

# ZONING ORDINANCE

## NO. 01-2004

CONSOLIDATED ORDINANCE NO. 01-2004 (Includes Amendments 1 – 9)

### BRUCE TOWNSHIP

### CHIPPEWA COUNTY, MICHIGAN

### ADOPTED MARCH 11, 2004

As amended:

July 8, 2004  
August 12, 2004  
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### ZONING ORDINANCE – BRUCE TOWNSHIP

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#### TABLE OF CONTENTS

TITLE AND PREAMBLE ----- -2

ARTICLE 1 – INTRODUCTION ----- -2

**ARTICLE II – DEFINITIONS ----- -9**

**ARTICLE III – GENERAL PROVISIONS ----- -9**

**ARTICLE IV – NON-CONFORMING LOTS, USES, AND STRUCTURES ----- -15**

**ARTICLE V – SETBACK, FRONT YARD, SIDE YARD, AND REAR YARD REQUIREMENTS ----- -16**

**ARTICLE VI – SPECIAL LAND USES ----- -18**

**ARTICLE VII – SIGNS AND BILLBOARDS ----- -26**

**ARTICLE VIII – SITE CONDOMINIUMS ----- -28**

**ARTICLE IX – (RESERVED FOR FUTURE USE) ----- -32**

**ARTICLE X – GENERAL EXCEPTIONS ----- -32**

**ARTICLE XI – MISCELLANEOUS PROTECTION REQUIREMENTS ----- -32**

**ARTICLE XII – SITE PLANS ----- -33**

**ARTICLE XIII – DISTRICTS ----- -34**

**ARTICLE XIV – PERMIT REQUIREMENTS AND PROCEDURES ----- 36**

**ARTICLE XV – ADMINISTRATION ----- -39**

**ARTICLE XVI – PLANNING COMMISSION ----- -40**

**ARTICLE XVII – ZONING BOARD OF APPEALS ----- -41**

<b>ARTICLE XVIII – CONFLICT OF INTEREST -----</b>	<b>-45</b>
<b>ARTICLE XIX – AMENDMENTS -----</b>	<b>-45</b>
<b>ARTICLE XX – ENFORCEMENT AND PENALTIES -----</b>	<b>-46</b>
<b>ARTICLE XXI – SEVERANCE CLAUSE -----</b>	<b>-47</b>
<b>ARTICLE XXII – EFFECTIVE DATE -----</b>	<b>-48</b>

**ORDINANCE NO. 01-2004  
ZONING ORDINANCE  
BRUCE TOWNSHIP, MICHIGAN**

**28.000** AN ORDINANCE authorized under Act 110 of the Public Acts of Michigan for 2006 known as the “Michigan Zoning Enabling Act” for regulation of the development and use of land; to provide for the establishment of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to prescribe penalties and provide remedies; and to provide for the repeal of all ordinances or parts of ordinances in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF BRUCE  
CHIPPEWA COUNTY, MICHIGAN, ORDAINS:**

**PREAMBLE**

In accordance with the authority and intent of Act 110 of the Public Acts of 2006, the Township desires to provide for the orderly Township development that is essential to the well-being of the community and its residents.

The provisions of this Ordinance are intended to encourage appropriate and orderly uses of lands and natural resources in the Township; to limit inappropriate uses of land; to provide for orderly Township development without undue burden on developers, industry, commerce, residents, agriculture, and natural resources and to protect the same from incongruous and incompatible uses of adjacent lands; to promote the economic wellbeing of the Township community and its residents; and to promote and protect the public health, safety, comfort, convenience, and general welfare of all persons and property owners in the Township.

**Article I. - Introduction**

**28.100 Short Title.** This ordinance shall be known and cited as the “Bruce Township Zoning Ordinance”.

**28.101 Repeal of Prior Ordinances.** This Ordinance repeals Sections 15.000 to 15.280 inclusive of the Bruce Township Code as passed June 1, 1963 and revised August 10, 1978 and amends the Bruce Township Code by adding new Sections, which new Sections shall be designated as Sections 28.000 to 28.2201 inclusive of the Bruce Township Code.

The repeal of the June 1, 1963 Ordinance and its subsequent amendments does not affect or impair any act done, offense committed, right accruing, liability, penalty, or forfeiture incurred prior to the effective date of this Ordinance. It is not the intent of this paragraph to repeal any other part of the Code of Ordinances of Bruce Township.

**28.102 Vested Right.** It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege, or permit.

## Article II. – Definitions

**28.200 Construction of Language.** For the purposes of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular. The word “shall” is always mandatory and not merely directory. Terms not herein defined shall have the meaning customarily assigned to them.

### 28.201 A - Definitions

**Alley.** Any dedicated public way affording a secondary means of access to abutting property, not intended for general traffic circulation.

**Alterations.** Any change, addition or modification to a structure or type of occupancy, and/or change in structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

**Apartments.** The dwelling units in a multiple unit dwelling.

**Auto Repair Facility.** A business establishment where the following types of services are provided: general motor vehicle repair, vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work, and auto glass work.

### 28.202 B - Definitions

**Basement.** That portion of a building which is partly or wholly below the established grade at the front of the building but so located that the vertical distance from the established grade to the floor is greater than the vertical distance from the established grade to the ceiling. If the vertical distance from the established grade to the ceiling is over five (5) feet, that portion of the building shall be considered the ground floor.

**Bed & Breakfast.** A residential dwelling where a morning meal and overnight lodging are furnished for compensation on a daily basis to two (2) or more persons who are not members of the family occupying and operating the premises.

**Billboard.** Any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising material which does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered, or activities conducted on such premises.

**Boarding House.** A residential dwelling where meals with or without lodging are furnished for compensation on a weekly or monthly basis to three (3) or more persons who are not members of the family occupying and operating the premises, but not necessarily to anyone who may apply.

**Boat Docking Facilities (Commercial).** Boat docking facilities available for use with the payment of a fee or other type of compensation and boat docking facilities used in conjunction with any commercial business activity.

**Boat Docking Facilities (Residential).** Boat docking facilities for the exclusive use of residential property owners or occupants and their transient guests.

**Boat House.** A temporary or permanent beach structure on or near the water which is used as a storage enclosure for watercraft.

**Building.** Any structure, either temporary or permanent, used or intended for use as a shelter of enclosure for persons, animals or property of any kind. This shall include mobile homes, manufactured or pre-cut homes or structures, vehicles, tents, or other enclosures with comparable uses or intended uses.

**Building, Accessory.** A subordinate structure, the use of which is clearly incidental to that of the main building or to the use of the land.

**Building Height.** The vertical distance from the established grade at the center of the front of the building to the

highest point of the roof surface for flat roofs and to the midpoint between the eaves and the peak (high point) of the roof for mansard, gable, hip, and gambrel roofs.

**Building Line.** The line formed by the face of the building or building accessory, which, for the purposes of this Ordinance, is the same as a front setback line.

#### 28.203 C – Definitions

**Campground.** An area in which space is maintained or used for overnight or temporary lodging by transients in their own tents, truck campers, travel trailers, or motor homes. Outdoor cooking facilities may be furnished. Water and sanitary facilities, if furnished, must be approved by the Chippewa County Health Department.

**Club.** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

#### 28.204 D – Definitions

**District.** A portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Dwelling Unit.** A building or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking and sanitary facilities.

**Dwelling, Single Family.** A building containing not more than one (1) dwelling unit. For purposes of this Ordinance, Hunting Camps and Seasonal Cottages shall be considered Single Family Dwellings.

**Dwelling, Multiple Family.** A building containing two (2) or more dwelling units.

#### 28.205 E – Definitions

**Erected.** Means built, constructed, reconstructed, or moved upon a property, including any physical operations on the property required for construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.

**Essential Services.** Means reasonably necessary services provided for public health, safety, and/or welfare by public utilities or Township departments. Such services may include the erection, construction, and maintenance of underground, surface, or overhead electrical, gas, steam, fuel, water, and communication

**systems**, including towers, poles, wires, mains, drains, sewers, pipes, conduits, and cables, plus traffic signals, hydrants, and similar accessories used in connection therewith. Included are buildings which are necessary for the furnishing of adequate service by such utilities or Township departments. Storage areas and buildings for offices, maintenance, warehousing, and facilities of a similar nature are not included.

**28.206**

**F – Definitions**

**Family.** A group of persons domiciled together in one dwelling unit whose relationship is of a continuing domestic character and who are living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie,

organization, or group of students or other individuals living cooperatively but not as a continuing domestic unit.

**Farm.** All of the un-platted contiguous or associated land operated as a single unit on which bona fide farming or agricultural activity is carried out. This includes cervidae livestock facilities operated in accordance with the Privately Owned Cervidae Producers Marketing Act (Act 190 of 2000) and aquaculture facilities operated in accordance with the Michigan Aquaculture Development Act (Act 199 of 1996).

Establishments for the keeping or raising of fur-bearing animals or non-cervidae game animals, dog kennels, stockyards, slaughterhouses, stone quarries, and gravel or sand pits shall not be considered farm activities hereunder except as minor activities on the same contiguous tract of land and conducted in support of the principal farming or agricultural activity. Premises operated as fertilizer works, bone yards, rendering plants, or used for the disposal of garbage, sewage, rubbish, offal, or junk shall not constitute a farm or agricultural activity hereunder.

**Farm Dwelling.** Any dwelling located on a farm as defined by this Ordinance and occupied as the home or residence of the owner-operator, manager, or tenant-farmer of that farm.

**Fences and Walls.** Fences and walls are defined as follows:

- (a) Fences – Structures erected to enclose or screen areas of land.
- (b) Retaining Walls – Structures erected to support embankments or to prevent erosion or collapse of steep slopes.
- (c) Shoreline Walls – Structures erected to contain property adjacent to lakes and waterways and/or to control erosion by water action.

**Floor Area (for the purposes of computing the floor area in a residential dwelling unit).** The sum of the horizontal areas of each story of the dwelling measured from exterior faces of the exterior walls. The floor area measurement shall be exclusive of the areas of basements, unfinished attics, attached garages, breezeways, enclosed and unenclosed porches, and accessory buildings.

**Fraternity, Sorority, or Cooperative Housing.** A building used for the housing of unrelated individuals, living together as a single housekeeping unit, and serving as the place of residence for the members of a fraternity, sorority or similar housing cooperative. The term “family” does not apply to individuals occupying this type of housing.

**Front Yard.** The clear distance between the face of a building and the right-of-way line of a road or highway or twenty-five (25) feet, whichever is the shorter distance. Buildings on corner lots shall be considered as having a front yard on each side adjacent to a road or highway.

**28.207**

**G - Definitions**

**Garage.** Garages are defined as follows:

- (a) Garage, private: an accessory building used for parking or storage of motor vehicles, but not as a for-profit servicing, repair, or vehicle storage facility.

- (b) Garage, commercial: a building used for the parking, servicing, repair, and/or storage of vehicles as a for-profit enterprise.

**Gasoline Service Station.** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of accessories and the servicing of and repair of automobiles.

**Grade, Established.** The established grade is the mean ground surface elevation at the face of a wall at which building height or basement depth measurements are made.

**Greenbelt.** Contiguous or linear undeveloped land reserved for plant growth and which serves as a buffer area or obscuring screen or for recreation or conservation purposes.

**28.208 H - Definitions**

**Hazardous or Toxic Waste.** Waste or a combination of waste and other discarded material which meets the state law definition of MCL 324.11103(3).

**Highway.** Any public thoroughfare in the Township road system, including Federal, State, and County roads and highways.

**Home Occupation.** An occupation or profession carried on inside a dwelling unit by an occupant of the dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes and which is permitted by the Township in accordance with the provisions of this Ordinance.

**Hunting Camp.** For purposes of this Ordinance, A Hunting Camp shall be considered a Seasonal Cottage. See definition for Seasonal Cottage.

**28.209 I – Definitions**

(Reserved for future use)

**28.210 J - Definitions**

**Junk.** Any personal property which is accumulated or may be salvaged for reuse, resale, reduction, or similar disposition, and rubbish of any kind.

**Junkyard.** Any property where waste and/or used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, glass, rubber, used motor vehicles, and similar articles or property. This includes automobile wrecking yards and includes any area of more than two hundred (200) square feet used for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**28.211 K - Definitions**

**Kennel, Commercial.** An establishment where dogs and/or cats are maintained for boarding, training, or similar purposes for a fee or compensation; or an establishment, other than a publicly operated animal shelter, where dogs and cats are sold, traded, or offered for adoption with or without charge. Not included are residential dwellings where dogs and cats are occasionally offered for sale or adoption but not as a recognized business operation.

**28.212 L - Definitions**

**Livestock.** Domestic animals commonly raised for food, fur, fiber, transportation, or work purposes.

**Lot.** A specific parcel of land occupied, or which could be occupied, by buildings and accessory buildings, or utilized for a principal purpose. A lot may or may not be specifically designated as such on public records (a Lot of Record) and may be combined with other lots under a common property tax number for property tax purposes.

**Lot of Record.** A parcel of land, the description or dimensions of which are appropriately defined and on file with the County Register of Deeds or in common use by Township or County officials and which actually exists as defined.

**Lot Area.** The total horizontal area within the lot lines of a lot. Where a property boundary encloses a street area, the lot area shall not include that part of the lot in use or reserved for use as a street.

**Lot Lines.** The lines bounding a lot as defined herein.

- (a) Front lot line: the line separating said lot from the road right-of-way. In the case of double frontage lots, both lot lines abutting on roads shall be treated as front lot lines.
- (b) Rear lot line: the lot line opposite a front lot line.
- (c) Side lot line: any lot lines other than a front lot line or rear lot line.

**Lot Depth.** The mean horizontal distance from the front lot line to the rear lot line measured at right angles to the front lot line. Where front and rear lot lines are not parallel, the lot depth shall be the average horizontal distance between front and rear lot lines.

**Lot Width.** The mean horizontal distance between side lot lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between side lot lines.

## 28.213

### M - Definitions

**Master Plan.** The Township's comprehensive plan indicating the general location for streets, parks, schools, public buildings, and other physical development of the Township.

**Mobile Home (Trailer Coach, House Trailer, Manufactured Home).** A mobile home is a structure, transportable in one or more sections, which is built on a chassis and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems in the structure. The term "mobile home" does not include a recreational vehicle as defined in Section 28.218.

**Mobile Home Park (Trailer Court, Trailer Park).** A parcel or tract of land upon which three (3) or more mobile homes are located on a continual non-recreational basis that is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for the occupancy of a mobile home. Mobile home parks are regulated by the Michigan Manufactured Housing Commission under The Mobile Home Commission Act, Public Act 96 of 1987, as amended.

**Motel.** A series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging, be offered to the public for compensation, and cater primarily to the public traveling by motor vehicles.

**Municipal Civil Infraction.** An act or omission that is prohibited by Township Ordinance, but which is not a criminal offense, and for which civil sanctions including without limitation, fines, damages, expenses, and costs may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.

## 28.214

### N - Definitions



**Non-conforming Use.** A building, structure, or land use that existed on the effective date of this Ordinance but does not conform with the provisions of the Zoning Ordinance, as amended, for the Zoning District in which it is located. A “lawful” non-conforming use is a use that was in full

compliance with the Zoning Ordinance requirements in effect at the time the use was commenced and is considered to be a “prior non-conforming use”.

**Nursing Home, Convalescent Home, or Foster Care Home.** A structure with sleeping rooms where persons are housed and furnished with meals and nursing care or other forms of living assistance for a fee.

**28.215 O - Definitions**

**Ordinary High-Water Mark.** The line between upland and bottomland which persists through successive changes in water levels, below which the presence of and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law, it means the highest established level.

**28.216 P - Definitions**

**Privy.** An outdoor toilet facility at a permanent or semi-permanent location not connected to a septic disposal system or to a public sewer system and usually without a water supply system.

**Public Utility.** Any firm or corporation, governmental organization, board, or commission duly authorized to provide gas, steam, electricity, sewage disposal, communication services, transportation and/or water to the public and subject to regulation by Federal, State, or local governments.

**28.217 Q – Definitions**

(Reserved for future use)

**28.218 R - Definitions**

**Recreational Vehicle.** A transportable structure mounted on wheels that is self-propelled or towed by a motor vehicle. For purposes of this Ordinance, a recreational vehicle is designed to provide temporary living quarters for recreational, camping, or travel use. This definition includes, but is not limited to, portable structures commonly known as travel trailers, travel homes, fold-down campers, truck-mounted campers, converted buses, and fifth wheels.

**Restaurant.** A business establishment in which the preparation and sale of food for on-site consumption or take-out accounts for fifty (50) percent or more of gross receipts. Alcoholic beverages may be sold provided that the sale and/or distribution of such beverages shall account for less than fifty (50) percent of gross receipts.

**Road or Street.** A public thoroughfare which affords the principal means of access to abutting property and, for the purposes of this Ordinance, includes the entire road right-of-way.

**28.219 S - Definitions**

**Seasonal Cottage.** A dwelling unit constructed and used for intermittent and/or seasonal occupancy,

**Setback Line.** A line that establishes the minimum clear distance that a building, structure (or parts thereof), or Special Land Use is permitted to be located from a roadway centerline or lot line, as appropriate.

**Sexually Oriented Businesses.** This Ordinance groups sexually oriented businesses under eight (8) classifications. Each classification is defined separately. See Section 28.605G, Subsections A and B for classifications and definitions.

**Sign.** Any announcement, declaration, illustration, or insignia that is accessory to the principal use of a building or premises and is used to identify, advertise, or promote the interest of any person, product, or project thereon, when the same is placed or displayed out of doors in view of the general public.

**Special Land Uses.** Special Land Uses are discretionary uses that are not fundamentally incompatible with permitted uses in a zoning district but have characteristics that could create problems, conflicts with existing uses, or become nuisances if located at inappropriate sites or allowed without proper controls or

limitations.

**Story.** That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

**Structures.** Anything constructed or erected, the use of which requires location on or under the ground or attachment to something having location on or under the ground but exclusive of driveways and pavements.

**28.220**

**T - Definitions**

**Tavern (Bar, Lounge, Pub).** A business establishment in which the on-site sale and consumption of alcoholic beverages accounts for fifty (50) percent or more of gross receipts. The preparation and sale of food for on-site consumption may be included as a secondary activity. Subordinate activities may also include provisions for live bands or singers, recorded music, video presentations, and dancing.

**Temporary Building or Use.** A structure or use permitted to exist during limited periods for specific purposes, or for special events.

**Thoroughfare, Major.** An arterial road which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond. For the purposes of this Ordinance, major Township thoroughfares are M-129, M-28, 15 Mile Road, 9 Mile Road, and Riverside Drive.

**Thoroughfare, Secondary.** An arterial road which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares. For the purpose of this Ordinance, secondary thoroughfares are 7 Mile Road, 12 Mile Road, and Shunk Road.

**Township.** Any use of the word Township in this Ordinance shall be understood to mean Bruce Township, Chippewa County, Michigan unless specifically indicated otherwise.

**28.221**

**U - Definitions**

**Use.** The principle uses to which a premise is devoted.

**28.222**

**V - Definitions**

**Variance.** An approved exception to a provision of the Zoning Ordinance.

**28.223**

**W – Definitions**

(Reserved for future use)

**28.224 X - Definitions**  
(Reserved for future use)

**28.225 Y - Definitions**  
(Reserved for future use)

**28.226 Z – Definitions**  
(Reserved for future use)

### Article III. – General Provisions

**28.300 Conflicting regulations.** Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other Township ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other ordinance shall govern.

**28.301 Scope.** No building or structure, or part thereof, shall hereafter be erected, constructed, or altered, and no new use or change shall be made of any building, structure, land, or part thereof, except in conformity with the provisions of this Ordinance and with all pertinent building and fire codes.

**28.302 Size of Dwelling Lots.** Every lot upon which a dwelling is hereafter erected or altered shall be not less than one (1) acre in area nor less than one hundred and fifty (150) feet in width; provided, however, that this requirement shall not apply to a parcel of land less in size than said area and platted and identified as a single unit on a plat officially approved and recorded prior to the effective date of this Ordinance.

**28.303 Irregular Shaped Lots.** Where the shape of lots or other circumstances result in conditions where the setback requirement provisions of this Ordinance cannot reasonably be applied, the Planning Commission shall prescribe such setback requirements.

**28.304 Floor Area of Dwellings.**

(a) Single family dwellings shall have a minimum of four hundred (400) square feet of floor area.

(b) Multiple family dwellings shall have the following minimum floor areas:

Studio apartments 480 square feet per unit.

1 bedroom 600 square feet per unit.

2 bedrooms 750 square feet per unit.

3 bedrooms 900 square feet per unit.

4 or more bedrooms 1,000 square feet per unit plus an additional 100 square feet for every bedroom more than 4 bedrooms.

(c) Floor area determinations for single family dwellings that are mobile homes shall include only the floor area of the unit as originally manufactured exclusive of any additions or accessory buildings.

Mobile homes designed for independent use may not be combined as a single living unit for purposes of meeting the floor area requirement.

**28.305 Building Height.** No building, structure, or any part thereof, except farm buildings, shall be erected or altered to a height exceeding thirty-five (35) feet except that buildings and structures permitted under this Ordinance for non-dwelling purposes, other than accessory buildings, may be erected or altered to a height not exceeding fifty (50) feet. Non-dwelling buildings or structures exceeding the thirty-five (35) foot requirement shall be subject to prior approval as Special Land Uses in accordance with the requirements of ARTICLE VI – Special Land Uses.

**28.306 Accessory Buildings.** Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following requirements:

- (a) Where an accessory building is structurally attached to a main building, it shall be subject to all of the yard requirements applicable to the main building.
- (b) Accessory buildings shall not be erected within the setback lines established in ARTICLE V of this Ordinance except as provided in Section 28.505(d).
- (c) In no instance shall an accessory building be located within a dedicated easement or right-of-way.

**28.307 Fences and Walls.** Fences and walls shall be allowed subject to the following standards:

(a) General Requirements (all fences):

- 1. The term fences shall be deemed to include walls when such walls are used as alternatives to fences.
- 2. All fences shall be erected with fence posts and supports on the interior side except fences for the containment of farm animals and livestock, in which case posts and supports may be on the exterior side but within the property lines.
- 3. Fences shall be constructed using the types and qualities of materials considered standard fencing industry practice.
- 4. Fences shall not contain barbed wire or electric current except as in general use for the containment of farm animals.
- 5. Fences shall not contain razor wire, spikes, or similar types of potentially harmful materials.
- 6. Except as provided in Item 7, fences may be located at property lines but shall not encroach on any public rights-of-way or adjacent properties.
- 7. Fences shall be located on the land side of and a minimum of thirty (30) feet from the ordinary high-water mark of a lake, river, or stream.
- 8. Fence heights shall be measured from the surface of the ground immediately below the location of the fence.
- 9. All fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
- 10. Retaining walls are exempt from these fence and wall provisions.
- 11. Shoreline walls are subject to the requirements of the Corps of Engineers and the Department of Environmental Quality and are exempt from these fence and wall provisions.

(b) Fence Heights – Residential Uses

- 1. Fences not greater than six (6) feet in height are allowed except in front yard and riverfront setback areas.
- 2. Fences not exceeding four (4) feet in height are allowed in front yard setback areas provided that the fences are constructed of chain link or comparable “see-thru” materials.

(c) Fence Heights – Farm, Industrial, and Commercial Uses

- 1. Fences not greater than six (6) feet in height are allowed provided that fences constructed in front yard setback areas must be constructed of chain link or comparable “see-thru” materials.

(d) Special Fencing Needs.

1. Special fencing needs and non-standard fencing proposals will be considered on a case-by-case basis as Special Land Uses.

**28.308**      **Limitations of Dwellings per Lot.** One single-family dwelling is allowed on a lot meeting the dwelling lot requirements of Section 28.302 of this Ordinance. One additional single-family dwelling may be permitted provided that the lot is a minimum of two (2) acres in size; the dwelling units and appurtenant structures are separated by a minimum of twenty (20) feet; and Health Department approval of water and sewer arrangements is obtained. All proposed multiple family dwellings are subject to Special Land Use permitting requirements.

**28.309**      **Vehicular Parking.** For each dwelling, commercial, industrial, manufacturing or other similar business or service establishment hereafter erected or altered, and located on a public highway, road, or street in the unincorporated portions of the Township, including buildings or structures used principally as places of public assembly, there shall be provided and maintained adequate space off the public right-of-way for parking or loading of vehicles as indicated below. Such space shall be provided with safe exits to and entrances from the public thoroughfare. Driveway location and approval requirements are included under Section 28.323.

The minimum number of off-street parking spaces provided shall be in accordance with the following schedule:

Commercial and business establishments including offices and service establishments but excluding taverns: One parking space for every two-hundred (200) square feet of floor space or part thereof.

Hospitals and institutions of similar nature: One parking space for every three hundred (300) square feet of floor space of part thereof.

Restaurants: One parking space for every one hundred (100) square feet of floor area or part thereof.

Theaters, churches, public and private halls, amusement and recreation establishments, and all places of public assembly: One parking space for every four (4) seats or fraction thereof.

Hotels and similar establishments offering lodging: One parking space for each guest room.

Taverns: One parking space for every sixty-six (66) square feet of floor space or part thereof.

Dwellings: One parking space for each family unit occupying the premises.

**28.310**      **Temporary Dwelling Structures.** No building, trailer coach, tent, garage, cellar, basement, or other temporary dwelling structure which does not conform to the provisions of this Ordinance for dwellings shall be erected, altered or moved upon any premises and used for dwelling purposes except under the following limitations:

- (a) The location of each such temporary dwelling shall conform to the yard and setback requirements for dwellings in the District in which it is situated.
- (b) The use of any temporary dwelling structure shall be for the sole purpose of providing dwelling facilities during which a permanent dwelling structure conforming to the provisions of this Ordinance is actively under construction.
- (c) Such temporary use shall not exceed twelve (12) months.
- (d) An application for a zoning permit for the erection, movement, alteration, and use of such temporary dwelling shall be submitted to the Township Clerk. On approval and delivery of a permit, the applicant shall certify on the Township copy of the permit that he or she is aware of the limitations of the permit and penalties pertaining thereto. No permit shall be transferable to any other person.
- (e) The conditions of this section shall not apply to any motor home when located in a motor home park.

- (f) The Planning Commission shall have the authority to modify the requirements for temporary dwelling structures on a case by case basis when it determines that such modifications are reasonable and appropriate.

**28.311**        **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 four hundred (400) square feet for that part used for dwelling purposes.

**28.312**        **Water Supply.** Except as provided in Section 28.1100, every dwelling unit shall have available a supply of safe water obtained from either:

- (a) A public or municipal supply.
- (b) A drilled well.

Water supply permits shall be obtained from the Chippewa County Health Department.

**28.313**        **Private Water Supply.** When a private water supply is required, the type, location, and construction of the well shall be in accordance with requirements of the Michigan Department of Health.

**28.314**        **Public Sewer Supply.** Connection shall be made to a public sewer system when available in accordance with County and State plumbing codes.

**28.315**        **Private Sewage Disposal System.** When a private sewage disposal system is required, the type, size, and construction of all septic tanks, drainage fields, and lagoons shall be in accordance with requirements of the Michigan Department of Health.

**28.316**        **Septic Tanks and Septic Toilets.** When a septic tank or septic toilet is installed it shall comply with all County and State plumbing, building, and public health codes.

**28.317**        **Hazardous or Toxic Waste.** Facilities that produce hazardous or toxic waste materials are subject to stringent state and federal controls. Any facilities of this nature for which permits are requested under provisions of this Ordinance shall be required to provide evidence of compliance with these federal and state requirements in addition to the supporting materials required by this Ordinance for Zoning or Special Land use permits.

**28.318**        **Essential services.** Essential services as defined in this Ordinance and as authorized and regulated by law are exempt from the provisions of this Ordinance.

**28.319**        **Home Occupations.** Home occupations are grouped in two (2) classifications under this Ordinance – those allowed with No Permit Required and those requiring a Special Land Use Permit.

- (a) No Permit Required – No permits are required for the types of home occupations that are conducted within a dwelling unit occupied as a residence by the proprietor, that employ no paid assistants other than residents of the dwelling unit, that average five (5) or less customer/client visits per week to the dwelling unit, and that are not readily apparent from streets or adjacent properties. No permits are required for day care in single-family dwelling units for up to six (6) children and for giving instruction in a craft or fine art in a single-family dwelling. A non-illuminated wall sign not to exceed two (2) square feet in area may be displayed. The Township reserves the right to regulate noise, advertising, traffic, hours of operation, or other conditions that may accompany the use of a residence for these purposes.

- (b) Special Land Use Permit Required – Special Land Use Permits are required for all Home Occupations that do not meet the requirements for operation with No Permit Required. Such proposed uses shall be considered in accordance with the provisions of Article VI – Special Land Uses.

**28.320**        **Boat Docking/Launching Facilities.**

- (a) All boat docking and launching facilities shall be subject to the standards and permitting requirements of the Michigan Department of Environmental Quality, the Corps of Engineers, and this Ordinance.
- (b) Residential boat docking and launching facilities meeting the requirements of (a) above do not require Township review or Township permits.
- (c) Commercial boat docking and launching facilities require a Special Land Use Permit in addition to meeting the requirements of (a) above. Special Land Use Permit applications may be submitted either before or after application to the appropriate state and federal permitting agencies.

**28.321 Livestock and Poultry on Platted and Certain Other Lots.** This Ordinance recognizes the rural character of the Township and the desire of many residents to keep horses and other types of livestock and poultry on their property. It is also apparent that this practice may adversely affect the environment and beneficial use of adjacent properties. Lot size is clearly a factor affecting this impact on adjacent properties. It is not intended that the following provisions unduly restrict the practice but to reduce the potential for adverse impacts on adjacent properties resulting from close proximity. The following provisions shall have application as indicated:

The keeping of livestock (including hobby and show animals) and poultry on platted lots of any size and on other lots five (5) acres in size or less shall be subject to Planning Commission review and approval as Special Land Uses. The review shall consider the proposed number and types of livestock or poultry, the character of the surrounding area, the lot size, animal waste disposal plans, and the design and placement of animal housing and/or protective structures on the premises.

The activities associated with all Special Land Use approvals under this provision are considered temporary in nature and may have time limits and/or periodic reviews attached as conditions of approval.

**28.322 Lighting.** All lighting on any premises shall be so arranged that such lighting does not produce glare that is a nuisance or annoyance to residents or occupants of adjoining premises

**28.323 Driveways.** All proposed entry/exit roadways require permits issued by the Chippewa County Road Commission or by the Michigan Department of Transportation as appropriate. Proposed driveway locations are also subject to Township review and approval in conjunction with the processing of Zoning and Special Land Use Permit requests. Driveways must be offset a minimum of five (5) feet from property lines.

**28.324 Recreational Vehicle Parking.** No parcel of land shall be used for the parking of recreational vehicles for providing temporary living quarters for vacation, recreational, camping, travel, and/or similar uses except in accordance with the following requirements:

- (a) A maximum of two (2) recreational vehicles may be placed on a parcel or premises at any one time. For purposes of this requirement, contiguous lots under the same ownership shall be considered a single parcel.
- (b) Parking for any particular recreational vehicle shall be limited to one continuous 3-week period in any 2-month period. Such 2-month period shall commence on the first day of occupancy by the recreational vehicle. This provision shall not apply to a recreational vehicle occupied by the owner of the parcel of land on which the recreational vehicle is parked.
- (c) No recreational vehicle may occupy any portion of any setback area.
- (d) No payment, fee, or other form of compensation may be levied or accepted for the parking of recreational vehicles except in conjunction with recreational vehicle parks or campgrounds for which a Special Land Use Permit has been approved.
- (e) All recreational vehicles occupying any parcel or premises under this provision must have current state registration.
- (f) No connections to private septic systems shall be made without the prior approval of the Chippewa County Health Department. Evidence of Health Department approval shall be provided to the Township upon request. Septic system connections at existing parking pads with septic systems previously approved by the Health Department may be made without additional Health Department review.

- (g) No discharge of waste products of any type into lakes, ponds, or other watercourses shall be permitted.
- (h) No “gray water” or “black water” discharges onto public or private property shall be permitted under any circumstances.
- (i) Any violation of any of the requirements of this provision shall be grounds for requiring the immediate removal of the recreational vehicle concerned from the premises in addition to any other enforcement and penalty provisions included in this Ordinance and/or other Township Ordinances.

**28.325 Wind Energy Conversion Systems (WECS) for Private Non-Commercial Use.** Notwithstanding the requirements of Section 28.605C, Wind Energy Conversion Systems for generation of electrical power for private on-site use may be installed and operated without Township review or Township permits under the following conditions:

- (a) Overall height of WECS structures including rotor or windmill blades shall not exceed sixty (60) feet measured from the ground surface at the base of the structure.
- (b) WECS structures must be setback from lot lines a distance equal to or greater than the overall height of the structure.
- (c) The entire WECS shall be filtered and/or shielded as necessary to prevent the emission of generated radio frequency energy which could cause interference with radio and television broadcasting and/or reception. No WECS that generates such interference shall be operated until such time as effective filtering and/or shielding is in place.

**28.326 Open Space Preservation (MCL 125.3506).** Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land area proposed for development by the landowner than would normally be permitted under the Zoning Ordinance, but not on more than 50% of such land area, if all of the following apply:

- (a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
- (b) Fifty (50) percent of the land area proposed for development will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Township that runs with the land.
- (c) The development does not depend upon the extension of a public sewer or public water supply system unless development of the land without the exercise of the option would also depend upon the extension.
- (d) The option provided under this subsection has not previously been exercised with respect to the land in question.

Any development proposals submitted under these provisions for consideration by the Township shall be processed as Special Land Uses under provisions of Article VI. The petition provisions of MCL 125.3402 shall also have application to the development proposals.

Article IV. **- Non-Conforming Lots, Uses, and Structures**

**28.400 General.** Within the Districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, and/or uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments, the following provisions shall apply:

- (a) It is the intent of this Ordinance to permit prior non-conforming uses to continue with restrictions.



Such prior non-conforming uses shall not be expanded or extended except as provided in Section 28.406 but normal maintenance and necessary safety improvements may be accomplished as necessary.

- (b) Any use of land for which a Zoning Permit or a Special Land Use Permit has not been issued by the Township is, by definition, a non-conforming use. This does not have application to uses not requiring Permits.
- (c) Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a lawful Zoning Permit was obtained prior to the effective date of adoption or amendment of this Ordinance and which remained valid on the effective date of adoption or amendment of this Ordinance.
- (d) Nothing in this Ordinance shall prevent the repair, reinforcement, or rehabilitation of a prior nonconforming building, structure, or part thereof that may be necessary to support the continued advantageous use of the building or structure during its natural life. Complete or substantial reconstruction of a prior non-conforming building or structure under provisions of this subsection is not permitted.
- (e) Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any lawfully existing building or structure necessitated by a fire or casualty loss occurring subsequent to the effective date of this Ordinance or amendments thereto provided that the type of use of the building or structure prior to the loss is continued and a Zoning Permit is obtained.. Proposed changes in the type of use shall be subject to the provisions of Section 28.406.

**28.401 Non-conforming Lots.** Single-family dwellings and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance if that lot is served by public water and sewer or that lot has approved well and septic permits from the Chippewa County Health Department. This provision shall apply even though such lot fails to meet the requirements for area, width, or both, that are generally applicable under this Ordinance provided that yard and setback requirements are met.

**28.402 Non-conforming Land Uses.** Where a lawful use of land exists at the effective date of adoption or amendment of this Ordinance that does not conform to the provisions of this Ordinance, such land use may be continued subject to the following provisions:

- (a) No such non-conforming land use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except as provided in Section 28.406.
- (b) If such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months any subsequent use of the land shall conform to the requirements of this Ordinance for the District in which such land is located.

**28.403 Non-conforming Buildings and Structures.** Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that does not conform to the provisions of this Ordinance, such building or structure may be continued subject to the following provision:

- (a) No such building or structure may be enlarged or altered in a way that increases its non-conformity except as provided in Section 28.406.

**28.404 Non-conforming Uses of Buildings or Structures and Land.** Where a lawful use of a building or structure and land in combination exists at the effective date of adoption or amendment of this Ordinance that does not conform to the provisions of this Ordinance, the lawful use may be continued provided it meets the requirements of Sections 28.402 and 28.403.

- 28.405 Change of Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land and/or structures.
- 28.406 Extension or Substitution of Lawful Non-conforming Uses.** Lawful non-conforming buildings, structures, and uses may be expanded or extended and lawful non-conforming uses may be substituted subject to the following conditions:
- (a) Buildings and structures may not be expanded or extended in any manner that increases usage of prescribed setback areas or increases non-conforming structure heights.
  - (b) Land surface usage (footprints) of buildings or structures may be increased a maximum of ten (10) percent subject to receipt of a Zoning Permit and up to twenty-five (25) percent subject to the Special Land Use requirements of Article VI of this Ordinance.
  - (c) Any substitutions of uses of structures or land shall be subject to review and approval as Special Land Uses under provisions of Article VI of this Ordinance.
  - (d) Any extensions or expansions of uses that are not confined to the interior of buildings shall be subject to the Special Land Use requirements of Article VI of this Ordinance.  
Lawful non-conforming earth removal, quarrying, gravel processing, mining, and related mineral extraction business operations are unique uses that, by their nature, include some degree of expansion of land surface usage on an intermittent basis. These unique uses may be expanded within the confines of the particular lot occupied subject to compliance with the Setback requirements of Subsection 28.605D(c) and subject to compliance with the Prohibited Practices requirements of Subsection 28.605D(m).

## Article V. - **Setback, Front Yard, Side Yard, and Rear Yard Requirements**

- 28.500 General.** More restrictive requirements if detailed for specific Zoning Districts take precedence over the provisions of this section.
- 28.501 Setback Lines – Roads and Rivers.**
- (a) Setback lines for Michigan State Trunk Lines shall be parallel to and one hundred (100) feet from the centerline of the highway. Setback distances shall be increased if necessary to provide a minimum yard space of twenty-five (25) feet between the highway right-of-way line and any buildings or structures.
  - (b) Setback lines on roads not situated in subdivisions or plats of record on the effective date of this Ordinance shall be parallel to and seventy-five (75) feet from the centerline of the road right-of-way. Setback distances shall be increased if necessary to provide a minimum yard space of twenty-five (25) feet between the roadway right-of-way line and any buildings or structures.
  - (c) Setback lines on roads situated in subdivisions or plats of record on the effective day of this Ordinance shall be seventy-five (75) feet from the centerline of the road right-of-way. However, in the case of a lot located in a subdivision or plat in which there are existing buildings or structures with setbacks less than forty (40) feet from the road right-of-way on the effective date of this Ordinance, a reduced setback distance may be established by the Zoning Administrator. Setbacks shall not be reduced to less than twenty-five (25) feet from the road right-of-way except in unique situations where lesser neighborhood setbacks have been in common use for several years. In these unique situations, lesser setbacks may be established but shall not be reduced to less than the least setback of an existing building or structure in the affected subdivision or plat.

- (d) Setback lines on the St. Mary's River and other township rivers and streams shall be thirty (30) feet inland from the ordinary high water mark.

**28.502 Side Lot Setback Lines.** Side lot setback lines shall be not less than ten (10) feet from side lot lines. For uses other than dwellings, side lot setbacks shall not be less than the height of the building at the side yard but not less than ten (10) feet.

**28.503 Rear Lot Setback Lines.** Rear yard setback lines shall be not less than ten (10) feet from rear lot lines. For uses other than dwellings, rear yard setbacks shall not be less than the height of the building at the rear yard but not less than ten (10) feet.

**28.504 Alley Frontage.** Where a lot abuts an alley, one-half (½) of the width of 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 a rear yard setback required under this Ordinance.

**28.505 Buildings and Structures Relative to Setback Areas.**

- (a) Except as provided in (d) below, no building or structure of any kind, except open fences through which there shall be clear vision (see Section 28.307), shall be hereafter constructed, erected or moved into the space within setback areas.
- (b) When any highway or part thereof is officially added to the Chippewa County Road System or to the Michigan State Trunk Line System, properties adjoining such highway shall automatically be subject to the setback provisions of this Ordinance pertaining to that system.
- (c) Outside stairways, fire escapes, vestibules, balconies, bay windows, decks, and similar projections from the face of a building shall be considered part of the building and shall not extend into any required front, side, or rear setbacks.
- (d) Projections into required setbacks.
- (1) On lots four (4) acres in size or less, totally unenclosed storage for not more than one (1) recreational vehicle and one (1) trailer-mounted watercraft may occupy part of a side or rear yard setback area.
- (2) On lots four (4) acres in size or less, accessory buildings not over fifteen (15) feet in height may occupy part of rear yard (but not side yard, **except for non-conforming lots**) setback areas provided such occupancy does not exceed forty (40) percent of the rear yard setback area.

## Article VI. - Special Land Uses

**28.600 General.** Special Land Uses are uses that are not fundamentally incompatible with permitted uses in a zoning district but have characteristics that could create problems, conflicts with existing uses, or become nuisances if located at inappropriate sites or allowed without proper controls or limitations. Special Land Uses are discretionary uses and the township retains the right to not permit them, to permit them with controls or limitations, or to limit them to certain zoning districts.

**28.601 Special Land Uses Permitted.** Special Land Uses that may be permitted are identified by zoning district in ARTICLE XIII of this Ordinance. Proposed Special Land Uses not currently identified as eligible for consideration in the Zoning District concerned may be pursued as provided in Section 28.1706(a).

**28.602 Requirements and Standards.** The following requirements and standards are intended to promote and support the intent and purpose of this Zoning Ordinance and will be used by the Planning Commission to evaluate requests for Special Land Use permits. These requirements and standards necessitate that the Planning Commission makes judgments concerning actual and potential impacts and relies on these judgments in reaching their decisions.

Decisions will be based on consideration of the following:

- (a) The character of the area in question and its suitability for the proposed use.
- (b) The most advantageous uses of the property considering both community and applicant issues.
- (c) The potential impacts on area property values and marketability of area properties.
- (d) The potential for adverse safety impacts that may be introduced by the proposed use.
- (e) The potential for adverse air quality and noise impacts.
- (f) The availability of infrastructure necessary to support the proposed use or activity (roads, water supply, sewage treatment, communications, etc.)
- (g) The potential for contamination of ground and surface waters with particular attention to domestic water sources.
- (h) Compatibility of the proposed use or activity with surrounding uses.

**28.603**      **Conditions.** The Planning Commission may elect to approve Special Land Use permits with conditions, limitations, or requirements where a determination is made that conflicts with particular aspects of the Standards and Requirements can be sufficiently mitigated to warrant conditional approval.

**28.604**      **Permits.** See ARTICLE XIV - Permit Requirements and Procedures.

**28.605**      **Unique Uses.** The following Special Land Uses included as Sections 28.605A through 28.605G possess unique characteristics and may be permitted subject to compliance with the requirements of this Ordinance and the additional requirements and conditions indicated for each unique use.

**28.605A**      **Home Occupations.** Additional requirements and conditions:

- (a) Such use shall be permitted only within a dwelling occupied as a residence by the proprietor.
- (b) Not more than one (1) paid assistant shall be employed other than the residents of the dwelling unit.
- (c) A generally recognized retail business shall not be considered a home occupation.
- (d) There shall be no exterior display other than one (1) non-illuminated sign, which is not more than sixteen (16) square feet in area. No vertical or horizontal dimension of such sign shall exceed four (4) feet.
- (e) No commodity other than that produced or processed on the premises shall be sold thereon.
- (f) The occupation shall not require the use of a vehicle requiring a commercial license.
- (g) Adequate off-street parking shall be provided.
- (h) The Township reserves the right to regulate noise, advertising, traffic, hours of operation, or other conditions that may accompany the use of a residence for these purposes.

**28.605B**      **Mobile Home Parks.** Additional requirements and conditions (also see Public Act 96 of 1987, as amended, and regulations promulgated thereunder):

- (a) A parcel proposed for a mobile home park shall have a minimum land area of twenty (20) acres, provide for a minimum of twenty-five (25) mobile home sites, and not exceed a maximum of seven (7) mobile home sites per acre.
- (b) Eighty (80%) percent of the mobile home sites shall contain a minimum area of at least three thousand (3,000) square feet, and twenty (20%) percent shall contain a minimum area of at least two thousand four hundred (2,400) square feet. All such mobile home site areas shall be computed exclusive of service drives, mobile home park facilities, and recreational space.
- (c) All mobile home parks shall have access to major or secondary thoroughfares within the Township by directly abutting thereon. Frontage on said thoroughfares shall be at least two hundred (200) feet in width.

**28.605C**      **Wind Energy Conversion Systems (WECS).** Additional provisions, requirements, and conditions (also see Section 28.325):

Definitions having application to the provisions of Section 28.605C:

- (a) WECS shall mean a combination of (1) A surface area, either variable or fixed, for utilizing the wind for electrical power generation; and (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

- (b) Tower Height is defined for Horizontal Axis Wind Turbine Rotors as the distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades and for a Vertical Axis Wind Turbine as the distance between the ground and the highest point of the WECS.
- (c) Survival Wind Speed is defined as the maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or the loss of the ability to function normally.
- (d) Interconnected WECS shall mean a WECS which is electrically connected to the local electrical power utility system and could feed back power into the local electrical power utility system.

Site Plan and Supplemental Information - A site plan shall be submitted meeting the requirements of Article XII of this Ordinance. In addition to the provisions of Section 28.1203, the site plan shall show the location of overhead electrical transmission or distribution lines, whether utilized or not; the location of the WECS with its specific dimensions including the entire area through which the rotors may pass; the location of any guy wires or other support devices; and the location of all occupied dwellings within three hundred (300) feet of the WECS.

Manufacturer Information - Each site plan submission shall be accompanied by a complete set (either an original or an accurately reproduced copy) of the manufacturer's instructions which shall as a minimum include (1) A standard foundation and anchor design (or specifications for same) for normal soil conditions; and (2) A detailed parts list; and (3) Clearly written instructions for assembly, installation, checkout, operation, and maintenance of the WECS on site; and (4) A list of warning documents to be provided as required herein; and (5) Grounding and lightning procedures which follow the National Electrical Code, Article 250 – Grounding and Article 280 – Lightning Arresters; and (6) Underwriters label where appropriate; and (7) Proof of insurance.

Electromagnetic Interference – The entire WECS including turbines, alternators, generators, and interconnect systems shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which could cause interference with radio and television broadcasting and/or reception. The entire WECS shall also comply with applicable Federal Communication Commission Rules and in particular with 47 CFR, Part 15, Subparts A and F and Part 18, Subparts A, D, and H.

Noise – The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels on the DBA scale measured at the property line nearest the WECS.

Setbacks – No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines and/or property lines than the total height of the tower and rotor combined.

Height – The maximum allowable height, including rotor blade length of horizontal turbines, of any WECS shall be one hundred (100) feet unless otherwise prohibited by state or federal statutes or regulations.

Tower Subsystem Labeling – The following information shall be provided on labels attached to the WECS tower subsystem in a visible and easily accessible location: equipment weight of the tower subsystem, manufacturer's name and address, model number, serial number, appropriate warnings regarding hazards associated with the facility, the survival wind speed in miles per hour and meters per second, name of installer, name of person responsible for maintenance, and emergency telephone numbers for the installer and maintenance person.

Power Conversion Subsystem Labeling – The following information shall be provided on labels attached to the power conversion subsystem in a visible and easily accessible location: maximum power input (KW), rated voltage (volts), and rated current output (amperes) of the generator and alternator, manufacturer's name and address, model number, serial number, emergency and normal shutdown procedures, and underwriters label where appropriate.

Ground Clearance – For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above the ground is twenty (20) feet.

Accessibility – Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder at a minimum height of twelve (12) feet.

Interconnected WECS – In the case of a WECS proposed to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility’s response thereto. The applicant shall comply with all requirements of the servicing utility if the WECS is to be interfaced with the utility grid. The utility will install appropriate electric metering and the applicant will be required to install a disconnecting device adjacent to the electric meter(s).

Vibration – Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.

**28.605D Earth Removal, Quarrying, Gravel Processing, Mining, Asphalt and Concrete Mixing Facilities and related Mineral Extraction Businesses.**

This Ordinance recognizes that natural minerals are a valuable resource and that the mineral extraction business is a legitimate use of land. It is not intended that this provision unduly restrict the responsible extraction of natural minerals but rather to assure that such uses are appropriately located, and that reasonable and responsible restrictions are in place to assure that negative impacts on adjacent properties and the Township are minimized. Special Land Use Permits are not required for the extraction of natural minerals from private property by property owners for their personal on-site use.

The following conditions and limitations shall apply to approval of any Special Land Use Permit for earth removal, quarrying, gravel processing, mining, and related mineral extraction businesses. These conditions and limitations are in addition to compliance with all other requirements of this Zoning Ordinance and other Township Ordinances.

- (a) **Site Plan** - A site plan shall be submitted meeting the requirements of Article XII of this Ordinance.
- (b) ~~**Location**— All such operations shall be located on roads that do not carry associated truck traffic through areas developed or used primarily for residential purposes. The applicant may be required to construct and/or improve roads to accommodate truck traffic associated with such operations as a condition of approval. This requirement shall be imposed as necessary to route truck traffic around residential areas and/or to prevent the break-up of roads that are not designed and constructed to carry such traffic.~~ Superseded due to State Law changes.
- (c) ~~**Setbacks**— Increased setbacks shall be required from all property lines and all public roads and highways. No excavation operations shall be permitted closer than one hundred and fifty (150) feet to adjacent property lines and to road and highway right of way lines except as may be permitted under Subsection (d). Larger setbacks may be required by the Planning Commission when considered necessary for proper lateral support of adjoining property and for other unique conditions. The Planning Commission shall have the discretion to reduce setback requirements to not less than one hundred (100) feet from road and highway right of way lines; to not less than fifty (50) feet from property lines of industrial properties and publicly owned forests; and to reduce or eliminate setbacks bordering adjacent properties used for similar mining operations if, in the judgment of the Planning Commission, such reductions are reasonable and appropriate. All setback lines shall be clearly marked prior to commencement of any clearing and/or excavation operations.~~ Superseded due to State Law changes.
- (d) ~~**Rights of Way**— Limited excavation operations may be permitted by the Planning Commission in setback areas adjoining public rights of way for the lowering of land in said setback areas to the grade level of the adjacent right of way. Such excavation shall be at the sole discretion of the Planning~~

~~Commission and shall not be permitted where the natural condition of the land provides necessary screening and buffering and/or where adequate lateral support of adjoining lands is not maintained. Superseded due to State Law changes.~~

- (e) ~~Streams and Waterways—No excavation operations will be permitted within three hundred (300) feet of the banks of any stream or waterway unless previously approved in writing by the Michigan Department of Environmental Quality or other state or federal agency with jurisdiction over the stream or waterway. Superseded due to State Law changes.~~
- (f) ~~**Sight Barriers**—Sight barriers shall be required along all boundaries of the site that lack natural screening except where the Planning Commission determines that such barriers are unnecessary. Natural vegetation in setback areas shall not be disturbed except as may be permitted by the Zoning Administrator. Superseded due to State Law changes.~~
- (g) ~~**Noise.** Noise shall be minimized in its effect on adjacent properties. Noise generators such as crushing operations and Asphalt and Concrete Mixing Facilities, that in the judgment of the Planning Commission are incompatible with surrounding land uses shall not be permitted. Superseded due to State Law changes.~~
- (h) **Air Pollution.** Equipment discharge generated pollution shall be kept to a minimum by the use of modern equipment and methods of operation. Interior and adjoining roads used in operations shall have their surfaces treated as necessary to minimize dust.
- (i) **Asphalt and Concrete Mixing Facilities.** Facilities for the production of asphalt and concrete mixes at mineral aggregate production sites require written Township approval each construction season prior to the plants being placed in operation. This requirement applies to all mineral aggregate production sites where facilities do not exist as of the effective date of this Ordinance provision. The Township shall have the right to place conditions on facility operations as deemed appropriate including the right to hold a public hearing prior to making an approval decision. Any proposals to install asphalt and concrete mixing plants require Special Land Use Permits. The provisions of this subsection are in addition to permit requirements for aggregate production sites.
- (j) **Hours of Operation** - Hours of operation may be restricted by the Planning Commission.
- (k) ~~**Reclamation of Mined Areas**—A reclamation plan shall be submitted for Planning Commission review and approval prior to commencement of any excavation operations. Reclamation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area and shall be commenced immediately upon termination of mining and excavation operations or a suspension of such operations that exceeds one year. A performance bond sufficient to cover the estimated cost of reclamation work may be required to ensure that necessary reclamation work is accomplished in accordance with the approved plan. Superseded due to State Law changes.~~
- (l) ~~**Site Preparation**—Removal of trees and other vegetative cover in anticipation of Special Land Use Permit approval is prohibited. Any organic waste materials (trees, stumps, etc.) generated during site preparation shall either be removed from the site or disposed of in a manner approved by the Planning Commission prior to commencement of site preparation activities. Superseded due to State Law changes.~~
- (m) **Prohibited Practices** - No permits issued under provisions of this Ordinance shall either permit or allow use of the site for either permanent disposal and/or temporary storage of waste or surplus materials from off-site locations. Any such use shall be grounds for revocation of the Special Land Use permit. Superseded due to State Law changes.

- (n) ~~**Temporary Nature**—Mineral extraction activities such as sand and gravel mining are considered to be temporary in nature and may have time limits and/or periodic reviews attached as conditions of approval by the Planning Commission. )~~—Superseded due to State Law changes.
- (o) ~~**Liability Insurance**—All permit holders shall be required to obtain and retain personal injury and property damage liability insurance while any active operations or un-reclaimed areas exist. Required insurance shall be not less than \$300,000 for each person or property injured or damaged, and not less than \$1,000,000 for injury or damage to more than one person or one person’s property arising out of one occurrence. These amounts may be modified by Township Board action subsequent to adoption of this Ordinance. Evidence of insurance coverage shall be filed with the Township Clerk.~~ Superseded due to State Law changes.

**28.605E Off-Premise Signs and Billboards.** This Ordinance recognizes that signs and billboards have adverse traffic safety impacts as they are intended to, and undoubtedly do, divert a driver’s attention from the roadway. Signs and billboards can also restrict sight distance near intersections and driveways. The Ordinance also recognizes the importance of the aesthetics of the Township to the quality of life of its residents and the determination that signs and billboards significantly detract from the Township’s aesthetic characteristics. Billboards may also have adverse effects on the maintenance of property values in the vicinity of billboards. In consideration of these issues, the following requirements and conditions shall have application to off premise signs and billboards:

- (a) Sign or billboard content shall not advertise any business, product, or service and shall not contain expressions of religious, political, or ideological beliefs.
- (b) Sign or billboard content shall be limited to identification of a facility and directional information to the facility or location.
- (c) Applicants submitting Special Land Use permit requests for signs or billboards that provide directional information to a facility or location must demonstrate to the satisfaction of the Planning Commission that providing the information will serve the public interest. An accurate representation of the proposed sign or billboard message shall be presented in conjunction with the applicant’s presentation.
- (d) Signs and/or billboards permitted under this Section shall be limited to not more than thirty two (32) square feet in sign face area with no vertical dimension exceeding any horizontal dimension. Notwithstanding the requirements of Section 28.703(c), such signs and billboards shall be limited to a maximum height of twelve (12) above the average ground elevation within ten (10) feet of sign or billboard supports.
- (e) Signs and billboards permitted under this Section shall not be placed closer than one thousand (1,000) feet to any other permitted or non-conforming off-premise sign unless the applicant can demonstrate to the satisfaction of the Planning Commission that no reasonable alternative location is available.
- (f) The requirements of this Section are in addition to the requirements of Article VII – Signs and Billboards of this Ordinance.

**28.605F Telecommunication Towers.** Additional requirements and conditions:

- (a) Special Land Use Permits are required for all wireless telecommunication towers.
- (b) A site plan shall be submitted meeting the requirements of Article XII of this Ordinance. In addition to the provisions of Section 28.1203, the site plan shall show the location of the tower, all guy wires



and support structures, and all attendant facilities. The site plan shall also indicate the distances from the tower base to the nearest points on all adjacent property lines.

- (c) Towers shall be located not less than one (1) times the height of the tower measured from the base of the tower to all points on each property line.
- (d) Tower height shall not exceed ninety (90) feet for single users, one hundred twenty (120) feet for two users, and one hundred fifty (150) feet for three or more users.
- (e) Towers and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with appropriate anti-climbing features.
- (f) Guy wire anchors shall not be located in setback areas.
- (g) The applicant shall be required to demonstrate that the facility will be appropriately filtered or shielded to prevent interference with radio and television reception in neighboring residential areas.
- (h) Towers shall not be artificially lighted except as required by the FAA or other authority with jurisdiction.
- (i) Appropriate hazard warning signs shall be placed on the security fencing in easily accessible locations.
- (j) A telecommunication tower that is not operated for a continuous period of twelve (12) months shall be considered -abandoned and the owner of such tower shall remove the same within ninety (90) days of notice from the Township of such abandonment of use. The applicant shall be required to provide a bond equal to the reasonable cost of removing the tower and attendant facilities as a condition of Special Land Use Permit approval.

## 28.605G

**Sexually Oriented Businesses.** The intent of this Section is to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this Section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is not the intent or effect of this Section to condone or legitimize the distribution of obscene materials.

### A. Classification

Sexually oriented businesses are classified as follows:

- (a) Adult arcades.
- (b) Adult bookstores, adult novelty stores, and adult video stores.
- (c) Adult cabarets.
- (d) Adult motels.
- (e) Adult motion picture theaters and adult live stage performing theaters.
- (f) Escort agencies.
- (g) Nude model studios.
- (h) Sexual encounter centers.

### B. Definitions

Each classification of sexually oriented business is defined as follows:

Adult arcades – Any place where the public is permitted or invited wherein electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disk players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas. Such image-producing devices may be coin operated, slug-operated, or require some other form of consideration.

Adult bookstores, adult novelty stores, and adult video stores - Commercial establishments having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, and/or storage of books, magazines, other periodicals, photographs, drawings, slides, films, videotapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult cabaret – An establishment which features any of the following: topless dancers, bottomless dancers, go-go dancers, strippers, male and/or female impersonators, and similar entertainers. Establishments with topless and/or bottomless waitpersons or employees are included in this definition.

Adult motel- A hotel, motel, or similar commercial establishment which (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this type of adult photographic reproductions and; (b) offers a sleeping room for rent for a period of time that is less than ten hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Adult motion picture theater or adult live stage performing theater – An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. Such establishment is customarily not open to the public generally, but to one or more classes of the public, excluding any minor by reason of age.

Escort agency – A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. Such escorts are intended to act as a companion or date for another person or who agree or offer to privately model lingerie or privately perform a striptease for another person.

Nude model studio – Any place where a person appears semi-nude, nude, or displays specified anatomical areas and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Not included are proprietary schools licensed by the state; colleges, junior colleges, or universities supported entirely or in part by public funding; or private colleges or universities that have educational programs in which credits are transferable to publicly funded educational institutions.

Sexual encounter centers – A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude. Other definitions having application in this Section:

Specified anatomical areas – Portions of the human body defined as (a) less than completely and opaquely covered human genitals, the pubic region, buttocks, and female breasts below a point immediately above the top of the areola and (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities – The explicit display of one or more of the following: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse, or sodomy; and (c) fondling or other erotic touching of human genitals, the pubic region, buttocks, or female breasts.

### **C. Location**

1. It shall be unlawful for any person to operate or cause to be operated a sexually oriented business in any zoning district zoned solely for residential use. It shall also be unlawful to operate or cause to be operated a sexually oriented business in any zoning district not specifically permitting such uses and other than in a location and manner as defined and described in this Zoning Ordinance.
2. It shall be unlawful for any person to operate or cause to be operated a sexually oriented business within 1,000 feet of:
  - (a) A church, synagogue, mosque, temple, or building which is used primarily for religious services and/or related religious activity.
  - (b) A public or private educational facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges, and universities. For purposes of this Subsection, the term "school" includes school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
  - (c) A boundary of a residential district as defined by Township zoning requirements.
  - (d) A public park or recreational area which has been designated for park or recreational purposes including, but not limited to, parks, playgrounds, nature trails, swimming pools, reservoirs, athletic fields, basketball and tennis courts, pedestrian/bicycle paths, wilderness areas, and other public lands within the Township that are under the control, operation, or management of Township authorities with responsibility for parks and recreation.
  - (e) The property line of a lot devoted to a residential use
  - (f) An entertainment business which is oriented primarily toward child or family entertainment. (g) A premise licensed pursuant to the alcoholic beverage control regulations of the state.
3. It shall be unlawful for any person to cause or permit the operation, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.
4. It shall be unlawful for any person to cause or permit the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof.
5. Sexually oriented businesses shall be prohibited from locating in any building that is also utilized for residential purposes.
6. For the purposes of Subsection C – 2 above, the 1,000 foot measurement shall be made in a straight line, without regard for intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection C – 2. Presence of a municipal, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of Subsection C – 2.
7. For purposes of Subsection C – 3 above, the 1,000 foot measurement between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

### **D. Restrictions**

1. It shall be unlawful for any person to knowingly allow a person under the age of 18 years on the premises of a sexually oriented business.
2. No sexually oriented business, except for an adult motel, shall remain open at any time between the hours of 1:00 am and 8:00 am on weekdays and Saturdays, and 1:00 am and 12:00 noon on Sundays.
3. Any and all Special Land Use Permits approved by the Township for sexually oriented businesses shall be conditioned with the requirement that that the permit holder shall allow representatives of law enforcement agencies, the county health department, the fire department, and Township ordinance enforcement

personnel to inspect the business premises for purposes on ensuring compliance with requirements of law, regulations, Township ordinances, and permit conditions at any time when occupied or open for business. Any person refusing to permit such inspections commits a misdemeanor and shall be subject to the enforcement and penalties provisions of Article XX of this Ordinance.

#### **E. Adult Use (Accessory)**

Adult Use (Accessory) – An Adult Use (Accessory) is a sexually oriented business use that is approved as a limited part of a business enterprise that operates or will operate in accordance with the terms of a Special Land Use permit issued by the Township and that meets the following conditions:

1. Such use is specifically defined in the Special Land Use Permit application submitted for the principal business or, if to be added to an existing business, receives prior Township approval under a separate Special Land Use Permit.
2. Such use shall comprise no more than ten (10) percent of the floor area of the establishment in which it is located.
3. Such use shall comprise no more than twenty (20) percent of the gross receipts of the entire business operation.
4. Such use shall not involve any activity other than the sale or rental of merchandise.
5. Such use shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access.
6. Such use shall not be advertised either internally or externally and shall have no signing relating to adult materials and products.

No Adult Use (Accessory) sexually oriented business use shall be permitted in any zoning district zoned solely for residential use.

## **Article VII. - Signs and Billboards**

- 28.700**        **General.** These provisions regulate the display of signs and billboards at all locations in Bruce Township except for locations under the jurisdiction of federal, State of Michigan, or Chippewa County governments. The provisions are intended to limit installation of signs and billboards to those necessary for the reasonable conduct of business; to provide guidance and direction to the public; to provide a reasonable forum for the protected expression of religious, political, and ideological beliefs; and to protect the health, safety, and welfare of the Township and the public.
- 28.701**        **Permit Requirements.** Zoning Permits are required for Minor Signs as provided in Section 28.707. Special Land Use permits are required for all other signs and billboards except for those specifically exempted by these provisions.
- 28.702**        **(Reserved).**
- 28.703**        **Requirements of General Application.**
- (a)        Signs and billboards shall not be located in any public rights-of-way except for those legally installed or approved by the governmental jurisdiction having control of the right-of-way.
  - (b)        Signs and billboards shall not be placed in any location or in any manner that interferes visually with the safe operation of motor vehicles or the safe passage of pedestrians.
  - (c)        No signs or billboards shall extend above or exceed the highest roofline of the principal structure on the property nor be more than twenty (20) feet above the lowest ground elevation within fifty (50) feet of any sign support.
  - (d)        All signs and billboards shall be maintained in sound structural condition. Damaged signs and billboards shall be promptly repaired or removed.
  - (e)        Copy and graphics shall be maintained in a legible condition.

- (f) Signs for which illumination is not specifically prohibited may be illuminated so long as such illumination is concentrated on the surface of the sign and the signs are oriented to avoid glare or reflection onto any portion of adjacent roadways or onto adjacent premises.
- (g) No person shall repair, alter, or cause to be repaired or altered any non-conforming sign or billboard without obtaining a Special Land Use permit. Routine maintenance of the sign face is allowed.
- (h) Any sign or billboard that fails to comply with any of the requirements set forth herein shall be considered a public nuisance per se. This shall constitute grounds for revocation of any associated permits, required removal of the sign or billboard, and/or imposition of any penalties prescribed by this Ordinance.

**28.704**

**Exempt Signs.** Signs and devices listed in this section and installed in compliance with the requirements of Section 28.703 are exempt from the permit requirements of this Ordinance when not in violation of any other provision of this Ordinance.

- (a) Signs erected by an official governmental body or agency and deemed necessary for the protection of the public interest.
- (b) Official flags and symbols of governments when displayed in a manner approved by the government represented.
- (c) Signs not visible from any public way or from any point off the premises on which they are located.
  - (d) Holiday decorations and greetings in season.
- (e) Signs required by law to be displayed.
- (f) Street numbers and family names on mailboxes and mail box supports.
- (g) Signs installed for identification of properties by emergency services personnel when installed in accordance with community standards.
- (h) Signs designating exits, entrances, and parking areas, or used for similar traffic control purposes when located on the premises of commercial and industrial establishments. Such signs shall not exceed three square feet in area.
- (i) Home occupation signs installed in accordance with the requirements of Section 28.319(a) and Section 28.605A(d).
- (j) Signs and displays of a commercial enterprise, business, industry, professional offices, and religious institutions, provided that such signs are located on the premises of the organization, are limited to the products and services of the enterprise, do not obstruct the view of traffic from sidewalks, roadways, driveways, exits, or adjoining properties, and are not disruptive to the reasonable and normal uses of adjacent properties.
- (k) Temporary signs specifically listed in Section 28.705.
- (l) Signs for control of property access (no trespassing, private road, no hunting, etc.).
- (m) Signs displaying religious, political, and similar ideological messages provided that such signs are placed on lots on which the applicant's personal dwelling or business enterprise is located; are limited to not more than one sign per lot; and provided that such signs are not placed on lots containing multiple family dwelling units or dwelling units for rent or lease.

**28.705**

**Temporary Signs.** The signs and devices specifically listed in this Section shall be allowed on a temporary basis and shall not require a permit.

- (a) Real estate signs advertising the sale, rental, or lease of residential and commercial properties and unoccupied land. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease.
- (b) Signs such as "For Rent", "For Sale", "Garage Sale", or similar non-commercial signs. These signs are subject to the same limitations as real estate signs.
- (c) Signs advertising the sale of fresh agricultural products at temporary locations during seasonal availability of the products.
- (d) Community or special event signs. Such signs may be displayed during and for fourteen (14) days before and after the events.
- (e) Election campaign signs. Placement of such signs shall be confined to private property. Signs shall be removed promptly after the election is held.
- (f) Construction signs identifying the name of the builder, the owner, the architect, the government

sponsor, and/or the financing organization involved with the construction but not including the advertisement of any product or service during the period of construction. Signs shall be removed within fourteen (14) days following occupancy for the intended use of the project.

**28.706 Prohibited Signs.** The signs and devices listed in this section shall not be allowed, erected, or maintained in any zoning district.

- (a) Flashing and intermittently illuminated signs and signs which, in any manner, incorporate flashing or moving lights.
- (b) Any sign or billboard that has any visible moving parts of any description.
- (c) Signs that make use of words such as “Stop” or “Danger” that may tend to mislead or confuse traffic.
- (d) Off premise signs and billboards except as permitted under Section 28.605E. This provision does not apply at locations where other governmental organizations have legal jurisdiction over the placement of signs and billboards.

**28.707 Minor Signs.** Minor signs are signs permitted on owner occupied residential properties not qualifying as exceptions under provisions of Sections 28.704 and 28.705.

Minor Signs shall be subject to the following provisions and limitations:

- (a) Decisions concerning the type of permit required (Zoning Permit or Special Land Use Permit) shall be made by the Zoning Administrator or Zoning Enforcement Officer. Such decisions shall be final and not subject to appeal.
- (b) Permit requests shall include an accurate sketch of the proposed sign including the sign location and the sign message.
- (c) Sign dimensions shall not exceed a maximum of 3 feet by 2 feet.
- (d) Permitted signs shall not be illuminated.
- (e) Permitted signs shall be set back a minimum of 10 feet from road right-of-way and property lines.
- (f) The overall height of permitted signs shall not exceed 6 feet.
- (g) Permitted signs shall be properly maintained and promptly removed when no longer relevant.

## Article VIII. - Site Condominiums

**28.800 General.** This Article describes the consultation, review, and approval process for all site condominium (and condominium) projects proposed for development in Bruce Township. The provisions of this Article are in addition to all other requirements of this Ordinance.

**28.801 Site Condominium Project Approval Procedures.** Prior to recording the master deed as required by Section 72 of the Condominium Act, as amended, all projects shall undergo a pre-application conference and have condominium subdivision plan review and approval pursuant to this Ordinance. Processing will be in accordance with Ordinance procedures for the processing of Special Land Use Permits. Prior to approval of the condominium subdivision plan, the Planning Commission shall consult with the following persons and/or organizations regarding the adequacy of the master deed, deed restrictions, utility systems, roads and streets, site layout and design, and other pertinent requirements of the Condominium Act and this Ordinance.

- (a) Township Legal Counsel
- (b) Chippewa County Health Department (c) Chippewa County Road Commission
- (d) Michigan Department of Environmental Quality
- (e) Michigan Department of Transportation (if proposed development abuts a state highway)

28.802

**Definitions.** The following definitions are to be considered in the context of the Condominium Act and are an addition to the definitions contained in Article II of this Ordinance.

**Condominium Act.** Means Act 59 of 1978, as amended.

**Site Condominium.** Considered the equivalent of the term “subdivision” as used in the Subdivision Act.

**Condominium Subdivision Plan.** Means the site, survey, and utility plans; site topography; and accurate layouts of the locations of existing and proposed structures and improvements. The condominium subdivision plan shall also show the location and size of each proposed condominium unit. A number shall be assigned to each condominium unit. The nature, location, and size of all common space elements shall be clearly indicated. These requirements are in addition to the site plan requirements in Article XII of this Ordinance.

**Condominium Unit.** Means that portion of the condominium project designed and intended for separate ownership and use as described in the master deed.

**Consolidating Master Deed.** Means the final amended master deed for a contractible site condominium project, an expandable site condominium project, or a site condominium project containing convertible land or convertible space, which fully describes the condominium project as completed.

**Contractible Site Condominium.** Means a site condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

**Conversion Site Condominium.** Means a site condominium project containing site condominium units some or all of which were occupied before the establishment of the site condominium project.

**Convertible Area.** Means a unit or a portion of the common elements of the site condominium project referred to in the site condominium documents within which additional site condominium units or general or limited common elements may be created pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

**Expandable Site Condominium.** Means a site condominium project to which additional land may be added pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

**Lot.** The term “site condominium unit” shall mean the same as “lot” as used elsewhere in this Ordinance.

**Mobile Home Site Condominium Project.** Means a site condominium project where mobile homes are intended to be located upon separate sites as condominium units.

**Master Deed.** Means the condominium document recording the site condominium project to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved site condominium plan for the project.

28.803

**General Requirements.**

- (a) A letter of application shall be submitted in conjunction with any proposals for approval of site condominiums. The applicant shall pay a reasonable fee to be determined by the Township Board based upon the scope and complexity of the project. The fee shall approximate the costs incurred by the township in the project review process including the cost of associated legal review. The fee so determined shall be in addition to the standard Special Land Use Permit application fee that shall have application to all site condominium proposals and which shall be paid prior to commencement of any township action on the application.

- (b) No construction, site preparation, or other development work shall be done upon the land intended to be used for a site condominium until a final site plan has been approved, except with the express permission of the Planning Commission. This requirement shall include contractible, conversion, and expandable site condominiums.
- (c) All Zoning and Special Land Use Permit requirements of this Ordinance have application to buildings and structures on and uses of site condominium units.
- (d) The Planning Commission shall have the authority to approve, approve with conditions, or deny approval of preliminary and final site plans for site condominiums based upon requirements of this Ordinance and the Condominium Act.
- (e) Each condominium unit shall be located in a zoning district that permits the proposed use.
- (f) Each site condominium unit shall comply with all requirements of the zoning district in which the unit is located. In the case of site condominium containing single-family detached condominium units, no more than one single-family dwelling unit shall be located on a condominium unit, nor shall a dwelling unit be located on a condominium unit with any other principal structure or use. Required setbacks shall be measured from the boundaries of the condominium unit. Any established ground floor coverage and floor area ratio shall be calculated using the area of the condominium unit.
- (g) Each condominium unit shall be connected to public water facilities and to sanitary sewer facilities if available.
- (h) Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents as provided in Section 48 of the Condominium Act, shall comply with all requirements of the zoning district in which located and shall be approved by the Planning Commission. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- (i) Each condominium unit that results from a subdivision of another condominium unit, if permitted in the condominium documents as provided in Section 49 of the Condominium Act, shall comply with all requirements of the zoning district in which located and shall be approved by the Planning Commission. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- (j) All applications for Zoning and/or Special Land Use Permits submitted for buildings and structures on and uses of site condominium units shall be subject to the Zoning Ordinance requirements in effect on the date that a properly completed permit application is submitted to the township.

**28.804 Pre-application Conference.** Before submitting any formal documents for approval of a site condominium project, each applicant shall meet and confer with the township Zoning Administrator and other interested township officials regarding preparation of the application. The Zoning Administrator shall notify the Township Supervisor and the Chair of the Planning Commission of any such proposed meetings. The general outlines of the proposed site condominium shall be described on sketch plans and reviewed at the meeting before submission of the formal site condominium application. The applicant will be furnished written comments regarding the meeting including appropriate recommendations to inform and assist the applicant in the preparation of the application. The applicant shall also have the option of meeting with the Planning Commission to describe and informally discuss the proposal prior to submission of the formal application.

**28.805 Preliminary Site Plan Requirements.**

- (a) A preliminary site plan shall be filed for approval concurrently with the letter of application for approval of the site condominium.



- (b) The preliminary site plan shall include all of the land that the applicant intends to include in the site condominium project.
- (c) The preliminary site plan shall include all of the information required in Section 28.1205 of this Ordinance. In the case of a development that consists only of condominium units and not buildings or other structures at the time of application, the location and dimensions of condominium units and all required yards rather than individual buildings shall be indicated on the preliminary site plan.
- (d) A final site plan for any phase of development shall not be submitted for review and approval until a preliminary site plan has been approved by the Planning Commission.

**28.806 Final Site Plan Requirements.**

- (a) A final site plan shall be submitted for review and approval for each phase of development shown on the approved preliminary site plan.
- (b) A final site plan shall include all information required in Section 28.1203 of this Ordinance as well as all information required by Section 66 on the Condominium Act. In the case of a development that consists only of condominium units and not buildings or other structures at the time of application, the location and dimensions of condominium units and all required yards rather than individual buildings shall be indicated on the preliminary site plan.
- (c) The applicant shall consult with the Chippewa County Health Department (water and sewer issues), the Chippewa County Road Commission (road and street design, drainage, and access issues), and the Michigan Department of Environmental Quality (floodplain issues) during the project development process. Documentation of such consultation and any comments received shall be provided to the Planning Commission for their review and consideration. The Planning Commission shall not approve a final site plan until it is satisfied that any issues raised by these organizations have been adequately addressed.

**28.807 Revision of Condominium Subdivision Plan.** Should the applicant wish to revise the condominium subdivision plan, the final site plans shall be revised accordingly and submitted for Planning Commission review and approval before any necessary permits will be issued.

**28.808 Streets and Roads.** All streets and roads proposed for any site condominium shall be constructed in compliance with the standards for local roads and streets used by the Chippewa County Road Commission. All streets and roads shall be paved with all-weather surfacing meeting Road Commission standards. Roadway pavement and roadway drainage designs shall be approved by a registered professional engineer prior to final site plan approval.

**28.809 Amendment to Master Deed or Bylaws.** Any amendment to a master deed or bylaws that affect the approved preliminary or final site plan shall be reviewed and approved by the Planning Commission before any necessary permits will be issued. The Planning Commission shall also review any amended site plan if, in the judgment of the Planning Commission, such changes in the master deed or bylaws require corresponding changes in the approved site plans.

**28.810 Relationship to Subdivision Requirements.** All site condominiums shall conform to any plan preparation requirements; design, layout, and improvement standards; and any financial guarantees that are required by this Ordinance or that may become requirements of this or other ordinances prior to submission of a formal site condominium application. The standards and requirements of these ordinances that have application to lots in a subdivision shall also apply to site condominium units. Nothing in this Section 28.810 shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Control Act.

**28.811 Development Agreement.** The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with Bruce Township incorporating the terms and conditions of final site plan approval and record the same with the Register of Deeds for Chippewa County.

- 28.812 Construction Located in a General Common Element.** Any application for a permit for construction in a general common element shall include written authorization by the Condominium Association for the application.
- 28.813 Monuments and Lot Irons.** Monuments shall be set in accordance with the Michigan Condominium Act and all other State rules and regulations. The Planning Commission may grant a delay in the setting of required monuments for a reasonable time not to exceed one (1) year on condition that the applicant deposit with the Township Clerk cash, a certified check, or any irrevocable bank letter of credit endorsed to Bruce Township, whichever the applicant selects, in an amount determined by resolution of the Township Board to be sufficient to cover the cost of setting the required monuments. Such deposit shall be returned to the applicant upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. Should the applicant default, the Township Board shall promptly retain the services of a registered surveyor to set the monuments and irons using the funds available in the applicant's security deposit.
- 28.814 Rights-of-Way and Utility Easements.** All rights-of-way and utility easements shall be described separately from individual condominium units and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of way and utility easements shall be separately designed for their individual purposes such as access and installation, maintenance, and replacement of facilities. Placement of water, sewer, and electrical power easements in street and road rightsof-way shall be consistent with any established township requirements and consistent with Chippewa County Road Commission practice on facilities under their jurisdiction.
- 28.815 Conflicts with Federal and State Requirements.** Should any requirements of this Article VIII conflict with Federal and State of Michigan requirements, such Federal and State requirements shall prevail.

## Article IX. - (Reserved for Future Use)

## Article X. - General Exceptions

- 28.1000 General.** The requirements of this Ordinance shall be subject to the following interpretations and exceptions:
- (a) Essential services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township; it being the intention hereof to exempt such essential services from the provisions of this Ordinance. For purposes of this Ordinance, Telecommunication Towers and Wind Energy Conversion Systems shall not be considered essential services.
  - (b) Voting place. The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.
  - (c) Height limit. The height limitations of this Ordinance shall not apply to chimneys, church spires, flag poles, public monuments, television and radio antennas for private residential use, and to structures where other height limitations are specifically prescribed.

## Article XI. - Miscellaneous Protection Requirements

- 28.1100 Water and Sewer.** Except as provided in this Section, every structure hereafter erected for dwelling purposes shall be provided with a pressurized water supply distribution system, inside water closet accommodations, and a modern sewage disposal system. These requirements shall not apply to private hunting camps and private

seasonal cottages with outside privy facilities meeting the requirements of Section 28.1102 and for which Special Land Use Permits have been approved and issued.

- 28.1101**      **Outside Toilet Facilities.** No outside toilet facilities except as provided in Section 28.1102 shall be erected or placed except portable chemical toilets as may temporarily be needed for special events or during construction on the premises. No temporary chemical toilets shall be permitted closer than ten (10) feet to side lot lines and, in addition, not closer than twenty-five (25) feet to any dwelling units on adjoining properties. Portable chemical toilets shall not be used as alternatives to permanent sewage disposal systems.
- 28.1102**      **Outside Privy Facilities.** Outside privies may be installed and used at private hunting camps and private seasonal cottages for which Special Land Use Permits have been issued provided that the dwelling units are not served with pressurized water supply distribution systems; the privies are located a minimum of two hundred (200) feet from any lot line; and County Health Department approval is filed with the Township Clerk. Privies must be replaced with modern sewage disposal systems concurrently with conversion to a pressurized water supply distribution system in the associated dwelling unit or units.
- 28.1103**      **Incomplete Structures.** No incomplete structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes unless a County Occupancy Permit has been issued and until a Special Land Use Permit has been obtained. Such occupancy shall be limited to a two (2) year period and only to permit the construction of the above grade dwelling structure. Appropriate plans shall be submitted by the applicant with a schedule for completion of the structure in conjunction with the Special Land Use Permit application.
- 28.1104**      **Garage Residences.** Any building erected as a garage (or in which the main portion is a garage), shall not be occupied as a dwelling unless it complies with county building codes and the provisions of this Ordinance relating to residential dwellings.

## Article XII. - Site Plans

- 28.1200**      **Purpose.** In order to determine compliance with the provisions of this Ordinance, Site Plans shall be required as set forth below. The intent of this section is to provide for consultation and cooperation between the applicant and the Planning Commission to assist the applicant in accomplishing his or her objectives in the utilization of his or her land in accordance with the requirements of this Zoning Ordinance. No land use or development for which a Site Plan is required shall commence construction, nor shall any permit be issued, until the Site Plan has been reviewed and approved by the Planning Commission.
- 28.1201**      **When Required.** Site Plans are required to be submitted for all construction and land uses requiring permits except as set forth below:
- (a)      Single or two-family dwelling units under separate ownership on separate lots. Associated accessory buildings are included.
  - (b)      Accessory buildings and subordinate structures proposed as additions to existing buildings, structures, and uses that require no new or additional access connections to adjoining public streets and highways.
  - (c)      Expansion and/or remodeling of existing buildings that require no new or additional access connections to adjoining public streets and highways.
  - (d)      Home occupations.

The requirement for submission of Site Plans may be waived by the Planning Commission if the Planning Commission determines that Sketch Plans are submitted that include sufficient detail to enable appropriate reviews of permit applications without the submission of additional information.

**28.1202**      **Sketch Plans.** Sketch Plans shall be submitted with all applications for Zoning and Special Land Use Permits where Site Plans are not required with the exception of permit applications for home occupations. Home occupation permit applications do not require the submission of site plans or sketch plans.

Permit applications requiring the submission of Site Plans may include Sketch Plans as an interim step to be followed by the necessary Site Plan submissions at a later date. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission prior to incurring extensive engineering and other costs that may be necessary for final Site Plan approval.

**28.1203**      **Site Plan Requirements.** A Site Plan submission shall include the following:

- (a) The names and addresses of the applicant or any co-applicants and any developers or business entities associated with the proposed use of the site in question.
- (b) A legal description of the property.
- (c) The area of the property stated in acres.
- (d) A scale drawing of the site and proposed development details.
- (e) A location map showing ownership and uses of abutting lands.
- (f) The topography of the site and its relationship to adjoining land, existing man-made features, dimensions of setbacks, locations, heights and size of structures, and other important features.
- (g) A clear description of any portion(s) of the site to be reserved for open space.
- (h) Dwelling unit density where pertinent.
- (i) The location of public and private rights-of-way and easements contiguous to and within the proposed development which are proposed to be continued, created, or relocated, plus any parking and loading areas.
- (j) The location and type of drainage, sanitary sewers, storm sewers, and other facilities.
- (k) The type, size, and location of all existing and proposed public and private utilities.
- (l) Proposed fencing, landscaping, and screening.
- (m) Proposed signs and on-site illumination.
- (n) If grades exceed thirty (30%) percent on portions of the site, and the site is susceptible to erosion or flooding, an overlay describing the conditions is required.
- (o) As appropriate, a general description of the need for community facilities such as schools, recreational facilities, and fire protection services.
- (p) Environmental impacts of the project and any proposed mitigating features.
- (q) Any additional information necessary to fully describe the impact of the project upon adjacent properties and the general public as may be required by the Township.

**28.1204**      **Site Plan Amendments.** A proposed amendment, modification or alteration of a previously approved Site Plan shall be submitted for review and approval in the same manner as for the original application.

**28.1205**      **Sketch Plan Requirements.** Sketch Plans shall include as much of the information required for Site Plans as is necessary for the Planning Commission to make responsible judgments regarding compliance of the proposed use with the requirements of this Ordinance. Responsibility for the adequacy of the information provided rests with the applicant.

As a minimum, sketch plan submissions shall include the following:

- (a) An accurately dimensioned drawing of the site and the proposed development or use.
- (b) Uses and ownership of abutting lands.
- (c) The location and limits of public rights-of-way.
- (d) Setback lines as specified by this Ordinance.
- (e) The location of existing and proposed entry/exit roadways.

- (f) Existing public and private utilities.

## Article XIII. - Districts

**28.1300 General.** Any division of the Township into Zoning Districts means that within each such Zoning District, no building or structure shall hereafter be erected, altered, or located and no premises or property shall be used except for the uses and purposes hereinafter set forth as Permitted Uses or Special Land Uses for each Zoning District classification; subject; however, to such prior approval as is required by this Ordinance to be obtained for such Permitted and Special Land Uses.

All buildings, structures, and uses in the Township shall be subject to the provisions of ARTICLE III – General Provisions. Should any District specific requirements conflict with any of the provisions of ARTICLE III, the more restrictive of the provisions shall have application.

**28.1301 District Designations.** For purposes of this Ordinance, the following District Designation is established For Bruce Township:

AG/R      Agricultural/Residential District

**28.1302 Boundaries.** Upon enactment of this Ordinance, all of Bruce Township is designated as an Agricultural/Residential (AG/R) District. No additional Districts are established in conjunction with the enactment of this Ordinance.

**28.1303 District Specific Requirements.** District specific requirements established for any District Designation shall have application only to requests for Zoning Permits and Special Land Use Permits in that particular Zoning District.

**28.1304 AG/R – AGRICULTURAL/RESIDENTIAL DISTRICT**

**28.1304A Statement of Purpose.** Agricultural/Residential Districts are those areas of the Township where farming, agriculture, dairying, forestry operations, other rural-type activities, and general residential uses are encouraged. The preservation of land in its natural state is also encouraged in Agricultural/Residential Districts.

**28.1304B Permitted Uses.** In AG/R – Agricultural/Residential Districts, the following uses are defined as Permitted Uses and are allowed upon issuance by the Township of a Zoning Permit obtained in accordance with the requirements and procedures included in this Ordinance.

- (a) Farms, farm dwellings, barns, stables, silos, accessory buildings and structures, and other facilities customarily needed for the type of existing or proposed farm use.
- (b) Single-family dwellings, garages, patios, decks, porches, accessory buildings (see Section 28.1400, paragraph 3), and other facilities normally associated with residential use.
- (c) Bona fide farming and agricultural enterprises and activities. Specifically excluded are activities that result in the discharge of animal wastes into surface water courses except as permitted under Michigan law as “generally accepted farming practice” and activities indicated in Section 28.1304C(r) as requiring Special Land Use Permits.
- (d) Public, parochial, and other private elementary, intermediate, and high schools not operated for profit.
- (e) (Reserved)
- (f) Markets for the sale of agricultural products grown or produced on the premises are a permitted use but do not require permits provided that advertising is limited to one (1) on-premise sign not more than sixteen (16) square feet in area advertising such products.
- (g) Essential services.

**28.1304C**

**Special Land Uses.** In AG/R – Agricultural/Residential Districts, the following uses are defined as Special Land Uses and may be permitted upon issuance of a Special Land Use Permit obtained in accordance with the requirements and procedures included in this Ordinance.

- (a) Home occupations (see Section 28.319).
- (b) Day care facilities for children other than those exempted under Section 28.319(a).
- (c) (Reserved)
- (d) Multiple family dwellings.
- (e) Schools operated for profit and institutions of higher learning.
- (f) Publicly owned and operated libraries, parks, and recreational facilities.
- (g) Publicly owned office buildings, facilities, and uses.
- (h) Public utility and service buildings.
- (i) Cemeteries.
- (j) Golf courses.
- (k) Mobile home parks and recreational vehicle parks.
- (l) Camps and campgrounds.
- (m) Archery and small arms ranges.
- (n) Earth removal, quarrying, gravel processing, mining, and related mineral extraction activities.
- (o) Storage sites for topsoil, sand, gravel and other mineral materials, including salvaged pavement materials, stockpiled for commercial use.
- (p) Private landing fields.
- (q) Commercial kennels.
- (r) Animal feedlots, piggeries, poultry farms, rendering plants, commercial fertilizer production facilities, garbage feeding or disposal activities, and similar activities operated as “generally accepted farming practice” that tend to produce odors commonly considered to be undesirable or offensive. (s)  
Commercial boat docking and launching facilities.
- (t) Boat houses on the St. Mary’s River.
- (u) Office and commercial buildings providing space for professional and personal services.
- (v) Banks and banking facilities.
- (w) Business establishments and business activities.
- (x) Resort and river oriented business facilities and operations.
- (y) Restaurants and taverns.
- (z) Sexually oriented businesses. (aa) Private clubs and lodge halls.
- (bb) Gasoline service stations, vehicle repair and maintenance facilities, and car washing facilities.
- (cc) Funeral homes (mortuaries).
- (dd) Hotels, motels, tourist cabins, and bed and breakfast establishments.
- (ee) Warehousing, wholesale businesses, and trucking facilities.
- (ff) Manufacturing facilities and assembly plants.
- (gg) Contractor offices and storage yards for equipment and materials.
- (hh) Wind energy conversion systems and telecommunication structures (see Section 28.325).
- (ii) Off-premise signs and billboards.
- (jj) Non-residential and rental storage buildings.
- (kk) Outside privy facilities for hunting camps and seasonal cottages.
- (ll) Churches subject to the following condition: The site has frontage or direct access to an existing or planned major or secondary thoroughfare.
- (mm) Marinas.
- (nn) Support facilities for Essential Services.

**28.1304D**

**Adult Foster Care Facilities and Family or Group Day-care Homes (MCL 125.3206).** The following uses shall be considered residential uses in all zoning districts:

- (a) State licensed residential facilities provided they meet the requirements of Public Act 287 of 1972 and the requirements of this Ordinance. This provision includes foster family homes, foster family group homes, adult foster care family homes, and adult foster care small-group homes but does not include adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to

adult correctional institutions. State licensed residential facilities for six (6) or fewer persons shall be eligible for Zoning Permits provided that the facilities meet other requirements of the Zoning Ordinance. Facilities for seven (7) or more persons shall be eligible for consideration under the Special Land Use Permit provisions of Article VI.

(b) Group day-care homes meeting the standards stated in MCL 125.3206, Section 206(4), shall be considered under the Special Land Use Permit provisions of Article VI.

## Article XIV. - Permit Requirements and Procedures

**28.1400** **General.** Any uses of land, buildings, and/or other structures and facilities meeting the requirements of this Ordinance may be permitted upon proper application and approval as herein provided. Permits will not be issued for uses or facilities that conflict with the requirements of this Ordinance.

Zoning Permits are required for the permitted uses specified under Article XIII-Districts of this Ordinance. Special Land Use Permits are required for the proposed uses specified under Article XIII-Districts of this Ordinance.

Zoning Permits are required for all accessory buildings except for those with floor areas of one hundred forty four (144) square feet or less provided that such permit-exempt buildings are not placed or constructed in setback areas.

Zoning Permits are not required for permitted farming and agricultural uses not requiring or associated with the construction or placement of buildings or structures.

Zoning Permits are not required for fences and walls meeting the requirements of Section 28.307 (a), (b), and (c).

Approved Zoning and Special Land Use Permits are required prior to the commencement of any uses for which such permits are required or for any construction activities associated with proposed uses. This includes all site preparation, excavation, construction, or alteration on the premises and any movement of buildings or structures including mobile homes onto the premises. Permit requests must provide sufficient detail to enable the review authority to make the judgments necessary to ascertain compliance with Ordinance requirements.

False statements or misrepresentations made in conjunction with permit applications shall be grounds for cancellation of permits. Permit holders or duly authorized agents shall be advised of any such cancellations in writing.

**28.1401** **Application.** Applications for Zoning Permits and Special Land Use Permits shall include the following:

- (a) One (1) copy of a completed Permit Application form.
- (b) A non-refundable application fee based on the cost of processing applications as determined by the Township Board and as on file in the Township office.
- (c) Three (3) copies of a Sketch Plan or Site Plan as appropriate. Additional copies shall be provided if deemed necessary by Township officials.
- (d) A Sketch/Site Plan review fee based upon the cost of reviewing plans as determined by the Township Board and as on file in the Township office.
- (e) Any other data that the applicant wishes to be considered by the Township in support of the application.

In situations where any work for which a permit is required is started prior to the permit being issued, an additional fee of \$50.00 shall be required and shall be paid prior to issuance of the permit.

**28.1402 Action.** Upon receipt of Permit applications, the date of receipt thereof will be recorded and review procedures as prescribed by the Township Board and this Ordinance will be initiated.

- (a) Routine Zoning Permits meeting the requirements of this Ordinance are approved and issued by the Township office upon completion of appropriate review.
- (b) Public Hearings are required in conjunction with Special Land Use Permit applications and are conducted by the Planning Commission. The hearings shall be scheduled not more than forty-five (45) days following the date of receipt of properly completed applications and necessary supporting documents by the Township office.
- (c) One (1) notice that a request for a Special Land Use Permit has been received shall be published in a newspaper of general circulation in the Township. A notice shall also be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be published/provided not less than fifteen (15) days before the application will be considered for approval.

The notice shall do all of the following:

- (1) Describe the nature of the request.
  - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - (3) State when and where the request will be considered.
  - (4) Indicate when and where written comments will be received concerning the request.
- (d) Following the hearing, the Planning Commission may approve or disapprove Special Land Use Permits, or approve with conditions in accordance with provisions of the Zoning Ordinance. The applicant shall be advised of any necessary modifications or alterations. Permits may be approved contingent upon any required changes or may require further review after the proposal has been modified by the applicant. Decisions on Special Land Uses shall be documented in statements containing Planning Commission conclusions relative to the Special Land Use requests under consideration and that describe the basis for the decisions.
  - (e) Special Land Uses that are temporary in nature may have time limits or periodic reviews attached as conditions of approval. The Planning Commission shall have the discretion to determine whether a proposed use should be considered temporary in nature.
  - (f) Conditions or limitations placed on permits as conditions of approval shall be specifically included in or as attachments to the approved permits and shall be fully enforceable under provisions of ARTICLE XX – Enforcement and Penalties.
  - (g) Two (2) copies of approved permits and attachments shall be maintained as part of Township records for future review and enforcement. One approved copy shall be returned to the applicant.
  - (h) Applicants shall be notified in writing of the disposition of Permit applications within ten (10) business days after decisions become official. This notification may be accomplished by transmittal of a copy of approved meeting minutes or other forms of written documentation. For mail transmittals, the postmark date shall serve as the date of official notification.

**28.1403 Criteria for Review.** In reviewing Permit applications, the Township will consider the following requirements, standards, and conditions:

- (a) Proposed uses must comply with all requirements of this Ordinance and other Township ordinances when such requirements have application to the proposed use.
- (b) Proposed Special Land Uses must specifically comply with the requirements, standards, and conditions included as part of ARTICLE VI – Special Land Uses of this Ordinance and with the provisions of ARTICLE XII – Site Plans.
- (c) Proposed buildings, structures, and entry/exit roadways must be in appropriate relationships with existing streets and highways to assure the safety and convenience of pedestrian and vehicular traffic.



- (d) Natural features of the landscape shall be retained to the maximum degree practicable where they furnish a barrier or buffer between the proposed use and adjoining properties and where they assist in preserving the general appearance of the neighborhood.
- (e) The adequacy of access for emergency vehicles considering the nature of the proposed use.

**28.1404**

**Performance Guarantees.** A performance guarantee may be required to ensure completion of project elements which have been identified on an approved site plan as public in orientation or which have been placed on such plans as conditions of approval or made conditions of approval of Special Land Use Permits. Such elements include, but are not limited to, landscaping, fencing, buffers, lighting, sidewalks, signs, playgrounds, drainage structures, site reclamation, sanitary facilities, parking areas, and the like. The performance guarantee shall be in an amount sufficient to cover the costs of designing, constructing, and/or installing the improvements, plus administrative costs, covered by the guarantee. The performance guarantee shall be in the form of cash or other security acceptable to the Township. The performance guarantee shall be placed with the Township prior to the start of any work on the site. In the event items covered by the performance guarantee are not completed in the time frame required, the Township may use said guarantee to complete said items. Any unused portion of the performance guarantee shall be returned to the applicant by the Township. Similarly, as project elements are completed, the applicant may request a rebate of a portion of the performance guarantee commensurate with the items completed. The Township shall rebate the appropriate portion of the performance guarantee based upon a finding by the Township that the work element has been satisfactorily completed.

**28.1405**

**Validity.** A Zoning Permit shall expire one (1) year after the date of approval if any necessary building permits have not been obtained and substantial work is not underway pursuant to the permit. A new permit may be issued upon reapplication, payment of appropriate fees, and compliance with the Zoning Ordinance requirements in effect at the time of reapplication.

A Special Land Use Permit authorizing any excavation or construction shall expire one (1) year after the date of approval if any necessary building permits have not been obtained and substantial work is not underway pursuant to the permit. A Special Land Use Permit for a use not requiring any excavation or construction shall also expire one (1) year after the date of approval if the authorized use has not commenced as authorized. No work or use on a premise may proceed or be continued under an expired Permit. The Planning Commission may grant one (1) extension of an approved Special Land Use Permit for an additional one (1) year period if the permit holder presents reasonable evidence that implementation of the proposed use has encountered unforeseen difficulties beyond his or her control and the Planning Commission determines that the proposed use continues to meet the requirements of this Ordinance.

A Special Land Use Permit shall expire two (2) years after the date of approval if construction authorized under the Permit has not been substantially completed. This two (2) year expiration provision shall not apply if an extended period for completion of the work was established prior to approval of the Permit. Prior to the expiration of a Permit, the Planning Commission may grant a reasonable extension for completion of the construction provided the permit holder presents a schedule for efficient completion that is acceptable to the Planning Commission.

Any use of land commenced under a Special Land Use Permit and suspended or terminated for a period of five (5) years or more shall be considered permanently terminated and may not be reestablished or recommenced under the original Special Land use Permit.

**28.1405**

**Decision and Appeal.** Permit approval and disapproval decisions shall be final, except that any aggrieved party may appeal such decisions to the Township Board. The public notice requirements in Section 28.1402(c) shall have application to these appeals as do all of the provisions of this Ordinance. In the appeals process, the Township Board shall have the right to substitute its judgment for that of the Planning Commission. All appeals must be in writing, shall state the specific basis for the appeal, and must be submitted to the Township office within twenty-one (21) days of official notice of the decision. Appeals not filed prior to the appeal deadline or that fail to state in writing the specific issues upon which the appeal is based shall be returned to the appellant without action. Appeals to the Township Board shall stay action on the issuance of any associated permits. Further appeals to the Chippewa County Circuit Court may be pursued by any aggrieved party.

## Article XV. - Administration

- 28.1500**      **Administering Authority.** The provisions of this Ordinance shall be administered as prescribed by this Ordinance or by the Township Board as appropriate. The Township Board may periodically modify administrative procedures and may assign or reassign administrative responsibilities as it deems necessary for efficiency of operations.
- 28.1501**      **Township Zoning Administrator.** The Township Board may elect to employ or to contract for the services of a Township Zoning Administrator. Should this option be exercised by the Township Board, the Township Zoning Administrator shall be assigned the permit processing and review functions deemed appropriate by the Township Board except for functions reserved by this Ordinance for the Township Board, the Planning Commission, and the Zoning Board of Appeals.
- 28.1502**      **Records.** All Zoning Permit, Special Land Use Permit, and Variance applications and records of actions plus copies of any associated building permits issued by Chippewa County shall be kept on file in the Township office. Such records shall be available to the public during regular Township Office business hours. Additionally, the Township Assessor shall annotate the appraisal files for each affected parcel with respect to Variances, Special Land Use Permits, and Zoning Permits.

## Article XVI. - Planning Commission

- 28.1600**      **Members.** There shall be a Township Planning Commission composed of five (5) to nine (9) members appointed by the Township Board. The members of the Planning Commission shall be selected upon the basis of their respective qualifications and fitness to serve.
- (a)      Members shall be appointed for staggered three (3) year terms. Vacancies shall also be filled by appointment and members so appointed shall serve for the remainder of the term for the vacated position.
  - (b)      One (1) elected member of the Township Board shall serve simultaneously as a member of the Planning Commission as required by the State of Michigan.
  - (c)      Members of the Planning Commission may be removed by the Township Board for nonperformance of duty, misconduct in office, or for any other reason deemed sufficient by the Township Board. Any member proposed for removal must be afforded an opportunity to contest the proposed action before the Township Board.
- 28.1601**      **Meetings, Officers, Employees.** The Planning Commission shall normally meet on a monthly basis but additional meetings may be scheduled when necessary to efficiently and effectively carry out its responsibilities. Meeting frequencies may be reduced if workload conditions warrant fewer meetings. Public notice of Planning Commission meetings shall be accomplished as required by law. Any persons having interests in the Township, and/or their duly appointed representatives, shall be heard relative to any matters that fall within the purview of the Planning Commission.
- (a)      The Planning Commission shall elect from its members a Chairperson, a Vice Chairperson, a Secretary, and other officers as it may deem necessary. The election of officers shall be held the first regular meeting each calendar year and as necessary to fill vacancies.
  - (b)      The Planning Commission may establish any committees that are necessary to carry out its responsibilities.
  - (c)      Requests for any staff assistance considered necessary by the Planning Commission shall be submitted to the Township Board for their consideration and action.

- (d) The Planning Commission shall develop and maintain records of its proceedings that shall be filed in the Township office. Such records shall be public records. Meeting minutes shall be approved at the next regularly scheduled meeting of the Planning Commission.

**28.1602 Compensation.** Members of the Planning Commission shall receive compensation. The amount of compensation for members of the Planning Commission shall be determined by the Township Board and shall not exceed amounts as may be permitted by law.

**28.1603 Powers and Duties.** Planning Commission powers and duties are as follows:

- (a) The Planning Commission shall establish rules and procedures for transacting business and shall keep a public record of its resolutions, transactions, findings, and determinations.
- (b) The Planning Commission shall make an annual report to the Township Board concerning its operations and the status of planning activities.
- (c) Authority to prepare master plans and master plan updates is reserved for the Planning Commission. Proposed master plans and master plan updates must be approved for distribution by the Township Board. The Planning Commission shall also have responsibility for adoption of master plans and master plan updates except that the Township Board may, by resolution, elect to be the adopting body.
- (d) The Planning Commission shall have the responsibility for drafting new zoning ordinances and zoning ordinance amendments and for making recommendations to the Township Board relating thereto. The Planning Commission shall also be responsible for conducting public hearings relating to zoning ordinance updates and amendments.
- (e) The Planning Commission shall act and operate as a Township Zoning Board on any zoning issues that may come before the Township.
- (f) The Planning Commission shall be responsible for review and approval of Special Land Uses, Site Plans, and Planned Unit Developments. Planning Commission decisions on these non-legislative functions may be appealed to the Township Board as the final administrative authority. Appeals of decisions relating to Planned Unit Developments that modify Zoning District boundaries are heard by the Zoning Board of Appeals.
- (g) Planning Commission action on a Special Land Use Permit application involving a Variance shall reflect the Zoning Board of Appeals decision on the Variance.
- (h) The Planning Commission shall also be responsible for other planning functions as may be assigned by the Township Board.

## Article XVII. - Zoning Board of Appeals

**28.1700 Board of Appeals.** The Township Board exercises authority conferred by the Michigan Zoning Enabling Act (MCL 125.3601) and must appoint a Zoning Board of Appeals. The Zoning Board of Appeals' principal function is quasi-judicial and involves interpreting and implementing the legislative intent of the Zoning Ordinance.

**28.1701 Members.** The Zoning Board of Appeals shall consist of three (3) regular members:

- (a) One member shall be a member of the Township Planning Commission appointed by the Planning Commission.
- (b) One member (public member) shall be selected and appointed by the Township Board from electors of the Township residing in the unincorporated area of the Township. The public member shall not serve simultaneously as an elected or appointed official of the Township or as a paid employee of the Township.
- (c) One member may be a member of the Township Board appointed by the Township Board. A second public member shall be appointed should the Township Board elect not to appoint a Township Board member.

- (d) The Township Board may appoint one alternate member to sit as a regular member during absences of a regular member or where a regular member declares a conflict of interest. The alternate member will serve when called by the Chairperson of the Board of Appeals and shall have the same voting rights as a regular member. The alternate member shall meet the requirements for appointment as a public member.
- (e) Members from the Township Board and the Planning Commission shall have terms limited by their terms in their respective offices. The public member and alternate members shall have terms of three (3) years. Each member of the Board shall serve until his or her successor has been qualified and appointed. Vacancies shall be filled in the same manner as is provided for appointment and members so appointed shall serve for the remainder of the term for the vacant position.
- (f) Members of the Zoning Board of Appeals in office at the time of adoption of this Ordinance shall serve the remainder of their terms.
- (g) An employee or contractor of the Township Board shall not serve simultaneously as an employee of the Board of Appeals.
- (h) Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written notification to the member in question and after the member is afforded an opportunity to contest the proposed action before the Township Board.

**28.1702**

**Meetings, officers, employees.** Public meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and such other times as the Board of Appeals in its rules of procedure may specify. The Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. Any persons and/or their duly appointed representatives shall be heard relative to matters that come before the Zoning Board of Appeals. Board of Appeals rules and procedures shall not unduly restrict the right of all interested persons to be heard.

- (a) The Board of Appeals shall elect from its members a Chairperson and a Secretary. An elected officer of the Township shall not serve as Chairperson of the Board of Appeals. The election of officers shall be held at the first scheduled meeting each calendar year.
- (b) Upon approval of the Township Board, the Board of Appeals may engage support staff for periods of one (1) year or less as it may require.
- (c) The Board of Appeals shall develop and maintain records of its proceedings that shall be filed in the Township office. Such records shall be public records. Meeting minutes shall be approved at the next regularly scheduled meeting of the Board or, if the Board does not meet on a regular schedule, at a meeting scheduled within fifteen (15) days after the meeting covered by the minutes.
- (d) The Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.
- (e) A member must disqualify himself or herself from participation in any issues that come before the Board where the member has a conflict of interest. Failure to do so constitutes malfeasance in office (MCL 125.3601(8)).

**28.1703**

**Compensation.** Members of the Board of Appeals shall receive compensation. The amount of compensation shall be determined by the Township Board and shall not exceed amounts as may be permitted by law.

**28.1704**

**Powers and duties.** The Zoning Board of Appeals shall not have the power to alter or change the Zoning District classifications of any property or to make any changes in the provisions of this Ordinance. The Board of Appeals does have power to act on those matters where this Ordinance provides jurisdiction. Said powers include:

- (a) Establishment of rules and regulations governing its procedures sitting as a Board of Appeals.
- (b) Authority to hear and decide appeals of orders, requirements, decisions, and determinations made by Township officials or bodies charged with administration and enforcement of the Zoning Ordinance except as provided in (f) below.
- (c) Authority to hear and decide requests for interpretation of the Zoning Ordinance including interpretations of zoning district maps.

- (d) Approval of Variances from the strict application of the provisions of this Ordinance. The provisions of Sections 28.1706 through 28.1712 shall have application to Variance requests heard by the Zoning Board of Appeals.
- (e) The Board of Appeals shall hear and decide other issues that may be referred by the Township Board.
- (f) Appeals of Special Land Use and Planned Unit Development decisions shall be heard by the Township Board and may not be taken to and heard by the Board of Appeals. Appeals concerning Planned Unit Development decisions that modify Zoning District boundaries are an exception and are heard by the Board of Appeals (MCL 125.3603).

**28.1705**

**Appeals (Exclusive of Variance Appeals).**

- (a) The concurring votes of a majority of the members of the Board of Appeals hearing an issue shall be necessary for decisions on matters before the Board for action. Each member shall vote and the vote of each member shall be recorded.
- (b) Should any motion to approve an appellant's request fail another motion to deny the request must be approved by a majority of the Board's members.
- (c) An appeal may be made by any person aggrieved or by any officer of Township, County, or State government.
- (d) Appeals to be heard by the Board of Appeals must be submitted to the Township office within twenty-one (21) days of notice of the decision being appealed by filing a written Notice of Appeal.
- (e) Notices of Appeal shall state in writing the specific grounds for the appeal. Appeals not filed prior to the appeal deadline or that fail to state in writing the specific grounds upon which the appeal is based shall be returned to the appellant without action.
- (f) The Board of Appeals must state in writing the grounds for each determination made. This documentation may be included in the official minutes of the meeting at which the decision was made or in a separate document.
- (g) An appeal stays all proceedings in furtherance of the action appealed unless a stay would cause imminent peril to life and property. The Chair of the Board of Appeals shall concur in any determinations of peril to life and property. Verbal notice to the Township Clerk of intent to appeal shall stay any Township action for five (5) business days to allow sufficient time for a formal written appeal to be filed. Verbal notice of intent to appeal does not extend the twenty-one (21) day requirement for filing of the written appeal.
- (h) The Board of Appeals shall fix a reasonable time for the hearing of an appeal and give notice thereof to interested parties as follows: One (1) notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the appellant and other parties if those other parties received direct notification regarding the decision action under appeal. In addition copies of the notice shall be mailed or delivered to all persons to whom real property is assessed within three hundred (300) feet of the property in question and to the occupants of all structures within three hundred (300) feet of the property. The notice shall be published/provided not less than fifteen (15) days before the date the appeal is heard.
- (i) At the hearing any interested party may appear in person or by agent or by attorney and all shall be afforded reasonable opportunity to present testimony relating to the issue before the Board. The Board of Appeals may reverse, affirm, or modify the decision under appeal.
- (j) Decisions of the Board of Appeals direct actions or decisions by Township officials or bodies and are not in themselves authorizations for any actions by or on behalf of appellants.
- (k) Decisions of the Board of Appeals may be appealed to the Chippewa County Circuit Court by any person aggrieved by the decision. An appeal under this section shall be filed within thirty (30) days after the Board of Appeals certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require.
- (l) Upon request, the Chairperson of the Board of Appeals may stay any actions authorized by the Board's decisions to allow sufficient time for appeals to the Circuit Court when in the Chairperson's judgment, such stays are appropriate.

**28.1706**

**Variances – General.** A Variance is intended to provide administrative relief from a requirement of the Zoning Ordinance (but not the requirements of other governmental jurisdictions) that causes unnecessary hardship or practical difficulty for a property owner due to circumstances unique to the property in question.

Applicants should understand that Variances are granted to pieces of land rather than to individual applicants. The authority of the Zoning Board of Appeals to grant Variances is discretionary.

There are two types of Variances: Use Variances and Dimensional (Non-Use) Variances.

(a) Use Variance – A Use Variance permits a use of land not otherwise permitted in the zoning district in which the property is located. A Use Variance effectively rezones the property without prior approval of the Planning Commission and the Township Board. A Use Variance is considered appropriate only where a requirement of the Zoning Ordinance imposes an unnecessary hardship and prevents the property from being put to a reasonable use. A Zoning Ordinance amendment or a Special Land Use Permit, as appropriate, shall have been requested and denied before a Use Variance will be considered.

(b) Dimensional (Non-Use) Variance – A Dimensional Variance pertains to buildings and structures and addresses dimensional aspects such as setbacks, heights, and area requirements plus certain other aspects of the Zoning Ordinance such as requirements regarding numbers of parking spaces, sign sizes and spacing, and types of landscaping materials. The key aspect of a Dimensional Variance is that the condition that dictates the need for the Variance presents a practical difficulty that is unique to the property and not a matter of applicant preference or a method of operation unique to the applicant. Unique property characteristics are such features as water, rock, steep grades, and wetlands.

**28.1707 Variance Requests.** Requests for Variances shall be submitted using Variance Request forms available at the Township office. The Request must clearly identify the lot in question, clearly describe the requested Variance, and include a statement describing the condition that the applicant believes warrants the Variance. In cases of multiple Variances, each Variance must be requested using a separate Variance Request form. The submission must also include or be preceded by applications for appropriate permits, any necessary Site Plans, Sketch Plans, maps, drawings, and any other supporting documentation the applicant wishes to have considered. All permit application fees, Variance application fees, and any Site/Sketch plan review fees as determined by the Township Board and on file in the Township office shall be paid prior to any Township action on the Variance request. Only one Variance application fee shall be required for multiple Variance applications submitted as one package for a single lot. Incomplete Variance Request submissions will be returned to the applicant without action.

**28.1708 Variance Processing Requirements.** In its consideration of Variance Requests, the Zoning Board of Appeals shall follow the processing and public notice requirements established for Special Land Use permit requests in Section 28.1402(c).

The Variance review Standards and Criteria provided in Sections 28.1709 or Section 28.1710, as appropriate, shall be used by the Zoning Board of Appeals in their consideration of Variance requests.

In granting Variances, the Board may attach any conditions it deems reasonable in furtherance of the purposes of the Zoning Ordinance.

The nature of the circumstances warranting approval of a Variance shall be documented in the minutes of the meeting at which the action was taken or in a separate document that is included as part of the meeting record.

Applicants shall be notified in writing of the disposition of Variance requests within ten (10) business days after decisions become official. This notification may be accomplished by transmittal of a copy of approved meeting minutes, approval of an associated permit, or other form of written documentation. For mail transmittals, the postmark date shall serve as the date of official notification.

**28.1709 Use Variance Consideration Standards.**

Use Variance requests shall be considered by the Zoning Board of Appeals on the basis of the following standards. No Use Variance shall be approved unless it is found from the evidence that all of the standard conditions exist.

- (a) The property in question cannot be put to a reasonable use under conditions imposed by the Zoning Ordinance for the zoning district in which the property is located.
- (b) The unnecessary hardship of the Zoning Ordinance requirement on the property is due to very unique circumstances.
- (c) The Variance will not alter the essential character of the area or neighborhood or be detrimental to the public welfare.
- (d) The proposed Variance is the minimum necessary to permit reasonable use of the property.

**28.1710 Dimensional (Non-Use) Variance Consideration Standards.**

Dimensional (Non-Use) Variance requests shall be considered by the Zoning Board of Appeals on the basis of the following standards. No Dimensional (Non-Use) Variance shall be approved unless it is found from the evidence that all of the standard conditions exist.

- (a) The unique physical characteristics of the property present a practical difficulty that will not allow a proposed building or structure to be located on the property as required by the Zoning Ordinance without presenting an excessive development burden on the applicant.
- (b) The proposed Variance will not adversely affect adjacent properties.
- (c) The practical difficulty generating the need for the proposed Variance was not created by a decision, action, or preference of the applicant.
- (d) The proposed Variance is the minimum necessary to overcome the practical difficulty related to the unique circumstances of the property.
- (e) The condition or situation is unique, not shared by neighboring properties in the same zoning district, and amending the Zoning Ordinance text or rezoning is not a reasonable solution.

**28.1711 Appeals of Variance Decisions.**

No appeals process is available at the Township level regarding the approval or disapproval of Variance requests. Any appeals of Variance decisions are heard by the Chippewa County Circuit Court in accordance with the requirements prescribed in Section 28.1705(k) for appeals of other types of Zoning Board of Appeals decisions.

**28.1712 Re-Filing of Variance Requests.**

No application for a Variance that has been denied wholly or in part by the Zoning Board of Appeals will be accepted for consideration within one (1) year from the date of the original filing of the application for the Variance except on grounds of new evidence or proof of changed conditions relating to the denial of the original application. The Zoning Board of Appeals' decision as to the acceptability of the new information will be final.

**Article XVIII. - Conflict of Interest**

**28.1800 Definition.** A Conflict of Interest is a circumstance where the personal interest of a public official places the official in a position where he or she cannot execute public duties without affecting his or her private interests thus denying the public the fair, impartial, and objective judgment to which it is entitled.

- 28.1801**      **Determination of Conflict of Interest.** In general, any link to a request that could be perceived to compromise an official’s ability to make an impartial decision is probably a conflict of interest. Legal determinations of conflicts of interest are made based upon the Standards of Conduct for Public Employees Act (Public Act 196 of 1973), the Contracts of Public Servants with Public Entities Act (Public Act 317 of 1968), Attorney General Opinions, and court cases.
- 28.1802**      **Responsibility of Township Officials.** All Township officials shall formally declare any conflicts of interest giving the reason(s) for the conflicts and refrain from participating in any actions, discussions, deliberations, and/or decisions relating to issues coming before the Township under this Ordinance. A principal obligation of Township officials is to assure that all Township actions have the public’s trust and confidence. All Township officials must recognize that “even the appearance of impropriety” (76 Mich App 281, 1977) is detrimental to this public trust and confidence. All Township officials shall conduct Township business accordingly. Failure of a Township official to disqualify himself or herself from participation in issues where the official has a conflict of interest shall constitute misconduct in office.

## Article XIX.      - **Amendments**

- 28.1900**      **Changes and Amendments.** The Township Board may from time to time amend, supplement, or change the Zoning Ordinance. Such changes, amendments, or supplements shall be by formal Ordinance amendments and shall be in conformance with the provisions of this Section and as provided in Act 110 of the Public Acts of 2006.
- 28.1901**      **Initiation of Changes.** Changes to the Zoning Ordinance may be initiated by either the Township Board or the Planning Commission. The change process may also be initiated by any Township resident subject to the following:
- (a)      A proposal to change the Zoning Ordinance shall clearly describe the change proposed, its justification, and must be accompanied by a supporting petition bearing the signatures of at least ten (10) voters registered within the Township.
  - (b)      Ordinance change proposals submitted under the petition process shall be considered by the Planning Commission on the same basis as other Ordinance change proposals.
- 28.1902**      **Planning Commission Review.** The Planning Commission shall submit recommendations to the Township Board regarding any proposed changes to the Zoning Ordinance. Prior to making a recommendation, the Planning Commission shall hold a public hearing and provide notice of such hearing as follows:
- (a)      One (1) notice shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the proposal will be considered for approval.
  - (b)      Notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telecommunication service provider, each railroad operating within the zoning district affected, and the airport manager of each airport, that registers its name and mailing address with the Township for the purpose of receiving the notice of public hearing.
- 28.1903**      **Township Board Action.** The Township Board, upon receipt of the recommendation from the Planning Commission, may opt to hold another public hearing, may accept the proposed amendment for action, or may refer the amendment back to the Planning Commission for further consideration. The Township Board may adopt the proposed amendment, with or without change, by an affirmative vote of a majority of the Board. Changes proposed by the Township Board shall be referred back to the Planning Commission for comment prior to action by the Township Board.



**28.1904**      **Publication.** Following adoption of an amendment to the Zoning Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include:

- (a)      The full text of the amendment or a summary of the regulatory effects of the amendment describing any particular geographic areas affected.
- (b)      The effective date of the amendment.
- (c)      The place and time where a copy of the amendment or the complete Ordinance may be purchased or inspected.

Except as otherwise provided under the petition provisions of MCL 125.3402, the amendment shall take effect upon the expiration of seven (7) days after publication or at such later date as may be specified by the Township Board.

Article XX.      **- Enforcement and Penalties**

**28.2000**      **Violations.** Any building or structure which is erected, altered, or converted, or any use of premises or land which commences subsequent to the effective date of this Ordinance and which is in violation of any of the provisions hereof is hereby declared to be a public nuisance per se. The Zoning Administrator or designated Ordinance Enforcement Officer shall inspect each alleged violation and shall order correction in writing to the owner or responsible person(s) of all conditions found to be in violation.

**28.2001**      **Corrections.** The property owner or responsible person(s) shall within forty-eight (48) hours after receipt of notification of the violation(s) suspend any operations, construction, or other activities found to be in violation of Ordinance requirements. Upon suspension of such non-conforming use, the owner or responsible person(s) may correct conditions found to be in violation within sixty (60) days following issuance of the written notice to correct. If not corrected, violations shall be remanded to the court for prosecution. If the owner or responsible person(s) shall neglect or refuse to suspend the non-conforming use or uses as directed while making corrections, the above sixty (60) day period shall be nullified and the violation(s) shall be subject to immediate prosecution.

**28.2002**      **Penalties.** Any person(s), firm, corporation, or other organization who violates, neglects, omits, or refuses to comply with any provision of this Ordinance, or any permit, condition, or exception granted hereunder, or any lawful requirement of the Township's designated Ordinance enforcement officials shall be charged with a criminal misdemeanor and shall on conviction be fined not more than five hundred dollars (\$500.00) together with the cost of prosecution, or by imprisonment in the county jail for not more than ninety (90) days, or both, at the discretion of the court. A separate offense shall be deemed committed for each day that a violation is permitted to exist.

**28.2003**      **Proceedings.** The Township Board, the Planning Commission, the Zoning Administrator, or any owner of real estate within the Township may institute injunction mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance, use, or violation. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**28.2004**      **Civil Infraction Option.** The Township Board shall have the option of pursuing compliance with any provision of this Ordinance, or any permit, condition, or exception granted hereunder, as a Municipal Civil Infraction rather than as a criminal misdemeanor when, in the judgment of the Township Board, such course of action is appropriate. Any action pursued as a Municipal Civil Infraction shall be in accordance with the Township's Municipal Civil Infractions Ordinance and shall subject violators to civil fines and costs. Civil Fines shall be in accordance with the following schedule as established by the Municipal Civil Infractions Ordinance:

<u>Offense (Violation)</u>	<u>Fine</u>
Failure to comply with any provision	\$100.00 of the Ordinance.
First Repeat Offense.	\$250.00
Second (or any subsequent) Repeat Offense.	\$500.00

Costs may also be assessed as provided in the Township’s Municipal Civil Infractions Ordinance. In no case, however, shall costs of less than \$9.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

When violations are pursued under the Civil Infraction Option and the owner or responsible person does not suspend non-conforming uses, correct conditions found to be in violation, and pay any civil fines and costs incurred and/or assessed, the Township shall have the right to pursue the matter as a criminal misdemeanor in accordance with the provisions of this Article.

**28.2005 Unpaid Fines, Costs, Charges, and Fees.** Any civil infraction fines, costs, charges, and fees resulting from Ordinance violation enforcement actions constitute debts due the Township. Such debts that remain unpaid for thirty (30) days from the date due shall become a lien upon the lands and property which were the subject of the offense for which the civil infraction charges were filed and may be collected in the same manner as any contracted debt. The Township Board may also pursue collection under provisions of the Township’s Special Assessment Ordinance.

## Article XXI. - Severance Clause

**28.2100 Severance Clause.** Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or parts hereof, other than the part so declared to be unconstitutional or invalid.

## Article XXII. - Effective Date

**28.2200 Effective Date.** A Public Hearing having been held hereon, this Ordinance shall take effect seven (7) days after its adoption and publication.

**28.2201** Ordinance No. 01-2004 adopted March 11, 2004.

\_\_\_\_\_  
Daniel Gallagher  
Bruce Township Supervisor

\_\_\_\_\_  
Wanda Sawyers  
Bruce Township Clerk

Public Hearing

Adopted

Published

Effective Date

Ordinance No. 01-2004	10/14/03 & 2/17/04	3/11/04	3/16/04	3/24/04
Amendment No. 1	7/6/04	7/8/04	7/13/04	7/21/04
Amendment No. 2	8/10/04	8/12/04	8/19/04	8/27/04
Amendment No. 3	11/9/04	11/11/04	11/16/04	11/24/04
Amendment No. 4	2/8/05	2/10/05	2/15/05	2/23/05
Amendment No. 5	10/11/05	10/13/05	10/18/05	10/26/05
Amendment No. 6	12/6/05	12/8/05	12/13/05	12/21/05
Amendment No. 7	8/9/06	8/10/06	8/16/06	8/24/06
Amendment No. 8	6/12/07	6/14/07	6/21/07	6/29/07
Amendment No. 9	3/12/08	3/13/08	4/30/08	5/8/08
Amendment No. 10	3/11/09	4/09/09	5/14/09	5/21/09