

Article 1
TITLE and PURPOSE

An ORDINANCE to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residents, trade, industry or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this ordinance.

SUGAR ISLAND TOWNSHIP ORDAINS:

1.01 Short Title

This ordinance shall be known as the SUGAR ISLAND TOWNSHIP ZONING ORDINANCE.

1.02 Statutory Basis

Sugar Island Township in accordance with the enabling legislation for Municipal Zoning as provided in Act 110 of 2006 (M.C.L. 125.3101 *et seq.*) and P.A. 33 of 2008 (M.C.L. 125.3801 *et seq.*) hereby provides as follows: a Zoning Ordinance which shall be known as and may be cited as the “Sugar Island Township Zoning Ordinance” of Sugar Island Township, Chippewa County, Michigan, as amended and is referred to as the “Zoning Ordinance.”

1.03 Area of Jurisdiction

The provisions of this Zoning Ordinance apply to all development, public and private, throughout the incorporated areas of Sugar Island Township, Chippewa County, Michigan, to the extent permitted by law.

1.04 Purpose

The fundamental purpose of this ordinance is to promote the public health, safety, and general welfare. The provisions are intended to encourage the use of lands and natural resources in the township in accordance with their character and adaptability; to limit the improper use of the land; to reduce hazards to life and property; to provide for the orderly development of the township; to avoid overcrowding the population, to provide for adequate light, air, and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreation areas, agricultural area, and residential areas, and other areas naturally suited to particular use to facilitate the establishment of an adequate economic system of transportation, sewage disposal, safe water supply, education, recreation, and other public requirements; to conserve the expenditure of funds for public improvements; and services to conform with the most advantageous use of land, resources, and properties; to promote the best uses of land and resources of the township by both the community in general and the individual inhabitant.

1.05 Conflicting Laws, Ordinance, Regulations and Restrictions

It is not intended by this ordinance to repeal, abolish, annul or in any way impair or interfere with any existing provision of the law, ordinances, any rules, regulations or permits previously adopted or issued pursuant to law relating to the erection or use of buildings or land, nor is it intended by this ordinance to interfere with or abrogate or annul any existing easements, covenants or other agreements between parties provided, however, that where any limitations upon safety or sanitary measure or requires larger yard or open spaces than are imposed or required by the provision of any other law or ordinance or any said rules, requirements of this ordinance are to be construed as

minimum requirements, and shall in no way impair or affect any covenant or restriction running with the land, except where such covenant or restriction imposes lesser requirements.

1.06 Conflict with State or Federal Regulations

If the provisions of this Zoning Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions will control, to the extent permitted by law.

Official Zoning Map

The boundaries of the zoning districts established by the Zoning Ordinance are shown on a map or series of maps designated the "Official Zoning Map." The Official Zoning Map, including all notations, references, data and other information shown therein, is adopted and made a part of this Zoning Ordinance as fully as if it were contained within the pages of this Zoning Ordinance.

- A. Location: The Official Zoning Map is filed in the office of the Sugar Island Township Clerk.
- B. Updates: The Sugar Island Township Planning Commission is responsible for updating the Official Zoning Map to reflect amendments adopted by the Township Board.
- C. Zoning Districts Boundaries: Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:
 - 1. The district boundaries are public rights of way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.
 - 2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.
 - 3. Wherever any street, road, alley, place or other public way is officially vacated by the Chippewa County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
 - 4. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered in rules "1" through "3" above, the Zoning Administrator shall interpret the boundaries.
 - 5. Any dispute in the determination of the Zoning District boundaries shall be heard by the Board of Zoning Appeals.

Article 2
GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS

Section 2.01 Intent

Beginning with the effective date of this ordinance, and except as otherwise provided in this ordinance, no new building or structure, or part thereof, shall be erect, and no existing building or structure shall be enlarged, rebuilt, or altered, and no building, structure, land, premises, or part thereof shall be used for purposes other than in conformity with the provisions of this ordinance pertaining thereof.

Section 2.02 Yard and Area Requirements: General

- a) Where a lot abuts upon an alley, one-half (½) of the width of a said alley may be considered a part of such lot, for the purpose, of computing the area of such lot and for the purpose of computing the depth of any rear yard required under this ordinance.
- b) Where the shape of a lot or other circumstances result in conditions to which the provisions of this ordinance governing yard requirements are inapplicable, the Board of Appeals shall prescribe such requirements.

Section 2.03 Limitations of Dwellings Per Lot

Only one (1) dwelling shall be erected on a lot. Any dwelling constructed shall adhere to Section 4.09 Height and Area Requirements.

Section 2.04 Limitations of a Structure Per Lot.

Additional structures may be erected on a lot. Any structure constructed shall adhere to Section 4.09 Height and Area Requirements.

Section 2.05 Temporary Dwelling Structures

No building, trailer coach, tent, garage, cellar, basement or other structure which does not conform to the provisions of this ordinance relative to dwellings shall be erected, altered or moved upon any premises and used for dwelling purpose except under the following applicable limitations.

- a) Such use of any building, trailer coach, tent, garage, basement or other structure shall not be ill-disposed to health, safety or public welfare.
- b) The location of each such building, garage, cellar, basement or other structure shall conform to the regulations governing the yard requirements, governing dwellings or similar conformable structures in the district which it is situated.
- c) Such use of any building, trailer coach, tent, garage, cellar, basement or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period which a dwelling conforming to the provisions of this ordinance is in process of erection and completion, provided, however, that such a period shall not exceed twelve (12) months beginning with the date of issuance of the permit thereof.
- d) Application for the erection, movement, alteration, and use of such building, trailer coach, tent, garage, basement or other structure shall be made to the Zoning Administrator as

provided by Section 10.04 of this ordinance. Upon the filing of such application with the clerk, he/she shall refer provisions of Section 9.09 of this ordinance for the granting of non-conforming use permits.

- e) On approval and delivery of the permit, the applicant shall certify in a space allotted for the purpose on the copy of the permit retained for filing that he/she has knowledge of the limitations of the permit and the penalty pertaining to it. No permit shall be transferable to any other person. The conditions of this section shall not apply to any other trailer coach when in a trailer coach park, nor to any cabin located in a cabin camp as defined by this ordinance.
- f) Appropriate application forms for such permits will be furnished by the Zoning Administrator upon payment of a fee as set by the Township Board. This fee is not subject to refund.

Section 2.06 Building Permits

Any dwelling and/or structure more than one hundred and fifty (150) square feet in area shall require a building permit issued by Chippewa County Building Department.

Section 2.07 Cabin and Cabin Camps

No parcel of land or premises shall be used for cabin camps, and no cabin shall be erected, altered or moved upon any land or premises without compliance with the following regulations.

- a) The location and operation of such camp shall not tend to produce noise or annoyance or prove otherwise injurious to the surrounding neighborhood, nor be inimical to the public health, safety or general welfare of the community, nor be contrary to the purposes of this ordinance.
- b) Each cabin shall provide no less than sixty (60) square feet of floor area for each occupant, but no cabin shall contain less than one hundred twenty (120) square feet of floor area for sleeping quarters exclusive of any space for indoor toilets or other facilities. Said area may be based upon over-all dimensions at the cabin floor level exclusive of porches or other attached structures.
- c) Each cabin shall abut or face on a driveway or unoccupied space of not less than twenty-five (25) feet in width, which space shall have unobstructed access to a public thoroughfare. There shall be a space of no less than ten (10) feet between every cabin and any other cabin and property line of the parcel of land or premises in which the cabin is located.
- d) Cabins will conform to County Health Regulations.
- e) Applications for a permit to erect such a camp shall be made in writing to the Township Zoning Administrator as provided by Section 10.04 of this ordinance, who shall refer the same to the Zoning Board for approval under the procedures and provisions of Section 9.09 of this ordinance for the granting of non-conforming use permits. The application shall show the location and extent of the proposed camp, the size, location and yard space for each cabin and other building or structure to be erected on the land premises, and such additional information as the Zoning Board may deem essential to take proper action on the application.

Section 2.08 Trailer Coach Parks

No parcel of land or premises shall be used for trailer coach park without compliance with the following regulations.

- a) The location and operation of such a park shall not tend to produce noise annoyance to prove otherwise injurious to the surrounding neighborhood, nor be inimical to the public health, safety, or general welfare of the community, nor be contrary to the purposes of this ordinance.
- b) Such park shall be provided with not more than one (1) safe entrances from and one (1) safe exit to the public highway or street.
- c) Application for a permit to erect such a park shall be made in writing to the Township Clerk as provided by Section 10.04 of this ordinance who shall refer the same to the Zoning Board for approval under the procedures and provisions of Section 9.09 of this ordinance for the granting or non-conforming permits. The applications shall show the location and extent of the proposed parks, and such additional information as the Zoning Board may deem essential to take proper action on the application.
- d) Trailer coach parks will conform to County Health Department Regulations.

Section 2.09 Combination of Trailer Coach and Cabin Camp

No parcel of land or premises shall be used for a combination trailer coach and cabin camp without compliance with the applicable regulations of Sections 2.07 and 2.08 of this ordinance.

Section 2.10 Combination Business and Dwelling Buildings and Structures

Each building or structure used for combined dwelling and business purposes shall provide an area of not less than six hundred (600) square feet for that part used for dwelling purposes.

Section 2.11 Water Supply

Every living unit shall have available a supply of water obtained from either:

- a) A drilled, driven or dug well; or
- b) A suitable source of potable water.

Section 2.12 Mobile Home General Provisions.

- a) Mobile homes must comply with the National Home Construction and Safety Standards Act of 1974.
- b) Mobile homes not complying with the National Home Construction and Safety Standards Act of 1974 must be modified to meet the minimum plumbing, electrical, mechanical and fire code standards established by the U.S. Department of Housing and Urban Development (HUD) for mobile homes.

Section 2.13 Water Supply and Sewerage

Every building or structure hereafter erected on any premise and used in whole or in part for human occupancy or frequency shall be provided with a safe and sanitary water supply, a septic tank system

of sewage disposal or a system of waste disposal erected and maintained in accordance with the standards of material and installation recommended by the Michigan Department of Health, provided that an outside privy erected and maintained in accordance with the standard recommended by the Michigan Department of Health may be permitted.

Section 2.14 Inadequate Soil Conditions

Where land conditions are inadequate for the erection and maintenance of a safe sewage disposal system, unique means shall be provided to safeguard health conditions, which means shall be provided by the Chippewa County Health Department.

Section 2.15 Locations of Highway Setback Lines

Setback lines on highways not situated in subdivision or plats, or recorded as such, effective date of this ordinance shall be parallel with the seventy-five (75) feet from the center-line of the highway.

Setback lines for Michigan State trunk lines shall be parallel one hundred (100) feet from center-line of the highway, provided no constructions is within less than twenty-five (25) feet from the road right-of-way.

Section 2.16 Buildings and Structures Relative to Setback Areas

- a) No building or structure of any kind, except necessary to highway and traffic signs, and open fences through which there shall be a clear vision, shall be hereafter constructed, erected, or moved into space within such setback lines. Except as herein provided, no building or structure, except necessary highway and traffic signs, presently existing within such setback lines shall be renewed or replaced hereafter in any way, except outside of the setback lines.
- b) No building or structure within the established setback lines, except necessary highway and traffic signs and open fences herein, shall be altered, enlarged or added to in any way which will increase or prolong the permanency of any portion with the established setback lines.
- c) When any highway or part thereof is officially adopted into the Chippewa County road or Michigan State trunkline system, such highway shall automatically be subject to the provisions of this ordinance.
- d) Advertising signs allowed on approval of the Zoning Board, Resort Section.

Section 2.17 Other Applicable Approvals

In addition to the approval required and specified in this ordinance, the building and/or zoning administrator shall be satisfied that permits for the particular development shall also comply with, if applicable, the following Federal and State laws:

- a) Sand Dune Protection and Management Act as amended, Act 222 of 1976.
- b) Shoreline Protections and Management Act as amended, Act 245 of 1970.
- c) Geomaere-Anderson Wetland Protection Act as amended, Act 203 of 1979.
- d) Inland Lakes and Streams Act as amended, Act 346 of 1972.

- e) Wilderness and Nature Area Act as amended, Act 241 of 1972.
- f) Great Lakes Preservation Act as amended, Act 130 of 1985.
- g) Endangered Species Act as amended, Act 203 of 1974.
- h) National Historic Preservation Act, Public Law-89-665-1986.

Issuance of any permit is contingent upon the land use and structure meeting the requirements as set forth within such statutes, including any future amendments, and any additional statutes which currently, or in the future, have jurisdiction on such issues.

Section 2.18 Essential Services

The erection, construction, alteration, maintenance, and operation by the Township or other utility providers, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the Township in any Use District.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 2.19 Home Business, Home Occupation, and Cottage Industries

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

- a) Home Occupations
 - 1) Home occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
 - 2) Home Occupations shall be operated in their entirety within the dwelling (not within an attached or detached garage or accessory building) and shall occupy no more than twenty-five percent (25%) of the dwelling's ground floor area. Attached and detached residential garages may be used for incidental storage.
 - 3) Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non-resident persons shall be employed to assist with the business.

- 4) Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
- 5) Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- 6) Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- 7) Traffic and delivery or pickup of goods shall not exceed that customarily created by residential uses.
- 8) The outdoor storage of goods and/or materials of any kind are prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
- 9) There shall be no parking permitted within any setback areas.
- 10) No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.

b) Cottage Industries

- 1) Cottage industries may be permitted as a special use in any zoning district in which single-family dwellings are permitted, subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
- 2) Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
- 3) A cottage industry shall occupy not more than one building. The floor area of such buildings shall not exceed twenty-four hundred (2400) square feet.
- 4) The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from

neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.

- 5) Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
- 6) Traffic and delivery or pickup of goods shall not exceed that customarily created by residential uses.
- 7) Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to two additional employees or assistants.
- 8) To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
- 9) Hours of operation shall be approved by the Planning Commission.

Section 2.20 Outdoor Lighting / Dark Sky Provision

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 Planning 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 2.21 Right to Enter Property

To properly administer the provisions of this ordinance Township and County officials may enter the subject property to confirm compliance with zoning ~~and building~~ permits. **County officials may enter the subject property to confirm compliance with building permits,** inspect progress on completion, inspect the property before issuance of a certificate of occupancy, and determine the valuation of completion. Entry onto the property shall not be withheld by the property owner(s).

Article 3
ZONING DISTRICTS

3.01 Relationship of Zoning Ordinance to Community Master Plan

The zoning ordinance is enacted to regulate the use of private and public property and structures with the purpose of protecting public health, safety, and welfare. Standards and regulations within the ordinance regulate the amount, type and use of a building allowable on a piece of land. A zoning ordinance is a tool used by the community to effectuate the recommendations of the Community Master Plan, which is a guide for the long-term physical development of the Township.

3.02 Districts Established

The Township is hereby divided into the following districts, which shall be known as:

- W-1:** Waterfront
- C-1:** Commercial
- RR-1** Residential - Rural
- FR-1** Forestry / Recreational

3.03 Waterfront District (W-1)

The purpose of this district is to provide for housing types located around the exterior boundary of Sugar Island Township and the adjacent bodies of water. Homes directly on the waterfront may include accessory structures such as docks and boathouses.

3.04 Commercial District (C-1)

The purpose of this district is to consolidate general commercial uses at primary intersections on the island which serve year-round and seasonal residents.

3.05 Residential – Rural (RR-1)

It is the purpose of this District to encourage the development of residential properties of a semi-rural character within the following general areas of the Township: 1) where public water and sewer facilities are not now available and likely to remain without such services indefinitely, and 2) where natural resource and environmental characteristics, such as scenic areas, wetlands, and shore lands tend to make more intensive types of urbanized development destructive to environmental values. The intent is to provide for an environment of predominantly low density, one-family detached dwellings that will harmonize with the natural resource capabilities of the District.

3.06 Forestry / Recreational District (FR-1)

The purpose of this district includes lands primarily characterized by areas of wetlands and forest lands which are prevalent in the eastern and southeastern, and northwestern portions of the Island. The primary function of the district is to protect recreational, scenic, and forest resource values.

3.07 Compliance with District Regulations

Compliance with District regulations shall be required as follows:

- A. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used, except for a purpose or use permitted in the district in which the building or land is located, nor in excess of the height and bulk limits established for such district.

- B. No building or structure intended for a dwelling use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the floor area regulations of the district in which it is located.
- C. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered except in conformity with the yard and lot area regulations and the off-street parking and loading regulations of the district in which such building is located.
- D. The minimum yards, parking space and other open spaces, including lot area per family, required by this Zoning Ordinance for any building hereafter erected or structurally altered, shall not be encroached upon or considered open space or lot area requirement for any other building, nor shall any other lot area be reduced beyond the district requirements of this Zoning Ordinance.
- E. Every building or structure hereafter erected or structurally altered shall be located on a lot as defined, and in no case shall there be more than one (1) main building on one (1) lot, except as provided in parts of this ordinance.

3.08 Map

The boundaries of these districts are shown upon the Zoning District Map which accompanies and is made a part of this Ordinance. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is appropriately attested and is on file with the Township Clerk.

3.09 Vacated Street or Public Way

Whenever any street or other public way is vacated by official action of the Township, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

3.10 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply.

- A. Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
- B. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
- C. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot

lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

- D. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.

3.11 Properties with Multiple Zoning Designations

When an individual recorded parcel, which exists at the time of adoption of this ordinance, has more than one zoning classification, the zoning designation which comprises the majority of the parcel area shall be applied to the entire parcel.

3.12 Uses Contrary to Federal, State or Local Statutes, Laws, and/or Ordinances

Uses for enterprises or purposes that are contrary to Federal, State, and Township statutes, laws, and/or ordinances are prohibited.

Article 3 ZONING DISTRICTS

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Compliance with District regulations shall be required as follows:

- F. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used, except for a purpose or use permitted in the district in which the building or land is located, nor in excess of the height and bulk limits established for such district.

- G. No building or structure intended for a dwelling use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the floor area regulations of the district in which it is located.
- H. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered except in conformity with the yard and lot area regulations and the off-street parking and loading regulations of the district in which such building is located.
- I. The minimum yards, parking space and other open spaces, including lot area per family, required by this Zoning Ordinance for any building hereafter erected or structurally altered, shall not be encroached upon or considered open space or lot area requirement for any other building, nor shall any other lot area be reduced beyond the district requirements of this Zoning Ordinance.
- J. Every building or structure hereafter erected or structurally altered shall be located on a lot as defined, and in no case shall there be more than one (1) main building on one (1) lot, except as provided in parts of this ordinance.

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- E. Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
- F. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
- G. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot

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The purpose of this district is to provide for housing types located around the exterior boundary of Sugar Island Township and the adjacent bodies of water. Homes directly on the waterfront may include accessory structures such as docks and boathouses.

3.04 Commercial District (C-1)

The purpose of this district is to consolidate general commercial uses at primary intersections on the island which serve year-round and seasonal residents.

3.05 Residential – Rural (RR-1)

It is the purpose of this District to encourage the development of residential properties of a semi-rural character within the following general areas of the Township: 1) where public water and sewer facilities are not now available and likely to remain without such services indefinitely, and 2) where natural resource and environmental characteristics, such as scenic areas, wetlands, and shore lands tend to make more intensive types of urbanized development destructive to environmental values. The intent is to provide for an environment of predominantly low density, one-family detached dwellings that will harmonize with the natural resource capabilities of the District.

3.06 Forestry / Recreational District (FR-1)

The purpose of this district includes lands primarily characterized by areas of wetlands and forest lands which are prevalent in the eastern and southeastern, and northwestern portions of the Island. The primary function of the district is to protect recreational, scenic, and forest resource values.

3.07 Compliance with District Regulations

Compliance with District regulations shall be required as follows:

- K. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used, except for a purpose or use permitted in the district in which the building or land is located, nor in excess of the height and bulk limits established for such district.

- L. No building or structure intended for a dwelling use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the floor area regulations of the district in which it is located.
- M. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered except in conformity with the yard and lot area regulations and the off-street parking and loading regulations of the district in which such building is located.
- N. The minimum yards, parking space and other open spaces, including lot area per family, required by this Zoning Ordinance for any building hereafter erected or structurally altered, shall not be encroached upon or considered open space or lot area requirement for any other building, nor shall any other lot area be reduced beyond the district requirements of this Zoning Ordinance.
- O. Every building or structure hereafter erected or structurally altered shall be located on a lot as defined, and in no case shall there be more than one (1) main building on one (1) lot, except as provided in parts of this ordinance.

3.08 Map

The boundaries of these districts are shown upon the Zoning District Map which accompanies and is made a part of this Ordinance. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is appropriately attested and is on file with the Township Clerk.

3.09 Vacated Street or Public Way

Whenever any street or other public way is vacated by official action of the Township, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

3.10 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply.

- I. Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
- J. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
- K. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot

lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

- L. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.

3.11 Properties with Multiple Zoning Designations

When an individual recorded parcel, which exists at the time of adoption of this ordinance, has more than one zoning classification, the zoning designation which comprises the majority of the parcel area shall be applied to the entire parcel.

3.12 Uses Contrary to Federal, State or Local Statutes, Laws, and/or Ordinances

Uses for enterprises or purposes that are contrary to Federal, State, and Township statutes, laws, and/or ordinances are prohibited.

ARTICLE 4
REGULATED USES AND DIMENSIONAL REGULATIONS

4.01 Land Use and Zoning District Table

The Use Table in this Article lists by Land Use Type (i.e. residential, commercial, etc.) where a particular land use is allowed in a respective base-zoning district.

4.02 Permitted Uses [P]

If a land use is permitted by-right in a Base Zoning District, it is identified by the symbol “P.”

4.03 Special Land Use [S]

The symbol “S” is noted if a land use is permitted after review and approval as a Special Land Use in accordance with this Zoning Ordinance.

4.04 Uses Not Allowed

If a land use type is not allowed in a Base Zoning District, it is blank without a “P” or “S.”

4.05 Site-Specific Standards

Land use types that are further regulated with site-specific standards are identified in Article 5, Special Land Uses.

4.06 Unlisted Uses

If an application is submitted for a use type that is not classified in the Land Use Table of this Article and proven to be a need in the Township, the Planning Commission is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the Planning Commission may initiate an amendment to the text of the Zoning Ordinance.

4.07 Land Use Type

Land use types listed in the Land Use and Base Zoning District Table are defined in Definition Article 2: Definitions of this Zoning Ordinance.

4.08 Land Use and Base Zoning District - Table 4-1

	W-1	RR-1	C-1	FR-1
Uses Allowed in All Districts				
Accessory buildings	P	P	P	P
Agricultural Land Uses				
Farms, General and Specialized		P		
Farm Dwellings, Barns and Structures		P		
Sawmills		P		
Greenhouse and Nursery			S	
Residential Land Uses				
Boarding and lodging facilities		P	P	P
Cemetery or mausoleum		S		S
Churches	P	P	P	
Country clubs and golf course		P		P
Home occupations	P	P		P
Public and Private Schools K-12	P	P		
Public buildings and parks.	P	P	P	P
Single family dwellings	P	P		P
Tourist Home	P	P		P
Two family dwellings	P	P		
Multiple family dwellings			P	
Mobile Home Parks		S		S
Short-Term Rental	P	P		P
Vacation Home	P	P		P
Commercial Land Uses				
Auto and vehicle repair garage			P	
Commercial garages			P	
Fraternal Organizations		P		
Grocery stores and meat markets			P	
Medical clinics			P	
Motels and hotels			P	
Personal services			P	
Private clubs and lodges			P	
Restaurants			P	
Retail use			P	
Roadside Stands	P	P		
Taverns, breweries, and distilleries			P	

Industrial Land Uses				
Contractor yard			S	S
General service and repair			P	
Junk Yards		S	S	
Kennels			S	S
Sand and Gravel Operations		S		S
Sanitary Land Fills		S		
Wholesale and storage			S	S

4.09 Height and Area Requirements

The placement of Land uses (permitted, special use or conditional) are regulated by the zoning district. The table below enumerates by zoning district the dimensional requirements.

	W-1 Waterfront District	RR-1 Residential - Rural District	C-1 Commercial District	FR-1 Forestry / Recreation District
Lot Size				
<i>without wetland</i>	20,000	20,000	40,000	20,000
<i>with wetland</i>	40,000	40,000	40,000	40,000
Lot Width				
<i>inland</i>		at least 100 feet	at least 100 feet	at least 100 feet
<i>waterfront</i>	at least 100 feet			
<i>with wetland</i>	at least 200 feet	at least 200 feet	at least 200 feet	at least 200 feet
Lot Depth				
<i>inland</i>		4 times width	4 times width	4 times width
<i>waterfront</i>	4 times width			
Lot Width to Depth Ratio	1:4	1:4	1:4	1:4
Floor Area				
<i>minimum square feet</i>	600	600	600	600
Dwelling Width				
<i>at least</i>	20 feet	20 feet	20 feet	20 feet
Setbacks				
<i>inland</i>	75 feet from the center line or not less than 25 feet from the ROW line, whichever is less	75 feet from the center line or not less than 25 feet from the ROW line, whichever is less	75 feet from the center line or not less than 25 feet from the ROW line, whichever is less	75 feet from the center line or not less than 25 feet from the ROW line, whichever is less
<i>waterfront</i>	No structures shall be erected at a minimum distance of less than seventy-five (75) feet from the high water mark. Where high water mark is not discernible, location of dwelling must sit back far enough to insure non-pollution of the lake or river. High water datum: 581.2, low water datum 577.2.			
Building Permit	<i>Any structure over 150 square feet (10ft x 15ft) or over will require all the necessary permits from the Zoning Administrator.</i>			

4.10 Height

- a) Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
- b) Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage tower, or scenery lofts, tanks, water tower, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances may be erected to such height as may be authorized by the Township Board, but not to exceed one hundred fifty (150) feet.

4.11 Buildings and Accessory Buildings

- a) Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- b) No accessory building shall be used for dwelling purposes.

4.12 Open Space

- a) Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the ordinary projection of sills, belt courses, cornices, and ornamental features which may extend to a distance not to exceed eighteen (18) inches into any required yard. Roofs and eaves may extend not more than thirty (30) inches into any required yard.

4.13 Minimum Dwelling Unit Floor Area.

- a) Minimum Dwelling Unit Floor Area. Every dwelling unit which shall hereafter be constructed, reconstructed or converted at any location in the Township shall have a minimum width across the front, sides and rear of twenty feet and shall comply with the minimum square feet requirements hereinafter set forth and with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of Michigan Public Act 230 of 1972, as amended.

Article 5
SPECIAL USE PERMIT

5.01 Purpose – Special Land Use Permit

The formulation and enactment of this Ordinance is based upon the division of the Township into districts, each which may permit specific uses, which are mutually compatible, and special land uses. Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this section is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this section shall be in addition to others required elsewhere in this Ordinance and at the same time provide to the Township Planning Commission and the property owner some latitude to address site issues in an innovative manner.

5.02 General Provisions

- a) Authority to Grant Permits: The Township Planning Commission, as hereinafter provided shall have the authority to approve, deny, or approve with conditions as specified in Section 5.3, special land uses.
- b) Application: Application for any special land use permit permissible under the provision of this Ordinance shall be made to the Township Planning Commission through the Zoning Administrator by filing an official special land use permit application form and submitting a site plan along with the application fee.
- c) Public Hearing for Special Land Uses: After a preliminary review of the site plan and an application for a special land use permit, the Township Planning Commission shall hold a hearing on the site plan and special land use permit in accord with the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3103 and MCL 125.3502.
- d) Before formulating recommendations for a special land use application, the Planning Commission shall require that both the following general standards in Section 5.03 and any specific standards for uses listed in Section 5.07 be satisfied. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards.

5.03 Required Standards and Findings for Making Determinations

The Township Planning Commission shall review the particular circumstances of the special land use request under consideration in accordance with the requirements for a Site Plan Review, and shall approve the special land use request only upon approval of the site plan and finding of compliance with the following standards:

- a) Standards for Approval
 - 1) Be designed to protect natural resources, the health, safety, and welfare, as well as, the social and economic well-being, of those who will use the land use or activity under

consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- 2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - 3) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 - 4) Be consistent with the intent, purpose, and recommendations in the Township Master Plan.
 - 5) The proposed use will not have adverse impacts or be disturbing to current or future neighboring uses.
 - 6) The proposed use will not create excessive additional requirements at public cost for public facilities, utilities, and services.
 - 7) Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- b) Public Hearing: On the appointed date and time, the Township Planning Commission shall conduct the public hearing on the proposed special use. The hearing may be adjourned to a date certain within a reasonable time for additional fact-finding.
- c) The action of the Planning Commission: Upon completion of the Township Planning Commissions review and upon completion of the public hearing the Commission may consider a motion for approval, approve with conditions, or denial of the special use application and site plan request. The Commission may postpone a request to a date certain to allow verification, compilation or submission of additional or supplemental information or to address other concerns or issues. Announcement of the date for the Commission to decide upon the matter shall be announced in accord with the provisions of this Ordinance and the Open Meeting Act, PA 267 of 1976, as amended.
- d) The conditions imposed with respect to the approval of land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.
- e) The Township Planning Commission may recommend the imposition of the conditions in approving special uses that it deems necessary to fulfill the purpose and requirements of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating any increased service and facility loads caused by the special land use or any activity connected with it, to protect the natural environment, conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the arrangement of the use of land in a socially and economically desirable manner.

5.04 Expiration of Special Land Use Permits and Extension

Expiration of Special Land Use Permits, Extension. An approved Special Land Use Permit shall expire two (2) years following approval by the Planning Commission. Upon written request stating the reasons therefor, the Planning Commission shall extend a Special Land Use Permit for an additional one (1) year period if the evidence shows the following:

- a) The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
- b) The requirements and standards, including those of the zoning ordinance that reasonably related to the development, have not changed.
- c) Development or redevelopment in the proximity of the approved Special Land Use Permit has not changed conditions impacting the site.
- d) There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.

An application for an extension of a Special Land Use Permit must be filed at least sixty (60) days prior to the expiration of the original Special Land Use Permit or the expiration of any extension previously approved by the township, whichever is applicable. The application form for requesting an extension shall be provided by the township and can be obtained from the township zoning administrator or deputy zoning administrator. An application fee for an extension is required and is non-refundable. The Township Board shall, by resolution, establish the amount of the application fee for the renewal. The renewal is only applicable to the property subject to the originally approved Special Land Use Permit.

Any such recommendation for an extension is subject to reasonable conditions requested by the Planning Commission, including, if necessary, the implementation of a new or additional performance guarantee requirement.

If a Special Land Use Permit expires pursuant to subsection above, no work pursuant to a Special Land Use Permit may be undertaken until a new Special Land Use Permit is obtained from the Planning Commission following the procedures contained in the zoning ordinance for a new Special Land Use Permit.

5.05 Amendments, Denial or Appeal of a Special Land Use

Determination and Imposition of Conditions: A review of an application and site plan requesting a special land use permit shall be made by the Township Planning Commission in accordance with the procedures and standards specified in this Ordinance. If a submitted application and site plan does not meet the requirements of the Ordinance, they shall not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes. If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this Ordinance will apply to the proposed special land use, the Township Planning Commission shall not grant a special land use permit. The Commission may impose conditions with the approval of a

special land use permit application and site plan which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this or other applicable ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator. These conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

5.06 Validity and Revocation of Special Land Use Permits

- a) The Validity of Permit: Once the special land use is established and the conditions of the permit are fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit as permitted by the Planning Commission. The Planning Commission reserves the right to review, with the applicant and the Township Zoning Administrator, the status of Special Land Use Permits on an annual basis.
- b) Permit Revocation: The Planning Commission shall have the authority to revoke special land use permits which have been approved following a public hearing which allows both the township and the applicant to argue and present evidence regarding whether the special land use permit should be revoked, if construction of the approved improvements does not proceed in conformance with the approval of the site plan and/or the property is not utilized in a manner which complies with the special land use permit. Upon discovery of a violation, the Zoning Administrator shall issue a stop work order for any construction not in compliance with the permit and/or a notice to appear for a hearing before the Planning Commission. Notice of the hearing date shall be provided to the applicant no less than ten (10) days prior to the date of the hearing.

5.07 Amendments and/or Modifications To A Special Land Use Permit.

- a) The Zoning Administrator, with the approval of the Township Board, may authorize insignificant deviations in special use permits if the resulting use will still meet all applicable standards and requirements of this ordinance. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.
- b) The Planning Commission may permit minor modifications in special use permits if the resulting use will still meet all applicable standards and requirements of this ordinance. The Planning Commission may decide minor modifications without a formal application, public hearing, or payment of an additional fee. For purposes of this section, minor modifications are those the Zoning Administrator determines to have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- c) All other requests for amendments to special use permits shall be processed in the same manner as new special use permit applications. The Township may impose new conditions on the approval of an amendment request if such conditions are warranted. The holder of the

special use permit may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing special use permit.

- d) The holder of a special use permit may request changes under this section by making the request in writing to the Zoning Administrator. Approval of all changes must be given in writing

5.08 Land Uses Requiring Additional Standards

The following land uses have been determined to be those that serve an area larger than the Township and as a result, require additional standards for approval in addition to those addressed above.

- a) Sanitary Land Fills, Incinerators and Transfer Stations
 - 1) All installations shall be in conformity with PA 641of 1978 -Solid Waste Management Act and the County Solid Waste Management Plan.
 - 2) Whenever the installation abuts upon property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation.
- b) Junkyards and/or Salvage Yards
 - 1) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes.
 - 2) The applicant shall be required to file a cash bond, performance bond or irrevocable letter of credit of sufficient amount, or other guarantees, to assure reclamation of the site.
 - 3) The site shall be a minimum of ten (10) acres in size.
 - 4) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site.
 - 5) All activities, equipment, or material shall be confined within the fenced-in area, and there shall be no stacking of material above the height of the fence, or wall.
 - 6) All fenced-in areas shall be set back at least one hundred (100) feet from the front street or highway right-of-way line. Such front yard setback shall be landscaped with plant materials as approved by the Planning Commission to minimize the appearance of the installation.
 - 7) No open burning shall be permitted.
 - 8) Whenever the installation abuts upon property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation.
 - 9) The use shall not be located in such a manner that the yard is below the grade of the highway or the adjacent property owner where the fence specified in C above is rendered useless for screening.
- c) Sand or Gravel Pits, Quarries
 - 1) All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.

- 2) Gravel or sandpit must be an area of not less than twenty (20) acres in size, setback lines to be one hundred and fifty (150) feet from property lines and two hundred (200) feet from the road right of way
 - 3) No machinery shall be erected, maintained, or operated within two hundred (200) feet of any property line.
 - ~~4) All uses shall be enclosed by a fence or suitable plantings six (6) feet or more in height for the entire periphery of the property.~~
 - 5) All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.
 - 6) No building shall be erected on the premises except as temporary shelter for machinery or field office.
 - ~~7) Routes shall be established for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the Township. That portion of access roads within the area of operation shall be constructed or treated to minimize dust.~~
 - 8) All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the Township in general.
 - ~~9) Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stock-piling excavated materials on the site.~~
 - ~~10) When excavation and removal operations are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three (3) to one (1) in horizontal vertical gradient. A layer of arable top soil shall be spread over the excavated area, in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial grass, or other similar soil-holding material, and maintained by the applicant until the area is stabilized.~~
- d) Kennels
- 1) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
 - 2) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaced and provided with proper drains for washing with water pressure.
 - 3) All yard space used for pen areas or runways shall be enclosed with a woven wire or other approved fencing material not less than five (5) feet in height unless a lower height would effectively contain the animals. Such fence shall be maintained in good condition at all times. Barbed-wire fencing will not be allowed.
 - 4) No structure, runway, or pen shall be located within one hundred fifty (150) feet from the front lot line, nor within one hundred (100) feet from the rear lot line, nor within one hundred (100) feet of the side lot line.
 - 5) A kennel may be permitted as an accessory use to a veterinary office, clinic or hospital.

**ARTICLE 6
SITE DEVELOPMENT STANDARDS**

This Article addresses site elements such as, but not limited to, parking, loading and unloading space, landscaping, fences, and drives. In addition to requirements prescribed in this Article the provisions of Article 2: General Provisions also apply.

6.01 Parking and Loading Regulations

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. All vehicles shall be stored on the premises occupied by the principal building but may be stored on-premises located outside the premises within specifically limited walking distances as specified in this Article. Vehicles parked off-road will not block access to adjoining property or impede traffic.

6.02 Requirements

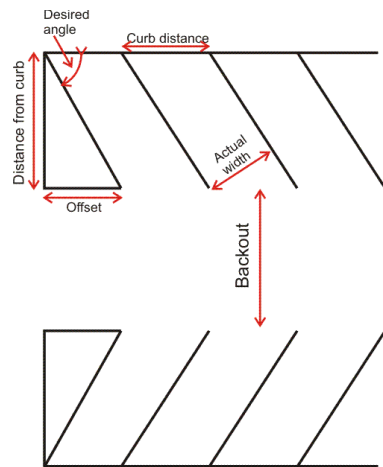
All parking spaces, if provided on-site, shall comply with the following dimensional requirements in Table 6-1.

Table 6-1

ANGLE	FROM BASE LINE	ALONG CURB	OFFSET	BACKOUT
90 degrees	18'	9'	0'	24'
75 degrees	17'	9'4"	4'6"	22'
60 degrees	16'	10'4"	9'	20'
45 degrees	15'	12'7"	15'	19'

- a) All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern as follows and illustrated in Figure 6-2:
 - 1) For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of twelve (12) feet.
 - 2) All maneuvering lane (backout) widths shall permit one-way traffic movement, except for the ninety (90) degree pattern, which may provide for two-way traffic movement.
 - 3) For parallel parking, one-way.

Figure 6-2



- b) Adequate ingress and egress to the 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 single-family residential use shall not be across land zoned for single-family residential use.
- c) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
- d) Except for single-family and two-family residential lots, all parking areas, including parking spaces, maneuvering lanes and access drives shall be provided with a durable, smooth and dustless surface; and shall be graded and drained to dispose of all collected surface water.
- e) A no-building buffer strip not less than (10) feet wide shall be required on the perimeter of all parking lots. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

6.05 Right-Of-Way Protection and Public Safety

No trees or shrubs shall be planted within a public right-of-way without the prior written consent of the appropriate public agency responsible for maintaining the right-of-way. Landscaping shall not interfere with public safety, and shall not interfere with the safe movement of motor vehicles, bicycles, or pedestrians. Landscape materials shall not obstruct the operation of fire hydrants, electrical or other utility lines or facilities.

6.06 Drives and Accessways

Necessary drives and accessways from public rights-of-way through such buffer strips shall be permitted, provided that such accessways shall not be subtracted from the lineal dimension used to determine the required number of plants.

6.07 Side and Rear Yard Landscaping and Fencing Options

In any situation requiring either a greenbelt, buffer strip or berm to meet the requirements, the landowner has the option in fulfilling landscaping requirements with a fence approved by the Zoning Administrator.

6.08 Screening of Trash

All areas used for the storage of trash or rubbish including dumpsters and other commercial containers shall be screened by a solid fence or dense plant materials no less than six (6) feet in height. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.

6.09 Existing Screening

Any fence, landscape screen, wall or hedge which does not conform to this Ordinance and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair; unless otherwise regulated by this Ordinance.

6.10 Maintenance

It shall be the owner's responsibility to see that the landscaping is maintained in a neat, clean, orderly, and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants.

6.11 Waiver of Landscaping, Buffering and Fencing Regulations

- a) Planning Commission Modification: Any of the requirements of this Article may be waived or modified through Site Plan approval, provided the Planning Commission makes a written finding that specifically identified characteristics of the site or site vicinity would make required landscaping, fencing, buffering or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

6.12 Signage

The purpose of this Section is to regulate commercial and noncommercial outdoor signs in a manner which: recognizes the communication needs of both businesses and other parties; protects property values and neighborhood character; creates a more attractive business climate; promotes pedestrian and traffic safety by reducing sign distractions, obstructions and other hazards; and promotes pleasing community environmental aesthetics.

- a) Compliance with this Ordinance does not relieve the applicant of the responsibility for compliance with other Township, state or federal sign regulations, nor does the issuance of a Zoning Permit grant permission to the applicant to place signs on any property including road rights-of-way other than property owned or otherwise legally under the control of the applicant. The issuance of a zoning permit only assures the applicant that the sign meets the requirements of the Township Zoning Ordinance.
- b) Except as otherwise provided in this Section, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered unless a Zoning Permit has been issued in accordance with the provisions of this Ordinance. Little repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.
- c) The following signs are permitted without a Zoning Permit but shall conform to the requirements set forth below as well as all other applicable requirements of this Article.

- 1) One (1) sign not exceeding three (3) square feet in sign face area that is customarily associated with residential use and that is not of a commercial nature, such as signs giving property identification.
 - 2) Signs not exceeding two and one-half (2 1/2) square feet in sign face, on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
 - 3) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification, and informational signs, including historical markers, traffic, directional, and regulatory signs.
 - 4) Official signs of a non-commercial nature erected by public utilities.
 - 5) Flags, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising service.
 - 6) Integral decorative or architectural features of buildings or work of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
 - 7) Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.
 - 8) Informational signs not exceeding (1) one square foot in sign face.
 - 9) A total of two (2) banners, one (1) banner and one (1) commercial advertising flag, or two (2) commercial advertising flags, each such banner or commercial advertising flag not to exceed twenty-four (24) square feet in sign face, used to attract attention to a community activity or event.
 - 10) Street name signs located in accord with the Township and/or County Road Commission standards at street intersections, not to exceed one (1) square foot in sign face.
- d) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where the matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- e) A two-sided or multi-sided sign shall be regarded as one (1) sign so long as:
- 1) With respect to a V-type sign, the two (2) sides are at no point separated by a distance that exceeds five (5) feet; and
 - 2) With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet.
- f) Tables 6-3 Includes the type and size of the sign by zoning district.

**Table 6-3
Signs Requiring Permit**

Zoning District	Free Standing Ground Sign not higher than 6 feet above grade	Wall Sign; wall or projecting	Percent of Windows Used for Signs
All Zoning Districts	32 square feet per sign face; maximum 2 sign faces	32 square feet for wall sign; 16 square feet for projecting sign with a maximum of 2 sign faces	15%

- g) Off-premise highway advertising signs are those signs and sign structures which are defined and regulated by the Michigan Department of Transportation pursuant to the Highway Advertising Act of 1972, Public Act 106 of 1972, as amended, and as further regulated by this Ordinance. Permits are required from MDOT for signs along State and Federal highways.
- h) Prohibited Signs: The following signs shall not be allowed in any District:
 - 1) Signs that are not consistent with the standards of this Ordinance,
 - 2) Signs which are not clean or in good repair,
 - 3) Signs that are not securely affixed to a substantial structure,
 - 4) Signs that resemble any official traffic sign or appear to attempt to direct the movement of traffic, or are located where they interfere with motorist’s view of intersections or driveways,
 - 5) Revolving, moving or flashing signs (except time, date and weather signs), pennants, streamers, tubular LED lighting, and airborne devices.
 - 6) Signs other than utility company signs attached to utility poles, and
 - 7) Portable signs.
 - 8) Signs remaining after a business or activity has terminated must be removed within thirty (30) days.
- i) Sign Setbacks and Height Requirements shall comply with the following:
 - 1) Setbacks: For the purpose of establishing sign setback requirements from an abutting roadway signs shall meet or exceed the front yard setback for the respective zoning district.
 - 2) No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five (75)

degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

- 3) No wall sign attached to a building may project more than twelve (12) inches from the building wall.
- j) Sign illumination shall comply with the following requirements:
 - 1) Unless otherwise prohibited by this Ordinance, signs may be illuminated if such illumination is in accordance with this section.
 - 2) No sign within one-hundred and fifty (150) feet of a residential zone may be illuminated between the hours of midnight and 6 a.m.
 - 3) Except as herein provided, illuminated signs are not permissible in the residential zoning districts.
 - 4) Illuminated tubing or strings of lights that outline property lines, building facades, sign faces, sales areas, roof lines, doors, windows, or similar areas are prohibited.
 - 5) No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

Article 7
SITE PLAN AND PLOT PLANS

7.01 Purpose

It is the purpose of this article is to specify standards, data requirements and the review process which shall be followed in the preparation of site plans, plot plans, and Special Land Uses as required by this Zoning Ordinance. A site plan contains comprehensive and detailed information about improvements proposed on the site and is required for special land use permits. Plot plans are less detailed plans pertaining to improvements proposed on the site and are required for less complex developments such as single-family and two (2)-family dwellings.

7.02 Approval Of Site Plan Or Plot Plan Required

- a) Site plan approval is required by the Planning Commission, prior to the issuance of a zoning permit, unless required otherwise by this Zoning Ordinance, for the following uses:
 - 1) All Special Land Uses.
- b) Prior to the issuance of a Zoning Permit, plot plan approval is required by the Zoning Administrator for all other uses not listed above.

7.03 Required Data for Plot Plans

- a) The following data shall be submitted with applications for zoning and/or land use permits for uses requiring a plot plan:
 - 1) An accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Planning Commission. The Commission may establish and make available written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a zoning permit or for information to be submitted to the Board of Zoning Appeals in order to make a decision on an appeal or request for Zoning Ordinance interpretation or variance:
 - 2) Name, address and telephone number of the applicant(s) (and the owner(s) if different).
 - 3) The location, shape, area, and dimension of the lot.
 - 4) The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered or moved on the lot.
 - 5) A description of the proposed use of the building(s), land, or structures.
 - 6) The proposed number of sleeping rooms, occupants, employees, customers, and other users.
 - 7) The yard, open space, parking lot and space dimensions and the number of spaces.

- 8) A vicinity sketch showing the location of the site in relation to the surrounding street system and adjacent land uses within five hundred (500) feet in every direction including on the opposite side of any public street.
- 9) Location of any septic system or drain field and well.
- 10) Configuration of the driveway and parking.
- 11) Drains and site drainage patterns, and on-site storm water management.
- 12) Existing public rights-of-way or easements.
- 13) All public utilities.
- 14) Any other information deemed necessary by the Planning Commission to determine and provide for the enforcement of this Zoning Ordinance.
 - ~~i. Waterfront property requires the Owner to obtain a copy of the high water mark from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or U.S. Army Corps of Engineers.~~
 - ~~ii. Erosion and elevation test.~~
 - ~~iii. And any other requirements.~~

7.04 Site Plan Review

Site plan review shall be undertaken by the Planning Commission in accordance with the following requirements and procedures:

7.05 Data Required For Site Plan

- a) Each site plan as may be required by this Zoning Ordinance shall be provided on a professional quality drawing of scale not less than one (1) inch equals fifty (50) feet. All information depicted shall be designed and sealed by an engineer, architect or landscape architect licensed in Michigan. In addition to the applicant's full name(s), address(es) and phone number(s), cell phone number, e-mail address, the following data shall be submitted with applications for zoning permits for uses requiring a site plan:
 - 1) A survey showing property dimensions and legal description, including angles, lot area, and dimensions and an arrow pointing north.
 - 2) A project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by this Zoning Ordinance.
 - 3) A plan showing the location of all buildings and structures existing and proposed on the site including building elevation drawings and all of the following listed items:

- 4) All applicable General Provisions referenced in Article 2.
- 5) The natural features such as woodlands, streams, flood plains, drains, ponds, topography (at two (2) foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
- 6) The existing public rights-of-way, private easements, private places of record, and deed restrictions.
- 7) The proposed streets and alleys, including cross-sections, acceleration, deceleration or right-turn lanes, driveways, parking spaces and sidewalks with an indication of the direction of travel and the inside radii of all curves including driveway curb returns. The width of streets, driveways, and sidewalks, the total number of parking spaces, the dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures, including signs and proposed street or road names, shall also be indicated.
- 8) A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public street.
- 9) The location of utilities, water supply and the location and design of wastewater systems as well as any easements that exist or are proposed to be established for installation, repair, and maintenance of utilities.
- 10) A stormwater management plan.
- 11) The location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials as well as any containment structures or clear zones required by government authorities.
- 12) The location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall also be specified on the site plan.
- 13) A statement from the applicant identifying all Federal, State, and local permits required.
- 14) Such other information and/or assessments as is necessary to enable the Municipality to determine whether the proposed site plan will conform to the provisions of this Zoning Ordinance.

7.06 Submittal and Distribution of Site Plans

The Zoning Administrator shall review the application and Site Plans for completeness, and if such application or plans are not complete, the plans shall be returned to the applicant with a written notice

identifying the plans' inadequacies. Upon receipt of an adequately completed application and plans, the Zoning Administrator shall record the date of their receipt.

7.07 Completeness of the Site Plan Application

The Zoning Administrator shall review the application and plans and determine their conformity with the applicable provisions of this Zoning Ordinance.

7.09 Planning Commission Review and Action

After conducting a review, the Planning Commission shall decide to reject, approve or conditionally approve the Site Plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Commission for approval shall be stated in writing, together with the reasons and delivered to the applicant. Decisions and recommendations by the Commission shall be by the Planning Commission unless an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation. A Site Plan shall be approved by the Commission if it contains the information required by and is in compliance with this Zoning Ordinance, the conditions imposed pursuant to the Zoning Ordinance, other planning documents, other applicable Codes and County, State and Federal laws and statutes.

7.10 Approved Site Plans

Duplicate copies of the approved Site Plan, with any conditions contained required, shall be maintained as part of the Planning Commissions records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chair and Secretary of the Planning Commission. If any variances from the Zoning Ordinance have been obtained from the Board of Zoning Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Commission's records as a part of the site plan and delivered to the applicant for information and direction.

7.11 Site Plan Approval Criteria

- a) Each Site Plan shall conform to the applicable provisions of this Zoning Ordinance and the criteria listed below in addition to any conditions imposed by the Planning Commission:
 - 1) All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size, and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Ordinance.
 - 2) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides. This review shall be conducted by the Sugar Island Township Fire Department.
 - 3) Every structure or dwelling unit shall have access to a public street, private easement, private place, walkway, or other area dedicated to frequent use.

- 4) Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties and complies with dark sky provisions. Flashing, twinkling, or intermittent lights shall not be permitted.
- 5) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards used by the Township.
- 6) All roads dedicated to public use shall be developed in accordance with Township and/or Road Commission specifications.
- 7) Site Plans shall conform to all applicable requirements of State and Federal statutes (i.e., Soil and Sedimentation Control, Wetlands, etc.) and approval may be conditioned on the applicant receiving necessary State and Federal permits before the Site Plan approval is granted.
- 8) The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:
- 9) Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spills and discharges to the air, the surface of the ground, groundwater, lakes, streams, or wetlands.
 - a. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
 - b. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

7.12 Conformity to Approved Site Plans

Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any amendments thereto which have received approval from the body which had approved the original site plan. If construction and development do not conform with such approved plans, the approval and associated permits shall be revoked. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

7.13 Amendment to a Site Plan

No changes shall be made to an approved Site Plan prior to or during construction except where the Zoning Administrator and applicant mutually agree according to the following procedures:

- a) **Minor Changes:** Minor changes to an approved Site Plan can be made by the Zoning Administrator involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways, and parking areas or exterior building and structure walls; adjustment of utilities; and similar minor changes as may be approved by the Township.

- b) **Major Changes:** Major changes or amendments to an approved Site Plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed and approved and subject to the finding of all of the following:
 - 1) Such changes will not adversely affect the initial basis for granting approval;
 - 2) Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 - 3) Such changes shall not result in the reduction of open space area as required herein.

7.15 Amendments to a Plot Plan

The Zoning Administrator shall review proposed changes to an approved plot plan in accordance with the same procedures, requirements, and standards used by the Planning Commission. Changes to a Plot Plan which contain elements which require Site Plan approval shall require that the entire project be processed as a Site Plan according to the procedures of this Article.

7.16 Appeals

With regard to the Site Plan and plot plan approval decisions, an appeal may be taken to the Zoning Board of Appeals prior to litigating in Circuit Court.

7.17 Review Fees

If the Planning Commission or Zoning Board of Appeals determines that the zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township

in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

7.18 Security Requirement

To ensure compliance with the site plan and ordinance and any conditions, limitations or requirements imposed, the Zoning Administrator or the Planning Commission may require a Performance Guarantee.

Article 8
NONCONFORMING USES

8.01 Purpose

It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed consistent with the provisions in the Michigan Zoning Enabling Act, Act 110 of 2006; MCL 125.3208.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared by this Ordinance, to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designed use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

8.02 Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- c) If there is evidence that a nonconforming use of land has been abandoned any subsequent use of such land must conform to the regulations specified by this Ordinance for the district in which such land is located.

8.03 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way which increases its nonconformity.
- b) Should such structure be voluntarily destroyed by any means to the extent of more than fifty percent (50%) of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- c) Should such structure be moved for any reason for any distance whatever it shall thereafter conform to the regulations for the district in which it is located after it is removed.

8.04 Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- d) If there is evidence that a nonconforming use of land and structure has been abandoned any subsequent use of such land must conform to the regulations specified by this Ordinance for the district in which such land is located.
- e) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

8.05 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of passage or amendment of this Ordinance, shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof

declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8.06 Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land structures, and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.

Article 9
ZONING BOARD OF APPEALS

9.01 Purpose & Scope

It is the purpose of this Article to create a Zoning Board of Appeals, to establish its responsibilities and to establish standards for its operation.

9.02 Creation of Board Of Appeals

- a) Establishment: There is hereby established a Board of Appeals in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Board of Appeals shall perform its duties and exercise its powers so that the health, safety, and welfare of the public may be secured; and that substantial justice be done.
- b) Membership, the term of office of the Board of Appeals:
 - 1) The Board of Appeals shall consist of not less than three (3) and not more than seven (7) members who shall be appointed and shall serve in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
 - 2) The membership of the Board of Appeals shall be as representative as possible. One member of the Board of Appeals shall be a member of the Township Planning Commission.
- c) Powers: The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all the powers of the office or body from whom the appeal was taken, and may issue or direct the issuance of a permit. The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this Ordinance may be equitably achieved in order there shall be uniform interpretation and flexibility in the enforcement of this Ordinance or to fulfill any other responsibilities bestowed upon the Board of Appeals by this Ordinance.

9.03 Rules, Limits on Authority Of The Board Of Appeals, and Use Variances

- a) The Board of Appeals shall fix rules of procedure or by-laws to govern its procedures. The Board shall choose its own chairman, and in his or her absence, an acting chairman who may administer oaths and compel the attendance of witnesses.
- b) The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass or to effect any variation under this Ordinance.
- c) The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance; these powers are reserved to the governing body.

9.04 Zoning Appeals

The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance. The procedure for appealing to the Zoning Board of Appeals, or requesting a variance, ordinance interpretation or filing any other request is as follows:

- a) The appeal shall be taken within such time as prescribed by the rules or by-laws of the Zoning Board of Appeals.
- b) A fee, prescribed by the Township Board, shall be submitted to the Zoning Administrator at the time of the filing of the application form.
- c) The person, firm, agent, or attorney thereof making the appeal shall file by completing and signing the application form provided by the Township.
- d) All persons shall file a written statement signed by the principal stating the agent's right to act upon their behalf.
- e) A completed application form shall be submitted to the Zoning Administrator. The application shall state the reasons for the appeal, and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before the appeal is processed, the fees shall be collected. If the Zoning Administrator determines that the application does not fully comply with the submittal requirements shall be returned to the applicant **with a written notice identifying inadequacies**. If the application is approved the Zoning Administrator shall forthwith transmit to the recording secretary for the Zoning Board of Appeals the application and all papers constituting the record from which the appeal was taken.
- f) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the application of appeal shall have been filed, that by reason of facts stated in the appeal application, a stay would in his or her opinion cause imminent peril to life and property.
- g) When a properly executed application form has been filed, the recording secretary, upon consultation with the chairman for the Zoning Board of Appeals, shall schedule the matter for a public hearing.
- h) Notice provided per Section 103 of Public Act 110 of 2006.
- i) Once all the necessary information has been received, the Board of Appeals shall return a decision on a case in a timely manner, or if time frames are included within its rules of procedure, then within the time specified in the rules of procedure.
- j) No Zoning Permit shall be issued by the Zoning Administrator based on a decision of the Board of Appeals before eight (9) days have expired.

9.05 Variances

The Board of Appeals shall have the power to authorize, upon appeal, a dimensional non-use variance from requirements of the Zoning Ordinance, provided the applicant has proven a "practical difficulty," by demonstrating as follows:

- a) That strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome;
- b) That the problem is due to a unique circumstance of the property;
- c) That the specific conditions relating to the property are not so general nor recurrent in nature, in the zoning district, so as to require an amendment to the zoning ordinance, instead of a variance;
- d) The property problem was not created by the action of the applicant;
- e) That the granting of the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located;
- f) That the requested variance will relate only to the property under the control of the applicant;
- g) That the non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance;
- h) That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located;
- i) That the proposed use of the premises is in accord with the Zoning Ordinance;
- j) That the variance would do substantial justice to the applicant as well as to other property owners in the district;
- k) That the granting of the variance will ensure that the spirit of the ordinance is observed, public safety secured and substantial justice applied;
- l) That the requested variance shall not amend the permitted uses of the zoning district in which it is located.

9.06 Rules for Granting Variances

The following rules shall be applied in the granting of a variance:

- a) The Zoning Board of Appeals shall specify, in writing, such conditions regarding the character, location, and other features which will, in its judgment, secure the objectives and intent of this Ordinance, provided there is an applicable standard in this Ordinance to serve as the basis for such condition. The breach of such condition shall automatically invalidate the permit granted.

- b) Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized has been commenced within one (1) year after the hearing date when the variance was granted.
- c) Construction must be completed within five (5) years from the variance issue date.

9.07 Interpretation and Other Powers

The Board of Appeals shall have the power to:

- a) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
- b) Determine the precise location of the boundary lines between zoning districts.
- c) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. The classification of the unmentioned use does not automatically permit the use; it only identifies the district in which it may be located and the zoning regulations with which it must conform.
- d) Determine the signage, landscaping, buffering, off-street parking, and loading space requirements of any use not specifically mentioned in this Ordinance, by applying the most comparable provisions for other similar uses.
- e) When making an interpretation, the Board of Appeals shall carefully consider the definitions in Article II, the meaning of all the relevant sections in the Ordinance, past decisions of the Board of Appeals on similar matters, research and any conclusions by the Zoning Administrator, consultant or attorney paid by the Township, and shall make a decision on the narrowest grounds feasible so as not to upset the meaning and application of this Ordinance.

9.08 Determination of A Lot Of Record

The Board of Appeals shall have the power to make "Lot of Record" determinations in accordance with the following procedure:

- a) Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract, not recorded in the Office of the Register of Deeds on the effective date of this Ordinance, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" as provided for in this Ordinance.
- b) The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of the said owner was executed prior to the effective date of this Ordinance. In making its determination, the Board is authorized to consider all matters it deems relevant, including but not limited to, the tax roll of the Township, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.

- c) Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other requirements set forth in this Ordinance.

9.09 Nonconformity Appeals

Nonconforming buildings or structures may be structurally changed, altered, or enlarged upon appeal in cases of hardship or other extenuating circumstances, and when approval of said appeal will not have an adverse effect on surrounding property, and when consistent with the requirements of this Ordinance.

9.10 Findings of Fact

- a) The Board of Appeals shall grant no variance or make any determination on an appeal, ordinance interpretation or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.
- b) Said findings of fact shall include, but not be limited to the following information:
 - 1) How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.
 - 2) Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.
 - 3) Specific findings (characteristics of the land) showing that because of physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance.
 - 4) That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.
 - 5) Finding that the practical difficulty was not created by the appellant and is related only to property that is owned or occupied by the appellant.
 - 6) A statement of the impacts of the variance if authorized, the property values, use, and enjoyment of the property in the neighborhood or district, and on the public, health, safety, and welfare.
 - 7) The proposed variance does not permit the establishment of any use which is not permitted by right within the district or any use or dimensional variance for which a Special Use Permit is necessary.
 - 8) Findings on whether the proposed development complies with the requirements, standards or procedures given in the Zoning Ordinance or an interpretation of the disputed ordinance provisions, if applicable.
 - 9) Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.
 - 10) The possible precedents or affects which might result from the approval or denial or the appeal.
 - 11) Findings on the impact if the appeal is approved, on the ability of the Township or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

9.11 Burden of Proof In Appeals and Variances

When an appeal is taken to the Board of Appeals, the applicant shall have the burden of presenting to the Board sufficient evidence and argument to justify the requested order or decision.

9.12 Re-Applications and Rehearings

- a. Any request for reapplication or rehearing may be submitted to the Board of Appeals. If the Board of Appeals votes to consider a reapplication or to grant a rehearing, the Board shall then, at the same hearing, proceed with the appeal, variance or interpretation without charging the applicant a second fee.
- b. A request for rehearing shall be made within eight (9) days from the meeting at which the original decision was made.

9.13 Bond Authorized

In authorizing any variance, the Board of Appeals may require that a bond or other performance guarantee be furnished to ensure compliance with the requirements, specifications, and conditions imposed with the granting of a variance.

Article 10
ADMINISTRATION AND ENFORCEMENT

10.01 Enforcement

The provisions of this ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of this department, such as the Zoning Inspector, to enforce the provisions of this Ordinance.

10.02 Duties of Zoning Administrator

The Zoning Administrator shall have the power to grant zoning compliance and to ~~make inspections of buildings or the~~ premises necessary to carry out their duties in the enforcement of this Ordinance.

After a zoning ordinance violation is found by the Zoning Administrator, the Zoning Administrator follows up with the property owner, to ensure compliance with the ordinance.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 12.

The Zoning Administrator shall not refuse to issue a permit whenever all conditions and requirements imposed by this ordinance are complied with.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

10.03 Plan

The Zoning Administrator shall require that all applications for land use permits shall be accompanied by plans and specifications including a plan, in duplicate, drawn to approximate the lot and building dimensions, showing the following:

- a) The actual shape, location, and approximate dimensions of the lot.
- b) The shape, size, and location of all buildings, accessory buildings and structures, driveways and curb cuts, or other improvements to be erected, altered or moved, and of any building or other structures already on the lot.
- c) The current and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- d) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

10.04 Permits

The following shall apply in the issuance of any Zoning Permit:

- a) Permits Not to be Issued: No land use permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
- b) Permits for New Use or Alterations of Land: No land heretofore vacant or undisturbed shall hereafter be used, or existing use of land be hereafter changed to a use of a different class or type, or physically altered unless a land use permit is first obtained.
- c) Permits for New Use of Buildings: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a land use permit is first obtained for the new or different use.
- d) Permits Required for the Erection, Alteration or Repair of Buildings: No building or structure, or part thereof, shall be hereafter erected, ~~altered~~, moved, or ~~repaired~~ **enlarged** unless a land use permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by State Construction Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
 - 1) Blasting and use of explosives shall be done only by a person licensed the State of Michigan and approved by the Fire Marshall and Zoning Administrator to perform such work and notification shall be given to the Township and surrounding property owners within three hundred (300) feet of the site and within five (5) calendar days of the work.
 - 2) The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.
 - 3) Expiration of Land Use Permit: If the work described in any land use permit has not begun with twelve (12) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected. If the work described in any land use permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new land use permit has been obtained.
- 4) Timing of Permits
 - 1. The County Building Inspector or appropriate governing body has the power to require a permit to be obtained on a timely basis.

2. The Zoning Administrator or appropriate governing body may require construction to commence within a specified date from the date of issuance of the permit, that the construction be pursued in a diligent manner, and that the construction is completed by a specified date.
3. Any time periods specified in the ordinance for the start and completion of a project may be modified by the applicable body as a condition of project approval.

10.05 Certificates of Occupancy

No land, building, or part thereof, shall be occupied by, or for any use, unless and until a certificate of occupancy shall have been issued for such use by the County Building Inspector. The following shall apply in the issuance of any certificate:

- a) **Certificates Not to be Issued:** No certificate of land use compliance shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance or for which a variance has been granted.
- b) **Certificates Required:** No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same cause to be done, unless and until a certificate of land use compliance shall have been issued for such building or structure.
- c) **Record of Certificates:** A record of all ~~certificates land use permits~~ issued shall be kept on file ~~at Township Office in the office of the Zoning Administrator~~, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- d) **Application for Certificates:** Application for Certificate of Land Use Permit Compliance shall be made, in writing, to the Zoning Administrator on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such a certificate is refused for cause, the applicant, therefore, shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.
- e) A Certificate of Land Use Permit Compliance for any improvement will not be issued, nor shall the property be used or occupied in any way until the required physical site improvements are fulfilled. In instances where all improvements as required by this Ordinance are not completed, and a temporary certificate of occupancy is requested, the cost of such remaining improvements shall be estimated by the County Building Inspector, taking into account the criteria listed above. The County Building Inspector may grant temporary occupancy if the use of the premises does not constitute a hazard or nuisance. Temporary occupancy will not be granted until a satisfactory cash bond or irrevocable letter of credit in the amount of the estimated cost of completion is filed with the Township Planning Commission. If the work is not completed by the date specified on the temporary occupancy permit, the Commission may use the cash, surety bond or irrevocable letter of credit to complete the improvements.

10.06 Fees

Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance, may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall

cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

10.07 Requests for Information and Complaints

Any request for information and/or complaint regarding an interpretation of a zoning provision, administrative or enforcement of any provisions shall be submitted to the Township in writing for review and action. Only written communication will be considered.

10.08 Violations and Penalties

- a) Nuisance per se: Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- b) Inspection: The Zoning Administrator or Zoning Inspector shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan. **The Zoning Administrator or Zoning Inspector shall have the right to inspect any property after written notice is given to the permit holder identifying each alleged violation.**
- c) Penalties
 - 1) Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance.
 - 2) The Township Board is hereby designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
 - 3) The Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

10.09 Rights and Remedies Are Cumulative

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

10.10 Performance Guarantee

- a) Where in this Ordinance there is delegated to the Zoning Board of Appeals and the Planning Commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, site plan approval, special approval or variance, the Zoning Board of Appeals or Planning Commission may, to ensure strict compliance with any regulation

contained herein or required as a condition of the issuance of a permit, require a cash, performance or surety bond executed by a reputable surety company authorized to do business in the state, or irrevocable letter of credit, in an amount determined by the Zoning Board of Appeals or the Planning Commission to be reasonably necessary to ensure compliance hereunder; provided, however, that in fixing the amount of such cash, performance, surety bond or irrevocable letter of credit, consideration shall be given to the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

- b) The performance guarantee shall be deposited with the Township Board at the time of the issuance of the permit authorizing the activity or project.
- c) The Township Board shall establish procedures whereby a rebate of cash deposits, in reasonable proportion to the ratio of work completed on the required improvements, will be made as work progresses.
- d) As used in this section, “improvements” means those features and actions associated with a project which are considered necessary by the body or official granting approval 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, including but not limited to roadways, paving, walls, curbing, striping, lighting utilities, sidewalks, screening landscaping and drainage.
- e) Objection to a performance guarantee requirement must be in writing and filed with the Township Board within thirty (30) days of notice of the requirement. The determination of the Commission shall be final.

Article 11
CHANGES AND AMENDMENTS

11.01 Purpose

The Township Board may upon recommendation from the Planning Commission, its own initiative or on a petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein according to the authority and procedure established in Act 110 of the Public Acts of 2006, as amended.

11.02 Petition for Amendments

An amendment to the Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to the Zoning Ordinance shall require a two-thirds ($\frac{2}{3}$) vote of the Planning Commission, unless a larger vote, but not to exceed three-quarters ($\frac{3}{4}$) vote, if required by ordinance or charter. The protest petition shall be presented to the Planning Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:

- a) The owners of at least twenty percent (20%) of the area of land included in the proposed change.
- b) The owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
- c) For the purposes of this section publicly owned land shall be excluded in calculating the twenty percent (20%) land area requirement.

11.03 Conditional Rezoning

- a) Intent: It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this Section to follow the provisions of Section 405, Michigan Zoning Enabling Act 110 of 2006 (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

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Article 13
INTERPRETATION AND CONFLICT

13.01 Interpretation

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a higher restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

13.02 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Article 14
DEFINITIONS

Section 14.01 PURPOSE

For the purpose of this ordinance, certain terms are herewith defined. When not consistent with the context, words used in the present tense include the future, words in singular number include the plural number, and words in the plural number include the singular number. The word “shall” is always mandatory and not merely directory.

Section 14.02 ACCESSORY BUILDING

A supplemental building or structure on the same lot, or part of the main building occupied by or devoted exclusively to an accessory use.

Section 14.03 ACCESSORY USE

A use naturally or normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

Section 14.04 ALLEY

A public thoroughfare or way no less than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

Section 14.05 ALTERED

Any change in the location or use of the building or structure and/or any change in the construction or the structural members of a building or structural such as bearing walls, columns, posts, beams, girders, and similar components.

Section 14.06 BASEMENT AND CELLAR

- a) A basement is that portion of a building partly below the grade, but so located that the vertical distance from the average grade to the ceiling.

- b) A cellar is that portion of a building partly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Section 14.07 BOARDING HOUSE

See the definition for Short-Term Rentals

Section 14.08 BUILDING

Any structure, whether temporary or permanent, having a roof and used or build for the shelter or enclosure of person, animals, or property of any kind. This shall include tents, awnings, vehicles whether mounted or not on wheels and situated on private property and used for the purpose of a building.

Section 14.09 BUILDING, HEIGHT OF

The vertical distance from the established grade at the center of the front of the building, to the highest point of the roof surface, if a flat roof, to the deck line from mansard roofs, and to the highest point for gable, hip, and gambrel roofs.

Section 14.10 CABIN

Any building or structure which is maintained, offered or used for overnight sleeping quarters, temporary occupancy by transients or for seasonal use.

Section 14.11 CABIN CAMP

Any site, lot, tract, or parcel of land on which two (2) or more cabins are located.

Section 4.12 COTTAGE INDUSTRY

A small, individual-owned business or concern that functions without altering the residential character of the neighborhood, and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners.

Section 14.13 DWELLING

A building or structure or portion thereof designed for occupancy by one family for residential purposes as a single housekeeping unit. In no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

One-Family Dwelling

As dwelling occupied by one (1) family, so designed and arranged as to provide living, cooking, and cooking and kitchen accommodations for one (1) family only.

Two-Family Dwelling

A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one (1) family.

Multiple Family

A dwelling or group of dwellings on one lot, containing separate living units for three (3) or more families, having separate or joint entrances, and including apartments, group homes, rowhouses, and condominiums; also multiple dwellings.

Section 14.14 ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building, excavations, fill, drainage and the like shall be considered a part of the erection.

Section 14.15 ESSENTIAL SERVICES

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings used or intended to be used for human habitation.

Section 14.16 FAMILY

Any number of individuals living together and cooking together on the premises as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club or similar structure, together with all necessary employees of the family.

Section 14.17 FARM

All of the unplatted, contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land be considered a farm, hereunder shall include a contiguous unplatted parcel of no less than twenty (20) acres in area; provided, further that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms, and similar specialized agricultural enterprises may be considered farms; but establishments keeping or operating fur-bearing animals, game, fish hatcheries, dog kennels, stockyards, slaughterhouses, stone quarries, or gravel or sand shall not be considered farms hereunder unless combined with and constituting only a minor part of a bona fide farm operations on the same continuous tract of land. Nor shall premises operated as fertilizer works, boneyards, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal, or junk constitute a farm hereunder.

Section 14.18 FARM BUILDINGS

Any building or structure, other than a dwelling, moved upon, maintained, used, or built on a farm which is essential and customarily used on farms in the pursuit of agricultural activities.

Section 14.19 FARM DWELLING

Any dwelling located on a farm as defined by this ordinance and occupied as the home, residence or sleeping place of the owner-operator, manager or tenant farmer of that farm.

Section 14.20 FLOOR AREA

The sum of the square footage of all of the floors of a structure or building.

Section 14.21 FLOOR AREA, GROSS

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Section 14.22 GARAGE, PRIVATE AND COMMERCIAL

- a) A private garage is any building, or part thereof, not over one (1) story, or twenty (20) feet in height for storage of motor vehicles or trailer coaches where no servicing for profit is conducted.
- b) A commercial garage is any garage other than a private garage.

Section 14.23 GRAVEL AND/OR SAND PITS

~~Gravel or sandpit is a place where gravel and sand are removed and must be an area of not less than twenty (20) acres in size, setback lines to be one hundred and fifty (150) feet from property lines and two hundred (200) feet from the road right of way.~~

An open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

Section 14.24 HIGHWAY

A public thoroughfare in the township road system, including county, federal, and state roads and highways whether of a level surface, depressed surface or elevated structure.

Section 14.25 HOME OCCUPATION

A gainful occupation conducted by members of the family only within its place of residence; provided the space used is incidental to residential use and that no article is sold or offered for sale except such as is produced by such home occupation, provided further that there is not external display of such articles. Clinics, hospitals, barber shops, tea rooms, tourist homes, animal hospitals, animal boarding establishments, or the production of any kind of livestock shall not be deemed home occupation.

Section 14.26 JUNKYARD

Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, or disposal of junk.

Section 14.27 JUNK

Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage.

Section 14.28 KENNEL

A kennel shall be construed as an establishment wherein or whereon 30 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel. (MCL 287.270)

Section 14.29 LOT

The parcel of land on which one (1) principal building and its accessories are located or intended to be located together with any open spaces required by this ordinance.

Section 14.30 LOT LINES

FRONT LOT LINES – The line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line, and the shorter street shall be considered the front lot line. In the event of any lot, as defined by this ordinance, fronts upon right-of-way, then the right-of-way line crossing such lot shall be deemed the front lot line.

REAR LOT LINES – The line opposite the front lot line.

SIDE LOT LINES – Any lot lines other than the front lot line and the rear lot line.

Section 14.31 MOTEL

A building made up of two (2) or more separate living or sleeping quarters used independently of each other and used principally for overnight accommodations.

Section 14.32 NON-CONFORMING STRUCTURE

A structure, or a portion thereof, that no longer conforms to the site area, coverage, setback, or other open space, height, or other regulations prescribing physical development standards for the district in which such structure is located.

Section 14.33 NON-CONFORMING USE

A use that lawfully occupied a building or land on the effective date of this ordinance and that does not conform to the use regulations of the district in which it is located.

Section 14.34 NUISANCE

Anything, condition, or conduct that endangers health and safety, or unreasonably offends the senses or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Section 14.35 PUBLIC UTILITY

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal regulations to the public, transportation water, gas, electricity, telephone, steam, telegraph, or sewage disposal, and other services.

Section 14.36 RESTAURANT

A business located in a building wherein consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable licensed kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals and deriving the major portion of its receipts from the sale of food.

Section 14.37 RETAIL COMMERCIAL ESTABLISHMENT

A store, market or shop in which commodities are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets. Public garages, automobiles service stations are included in this classification.

Section 14.38 ROADSIDE

A public thoroughfare which affords a principal means of access to abutting property.

Section 14.39 ROADSIDE STAND

A farm structure used or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only the seasonal farm products of the immediate locality in which the roadside stand is located.

Section 14.40 SALVAGE YARD

Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, or disposal of junk.

Section 14.41 SETBACK LINES

The line established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within the setback line," means between the setback line and the highway right-of-way. List all set back lines here.

Section 14.42 SHORT-TERM RENTALS

The commercial use of renting a dwelling unit, or portion thereof, for a period of time less than thirty-one (31) consecutive calendar days. This does not include bed and breakfast establishments, hotels/motels, tenant housing, or campgrounds. Other forms of short-term rentals include the following:

Boarding House: A building, other than a hotel or motel, where lodging or rooms, or both, are provided for compensation, whether directly or indirectly.

Tourist Home: A short-term rental operation in which a portion of a dwelling unit is rented out where the owner of the property resides full-time in the dwelling unit and is primarily present at the time of occupation.

Tourist Home and Bed & Breakfast: Primarily a family dwelling where lodging with or without meals is furnished for compensation chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.

Vacation Home: A short-term rental operation in which the entire dwelling unit is rented out without the property owner residing at the dwelling unit at the time of occupation.

Section 14.43 SPECIAL LAND USE

Special land uses are those uses of land which are not essentially compatible with the uses permitted in a zoning district.

Section 14.44 STORY

That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five feet (5'), then the basement or cellar constituting the story partially below grade shall be counted as a story.

Section 14.45 STORY, HALF

A story which is situated within a sloping roof, the are of which at the height of four feet (4') above the floor does not exceed two-thirds ($\frac{2}{3}$) of the floor area directly below it, wherein living quarters are used only as part of the dwelling situated in the story below.

Section 14.46 STRUCTURE

Any construction artificially built up or composed of parts joined together in some definite manner.

Section 14.47 TAVERN

Any place where malt, vinous or spirituous liquors are sold for consumption on the premises is defined as a tavern for the purpose of this ordinance.

Section 14.48 TENT

Any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material. The horizontal area covered by the fabric or other pliable material shall be considered building floor area. In a residential district, a tent shall be considered a detached accessory building.

Section 14.49 TRAILER COACH

Any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, reconstructed or added to by means of enclosed room or area in such manner as will permit the sleeping place for one or more persons, whether mounted on wheels or dismounted and located on a foundation or other support.

Section 14.50 TRAILER COACH PARK

Any site, lot, field, tract or parcel of land which is utilized by three (3) or more occupied trailer coaches either free of charge, or for revenue purposes and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as part of the equipment of such trailer coach park.

Section 14.51 USE

The purpose for which land or a building thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied or maintained.

Section 14.52 YARD

A space open to the sky and unoccupied or unobstructed, except by encroachments permitted by this ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

YARD, FRONT – A yard extending across the full width of the lot between the front lot line and the nearest line of the main building.

YARD, REAR – A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

YARD, SIDE – A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.