a copy of the amendments in question may be purchased or inspected.

ARTICLE XII  
SEPARABILITY AND REPEALS

12.1 SEPARABILITY. In case any article, section or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other article, section or provision of this Ordinance, except so far as the article, section or provision so declared invalid shall be inseparable from the remainder of any part thereof.

12.2 REPEALING CONFLICTING ORDINANCES. Any and all ordinances, or parts thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent, provided that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

12.3 EFFECTIVE DATE. The provisions of this Ordinance are hereby declared to be effective immediately upon adoption by the Merrill Township Board.

**ARTICLE XII  
SEPARABILITY AND REPEALS**

- 12.1 **SEPARABILITY.** In case any article, section or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other article, section or provision of this Ordinance, except so far as the article, section or provision so declared invalid shall be inseparable from the remainder of any part thereof
- 12.2 **REPEALING CONFLICTING ORDINANCES.** Any and all ordinances, or parts thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent, provided that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.
- 12.3 **EFFECTIVE DATE.** The provisions of this Ordinance are hereby declared to be effective immediately upon adoption by the Merrill Township Board.

RECORDED IN NEWAYGO COUNTY  
PLANNING COMMISSION MINUTES:

February 15, 2000

ADOPTED BY MERRILL TOWNSHIP BOARD:

June 2, 2001

RECORDED AND PLACED ON FILE WITH  
NEWAYGO COUNTY CLERK:

June 6, 2001

Marilyn L. Pembroke - Merrill Township Clerk  
Lorraine Carway - Merrill Twp. Trustee  
Barbara Lenting - Miles - Merrill Twp Trustee  
Anthony M. Mariani - Treasurer  
Gordon Elzinga - Supervisor