

### 2.3 SITE RESTRICTIONS

1. Soil Conditions - No land shall be used or structure erected where the land is unsuitable for such use of structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, and general welfare of the Township. The Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence supporting suitability, if desired. Thereafter, the Planning Commission may affirm, modify, or withdraw the determination of unsuitability.
2. All lots shall abut upon a right-of-way with at least forty (40) feet of frontage.
3. Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or right-of-way shall not be occupied unless access to a street be provided by an easement or other right-of-way no less than twenty (20) feet in width.
4. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that does not inconvenience or damage adjacent properties. Previously developed property with existing grades shall have priority.
5. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premise declared unsafe or unhealthy.
6. Reduction of Joint Use - No lot, yard, parking area, building area, or other space shall be reduced in area or dimension, so as to not meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
7. Substandard Lots - Any lot in a single ownership, which ownership was of record at the time of the adoption of this Ordinance, that does not meet the requirements of this Ordinance for yards, courts, or other area of open space may be utilized for a single family dwelling, provided the requirements for such yard or court area, width, depth, or open space is within seventy five percent (75%) of that required by terms of this Ordinance and further provided that satisfactory arrangements can be made of sewage disposal and water supply. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

### 3.10 R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

#### 4. Bulk Requirements

##### C. Minimum Yards:

Front 30 feet

Side 10 feet

Rear 30 10 feet

## SECTION 9 - CONTINUANCE OF EXISTING NONCONFORMING USES, STRUCTURES AND LOT DIMENSIONS

### 9.1 EXISTING NON-CONFORMING USES

1. A nonconforming use may continue in existence provided that it is neither enlarged or extended so as to occupy additional land area on the same or any other lot or parcel.
2. A nonconforming structure may continue in existence, provided that it does not, subsequent to the effective date of this ordinance, become more nonconforming.

3. The provisions of this ordinance shall not apply to prevent the use of any lot, building, or structure for any purpose prohibited by this ordinance if such lot, building or structure was lawfully used for such purpose on the date of passing of this ordinance, so long as it continued to be used for that purpose.

4. Nonconforming lot dimension may continue in existence, provided that they do not, subsequent to the effective date of this ordinance, become more nonconforming.

**A. A permitted Single-Family dwelling and customary accessory building may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width, or both. Yard dimensions and other requirements not involving area or width, or both shall conform to the regulations of the district in which such lot is located. Variance to yard requirements shall be obtained through the Zoning Board of Appeals**

5. Nothing in this ordinance shall prevent the use of any lot, building or structure for any purpose prohibited by this ordinance provided such lot, building or structure was lawfully used for such purpose prior to the date of passing of this ordinance.

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

A. Such structure may be enlarged or altered provided that such enlargement or alteration does not increase the structure's nonconformity.

B. Should such structure be moved for any reason, it must conform to the regulations for the district in which it is located after it is moved.

## **SECTION 11 – ZONING BOARD OF APPEALS**

### **11.1 CREATION, MEMBERSHIP, TERM OF OFFICE, OFFICERS, RULES**

1. There is hereby created a Zoning Board of Appeals (ZBA) consisting of five (5) members. ~~the first One member of such Board shall be the Chairman~~ **the ZBA shall be a member** of the Planning Commission. ~~The second member shall be a member of the Township Board appointed by the Board of Trustees; and the remaining three (3) members, and any alternate members, shall be selected and appointed by the Township Board from among the electors from differing zoning districts of the Township. The Township Board may appoint not more than 2 alternate members to the ZBA for the same term as regular members. One regular or alternate member of the ZBA may be a member of the Township Board. The Township Board member of the ZBA (if appointed) may not serve as the ZBA chair. ~~provided that~~ **No** elected officer of the Township nor any employee of the Township Board shall serve simultaneously as one of the remaining ~~three (3)~~ **three (3)** members of or as an employee of the **ZBA Zoning Board of Appeals**, nor shall an additional member of the Planning Commission serve as one of the remaining ~~three (3)~~ **three (3)** members of or as an employee of the ~~Zoning Board of Appeals~~ **ZBA**.~~

## **SECTION 12 - ADMINISTRATION, PERMIT PROCEDURE, AND ENFORCEMENT**

### **12.1 ADMINISTRATION AND ADMINISTRATOR**

1. The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan Township Zoning Act, Public Acts of 1943, No. 184, as amended.

2. The Township Board shall employ a Zoning Administrator to act as its officer to insure and effect the

proper administration of this Ordinance. The individual selected, the terms of employment, the limits to and the extent of his authority to enforce this Ordinance, and the rate of compensation shall be established by the Township Board.

3. **Duties—Role of the Zoning Administrator. shall:**

A. Review all applications for zoning permits and certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and issue certificates when there is compliance with this Ordinance.

B. Receive all applications for special use permits; conduct field inspections, investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Zoning Board of Appeals with recommendations and notify the applicant in writing of any decision of the Zoning Board of Appeals and assemble pertinent Z.O. text, MTA and Attorney advice, maps, and other materials necessary to assist the P.C. with its deliberations. The Zoning Administrator may make a recommendation.

C. Receive all applications for amendments to the Ordinance; for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, investigations, prepare maps, charts and other pictorial materials and otherwise process applications so as to formulate recommendations; and refer such applications with recommendations to the Zoning Board of Appeals for determination. Appeals and assemble pertinent Z.O. text, MTA and Attorney advice, maps, and other materials as necessary to assist the P.C. in the Z.O. amendment process. The Zoning Administrator may make a recommendation.

D. Receive all applications for amendments to this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials and otherwise process applications so as to formulate recommendations; and report to the Planning Commission all such applications together with recommendations. appeals, variances, or other matters which the ZBA is required to decide under this Ordinance. Conduct field inspections, and assemble pertinent Z.O. text, MTA and Attorney advice, maps, and other materials necessary to assist the ZBA in making its determination. The Zoning Administrator may make a recommendation.

E. Maintain a map or maps showing the current zoning classifications of all land in the Township.

F. Maintain written records of all actions taken by the Zoning Administrator.

G. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, or Zoning Board of Appeals, as required by this Ordinance, and be responsible for what information is necessary on such forms for the effective administration of this Ordinance subject to the general policies of the Planning Commission and Zoning Board of Appeals. Send copies of approved zoning applications to the applicant, the Township Assessor, and the county and file the original at the Township Office.

**12.2 ZONING PERMITS**

1. All structures to be constructed, moved or enlarged, including farm buildings, shall require a zoning permit.

2. Requirements for - Excavation for any building or structure shall not be commenced, the erection of, addition to, alteration of, repair of, or moving of any building or structure shall not be undertaken, and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator. Except upon a written order of the Zoning Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

3. Permit Applications - Applications for a permit shall be made in triplicate to the Zoning Administrator

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on forms furnished by the Zoning Administrator available at the township office and online, and shall include the following where applicable: **Applications shall contain:**

A. Names and addresses of the applicant, owner, of the site, architect, professional engineer, and contractor. **tax ID number of the parcel, date of application, estimated cost, telephone number, and contractor.**

B. Description of the subject site by lot, block, and recorded subdivision; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; and, the zoning district within which the subject site lies. **Address of the subject site; type of structure, proposed use of the structure or site, and the zoning district within which the site lies.**

C. Plat of survey prepared area by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures, existing and proposed easements, streets, and other public ways, off-street parking, loading areas and driveways, existing highway access restrictions, existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site. **Sketch of the subject site showing existing and proposed structures and their dimensions, distances from lot lines and road, existing and proposed easements, streets, and other public ways, off-street parking, driveways, and existing highway access, location of existing and/or proposed water and septic where municipal service is not available.**

D. Proposed sewage disposal plan, if municipal sewage service is not available. This plan shall be approved by the Western Upper Peninsula District Health Department who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county, and state requirements.

E. Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the Western Upper Peninsula District Health Department who shall certify in writing that an adequate and safe supply of water will be provided.

F. Concrete, stone, wood, masonry, or other fences in a required front yard, of any district shall require permits. The Zoning Administrator shall also require permits for any fences or other structures within the sight triangle establishment at intersections. (See Section 4.5 Traffic Visibility.)

G. ~~D.~~ Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, **and** on the same premises, and such permit for which it is issued until completion of construction or occupancy.

H. ~~E.~~ All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Administrator in his office for ready reference at the township office.

I. ~~F.~~ No permit shall be required for:

- (1) Routine maintenance, alteration, or repair of buildings, structures, or equipment such as repainting or reroofing a building. **reroofing, painting, siding, etc.**
  - (2) Alterations of existing buildings having a replacement value of less than one thousand dollars (\$1000) in any one twelve (12) month period. **which do not change the footprint.**
  - (3) Construction of a service connection to a municipally owned and operated utility.
4. Issuance of Permit - Within seven (7) days after submission of the proper approvals signifying that all requirements have been met, the Zoning Administrator shall issue a zoning permit. In the event the seventh day falls on a Saturday, Sunday or a legal holiday, the seven day time period shall be extended to the next business day thereafter.
5. Evidence of Ownership - All applications for zoning permits under the provisions of this Ordinance shall be accompanied by evidence of ownership, i.e. deed, land contract or lease, and possession of all

Before the issuance of any zoning permit, the building stakeouts and/or such other stakeouts as are necessary shall be inspected by the Administrator to determine if the written details on the application form are accurately evidenced at the physical site.

### **12.3 SPECIAL USE PERMITS AND SITE PLAN REVIEW**

1. Application - Applications for Site Plan Review authorized by Section 6 of this ordinance and Special Use Permits authorized by Section 10 in this Ordinance shall be submitted to the Zoning Administrator on a form supplied for such purposes. Applications shall be accompanied by the payment of a fee as determined by the Township Board to cover the costs of processing and the procedures of public hearing. The fee shall be in accordance with the current fee schedule and shall be subject to alteration from time to time.

If the Planning Commission determines that the basic zoning fees will not cover the actual costs of the application review, or if the Planning Commission determines that review of the application and/or participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional fees in an amount determined by the Planning Commission equal to the estimated additional costs. Applications for special use permits shall be subject to the provisions of Section 10.2 Zoning Permits in addition to the provisions stated herein.

2. Procedures:

A. The Zoning Administrator shall forward the application and supporting data to the Planning Commission.

B. The Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.

C. After adequate review and study of any application, the Planning Commission shall hold a public hearing or hearings as required by Section 10.4 of this ordinance.

D. The Planning Commission, after public hearing procedures, may issue a special use permit. A copy of the decisions of both, with any conditions or reasons for rejection, if it be so, shall be sent promptly to the Zoning Administrator and to the applicant.

3. Basis of Determination - The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall act upon the application following the procedures and standards set forth in Section 10 of this Ordinance.

4. Reapplication - No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Planning Commission.

### **12.4 CERTIFICATION OF OCCUPANCY**

1. Hereafter a Certificate of Occupancy shall be required for the following:

A. Occupancy or use of a building erected, altered, extended, relocated, or reconstructed.

B. Change in the use of a building.

C. Occupancy for the use or a change in a use of land except for the raising of crops or other agricultural pursuits, unless specifically exempted from securing a Certificate of Occupancy in the various zoning district requirements and rules.

2. Contents - Any Certificate of Occupancy issued by the Zoning Administrator shall state that the proposed occupancy or use and any structure or building embraced in the occupancy or use shall conform with the provisions of this Ordinance and shall further state any special limiting conditions of such occupancy or use.

3. Time for Application - All Certificates of Occupancy shall be applied for coincident with the application for a building permit or within ten (10) days of a contemplated change in the use of a building or land. A Certificate of Occupancy shall be issued within ten (10) days after the lawful erection or alteration of a

property affected by the scope of the permit. The legal owner of record must join in the application, if the person requesting the permit is the land contract vendee or lessee.

6. Voiding of the Permit - Any zoning permit granted under this Section shall become null and void unless the development proposed shall have its first building inspection within one (1) year from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

7. Inspection Fee -- Before any zoning permit shall be issued covering buildings or other operations regulated by this Ordinance, all inspection fees shall be paid according to a schedule of fees established by the Township Board. If a building activity is commenced, ~~other than as permitted by 7.a. which follows, prior to issuance of a zoning permit, the inspection fee shall double as a civil penalty for such violation and the violation may be sanctioned further as provided in Section 11.5 Enforcement, 1. Violation and Penalties.~~ **prior to payment of the fee, then fees shall double.**

8. Inspection - The construction or usage affected by any zoning permit shall be subject to the following:

A. Before the issuance of the zoning permit, the building stakeouts and/or such other stakeouts as are necessary shall be inspected by the Administrator or his agent to determine if the written permit form and the Ordinance requirements are in agreement and have been complied with. Subsequent inspections shall be made as are required by the extent and complexity of the proposed construction or usage.

B. Upon completion of the work authorized by the permit, final inspection shall be promptly made by the Administrator or his agent and the use and occupancy permit issued if the requirements of this Ordinance and other lawful pertinent ordinances are met.

C. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for any inspection. Upon receipt of such notification, the Zoning Administrator shall first satisfy himself that the corners and boundaries of the lot are accurately designated and forthwith proceed to make an inspection of the progress of the construction, and if the same shall meet the requirements of the Ordinance, at the stage of such inspection, he shall issue his written approval thereof and the applicant shall be authorized to proceed in accordance with the permit. Should the Zoning Administrator determine that the construction is not proceeding according to the site and construction plans filed, or is in violation of any provisions of this Ordinance, or any other applicable law, he shall so notify the holder of the permit or his agent, and further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the Zoning Administrator upon notice and request for re-inspection duly made.

D. Should a zoning permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the latter shall make a report in writing of such failure to the Township Supervisor whose duty it shall be to forthwith cancel the permit issued. The Supervisor shall cause notice of such permit cancellation to be securely posted upon or affixed to the construction not conforming to the Zoning Ordinance interpreted to be the Zoning Administrator's requirements, and such posting shall be considered as service upon and notice to the permit holder, or cancellation. No further work upon said construction shall be undertaken or permitted until a valid permit shall thereafter have been issued.

E. Failure to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed or occupancy may be permitted.

building is completed as certified by the Zoning Administrator.

4. Availability of Record—A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any persons having a propriety or tenancy interest in the building affected.

## **SECTION 13 - AMENDMENTS**

### **13.1 POWER TO AMEND**

The regulations and provisions incorporated within the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by resolution of the Township Board.