

1. A nonconforming use may be carried on throughout any parts of a building or land which were manifestly arranged or designed for such use.
2. Any nonconforming use which is superseded by a permitted use, shall thereafter conform to the regulations for the district in which the use is located, and the nonconforming use may not thereafter be resumed.

E. Nonconforming buildings and structures.

1. Normal maintenance, repairs and cosmetic alterations and improvements of nonconforming buildings and structures may be made throughout its normal life.
2. Extensions or enlargements of nonconforming buildings or structures that are constructed in a conforming way with the ordinance requirements may be permitted. Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure for which the construction was substantially under way on the effective date of this Ordinance.
3. Damaged nonconforming buildings or structures. Any building or structure, whether it be nonconforming because of the building itself or the lot on which it is located, may be reconstructed to no greater than its original configuration (i.e. original footprint and spatial envelope) in the event it is destroyed or partially destroyed by explosive, fire or other acts of God.
4. Extensions, additions, replacement, or enlargement of nonconforming buildings or structures that extend the nonconformity of the building or structure need approval by the Zoning Board of Appeals, based on the ZBA standards set forth in Article IX. Replacement buildings or structures shall be reconstructed only up to its original configuration.

F. Zoning Lots or Parcels

Any lots or parcels combined as a zoning lot or parcel as defined in Article II of this Zoning Ordinance, or amendments thereto, shall not be divided so as to leave remaining a lot or parcel with dimensional or area requirements below those stated in this Zoning Ordinance or any amendment thereto. If the lots when combined still do not meet area or dimensional requirements established by this Zoning Ordinance or any amendment thereto, then the combined lots or parcels or portions thereof may be used as one nonconforming lot of record under this Zoning Ordinance or any amendment thereto.

**Section 3.18 Fences in Residential Districts**

No fence shall exceed six (6) feet in height, except as otherwise provided for in this Ordinance. In a yard fronting on a street or road, no fence shall exceed four (4) feet in height and shall be constructed of non-obscuring materials. Fences shall not obstruct clear vision for traffic safety purposes nor create a hazard to traffic or pedestrians.

**Section 3.19 Docks**

One dock shall be allowed per lake front lot or parcel. Two or more adjacent nonconforming lots that are owned by the same person shall be allowed one dock. One additional dock shall be

allowed for each full 100' of frontage in excess of the first 100 feet of frontage. All docks shall comply with the applicable district setback requirements. The dock length shall be limited to 30 feet in length, or the minimum length to reach a water depth of four (4) feet, whichever is greater. Dock width shall be limited to six (6) feet in width.

### **Section 3.20 Common Use Waterfront**

When more than two (2) families share a waterfront lot, such common use and/or ownership of the waterfront lot shall be governed by this Section. The provision herein shall apply regardless of whether access to the waterfront is gained by easement, common or joint fee ownership, single fee ownership, lease, license, site condominium unit, stock, or membership in a corporation, or any other means. All such common use waterfront lots must comply with the following regulations and standards:

- A. Site plan approval is required by the Planning Commission, pursuant to Article V, except that the following additional information shall be included in the site plan:
  - 1. The specific uses permitted on the common waterfront area, the locations of same, and all conditions that must be met to entitle one to such uses.
  - 2. The bearings, distances, and calculations showing compliance with subsections (B), (C), and (D) below.
  - 3. Proposed location of docks or other waterfront structures.
- B. The land comprising the common waterfront shall have at least the minimum water frontage (as measured at the ordinary high water line), and shall have at least the minimum area for the applicable zoning district. The required frontage and area shall be increased by the required district minimums for each additional family having waterfront privileges associated with the common waterfront.
- C. One (1) car parking space shall be provided for each family having waterfront privileges, unless this standard is reduced or otherwise waived by the Planning Commission due to the proximity of the families having such privileges to the common waterfront.
- D. No more than three watercraft parking spaces (i.e. slip, mooring, boat hoist or any other means of seasonal anchorage) per one hundred feet (100') of frontage on the water shall be allowed.
- E. A maximum of one (1) dock per one hundred feet (100') of lot width shall be allowed, all boat hoists shall be attached to a dock. The Planning Commission may limit the number of docks, provided the allowed dock(s) provide sufficient space to accommodate the allowable three watercraft parking spaces per one hundred feet of lot width.
- F. Commercial boat launch facilities are not permitted, except as specifically provided for by other sections of this Ordinance.
- G. The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards pursuant to Article V, and in consideration of the following standards related to the common use waterfront:

1. The extent of contemplated injury or nuisance, including noise, to owners of riparian, adjacent and nearby lands.
  2. The impact upon the public's enjoyment of the navigable waters.
- H. Obtain and comply with the conditions of all other applicable permits.

### **Section 3.21 Outdoor Lighting**

In order to minimize light pollution, and promote the dark sky principles, all outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

### **Section 3.22 Medical Use of Marihuana**

- A. The medical use of marihuana by both qualifying patients and primary caregivers, as those terms are defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, shall be a use by right in all zoning districts. Because of the confidential nature of the medical use of marihuana, no zoning permit shall be required.
- B. A property at which a primary caregiver is providing medical marihuana services shall have no sign related to the use as a primary caregiver visible from outside the dwelling.

### **Section 3.23 Antenna Co-location on an existing Tower or Structure**

- A. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- B. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
- C. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than twenty (20) feet.
- D. No zoning permit shall be required for co-location of an antenna on an existing tower or structure.