

ARTICLE IV SUPPLEMENTAL REGULATIONS

SECTION 4.01 – VEHICULAR PARKING SPACE REQUIREMENTS

It is the intent of this section to have the proper number of parking spaces provided for any given use based upon considerations of the typical number of motor vehicles that can be anticipated to be at the premises at the same time during the average day.

A. Residential Parking Requirements:

Residential off-street parking spaces shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve. Commercial vehicles, as defined by this Ordinance, may be parked in any of the residential districts in the side or rear yard.

B. Non-Residential Parking Requirements

1. Parking shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Adequate space shall be provided in all parking areas to facilitate turning around of vehicles so that the entry on to streets may be in a forward manner and not by backing. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.
3. Usable floor area shall be used to determine minimum parking requirements and is the area used for or intended to be used for the display or sale of merchandise or services, or for use to serve patrons, clients, or customers. Usable floor area shall be exclusive of basements, cellars, attics, hallways, bathrooms or any other areas used for storage or utilities. Useable Floor Area may be computed by calculating the sum of usable floor area for each floor of the building, or by reducing the gross floor area by twenty percent (20%).
4. Adequate area must be provided for snow piling. Handicap parking shall be provided as required by state and federal regulations. Designation of parking areas must be clearly identifiable for use by the public.

C. Recommendations for the number of Parking Spaces per use:

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| 1. | Auto repair and service stations. | Two (2) spaces for each service bay; plus one (1) space for each employee. |
| 2. | Banks, business offices, studios and professional offices of architects, lawyers, and similar professions. | Three (3) plus one (1) space for each three hundred (300) square feet of usable floor area. |
| 3. | Barber shops and beauty parlors. | Two (2) for each operator chair. |
| 4. | Bed and breakfast establishments. | Two (2) spaces for the operator; plus one (1) for each guest - room, plus one for each employee. |

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| 5. | Bowling establishments. | Four (4) for each bowling lane. |
| 6. | Churches, theaters and auditoriums, except schools. | One (1) for each four (4) seats; plus one (1) for each two (2) employees. |
| 7. | Community center, library, museum or art center. | One (1) for each two hundred (200) square feet of usable floor area. |
| 8. | Computer sales and repair, printing, appliance service shops and similar businesses. | One (1) for each employee; plus one (1) for each three hundred (300) square feet of usable floor area. |
| 9. | Dwellings. | Two (2) for each dwelling unit. |
| 10. | High schools. | One (1) for each six (6) seats in main auditorium or one (1) for each employee; plus one (1) for each four (4) students, whichever is greater. |
| 11. | Home Occupation. | Two (2) spaces per dwelling plus the applicable number of parking spaces for the applicable business. |
| 12. | Hospitals, clinics. | One (1) for each bed and/or examining room; plus one (1) for each two (2) employees on maximum working shift; plus one (1) for each two hundred (200) square feet of waiting room. |
| 13. | Hotels, motels, tourist homes and lodging house. | One (1) for each sleeping room; plus one (1) for each two (2) employees on the maximum working shift. |
| 14. | Laundromats. | One (1) for each two (2) washing machines. |
| 15. | Manufacturing or industrial establishments, warehouse or similar establishment. | One (1) for each employee on maximum working shift; or one for each eight hundred (800) square feet of usable floor area, whichever is greater. |
| 16. | Nursing Homes. | One (1) per four (4) beds plus one (1) for each two (2) employees on the maximum working shift. |

- 17. Private clubs, nightclub, dance halls and similar establishments. One (1) for each one hundred (100) square feet of usable floor area.
- 18. Professional offices of doctors, dentists and similar professions. One (1) for each two hundred (200) square feet of usable floor area or a minimum of four (4) spaces, whichever is greater.
- 19. Restaurants and similar service establishments. One (1) for each one hundred (100) square feet of usable floor area.
- 20. Retail stores. One (1) for each three hundred (300) square feet of usable floor area.
- 21. Schools (except high schools). One (1) for each ten (10) seats in main assembly room, or one (1) for each employee plus two (2) for each classroom, whichever is greater.

D. For uses that are not specifically identified, the required parking spaces shall be in accord with the use the Zoning Administrator or Planning Commission determines to be a similar type.

E. Lesser amounts of required parking spaces may be allowed by the Zoning Administrator or Planning Commission for lots with existing structures or buildings when the following conditions exist:

- 1. The parking requirements of this section which would be applicable as a result of the proposed use cannot be satisfied on such a lot because there is not sufficient area available on the lot that can practicably be used for parking.
- 2. The structures or buildings on it were constructed before the effective date of this Ordinance.
- 3. The new use does not involve any enlargement of any structure or building on the lot.

F. Commercial Parking Area Design Standards

1. The layout of off street parking facilities shall meet the following requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
Parallel	12ft	8ft	23ft
30-53°	12ft	8ft-6 in	20ft
54-74°	15ft	8ft-6in	20ft
75-90°	20ft	9ft	18ft

- 2. All spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited.
- 3. Adequate ingress and egress to a parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across from land zoned for residential use.
- 4. Entrances and exits of any off street parking lot for commercial use shall be at least twenty-five (25) feet from the lot line of any adjacent residential uses.

5. Drive-through business shall provide adequate queuing space to accommodate the maximum number of cars that may be expected to seek service at any one time without queuing onto the adjacent thoroughfare. The Planning Commission may require that a determination be made by a registered professional engineer, with a specialization in traffic engineering, to specify the amount of queuing space that is needed. Provisions for parking for drive-through facilities must meet with the approval of the Planning Commission and no parking on the public right-of-way shall be permitted.
6. A minimum type A Bufferyard shall be required on all sides of commercial parking areas not adjacent to buildings or other parking lots. A higher standard of Bufferyard is required if stipulated in Section 4.04 or if it is determined by the Planning Commission an increased Bufferyard is necessary to adequately screen the parking area.
7. All parking areas containing two thousand seven hundred (2,700) square feet or more shall provide snow storage area. Snow storage shall be provided on the ratio of ten (10) square feet per hundred (100) square feet of parking area. Parking area is calculated at two hundred seventy (270) square feet per parking space. Snow storage areas shall be located in such a manner that they do not interfere with the clear visibility of traffic on adjacent streets and driveways.
8. Parking lots with more than two (2) parking aisles may be required to provide interior landscaped areas, interior being defined as the area within the perimeter of the paved surface.
9. When required, landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum width of five (5) feet. Interior landscape areas shall be designed to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.
10. One (1) parking area may contain required spaces for several different uses, except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
11. In the instance of where different developments have different operating hours or the parking needs of individual buildings or uses occur at different days or times, the same spaces may be credited for both uses.

SECTION 4.02 – LOADING SPACE REQUIREMENTS

- A. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial or industrial zoning district or other similar use requiring the receipt or distribution in vehicles, of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off street loading spaces in relation to floor area as follows:
 1. Up to twenty thousand (20,000) square feet – one (1) space.
 2. Twenty thousand (20,000) to fifty thousand (50,000) square feet – two (2) spaces.
 3. Fifty thousand (50,000) to one hundred thousand (100,000) square feet – three (3) spaces.
 4. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
- B. Each such loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

SECTION 4.03 – ACCESS MANAGEMENT

All land in a parcel having a single tax code number or contiguous parcels owned by a single individual, or related individuals, or other entity or related entities, as of the effective date of this Ordinance, fronting on M-72, M-93 or I-75 Business Loop shall be entitled to one (1) driveway or road access per parcel from said highway. Parcels, which have more than four hundred (400) feet of contiguous frontage, may have one (1) access, with another driveway allowed for each full four hundred (400) feet of frontage thereafter. Parcels, when subsequently subdivided either as metes and bounds described parcels or as a plat in accord with Act 288 of 1967, as amended, or as a site condominium in accord with Act 59 of 1978, as amended shall meet the minimum driveway spacing requirements of this Ordinance. Alternative means of access may be used to achieve driveway spacing standards, including frontage roads, rear service drives, parking lot cross-connections, shared driveways or side street access.

A. The standards for driveways shall be as follows:

1. In addition to meeting the standards of this Ordinance, all driveways shall meet the minimum standards of the Michigan Department of Transportation (MDOT), and shall receive a driveway permit from MDOT prior to construction.
2. All driveway radii, except for single-family residential use, shall be constructed with concrete curbs to define access.
3. Driveways for single-family residences shall have a minimum width of twelve (12) feet and cleared to a minimum height of fifteen (15) feet. A driveway more than three hundred (300) feet in length shall have a turn-around large enough to accommodate emergency vehicles.
4. Driveways for commercial use or driveways serving five (5) or more residences shall have a minimum width of twenty (20) feet of hard surface with construction to meet MDOT Standards.
5. An adequate area of land for snow storage area must be reserved along the drive, and shall not interfere with or damage landscaping required by this Ordinance and clear vision areas must be maintained.
6. All shared driveways or private frontage roads will be considered private roads maintained jointly by the benefiting property owners, who shall enter into and record an agreement for the joint maintenance to keep the access in a reasonably safe condition.
7. Access points for frontage roads, rear service drives, or side street drives shall be located to allow adequate stacking space for vehicles entering or crossing M-72, M-93 or I-75 Business Loop.
8. Parking lot cross-connections may be used as an alternative to frontage roads or shared driveways if, in the opinion of the Planning Commission, such cross-connections are designed with equivalent standards and function, and do not interfere with safe internal parking lot circulation patterns. The connector drives must be recorded as easements and maintained by adjoining property owners and users who shall enter into a formal legal agreement for joint maintenance.
9. All driveways or frontage roads intersecting M-72, M-93 or I-75 Business Loop shall be located at least one hundred fifty (150) feet from local road intersections, centerline to centerline.
10. Adjacent drives shall be spaced a minimum of three hundred (300) feet apart, centerline to centerline. Drives should be aligned with those across M-72, M-93 or I-75 Business Loop or offset at least one hundred and fifty (150) feet, centerline to centerline, where possible.

- B. The Planning Commission shall review and approve frontage roads, rear service drives, parking lot cross-connections, shared driveways or side street access for parcels with frontage on M-72, M-93 or I-75 Business Loop.

SECTION 4.04 LANDSCAPING

The purpose of this section is to protect and enhance property values, economic welfare and community attractiveness, provide beneficial climatic impacts by cleaning the air and providing shade, protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of siting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

A. Required Landscaping

1. Open space landscaping shall be required in the C-1, C-2 and I Districts in accordance with the following standards:
 - a) A minimum of fifty (50) percent of the front setback area shall be landscaped open space.
 - b) All areas not covered by buildings, parking or other structures shall be treated with landscape materials including trees, shrubs and groundcovers consistent with these provisions.
2. Bufferyards shall be required between conflicting land uses in order to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, or water vapor. Using landscaping, fences, and berms, or a combination of some or all the techniques may achieve buffering. Bufferyards are not required between similar uses within in the C-1, C-2 or I Districts.
3. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.
4. Tables I and II shall be used to determine Bufferyard dimensions and plant materials specifications. Table I is used to determine the type of bufferyard (A, B, C, D, or NA) which will be required between districts or users. Once the type of bufferyard is obtained, Table II outlines the plant material specifications and width of the required bufferyards. Each property line should be analyzed independently to determine the appropriate Bufferyard required.
5. The Bufferyard tables below are to be considered minimum standards. Increased landscaping requirements may be imposed by the Planning Commission if it is determined any of the following conditions exist:
 - a) The type of required Bufferyard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.
 - b) The scale of the project in regard to mass and height indicates the need for a Bufferyard developed specifically for the project.

Land Use Categories

Type I - Single-family residential, parks, recreational areas and facilities

Type II - Multi-family dwellings, churches, schools, public offices

Type III - Personal service establishments, professional offices

Type IV - Parking lots, convenience stores, restaurants, hotels/motels

Type V - Gas stations, car washes, outside storage, wholesale and warehousing, industrial uses

For the sole purpose of the application of this section, in instances where a specific land use is not identified in a category, the Planning Commission may assign the land use to a category that is determined to be similar in use and/or impact.

**TABLE I
BUFFERYARD TYPE**

Proposed Use Category	Adjacent Existing Land Use Category				
	I	II	III	IV	V
I	NA	NA	NA	NA	NA
II	A	NA	NA	NA	NA
III	B	A	NA	NA	NA
IV	C	B	A	NA	NA
V	D	C	B	A	NA

**TABLE II
BUFFERYARD PLANT MATERIAL SPECIFICATIONS**

Bufferyard Category	Bufferyard Width	Number of Plants per 100 Linear feet of Bufferyard		
		Evergreen Trees	Deciduous Trees	Shrubs
A	10'	5	4	7
B	15'	7	5	9
C	15'	8	6	11
D	20'	10	8	13

6. Screening of Unsightly Areas:
 - a) Unsightly areas, including but not limited to outside trash receptacles, loading docks, outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other areas from which the property is visible. Such screening shall not be located as to interfere with required maintenance activities of utility boxes.
 - b) Whenever plants are used as a screen, they should provide an effective opaque screen within three (3) years of the time they are planted.
 - c) The materials and colors of the screen should blend with the site and the surroundings.

- d) Enclosures shall be placed around dumpsters and other trash receptacles. Dumpsters shall be entirely screened from view. The enclosures should prevent trash from being scattered by wind or animals. The dumpster shall be placed on a concrete pad, enclosed by an opaque screen at least six (6) feet in height, with opaque gates. The enclosure shall be sturdy and built with quality wood or masonry materials. The trash enclosures shall be sited so the service vehicle has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way.

B. Landscape Materials.

1. All landscape materials planted pursuant to the provisions of this section shall be healthy and compatible with the local climate, site soil characteristics, drainage, and available water supply.
2. Deciduous trees shall be not less than one and one-half (1 ½) inches in diameter for residential uses and two and one-half (2 ½) inches in diameter for all other uses.
3. Coniferous trees should be at least six (6) feet in height.
4. Shrubs shall be of a size generally known in the nursery industry as requiring at least a five-gallon container.

C. Performance Standards

1. Irrigation
 - a) Whenever the landscaped area is two thousand (2,000) square feet or more, the site shall have a permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.
 - b) Whenever there is less than two thousand (2,000) square feet of landscaped area there should be at least one (1) reliable water source available during the growing season. The hose bib or other water source shall be within fifty (50) feet from a border of the plants.
 - c) All irrigation systems shall be maintained in good working condition.
 - d) Irrigation requirements may be adjusted in part or in whole by the Planning Commission for landscape areas having established healthy plant material, or where irrigation is deemed unnecessary for plant health and survival.
2. Trees shall be planted on the project sites to allow for their desired mature growth.
3. Access to or view of fire hydrants shall not be obstructed from any side.
4. All plants required by this Section shall be maintained in a live and healthy state. Dead or unsalvageable unhealthy plants shall be replaced with the size and type of plants required on the site development plan and by this Section.
5. Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to public rights-of-way shall have a slope no greater than 3:1, unless designed as part of a retaining wall.
6. Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or unsalvageable plants shall be replaced within nine (9) months of the time the plants are clearly dead.
7. The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Planning Commission to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.
8. Plantings shall be designed not to conflict with power lines or impede fire safety services.

SECTION 4.05 -- OPEN SPACE PRESERVATION

Regardless of zoning district, land zoned for residential development may be developed at the option of the landowner, with the same number of dwelling units on a portion of the land as would be allowed for the buildable portion of the entire parcel. Not more than fifty percent (50%) of the buildable land could be developed. Unbuildable areas, such as wetlands, areas within the 100-year floodplain, or slopes greater than twenty-five (25%) may not count toward the fifty percent (50%) open space minimum. Land may be developed for residential use under the open space preservation option following the provisions of Article XVIII Special Use Permits and Article XIX Site Plan Review and if all of the following apply:

- A. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
- B. A percentage of the buildable land area, but not less than fifty percent (50%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this section would also depend upon such an extension.
- D. The option provided by this section has not previously been exercised with respect to that land.

SECTION 4.06 – SIGNS AND BILLBOARDS

The intent of this section is to allow and regulate the use of roadside signs for general commercial advertising, and to allow signs with special messages applicable to the general public. To achieve its intended purpose the following restrictions apply.

1. For the purposes of this ordinance:
 - A. Billboards are signs which exceed 80-square-feet in face size with a maximum of 300-square-feet. Billboards are limited to erection in industrial or commercial zones adjacent to federal and state highways only.
 - B. Signs are 80-square-feet or smaller and are limited to erection in industrial or commercial zones adjacent to any public highway, unless otherwise specifically designated.
2. Signs and billboards shall comply with all federal and state requirements prior to the application of requirements within this ordinance. The more restrictive requirements between federal, state and local regulations shall apply.
3. No sign or billboard shall be erected in a manner which will conceal or obscure signs of adjacent businesses.
4. No sign or billboard shall reduce or obstruct the necessary visual path of passing motorists or motorists entering or exiting the street.
5. No sign or billboard shall be erected which have any potential of danger to the public due to moving parts or structural deficiencies.

6. All billboards must be approved by the township planning commission as a special use.
7. Two-sided signs and billboards shall be considered one sign.
8. Signs shall not exceed sixteen-feet (16) in height from ground level. Billboards shall not exceed 30-feet in height from ground level.
9. All signs and billboard will comply with current building department standards for Grayling Charter Township.
10. No sign or billboard shall be erected within 50-feet of the center of any road, nor within 10-feet of any side lot line, nor within 50-feet of any rear lot line.
11. No sign or billboard shall be erected without the written permission of the property owner.
12. No sign or billboard shall be illuminated by other than electrical means. Bare lighting fixtures shall not be allowed. The illumination of signs shall not constitute a nuisance, nor interfere with the visual necessities of vehicular traffic, nor of the use or enjoyment of adjacent properties.
13. No sign or billboard shall be erected so as to obstruct fire-fighting equipment, nor prevent access to any door, window or fire escape.
14. Roof signs and billboards are prohibited.
15. No sign or billboard may be affixed to trees or utility poles.
17. Banners and special attachments to direct attention to signs are not allowed.
18. Signs and billboards must be removed within seven-days of the time the message becomes obsolete, unless that message has been updated to a current message.
19. Signs and billboards must be maintained to conform with current building standards and must be removed immediately if it falls into disrepair.
20. No more than one sign or billboard shall be erected on any property without planning commission approval.
21. Temporary and free standing signs (allowed in any zoning district)
 - A. One political sign promoting a political candidate or issue, of not more than four-square-feet, may be erected on any property, with the owners' permission, up to 45-days prior to any public election and must be removed within two-days after that election.
 - B. One garage sale sign of not more than four-square-feet may be erected on any property, with the owners' permission, up to seven-days prior to the garage sale, and must be removed within one-day after the garage sale. Garage sale signs shall not be affixed to utility poles.

- C. One (two if waterfront property) real estate signs of not more than six-square feet may be erected on the property offered for sale or lease and must be removed within two-days of the sale or lease of the property.
 - D. One portable sign, with changeable letters, advertising a special community event may be placed on any property, with the owners' permission, up to 14-days prior to that event, and must be removed within one-day after that event.
 - E. Signs advertising a business allowed under an in-home occupation permit granted by the Grayling Charter Township Planning Commission shall be affixed to the façade of the residence and shall be no larger than 8-inches high and 24-inches wide.
22. Murals depicting local historical or nature scenes are allowed on the sides or front of any commercial building. Any portion of a mural with lettering must not exceed 80-square-feet.
23. Directional signs on industrial or commercial properties are not limited in number, but each shall not exceed four-square-feet.

Section 4.07 - Adult and Sexually-Oriented Businesses

Section 4.07.A Intent

To provide for the regulation, control and prohibition of certain undesirable adult businesses, sexually oriented businesses, and adult entertainment establishments, near certain zoned districts which allow the following primary or secondary uses: residential, recreational, religious, educational, and other business interests where alcoholic beverages are sold.

Legislative Findings

- A. The Grayling Charter Township Board of Trustees and the Grayling Charter Township Planning Commission have determined that sexually oriented businesses and activities are recognized as having a deleterious effect upon adjacent areas, causing increased crime rates, blight, a general chilling effect upon other businesses and occupants, a negative disruption in residential and commercial development, decreasing land values of adjacent and nearby properties.

These findings have been substantiated by numerous land use studies which have been upheld by the United States Supreme Court. Recent Supreme Court cases have concluded that, "municipalities have a substantial interest in protecting and preserving the quality of life for its community against the adverse secondary effects of sexually oriented businesses," regardless of the size of the community (*Young v. American Mini Theaters, Inc.* (1976)), and *Renton v. Playtime Theater, Inc.* (1986)).

The harmful secondary effects the Court identified include:

1. Increased crime.
 2. Decreased property values of both residential and commercial properties.
 3. Blight which causes people and businesses to flee the community.
- B. The Grayling Charter Township Board of Trustees and the Grayling Charter Township Planning Commission have concluded that they have the right, the duty, and the

permission (MCLA 125.286b) to protect township citizens from these harmful effects of sexually oriented businesses, including but not limited to:

1. Adult arcades
2. Adult book, novelty (sexual paraphernalia), or video stores
3. Adult cabarets, night clubs, gentlemen's clubs, go-go clubs, strip bars
4. Adult motels or hotels
5. Adult motion picture theaters or adult theaters
6. Escort services or agencies
7. Adult massage parlors

- C. The Grayling Charter Township Board of Trustees, the Grayling Charter Township Planning Commission and a substantial number of the members of the general public which reside or own property in Grayling Charter Township have determined through the legal public hearing process that "Sexually Oriented Businesses," are not held to be in keeping with the intentions of the Grayling Charter Township Master Plan, which states, "This Plan is intended as support for the achievement of the following public objectives, among others:
- To protect public health, safety and general welfare;
 - To conserve and protect property values by preventing incompatible uses from locating adjacent to each other;
 - To protect and enhance quality of life in the City and Township;
 - To protect and preserve the natural resources, unique visual character, and environmental quality of the area;
 - To maintain and enhance employment opportunities and tax base of the area;
 - To promote an orderly development process which is paced in coordination with the City's and Township's ability to provide services and which permits public officials and citizens an opportunity to monitor change and review proposed development in a reasonable manner; and
 - To provide information from which to gain a better understanding of the area and its interdependencies and interrelationships, and upon which to base future land use and public investment decisions."
- D. It is not the intent, nor are there legislative findings which support Grayling Charter Township from prohibiting sexually oriented businesses from locating within the boundaries of Grayling Charter Township based on the protections of free speech in the First Amendment of the United States Constitution. If a sexually oriented business is engaged in legal speech related activities, one (1) must be allowed even if it falls within the prohibitions listed in Section 20.08.
- E. In the event any "Sexually Oriented Business" in Grayling Charter Township discontinues operation for a period of more than six (6) months (181 days), the right to operate the business shall terminate.

Section 04.07.B – Conformance with Grayling Charter Township Special Use Provisions

Any and all businesses which fit the definition of a "Sexually Oriented Business" require a special use permit, regardless of zone, through the review process of the Grayling Charter Township Planning Commission. Special uses are regulated through Section XVIII of the Grayling Charter Township Zoning Ordinance (2010-01).

Section 04.07.C – Site Plan Review Standards

- A. Signage – Must conform to the following regulations, in addition to Grayling Charter Township requirements for signs and billboards outlined in Section 04.06.
 - 1. No words, lettering, photographs, silhouettes, drawings or pictorial representations of “Sexual Paraphernalia,” “Specified Sexual Activities” or “Specified Anatomical Areas.”
- B. Junk, Garbage, Rubbish, and General Blight – The exterior grounds of any “Sexually Oriented Business” must conform to the regulations contained in the Grayling Charter Township blight regulations as defined in Section 04.XX

Section 04.07.D – Allowable locations

- A. “Sexually Oriented Businesses” may only locate in the following zones:
 - 1. (C-1) General Commercial
 - 2. (C-2) Heavy Commercial
 - 3. (PI/PC) Planned Industrial and Commercial
 - 4. (I) Industrial
- B. As of the effective date of this ordinance, the following properties are suitable and available for the location of sexually oriented businesses as long as the requirements for locating such businesses are met in this and other pertinent articles of this ordinance.
 - 1. All vacant parcels of land in Township 26 North, Range 3 West, Section 5, zoned (C-2) Heavy Commercial.
 - 2. All vacant parcels throughout Township 26 North, Range 3 West, Sections 20, 29, 32 and 33, which are currently zoned (PI/PC) Planned Industrial and Commercial.

Note: The above eligible parcels comprise slightly more than 2,000 acres, or 8.1% of all privately owned land in Grayling Charter Township.

Section 04.07.E – Definitions

- A. Sexually Oriented Business – Shall include any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying for sale, rent, or lease; or exhibiting for entertainment; a significant portion of items which include matter including “Sexual Paraphernalia,” or actions depicting, describing or presenting “Specified Sexual Activities,” or “Specified Anatomical Areas.”
- B. Adult Motion Picture Theater – Shall include any enclosed building or structure with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to “Specified Sexual Activities,” or “Specified Anatomical Areas,” for observation by patrons therein.
- C. Adult Mini-Motion Picture Theater – Shall include any enclosed building or structure with a capacity of less than fifty (50) persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to “Specified Sexual Activities,” or “Specified Anatomical Areas,” for observation by patrons therein.

- D. Adult Motion Picture Arcade – Shall include any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to “Specified Sexual Activities,” or “Specified Anatomical Areas.”
- E. Adult Book Store – Shall include any use or combined use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, computer disks, or other printed or recorded material which has a significant portion of its content, or exhibit matter including “Sexual Paraphernalia,” or actions depicting, describing or relating to “Specified Sexual Activities,” or “Specified Anatomical Areas,” or an establishment with a substantial segment or section devoted to the sale or display of such material.
- F. Adult Cabaret – Shall include any nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, including but not limited to “go-go” dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict, or describe “Specified Sexual Activities,” or “Specified Anatomical Areas.”
- G. Adult Motel/Hotel – Shall include a motel or hotel wherein matter including “Sexual Paraphernalia,” actions or other displays are presented which contains a significant portion depicting, describing, or relating to “Specified Sexual Activities,” or “Specified Anatomical Areas.”
- H. Adult Massage Parlor – Shall include any place where for any form of consideration or gratuity, massage, alcohol rub, administration of oils or lotions, electric or magnetic treatment or any other treatment or manipulation of the human body which occurs as part of, or in connection with “Specified Sexual Activities;” or where any person providing such treatment, manipulation or service related thereto exposes “Specified Anatomical Areas.”
- I. Significant Portion – Shall mean and include:
1. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
 2. The aggregate portions of the display having a duration equal to ten (10) percent or more of the display as measured by either number of publicly displayed items and/or ten (10) percent of available public floor space.
- J. Display – Shall mean the presentation of any “Sexual Paraphernalia,” single motion or still picture, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, computer generated images, video cassettes, computer disks or any other printed or recorded matter which is open to view or available to the general adult population whether free or otherwise.
- K. Sexual Paraphernalia – Shall include any item, instrument, or device for sale, rent or lease, which has as its principle use the sexual stimulation of human genitals, breasts, or buttocks for “Specified Sexual Activity.”
- L. Specified Sexual Activity – Shall mean:

1. Human genitals in a state of sexual stimulation or arousal,
 2. Acts of human masturbation, sexual intercourse, sodomy, fellatio, cunnilingus, or intrusion, however slight, of any part of a person's body, or of any foreign object, into the genital or anal openings of another's body.
 3. Fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- M. Specified Anatomical Areas – Shall mean:
1. Less than completely and opaquely covered human male and female genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- N. Adult – Shall mean anyone who has attained the age of eighteen (18) years of age, or older.
- O. Church – Shall mean any building used for regular public worship services and is exempt from taxation under the General Property Tax Act of the State of Michigan.
- P. School – Shall mean any building regularly used for educating children under the age of eighteen (18) and is exempt from taxation under the General Property Tax Act of the State of Michigan.
- Q. Day Care Center – Shall mean any business whose primary concern is watching, protecting and educating children prior to an age where they may enroll in a community school.
- R. Public Park – Shall mean any park owned and maintained by Grayling Charter Township or any park owned and maintained by The County of Crawford within Grayling Charter Township.
- S. Protected Zones – Shall include (R-1) Single Family Residential, (R-2) General Residential, (R-3) General Residential Association, (NRD) Natural River District, (RF) Recreational Forest, (PUD) Planned Unit Development.
- T. Aggregate Portions – Shall include the combined total of items of “Sexual Paraphernalia” and/or items promoting “Specified Sexual Activities” and/or “Specified Anatomical Areas” on display for sale, rent or lease, or promoting the sale, rent or lease of such items, when compared to salable items which are not defined by this ordinance amendment as sexual in nature.

Section 04.07.F – Unlawful Acts

- A. It shall be unlawful for any person to operate any of the following single businesses, or combinations of the following businesses, within 1,000 feet of any protected zone.
1. Adult arcades
 2. Adult book, novelty (sexual paraphernalia), or video stores
 3. Adult cabarets, night clubs, gentlemen's clubs, go-go clubs, strip bars
 4. Adult motels or hotels
 5. Adult motion picture theaters or adult theaters

6. Escort services or agencies
- B. It shall be unlawful for any person to operate any of the following single businesses, or combinations of the following businesses, within 1,500 feet of a church, school, day-care center, or public park in any protected or non-protected zone.
1. Adult arcades
 2. Adult book, novelty (sexual paraphernalia), or video stores
 3. Adult cabarets, night clubs, gentlemen's clubs, go-go clubs, strip bars
 4. Adult motels or hotels
 5. Adult motion picture theaters or adult theaters
 6. Escort services or agencies
- C. It shall be unlawful for any activity in which the participants have less than completely and opaquely covered genitals, pubic regions, buttocks, and female breasts within any protected zone or any church, school, day-care center, or public park.
- D. It shall be unlawful to operate an adult massage parlor, nude model studio, or sexual encounter center anywhere in Grayling Charter Township.

Section 04.07.G – Violations, Penalties and Inspections

- A. Violations of this amendment and the enforcement thereof are regulated through Article XXII of the Grayling Charter Township Zoning Ordinance.
- B. The Grayling Charter Township Supervisor or designated Ordinance Enforcement Officer shall be allowed to enter any "Sexually Oriented Business" during hours of operation for the purposes of inspection to confirm compliance with this ordinance, without prior notification.

Section 04.08 – Blight (Junk and Garbage)

A Definitions as used in this section

1. Junk – means any unused or unusable toys, tires, building materials, furniture, machinery, appliances, or parts thereof.
2. Rubbish – means wastepaper, metalware, plasticware, metal cuttings, boxes, glass, straw, shavings, barrels, lumber, paper cartons, brush, lawn cuttings, and hedge trimmings.
3. Garbage – means any accumulation of trash, refuse or litter, specifically including, but not limited to refuse from the preparation and consumption of food, as well as dead animals (or parts thereof) and discarded edible or drinkable items.
4. Vehicle – means motorized and non-motorized mechanical devices which have the primary purpose of transporting people on land, air and water, including but not limited to, motor homes, cars, trucks, airplanes, snowmobiles, motorcycles, off-road vehicles, boats (including canoes, jetskis, and bicycles, and scooters.

5. Inoperable – means any vehicle unable to perform its primary function of transportation due to mechanical condition, missing parts, or non-licensure or registration if required by state or federal law.
6. Trailer – means any non-motorized device which must be pulled by a vehicle and is used for the purpose of transporting other vehicles or items of any kind, including but limited to utility and recreational travel trailers.

B. Unlawful Acts

1. No owner, occupant or possessor of land within Grayling Charter Township shall keep or permit to be kept at any time on such parcel, any accumulation of junk, rubbish and/or garbage unless the same is within a completely enclosed building.
2. No owner, occupant or possessor of land within Grayling Charter Township shall keep or permit to be kept, for more than fourteen (14) consecutive days, any inoperable vehicle or trailer, including vehicles and trailers under owner repair, unless said vehicle or trailer is within a completely enclosed building or completely screened behind a six-foot high fence on the side or rear yards as defined in section 03.18.
3. No person shall place junk, rubbish, garbage and/or inoperable vehicles or trailers on the property of another, including any publicly owned property.
4. Property owners and occupants wishing to display and sell personal items, vehicles or trailers on their properties, may display no more than two items or vehicles or trailers or any combination thereof, in any time period which exceeds sixty-days in any 365-day period. Items, vehicles and trailers for sale shall not be displayed for sale on vacant parcels. Vehicles or trailers need not be registered or licensed, but shall be operable in all other ways. All items, vehicles and trailers must be clearly marked “FOR SALE” in a manner legible to passers-by. No person shall place items, vehicles or trailers for sale on the property of another, including any public property, nor shall they be placed within the road right-of-way.

C. Exceptions to blight regulations

1. These blight regulations do not apply to inventory on premises occupied by a merchant licensed under MCL 205.53 and conducting a lawful business or to the property patrons of a lawful motor vehicle repair facility, furniture or appliance sales or repair facility, or gasoline service stations while left on the premises of either for the purposes of service or repair, nor does this ordinance apply to licensed salvage yards which are regulated under Public Act 12 of 1929.
2. Recreational vehicles, and trailers which are usable, in good repair and are customarily licensed on a seasonal basis, and vehicles and not required to be licensed by the State of Michigan, shall be allowed to be kept on the owner's property so long as they are stored in conformance with the yard requirements within this ordinance for the designated zone for the property, as defined in this ordinance.

3. Junk, rubbish, and garbage may be placed on the owner's property, close to the road or driveway, no more than 16-hours before normally scheduled pickup for disposal. All items placed for pickup must be in appropriate handling devices to prevent foraging animals and other vermin from the contents.

Section 04.09 – Dangerous Buildings

A Definitions as used in this section

1. A dangerous building means any building or structure, residential or otherwise that has one or more of the following defects or is in one or more of the following conditions:
 - a. A door, aisle, passageway, stairway, egress window or other means of exit that does not conform to the currently adopted Grayling Charter Township building code.
 - b. A whole or any portion of a building or structure which is damaged by fire, wind, flood, disrepair, dilapidation, decay, faulty construction or any other cause, natural or man-made, so that the structural strength or stability of the building or structure is appreciably less than its original condition and does not now meet the minimum requirements of the Grayling Charter Township building code.

B. Determination of Unsafe Building(s) or Structure(s)

1. The determination that any building or structure is unsafe and constitutes a direct danger to persons and/or property shall be the determination of the Grayling Charter Township Building Official and the Grayling Charter Township Zoning Administrator or Supervisor, with confirmation by motion and approval of the Grayling Charter Township Board of Trustees.
2. Upon determination by the Grayling Charter Township Board of Trustees that a building or structure is unsafe, the matter shall no longer be considered a Municipal Civil Infraction, but the provisions and procedures in section 04.14.C shall apply.

C. Procedure for Removal of Unsafe Building(s) or Structure(s)

1. Upon determination that a building poses a threat to persons and/or property, the owner shall be notified by the supervisor, through registered mail, and shall be given 30-days from the date of the notice to begin demolition or repair. All local building regulations and permits shall be in effect and shall be strictly followed by the owner, if repair or demolition is begun. Notice shall also include a warning to the owner that if demolition or repairs are not in process within 30-days of the date of the notice, the Grayling Charter Township Board of Trustees have authorized the township attorney to immediately file misdemeanor legal proceedings in the local judicial courts to seek injunctive relief, at the expense of the owner.
2. If injunctive relief is ordered by the court, the township will make immediate arrangements for demolition of the unsafe building or structure. All costs,

including legal and demolition costs associated with the demolition will be added as a lien to the next tax bill of the property's owner.

Section 04.10 – Land Divisions

A Definitions as used in this section

1. Divide or Division – means the partitioning or splitting of a parcel or tract of land by the owner thereof, or by legal heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease, or of development that results in one or more parcels of less than 40-acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act (MCLs 560.108 and 560.109). Divide and Division do not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable ordinances.
2. Exempt Split – means the partitioning or splitting of a parcel or tract of land by the owner thereof, or by legal heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40-acres when an acre is measured as 43,560-square feet.

B. Application for Land Division

- 1 An applicant shall file all of the following with the township assessor, zoning administrator or supervisor for review, prior to making any division either by deed, land contract, lease, or building permit.
 - a. A completed application on such form as may be provided by the township assessor, zoning administrator, or supervisor.
 - b. Proof of ownership of the land proposed to be divided.
 - c. A survey prepared and stamped by a qualified surveyor not more than one-year prior to the application date, showing, 1) the parcel(s) prior to the proposed division, and 2) the parcels resulting from the proposed division, with legal descriptions of all parcels prior to and after the proposed division.
 - d. Proof that all standards of the Land Division Act and this ordinance have been met.
 - e. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
 - f. A fee of \$300 to cover the costs of application review and administration of this ordinance and the Land Division Act.

C. Procedure for Review of Land Division Application

1. The township shall approve or disapprove any land division application within 45-days of the application date and shall promptly notify the applicant of the decision of approval or denial with written reasons if the application has been denied.

2. Any applicant may appeal a denied application to the Grayling Charter Township Board of Trustees within 60-days of the date of denial. The township board may resolve the appeal by majority vote within 45-days of the date the board hears the appeal. The applicant shall be notified promptly of the decision of the board.
3. The assessor shall maintain an official record of all approved and accomplished land divisions and transfers.
4. Grayling Charter Township and its officers and employees shall not be liable for approving a land division if building permits, water permits, or sewage disposal permits are subsequently denied for just cause within other ordinances or state or federal regulations.
5. Grayling charter Township shall approve proposed land divisions if the division(s) comply with this ordinance and the Land Division Act.
6. All parcel created and remaining from an approved land division shall have legal and adequate accessibility.

NOTE: The following pages contain a copy of Public Act 288 of 1967 (as amended).