

ZONING ORDINANCE
AU TRAIN TOWNSHIP, MICHIGAN

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THE TOWNSHIP OF AU TRAIN HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within Au Train Township, Alger County, Michigan, in accordance with the provisions of Zoning Enabling Act 110 of 2006, as amended: to provide for regulations governing nonconforming uses and structures; to provide for a Planning Commission and for its powers and duties; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for resolution of conflicts with other ordinances or regulations.

ARTICLE I ZONING

Section 101 Short Title

- A. This Ordinance shall be known and may be cited as the Au Train Township Zoning Ordinance.

Section 102 Designation and Duties of the Planning Commission

- A. The Au Train Township Planning Commission has carried out the responsibilities of preparing this Ordinance and is the township body most closely associated with planning for the future of Au Train Township. The AuTrain Township Planning Commission shall be the permanent zoning board as specified in Section 4 of the Zoning Enabling Act 110 of 2006, as amended.
- B. The Au Train Township Planning Commission shall exercise the duties and responsibilities granted to it by the Township Zoning Act, Zoning Enabling Act 110 of 2006, as amended.
- C. It is determined that the Au Train Township Planning Commission shall provide continuing overall direction in the administration of this Ordinance and shall be the reviewing body of zoning actions most closely associated with planning considerations, such as proposed amendments, planned unit developments, conditional use permits, site plan review. The Au Train Township Planning Commission shall have the powers and responsibilities granted to it as specified in this Ordinance.

Section 103 Effective Date

- A. This revised Ordinance shall be effective **August 13, 2012.**

Section 104 Fees

- A. The Township Board may, by resolution, establish a schedule of fees for zoning compliance permits, conditional use permits, variances, planned unit development, amendments or other administrative activities associated with this Ordinance. Fees, made payable to Au Train Township and collected by the Zoning Administrator are to be used to defray the cost of zoning administration.

Section 105 Exemptions

- A. The location of pipes, wires, poles, and transmission equipment of public utilities regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

Section 106 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby.
- B. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, grading permit, zoning compliance permit, certificate of occupancy, site plan approval, or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 107 Violations and Penalties

- A. Any person who violates any provision of this Ordinance, or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be responsible for a municipal civil infraction, and, upon a finding of responsibility therefore shall be punishable by a fine of not more than \$500.00, plus court costs, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Refer to Zoning Enabling Act, sec 125.3407.
- B. Refer to Zoning Enabling Act. Attached hereto and made a part hereof by incorporated by reference.

Section 108 Conflicting Regulations

- A. Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than those imposed or required by the provisions of any other law or ordinance, then the provision of this Ordinance shall govern. Whenever the provisions of any other law or ordinance imposes more stringent requirements, regulations, restrictions, or limitations than those imposed or required by the provisions of this Ordinance, then the provision of such law or ordinance shall govern.

Section 109 Administrative Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, the Zoning Administrator, Zoning Board of Appeals, or Planning Commission shall make the decision in accordance with the standards in this Ordinance.

- B. When a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals or the Planning Commission shall:
 - 1. Base their decision upon facts presented at a Public Hearing preceded by notice pursuant to the Zoning Enabling Act 110 of 2006, as amended.

 - 2. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Au Train Township Clerk and be open to public inspection.

ARTICLE II DEFINITIONS

Section 201 Construction of Language

- A. The following rules of construction shall apply to the text of this Ordinance.
1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 5. The word "use" includes the words "structures", and "buildings" associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
 7. The word "building" includes the word "structure," and the word "dwelling" includes any part thereof.
 8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be occupied.
 9. The legal definition of the words lot, plot and parcel are interchangeable.
 10. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
 11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

- c. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
12. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
13. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
14. Whenever a reference is made to several sections and the section number is connected by the word "to", the reference includes both sections whose number are given and all intervening sections.

Section 202 Definitions

- A. For the purpose of this Ordinance, the following words shall have the following meaning:
 1. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
 2. Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
 3. Adult Entertainment: An establishment consisting of, including, or having the characteristics of any or all of the following:
 - a. Adult Bookstore- an establishment having a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
 - b. Adult Cabaret- an establishment devoted to adult entertainment either with or without a liquor licenses, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
 - c. Adult motion picture theater- an establishment used for presenting material Distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

4. Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided with foster care for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.
5. Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
6. Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
7. Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing, and managing of livestock and poultry or other animals upon the ground in fields, pastures, pens and/or buildings.
8. Agricultural Activity, General: One or more plots of land comprising a farm devoted to the raising of domestic animals and/or the cultivation of crops in quantity, excluding dogs, cats, exotic animals, and exotic birds.
9. Agricultural Activity, Intensive: The keeping of animal or poultry species, either in pens or buildings where the number of animal or poultry species exceeds one (1) animal unit per acre, and where the following conditions are present:
 1. Animals have been, are, or will be, stabled or confined and fed or maintained for a total of forty-five (45) days or more, in any twelve (12) month period.
 2. Crops, vegetation forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
 3. DNR- Cervidae Facility will be governed by the Michigan DNR.

Animal or Poultry Type	<u>No = to 1 Animal</u> <u>Unit (A.U.)</u>
	Unit = 1 Acre
Slaughter and Feeder Cattle	1.00
Mature Dairy Cattle	1.50
Swine Weighing >55 lb.	2.00
Horses	1.00 per 5 acres 1 acre per add't horse
Sheep or Goats	2.00
Turkeys	20
Chickens w/Overflow Watering	20
Chickens w/Liquid Manure System	20
Duck	5

10. Agricultural Produce Stand: A structure used for the seasonal sale of items propagated on or off the premises.
11. Aircraft Landing Areas: Any area used regularly, whether designated or not, for landing and/or take off for airplanes, helicopters, hovercraft, or any other mode of air transportation.
12. Alley: A public or legally established private thoroughfare other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
13. Apartment: A dwelling unit in a "multiple family dwelling", as defined herein.
14. Automotive Repair Garage: A facility where the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting, undercoating, and detailing of automobiles.
15. Basement: A full story space below the first floor, usually part or all below grade. A basement shall not be counted as a story.
16. Bed and Breakfast: A single-family dwelling, containing six or fewer sleeping rooms available for rental to transient tenants for fewer than 30 consecutive days and serves breakfast at no extra charge to lodgers. The structure is also the innkeeper's residence. (Refer to Public Acts 111 thru 115 of 1987.)
17. Berm: A man-made, formed earth mound of definite height, width, and length used for obscuring purposes.
18. Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river, stream, or other barrier to the continuity of development.

19. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard area requirements, such buildings shall be considered as one integral unit.
20. Buffer Strip: Land area used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances.
21. Building: Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property.
22. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for the flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.
23. Building, Principal: A building in which is conducted the main or primary use of the lot on which said building is located.
24. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
25. Campground: An improved or unimproved area designated for temporary overnight use by motor homes, R.V. trailers, slide-in campers, or tents, whether a fee is assessed or not.
26. Carport: A partially open structure, intended to shelter one or more vehicles, boats, or recreational vehicles. Such structure shall comply with all yard requirements applicable to private garages.
27. Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or building or construct any buildings or structures in the Township, that requires a building permit from the county or state.
28. Child Day Care Center: A day care operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under P.A. 116 of 1973.
29. Child Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.

30. Child Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, and subordinate to the residential use, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.
31. Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
32. Clinic: A place where health care professionals furnish physical or mental health care to persons on an outpatient basis.
33. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or similar activities, but not operated for profit and open only to members and not the general public.
34. Commercial Vehicle: A motor vehicle and/or trailer licensed for use as a commercial vehicle.
35. Comprehensive Plan: A comprehensive, long-range plan intended to guide the growth and development of a community, Township, or region, and one that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.
36. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a land use upon land, or within a structure or building, specifically identified in the affected Zoning District under Conditional Uses. Conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
37. Condominium: Multiple unit structure(s) having individual ownership of the units and joint ownership of the accompanying land and usually having special covenants.
38. Condominium Unit: As applied to land usage, means that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, and for the purpose of this ordinance shall be interpreted as a lot.
39. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property which is joined at a common point, is not considered contiguous property.

40. Convenience Mart: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages and sandwiches and other freshly prepared foods, for both off-site or on-site consumption with limited indoor/outdoor seating, along with the retail sale of fuel and other operating commodities for motor vehicles.
41. Correctional Facility: A facility where prisoners lawfully sentenced by a court are housed for detainment purposes, or are detained awaiting adjudication. The facility may be publicly or privately operated.
42. Crematory: A facility to burn a dead body to ashes.
43. District: A zoning district.
44. Dwelling, Single-Family: A single structure, including a mobile home, designed or used for residential occupancy by one family.
45. Dwelling, Two-Family: A structure containing two dwelling units each designed for residential occupancy by one family.
46. Dwelling, Multiple-Family: A structure, including condominiums, containing more than two dwelling units each designed for residential occupancy by one family.
47. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.
48. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, communication, telephone, electrical, steam, fuel, or water transmission or distribution systems, collections, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
49. Excavation: Removal or recovery, by any means whatsoever, of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

50. Family: An individual, or two or more persons related by blood, marriage, or adoption, or parents with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or State licensed residential families under P.A. 395 of 1976, as amended.
51. Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
52. Feed Lot: The place of confined or concentrated feeding of farm animals that are being fattened for market.
53. Fence: An artificially constructed barrier of wood, metal, stone, wire, or any manufactured materials erected for separation for yard areas.
54. Filling: The depositing or dumping of any matter into or onto the ground, except common household gardening and general maintenance.
55. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breeze ways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.
56. Floor Area Ratio: An intensity measured as a ratio derived by dividing the gross floor area of a building(s) by the lot area.
57. Floor Area, Usable: For the purposes of comprising parking requirements, is that area to be used for the sale of merchandise services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area."
58. Fur Farm: The place confined to keeping, raising, or breeding of animals for the purpose of producing fur or pelts. Refer to ZEA definitions.

59. Garage, Residential: An enclosed accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.
60. Gasoline Fuel Service Station: A structure used for the retail sale of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, or refinishing.
61. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.
62. Grandfathered: A land use, structure or lot which was lawfully established prior to the adoption of this Ordinance, but which is no longer in full compliance with all requirements of this Ordinance. Also known as nonconforming.
63. Hobby Farm: A hobby farm is one where the farming is done for fun and recreation rather than for profit. The farm shall mean the use of land for the growing of crops, including nursery and horticultural crops, berry crops, maple syrup production, and the raising of animals, poultry and bees, excluding dogs.
64. Home Occupation: A use or occupation conducted on the premises whether within the main residential dwelling or an accessory building, for income production, which is clearly incidental and secondary to residential occupancy.
65. Hotel/Motel: A facility offering temporary lodging accommodations to the general public, and which may provide additional services such as restaurants, meeting rooms, and recreational facilities.
66. Incinerator: A furnace, or similar device, for burning trash, waste and/or soils to ashes.
67. Junkyard: Any land or building used for salvaging, purchasing, storage, keeping, collecting, processing, or baling of paper, rags, scrap metals, or other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or vehicles not in normal operating conditions, machinery or parts thereof, occurring within the normal course of business operations for income purposes.

68. Kennel: Any establishment where three or more dogs that are more than six months old are permanently or temporarily kept. Dog kennels will meet the requirements of Act 339, 1919 (the Dog Law of 1919).
69. Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
70. Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.
71. Lot, Area: The area of land within the boundary of a lot excluding any part under a natural waterway, and, in addition, it is the area of land bounded by any front lot lines, the right-of-way line of the roadway on which it fronts, and side lot lines intersecting the front lot line at its end extended to the rear property (lot) lines.
72. Lot, Corner: A lot which has at least two contiguous sides abutting a street for their full length.
73. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
74. Lot, Depth: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of side line of the lot.
75. Lot, Interior: A lot, other than corner lot.
76. Lot Line(s): Any of the lines bounding a lot.
77. Lot Line, Front: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is each line separating said lot from each street. In the case of a corner lot, both sides abutting the street are considered front yards and, consequently, both have front lot lines, excepting waterfront property where the front lot line is the high watermark.
78. Lot Line, Rear: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has an irregular lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
79. Lot Line, Side: Any lot line other than the front or rear lot lines. A side lot line separating a lot from another lot or lots is an interior side lot line.

80. Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
81. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and back lot lines.
82. Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
83. Marina: A facility for the storing, servicing, fueling, berthing and securing of boats.
84. Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
85. Metes and Bounds: A method of describing the limits of property by means of measuring distances and angles from designated landmarks and in relation to adjoining properties.
86. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but is not limited to, iron ore, copper, uranium, gypsum, silver, gold, diamonds, and other precious and semi-precious stones.
87. Mini-Warehouse: A structure containing storage spaces of varying sizes, leased or rented on an individual basis.
88. Mobile Home: A structure, transportable in one or more sections, which is built on a steel undercarriage and 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 system contained in the structure. A mobile home does not include recreational vehicle or any unit which can be licensed by the Secretary of State or transported by a licensed vehicle as a slide-in camper. Also known as a Manufactured Home.
89. Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents.

90. Modular (Pre-manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modular or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional home construction.
91. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or subsequent amendments thereto, that does not conform to one or more provisions of this Ordinance.
92. Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district in which it is located.
93. Nonconforming Sign: Any sign lawfully existing on the effective date of this Ordinance, or revision or amendment thereto, which renders such sign nonconforming because it does not conform to one or more of the present standards or requirements of this Ordinance.
94. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendments thereto, that does not conform to one or more provisions of this Ordinance.
95. Nuisance: An unreasonable interference with the enjoyment and use of property.
96. Nursing Home: A facility, licensed by the State of Michigan, other than a hospital, having as its primary function the rendering of nursing care for extended period of time to persons afflicted with illness, injury, or an infirmity.
97. Open Space Ratio: The ratio between open space on a lot, whether required or not, and the total lot area.
98. Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
99. Park: An open space used primarily for outdoor leisure activities.
100. Parking Lot: An off-street, ground-level open area, usually improved for the short-term (not overnight) parking of automobiles, constructed in accordance with the requirements of this Ordinance.

101. Parking Space: A space for the parking of an automobile within a public or private parking area of definite length and width and exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the parking of automobiles.
102. Picnic Area: A place equipped with tables, benches, grills, and trash receptacles for people to assemble, cook, eat and relax.
103. Planting Screen: A line of vegetation of sufficient height, width, and length as to provide an obstructed view of a land use from an adjoining property or roadway.
104. Premises: A lot as otherwise stated in this Ordinance.
105. Principal Structure: The main structure or building to which the premises are devoted.
106. Principal Use: The main use to which the premises are devoted.
107. Public Buildings: Schools, government offices, libraries, and other public buildings and structures; public parks, playgrounds, trails, paths, and other recreational areas and other public open spaces; scenic and historic sites.
108. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including radio, telephone, telegraph, television, cable, or fiber optics).
109. Race Track: A continuous track area used for the purpose of racing, by motorized and non-motorized vehicles, animals, or humans.
110. Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources including, but not limited to, the control of erosion, visual blight, and the prevention of land or rock slides and air and water pollution.
111. Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs, or assigns.
112. Recreational Use: Enclosed or open premises, public or private, which provide recreational opportunities.

113. Recreational Vehicle: A vehicle used for pleasure and designed for recreational use and not as place of domicile, built upon a frame or chassis, which can be licensed by the Secretary of State, and including pickup campers.
114. Resort: A facility offering or advertising transient lodging accommodations to the general public, but differing from a motel/hotel in that the accommodations are provided in cabins, condominiums, single family residential dwelling, other detached units. Resorts are often located in proximity to amenities such as lakes, rivers, golf courses, or other attractions and may offer additional services such as restaurants, meeting rooms, canoe and boat rental, and retail sales.
115. Resource Production: Including, but not limited to, the growing and harvesting of timber, tree farming, landscape vegetation, agriculture, natural resource, and outdoor recreational uses.
116. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, drive-ins, and any fast food establishment permitting consumption on the premises.
117. Retail Establishment: A place of business where goods and services are offered for sale to the public, and where repair services are incidental and secondary to the sale of such goods.
118. Right-of-Way: (1) A strip of land acquired by deed, reservation, dedication, forced dedication, prescription, condemnation, or McNitt Act (PA 130 of 1931), and occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses; (2) Generally, the right of one to pass over the property of another.
119. Sawmill: A commercial establishment with the machinery and appurtenant structures used for the manufacture of dimensional wood products, including, but not limited to, circular or band saws, planers, debarkers, chippers, and kilns. Does not include small "portable" sawmills typically operated by one or two people and capable of being moved from place to place. (See Temporary Use)
120. Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
121. Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings.
122. Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line.

123. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
124. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
125. Shooting Range: An area where firearms or archery equipment are discharged for target or recreational purposes, whether the area is open to the public or reserved for club members only.
126. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, facility, structure, service, event attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
127. Sign Area: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.
128. Sign, Directional: A sign, which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
129. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
130. Sign, Identification: A sign which pertains to the use of a premise and contains the occupant of the use, the address of the use, and/or the kind of business and/or the principal commodity sold on the premise.
131. Sign, Off-Premise: A sign which advertises goods, services, events, and facilities available at a location other than the premises on which the sign has been placed.
132. Sign, On-Premise: A sign which advertises goods, services, events, facilities, or attractions available only on the premises on which the sign is located, or identifies the owner or occupant or directs traffic on such premises. All other signs are considered off premise signs.

133. Site Plan: Refer to definition from ZEA 2006 section, 102R
134. Solar Power (active): Energy produced through the use of various arrays used to capture the energy of the sun. Solar power sources consist of solar energy panels, monitors, controllers, chargers, batteries, hot water lines and/or other related improvements necessary for the generation of solar energy.
135. Stable: An area or facility where more than three horses are kept.
136. Story: That part of a building, except a mezzanine or basement, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling above it.
137. Street: A public or private roadway that affords traffic circulation and principal means of access to abutting property.
138. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including fences, driveways, or sidewalks.
139. Tank Farm: An area where petroleum products, LP gas, chemicals, hazardous waste, or any other materials are stored in tanks for distribution or transfer purposes.
140. Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
141. Timber Production: The growing and harvesting of timber.
142. Township Board: The Au Train Township Board.
143. Vacation Rental: A single family dwelling or recreational structure rented for temporary use and accommodation, that is, 14 days or less.
144. Variance: Permission to depart from the literal requirements of this Ordinance.
145. Wind Turbine: Any of the various machines used to produce electricity by converting the kinetic energy of wind to rotational, mechanical, and electrical energy. Wind turbines consist of the turbine apparatus (motor, nacelle, tower) and any other buildings, support structures, or other related improvements necessary for the generation of electrical power.

146. Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices, and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt township regulatory authority.
147. Wireless Communication Support Structure: Structure erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to monopole, lattice towers, light poles, wood poles, and guyed towers or other structure which appear to be something other than a mere support structure.
148. Wood Burners (outdoors): A wood-fired boiler, stove or furnace that is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system, meeting EPA emission standards and certification criteria.
149. Wood Yard: A parcel of land where pulpwood and other logs are gathered from various locations and stored for commercial sale, or transportation elsewhere.
150. Yard: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Ordinance.
151. Yard, Front: An open space extending the full width of the lot and lying between the front lot line and the nearest line of any building or structure, and measured perpendicular to the building at the closest point to the front lot line.
152. Yard, Rear: An open space extending the full width of the lot and lying between the rear lot line and the nearest line of any building or structure, and measured perpendicular to the building at the closest point to the rear lot line.
153. Yard, Side: An open space between the side lot line and the nearest line of any building or structure, and extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.
154. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.

ARTICLE III ZONING DISTRICTS AND MAP

Section 301 Zoning Map

- A. The boundaries of the respective districts described in this Ordinance are defined and established as depicted on the map entitled "Au Train Township Official Zoning Map," which is an integral part of this Ordinance. This map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.
- B. The Au Train Township Official Zoning Map shall be identified by the signature of the Township Supervisor and attested by the Township Clerk. When changes are made in zoning district boundaries, such changes shall be incorporated on the Au Train Township Official Zoning Map and approved by the Township Board in accordance with the procedure described in Section 1203, together with an entry on the Au Train Township Official Zoning Map showing the date and official action taken.
- C. One copy of the Au Train Township Official Zoning Map is to be maintained and kept current by the Township Clerk, accessible to the public, and shall be the final authority as to the current zoning status of properties in Au Train Township.
- D. Historical map and text information shall be maintained by the Township Clerk.

Section 302 Replacement of Official Zoning Maps

- A. In the event the Au Train Township Official Zoning map becomes damaged, destroyed, lost or difficult to interpret, the Township Board may adopt a new Official Zoning map, which shall supersede the prior Official Zoning map. The Official Zoning Map shall bear the signatures and certification as required in Section 301 (D). Unless the original Official Zoning Map has been lost, or has been totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 303 Interpretation of the Zoning Map

- A. Where there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary, the Zoning Board of Appeals shall make an interpretation of the map upon request of any person. The Zoning Board of Appeals, in interpreting the zoning map or deciding any appeal, shall apply the following standards:
 - 1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, right-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map;
 - 2. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines;

3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon; and
4. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Au Train Township, as well as all other relevant facts.

Section 304 Application of District Regulations

- A. The regulations established for each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XI, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured, and substantial justice done.

Section 305 Establishment of Zoning Districts

Reference Planning Commission in addition with an approved map, and future land use.

- A. For the purpose of this Ordinance, Au Train Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

R1/R2	Residential One/Two
RR1/RR2	Rural Residential One/Two
LS/R 1	Lakeshore and River One
LS/R 2	Lakeshore and River Two
TD	Town Development
T/RP	Timber Resource Production
C	Commercial
M	Manufacturing

Section 306 District Residential One/Two

- A. Intent: The Residential One/Two District is intended for the establishment and preservation of quiet neighborhoods for single-family and two-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this district.
- B. Permitted Principal Uses:
 1. Adult foster care family home
 2. Bed and breakfast
 3. Child day care center, family
 4. Fire hall
 5. Home occupation I

6. Mobile Homes
7. Single-family dwelling
8. Two-family dwelling
9. Recreational Structures
10. Solar Power (active)
11. Wood Burners (outdoors)

C. Permitted Accessory Uses:

1. Accessory structures normally associated with single-family and two-family dwellings such as a garage, shed for yard tools, playhouse, pens, bathhouse, swimming pool, woodshed, sauna, and satellite dish.

D. Conditional Uses:

1. Church
2. Home occupation II
4. Horses for the personal use of the property owner/resident
5. Public building
6. Two-family dwelling
7. Multiple family dwelling
8. Water storage tanks
9. Wind Turbine
10. Shooting Range
11. Vacation Rental

Section 307 District Rural Residential One/Two

- A. Intent: The Rural Residential One/Two District is established to provide for a transition zone between more densely settled residential areas and the more sparsely developed rural, agricultural and forested areas of the Township. Such areas are accessible by all-season roads and provide for a mix of moderately intensive compatible uses from surrounding zones. The Rural Residential District is designed to provide rural residential opportunities for those who are willing to assume the costs of providing their own services. Allow a minimum of 165 feet width and lot size of 2 ½ acre.

B. Permitted Principal Uses:

1. Adult foster care family home
2. Child day care facility, family
3. Fire Hall
4. Hobby farm, Refer to chart on number of animals allowed per acre at noted in Section 202-9
5. Horses for personal use of the property owner/resident (5 acres for one horse with 1 acre per additional horse with a maximum of 25)
6. Home occupation I
7. Mobile home
8. Single family dwelling
9. Recreational structures
10. Solar Power (active)
11. Wood burners (outdoors)
12. Timber production

C. Permitted Accessory Uses:

1. Accessory structures normally associated with residential dwellings such as a garage, shed for yard tools, playhouse, pens, bathhouse, swimming pool, woodshed, sauna, and satellite dish.
2. Accessory structures normally associated with agricultural activities, and grazing animals, such as barns, animal shelters, feed, and equipment storage.

D. Conditional Uses:

1. Agricultural activity, general
2. Agricultural produce stand
3. Bed and breakfast
4. Cervidae Facility
5. Commercial horse riding and boarding establishment (5 acres for one horse with 1 acre per additional horse with a maximum of 25)
6. Horses for personal use of the property owner/resident (more than 25 horses)
7. Home Occupation II
8. Multiple family dwelling
9. Public building
10. Tree farm and nursery
11. Wireless communication facility/communication tower
12. Water storage tank
13. Shooting Range
14. Wind turbine
15. Vacation Rental

Section 308 District Town Development

A. Intent: The Town Development District is intended to preserve a district for residential, retail, and service establishments, and certain governmental uses that are compatible with a small town setting, serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.

B. Permitted Principal Uses:

1. Adult foster care family home
2. Agricultural produce stand
3. Auction sale barns
4. Automotive repair garage
5. Bed and breakfast
6. Boat launch
7. Commercial dog boarding facility
8. Church
9. Child day care facility, commercial
10. Child day care facility, family
11. Dog grooming establishment
12. Eating and drinking place

13. Grocery store
14. Home occupation I
15. Marina
16. Mobile home
17. Mobile home park
18. Motel and hotel
19. Multiple-family dwelling
20. Office building
21. Public building, including firehall
22. Recreational Structure
23. Resort
24. Retail or Wholesale establishment (with limited production)
25. Self-storage mini-warehouse
26. Single-family dwelling
27. Solar Power (active)
28. Two-family dwelling
29. Wood burners (outdoors)
30. Veterinarian office and animal clinic/hospital

C. Permitted Accessory Uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pool, woodshed, sauna and satellite dish.
2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
3. Signs subject to the regulations established in Section 503.

D. Conditional Uses:

1. Adult entertainment
2. Auto salvage yard
3. Cemetery
4. Contractor yard and shop
5. Construction equipment sales and service
6. Dog kennel
7. Facilities for bulk feed, seed, fertilizer sales, storage or mixing
8. Gas station
9. Gravel pit
10. Home occupation II
11. Mobile home sales and service
12. Motor, recreational vehicle sales and service
13. Nursing home
14. Shooting Range
15. Timber production
16. Tree farm and nursery
17. Water storage tank
18. Wind turbine
19. Wireless Communications/Cell Tower

Section 309 District Lakeshore and River One

- A. Intent: The Lakeshore and River One District is intended for the preservation of existing commercial resort developments and single-family and two-family residential use. Existing state regulations are: PA 451, 1994, and PL 92-500.
- B. Permitted Principal Uses:
1. Adult foster family home
 2. Bed and breakfast
 3. Boat launch
 4. Boat livery
 5. Child day care facility, family
 6. Fire Hall
 7. Home occupation I
 8. Mobile Home
 9. Motel/Hotel
 10. Single-family dwelling
 11. Recreational Structure
 12. Resort
 13. Solar Power (active)
 14. Two-family dwelling
 15. Wood burner (outdoors)
- C. Permitted Accessory Uses:
1. Accessory structures normally associated with residential dwellings such as garage, shed for yard tools, playhouse, pens, bathhouse, swimming pool, woodshed, sauna, and satellite dish.
 2. Stairways, landings and "rustic" fences are permitted within the ordinary high watermark if there is a bluff.
- D. Conditional Uses:
1. Cemetery
 2. Home occupation II
 3. Shooting Range
 4. Timber occupation
 5. Tree farm and nursery
 6. Water storage tank
 7. Wind turbine

Section 310 District Lakeshore and River Two

- A. Intent: The Lakeshore and River Two District is intended for the preservation of existing quiet neighborhoods free from other uses except those which are compatible with and convenient to the residents in this district. Existing state regulations are: PA 451, 1994, and PL 92-500.

- B. Permitted Principal Uses:
1. Adult foster family home
 2. Child day care facility, family
 3. Fire Hall
 4. Home occupation I
 5. Recreational structures
 6. Single family Dwelling
 7. Solar Power (active)
 8. Wood burners (outdoors)
- C. Permitted Accessory Uses:
1. Accessory structures normally associated with residential dwelling such as garage, shed for yard tools, playhouse, pen, bathhouse, swimming pool, woodshed, sauna, and satellite dish.
 2. Stairways, landings, and "rustic" fences are permitted within the ordinary high water mark if there is a bluff.
- D. Conditional Uses:
1. Boat Launch
 2. Home occupation II
 3. Shooting Range
 4. Vacation Rental
 5. Wind Turbine

Section 311 District Timber Resource Production

- A. Intent: The Timber Resource Production District is established to maintain low-density rural areas which, because of their rural character and locations, accessibility, natural characteristics, and the potentially high cost of providing public services, are suitable for a wide range of forestry, agriculture, natural resource, and recreational uses.
- B. Permitted Principal Uses:
1. Adult foster family home
 2. Agricultural activity, including grazing of livestock
 3. Agricultural produce stand
 4. Bed and Breakfast
 5. Cemetery
 6. Commercial horse riding and boarding establishment
 7. Child day care facility, family
 8. Firehall
 9. Hobby Farm
 10. Horses for the personal use of the property owner/resident (5 acres for one horse 1 acre per additional horse with a maximum of 25 horses)
 11. Home occupation I
 12. Harvesting of forest products
 13. Mobile home

14. Recreational Structure
15. Resort
16. Single-family dwelling
17. Solar Power (active)
18. Timber production
19. Tree farm and nursery
20. Wood burner (outdoors)

C. Permitted Accessory Uses:

1. Accessory structures normally associated with residential dwelling structures, such as private garage, shed of yard tools, playhouse, pens, swimming pools, woodshed, generator shed, sauna, and satellite dish.
2. Agricultural accessory uses and structures.

D. Conditional Uses:

1. Agriculture warehouse
2. Aircraft landing area/ airport
3. Boat launch
4. Construction and farm equipment sales and service
5. Commercial dog boarding facility
6. Dog kennel
7. Gravel pit
8. Horses for the personal use of the property owner/resident (more than 25 horses)
9. Home occupation II
11. Sawmill
12. Self-storage mini-warehouse
13. Shooting Range
14. Storage yard
15. Water storage tank
16. Wind turbine
17. Cervidae Facility

Section 312 District Commercial

A. Intent: The Commercial District is intended to establish and preserve area for commercial uses, and for light industrial uses which are more compatible with commercial activity than other industrial uses.

B. Permitted Principal Uses

1. Agricultural produce stand
2. Auction sales barn
3. Automotive repair garage
4. Boat launch
5. Bulk food processing facility and operation
6. Church
7. Contractor yard and shop
8. Construction and farm equipment sales and service
9. Child day care facility, commercial

10. Dog grooming establishment
11. Facilities for bulk feed, seed, fertilizer sales, storage and mixing
12. Fire Hall
13. Fish market
14. Home occupation I
15. Hotel/Motel
16. Marina
17. Mobile home sales and service
18. Motor and recreational vehicle sales and service
19. Office building
20. Self-storage mini warehouse
21. Single-family dwelling
22. Solar Power (active)
23. Retail establishment
24. Wood burner (outdoors)

C. Permitted Accessory Uses:

1. Any structural or mechanical building or use customarily incidental to the permitted use.
2. Signs subject to the regulations established in Section 503.

D. Conditional Uses:

1. Commercial dog boarding facility
2. Commercial horse riding and boarding establishment
3. Dog kennel
4. Fossil fuel tank farms, bulk propane storage facilities, and related activities
5. Gasoline station
6. Gravel pit
7. Home occupation II
8. Light industry
9. Nursing home
10. Public building
11. Sawmill
12. Shooting Range
13. Vacation Rental
14. Veterinarian offices and animal; clinic
15. Warehouse
16. Wastewater treatment facility
17. Water storage tank
18. Wind turbine
19. Wireless communication facility

Section 313 District M-Manufacturing

- A. Intent: The Manufacturing District is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, and other commercial activities which may require larger sites and isolation from many kinds of other land uses, and to make provisions for commercial uses necessary to service the immediate needs of an industrial area.

B. Permitted Principal Uses:

1. Automotive repair garage
2. Bulk food processing facility and operation
3. Contractor yards and shops
4. Construction and farm equipment sales and services
5. Fire Hall
7. Fossil fuel tank farm, bulk propane storage and related activities
8. Light Industry
9. Lumber yard
10. Manufacturing
11. Motor vehicle sales and services
12. Office building
13. Processing, assembling, and fabrication operations
14. Sawmill
15. Self-storage mini warehouse
16. Solar Power (active)
17. Warehouse
18. Wastewater treatment facility
19. Wood burner (outdoors)

C. Permitted Accessory Uses:

1. Any structural or mechanical building or use customarily incidental to the permitted principal use
2. Signs subject to the regulations established in Section 503.

D. Conditional Uses:

1. Gravel pit
2. Junkyard
3. Shooting Range
4. Water storage tank
5. Wind turbine
6. Wireless communication facility

Section 314 Recreational Land Uses

A. The following recreational uses are either a permitted use or use permitted upon issuance of a Conditional Use Permit in the districts indicated below.

LAND USE/DISTRICT	P-Permitted			C-Conditional				
	R1/R2	RR1/RR2	TD	LR/R1	LS/R2	T/RP	COM	MANUF
BOAT LAUNCH		C	P	P	C	C	P	P
COMMUNITY PLAYGROUND	C	C	C	C	C	C	C	
PICNIC AREA	C	C	C	P		C	C	
PASSIVE PARK (NATURE AREA, NON-MOTORIZED TRAIL, WALKWAYS)	P	P	P	P	C	P	P	P
FIELDS: SOCCER, ICE HOCKEY, FIELD HOCKEY, BALLFIELDS, ICE RINK	C	C	C	C	C	C	C	C
CROSS COUNTRY SKI TRAIL	C	C	C	C	C	P	C	C
HORSEBACK RIDING TRAIL		C	C	C	C	P	C	
INDOOR RECREATION: HANDBALL, GOLF, BOWLING ALLEY, BADMINTON, TENNIS, BASKETBALL, WATERPARK, ARCHERY			P				P	
GOLF DRIVING RANGE			P			C		
GOLF COURSE (9 OR 19 HOLE)	C	C	P			C		
MINI GOLF COURSE			C			C		
TRACKS: ORV, BICYCLE, BMX, MOTOR CROSS, GO CARTS, SKATEBOARD PARK, SNOWMOBILE, CAR, MIDGET RACING			C			C		
OUTDOOR ARCHERY RANGE						C		
RIFLE AND SHOTGUN RANGE, SKEET AND TRAP, SPORTING CLAY FIELDS	C	C	C	C	C	C	C	C
CAMPGROUND		C	C	P	C	C		
OFF-ROAD VEHICLE AND SNOWMOBILE TRAIL	C	C	C	C	C	C	C	C
MARINA			P	P			P	
BATHING BEACH			P	P	C	P		
WATERPARK - OUTDOOR				C	C			C
FISHING PIER				P	P	C	C	
GAME FARMS							C	

ARTICLE IV GENERAL REGULATIONS

Section 401 Height, Bulk, and Placement Regulations

- A. Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel, but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or side lot line.

Section 402 Schedule of Regulations

District	Minimum Lot Size (Square Feet or Acreage)	Minimum Lot Width (Feet)	Setback (Feet)			Maximum Height (Feet)
			Front ^c	Side	Rear	
R1/R2	15,000 square feet	100	30 B,C	10 A	10	50
<u>RR1/RR2</u>	2 ½ acres	165	30 B,C	10	10	50
TD	15,000 square feet	100	30 B,C	10 A	10	50
LS/R1	40,000 square feet	150	30 B,C	10	25	50
LS/R2	40,000 square feet	150	30 B,C	10	25	50
T/RP	5 acres	330	30 B,C	25	25	50
C	20,000 square feet	100	30 B,C	10	10	50
M	20,000 square feet	100	30 B,C	10	10	50

Footnotes to the Table:

- (A) An accessory building or structure may be located 6 feet from a side lot line in the R1 and R2 Districts.
- (B) The front setback shall be measured from the road right of way, except where a parcel abuts a water body. In that case the front setback shall be measured from the ordinary high water mark.
- (C) Where a lot in the LS/R district does not abut a body of water, the front lot line setback shall be 30 feet measured from the road right of way.
- (D) Any driveway/private road will have a minimum clearing width of 14ft and minimum clearance height of 10ft .

Section 403 Maximum Lot Coverage

- A. In all districts, the maximum lot coverage shall not exceed 50% of the lot.

Section 404 Waterfront Development

- A. All new structures and lots will abide by state and federal regulations.

Section 405 Riparian Lot Use

- A. The purpose of these regulations is to protect the public health safety and welfare which could be threatened by the over usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and destroy property values. The regulations shall apply to the following private sites, platted lots and other lots to be held in common by a subdivision, condominium, association, similar agency or group of individuals; or held in common by virtue of the terms of a plat; or provide for common use under deed restrictions:
1. Lots created after the effective date of this Ordinance.
 2. Lots of record existing prior to the effective date of this Ordinance that did not provide common use access to a water body (riparian rights to non-riparian land owners) prior to the effective date of this ordinance.
- B. Lots of record which existed prior to the effective date of this Ordinance that provided common use access to a water body may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).
- C. Boat launching sites and boat docks within a common use riparian lot shall be permitted in any district as a Conditional Use upon review and approval in accordance with Article VIII.
- D. Waterfront sites dedicated to common use for boat launching and docking shall have a minimum of 100 feet of riparian frontage and a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.
- E. The deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.

Section 406 Right of Way

- A. Where the right of way is established under the McNitt Act (P.A. 130 of 1931, as amended) and varies from the standard 66 feet of width, the front lot line shall be not less than 33 feet from the center line of the roadway.

Section 407 Minimum Building Standards

- A. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Alger County Building Code, then and in that event such federal or state standards or regulations shall apply.
- B. Every dwelling shall be firmly attached to a permanent foundation constructed on a site in accordance with the Alger County building Code and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a mobile home, as defined , such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- C. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and under carriage removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage, or chassis.
- D. Every dwelling shall be connected to a public sewer and water supply or have such facilities as approved by the local health department.
- E. The dwelling must comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- F. The foregoing shall not apply to mobile homes located in a licensed mobile home park, except to the extent required by state and federal laws, or otherwise specifically required in this Ordinance.

Section 408 Accessory Buildings and Uses

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as specifically prohibited or by necessary implication by this or any other ordinance. The following special rules are applicable:
 - 1. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
 - 2. A residential garage can be used as a temporary dwelling while the principal dwelling is being constructed.
 - 3. On lots where no principal building is presently located an accessory building may be located.

- B. A single accessory building with up to 3,500 square feet or the cumulative square footage up to 3,500 square feet of all accessory buildings on a lot is permitted in all districts.
- C. A single accessory building greater than 3,500 square feet or the cumulative square footage up to 3,500 square feet of all accessory buildings on a lot may be permitted by application for and issuance of a Conditional Use Permit.

Section 409 Home Occupation

- A. There shall be two classes of home occupations: Class I, Class II. Home Occupation Class I and Class II shall be permitted in all districts permitting single family dwellings. Class I and Class II home occupation is authorized by application of a zoning compliance permit. Class II home occupation may be permitted in all districts upon application and issuance of a Conditional Use Permit pursuant to Article VIII Conditional Use Permit.
- B. Class I and Class II home occupations must be clearly incidental and subordinate to its use for residential purposes by its occupants.
- C. Class I and Class II home occupations shall not permit equipment or processes to be used which create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- D. The Planning Commission may place additional conditions upon Class II home occupation to assure compliance with Section 802 and the intent of the zoning district.
- E. Class I home occupation shall:
 - 1. Employ only those members of the family residing on the premises and not more than one non-occupant employee,
 - 2. Be conducted within the principal building with no more than 25% of the dwelling devoted to the home occupation, or conducted within an accessory building.
 - 3. Permit no outdoor storage nor exterior evidence of the conduct of home occupations, other than an approved sign,
 - 4. Permit no exterior display of merchandise produced by such home occupations,
 - 5. Shall not generate traffic in excess volumes than would be normally expected in a residential neighborhood. Any need for parking generated by the conducted of such home occupation shall meet the requirements of Section 414.
 - 6. Utilize only stock vehicles such as passenger cars and light utility vehicles such as pick-ups and vans which may be parked outside.

7. Allow a sign not to exceed six square feet to advertise the home occupation. The sign shall not be illuminated nor have working parts.
- F. Class II home occupation may:
1. Employ not more than two non-occupant employees,
 2. Be conducted within the principal building with no more than 25% of the dwelling devoted to the home occupation,
 3. Be conducted within an accessory building, utilizing no more than 25% of the accessory building for home occupation,
 4. Utilize larger vehicles and heavy equipment provided they are stored in an enclosed building or adequately screened from view of the street or adjoining neighbors,
 5. Utilize a structure to store commercial vehicles which shall not exceed twice the floor area of the principal structure,
 6. Permit the outdoor storage or exterior evidence of the conduct of home occupations,
 7. Permit the exterior display of merchandise produced by such home occupations
 8. Provide for an illuminated sign greater than six square feet.

Section 410 Residential Use

- A. No more than one principal use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.
- B. In the Town Development and the Commercial Districts, buildings with commercial use on the ground floor may have residential use within the structure.
- C. Single-family residential use is permitted when incidental to a permitted business. To be considered incidental, the dwelling must be occupied by the business owner or operator.

Section 411 Nonconforming Lots

- A. Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the Alger County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
- B. When a nonconforming lot is held in common ownership with a butting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

Section 412 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of building.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established.

Section 413 Height Requirements Exceptions

- A. The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:
 - 1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles, and monuments,
 - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers, wind turbines, and solar power (active).
 - 3. Agriculture related structures such as barns, silos, elevators, and the like.

(AREA LEFT BLANK TO ACCOMMODATE TABLE BELOW)

Section 414 Off-Street Parking Requirements

A. There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

<u>USE</u>	<u>MINIMUM SPACES REQUIRED</u>
<u>Single and two-family dwelling, recreational structure, rentals</u>	<u>2 per dwelling unit</u>
<u>Rooming house, fraternity, sorority, dormitory, convalescent home and house for the elderly</u>	<u>.4 times maximum lawful number of occupants</u>
<u>Hotel and Motel</u>	<u>1.2 per room in addition to spaces required for restaurant facilities</u>
<u>Adult Foster Care</u>	<u>1.5 per employee and .4 per resident</u>
<u>Apartment and Townhouse</u>	<u>2 per dwelling unit</u>
<u>Church, theater, facility for spectator sports, auditorium, concert hall, banquet hall</u>	<u>.25 times the seating capacity</u>
<u>Golf Course</u>	<u>7 per hole</u>
<u>Barber shop and beauty parlor</u>	<u>2 plus 1.5 per chair</u>
<u>Bowling Alley</u>	<u>5 per lane in addition to spaces required for restaurant facilities</u>
<u>Child Day Care Facility</u>	<u>2 per dwelling unit plus .3 per child</u>
<u>Fast Food take-out establishment, drive-in restaurant</u>	<u>.01 times floor area and square feet</u>
<u>Restaurants (except drive-ins), bars and taverns</u>	<u>1.2 per 1000 square feet of floor space</u>
<u>Furniture and Appliance Stores</u>	<u>1 per 500 square feet of floor space</u>
<u>Household Equipment, carpet and hardware store, repair shop including shoe repair, contractor's showroom and others, museum and gallery</u>	<u>1 per 500 square feet of floor space</u>
<u>Funeral Parlor</u>	<u>1 per 50 square feet of floor space</u>
<u>Gas Station</u>	<u>1 per pump plus per lift (in addition to stopping paces adjacent to pumps)</u>
<u>Automotive Service Center</u>	<u>1 per employee plus 2 per service bay</u>
<u>Laundromat</u>	<u>.5 per washing machine</u>
<u>Doctor and Dentist Offices</u>	<u>1 per 100 square feet of waiting room area and 1 per doctor or office</u>
<u>Bank</u>	<u>1 per 150 square feet of floor space</u>
<u>Warehouse and Mini-warehouse</u>	<u>1 parking/loading space per unit</u>
<u>Retail Store and Service Establishment</u>	<u>1 per 800 square feet of floor space and outdoor sale space</u>
<u>Office</u>	<u>1 per 400 square feet of floor space</u>
<u>Other business and industrial uses</u>	<u>.75 times maximum number of employees on premises at any one time</u>

- B. Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- C. Required off-street parking shall be provided on the lot to which it pertains. Access drive may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.
- D. The use of any required parking space of the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.
- E. The following minimum design standards shall be observed in laying out off-street spaces and provided access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

<u>Parking Angle in degrees</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Parking Stall Length</u>	<u>Curb To Curb</u>
<u>0 to 15</u>	<u>9'</u>	<u>12'</u>	<u>23'</u>	<u>30'</u>
<u>16 to 37</u>	<u>10'</u>	<u>11'</u>	<u>19'</u>	<u>47'</u>
<u>38 to 57</u>	<u>10'</u>	<u>13'</u>	<u>19'</u>	<u>54'</u>
<u>58 to 74</u>	<u>10'</u>	<u>18'</u>	<u>19'</u>	<u>61'</u>
<u>75 to 90</u>	<u>10'</u>	<u>24'</u>	<u>19'</u>	<u>63'</u>

- F. Required off-street loading spaces required under this section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off street loading space. An additional off street loading space shall be required for every additional 20,000 square feet of floor area of fraction thereof.

Section 415 Required Planting Screens

- A. A planting screen or a six foot high fence shall be required in Town Development, Manufacturing, and Commercial districts, wherever any non-residential parking lot, trash collection, outdoor storage, storage building, service area, service building, or pole type structure is located on property adjacent to any residential district.

Section 416 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Au Train Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location and of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.
- B. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
 1. Facilitate adequate and efficient provisions for wireless communication facilities.
 2. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
 3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs.
 4. Promote the public health, safety and welfare.
 5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.

- C. It is the policy of Au Train Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township's interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
- D. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:
1. The applicant must demonstrate that feasible co-location is not available for the coverage area and capacity needs.
 2. The applicant shall demonstrate a justification for the proposed height of the structure and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located, or maintained at any time on or upon any required setback area for the district in which it is located.
 3. The site shall have legal documented access to a public road.
 4. All support structures must be set back from all lot lines a distance equal to its height.
 5. Where an attached wireless communication facility is proposed on the roof of a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.
 6. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all other zoning requirements for principal buildings, including yard setbacks.
 7. A wireless communication facility may be of a design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the planning commission.
 8. All support structures must be certified by a professional engineer licensed in Michigan, that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, state of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.
 9. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
 10. There shall be no display or advertising on the wireless communication facility advertising or other structures, except required for emergency purposes.
 11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facility.
 12. Landscaping shall provide screening and aesthetic enhancement for the structure base, buildings and enclosure as needed.

13. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
14. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users. Following complete demolition and removal of the structure, the premises shall be restored to an acceptable condition as reasonably determined by the Zoning Administrator. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the wireless communication facilities and restoration of the site.
15. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the conditional use permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.
16. Appropriate measures of Section 802 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

ARTICLE V REGULATION OF SIGNS

Section 501 Intent

- A. It is hereby determined that regulation of the locations, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among business for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under these provisions are not consistent with customary usage, are an abuse thereof, and area unwarranted invasions of the rights of legitimate business interests and of the public.

Section 502 Residential District Sign Regulations

- A. Within all districts allowing residential uses, signs shall be permitted as follows:
 1. One sign, whose area shall not exceed six square feet, to announce the sale or rent of property.
 2. Churches shall be permitted total sign area of 20 square feet.
 3. One sign, not exceeding 32 square feet and eight feet in height, per vehicle entrance at a platted subdivision development or mobile home park.
 4. Multiple family dwellings and nursing homes shall be permitted one identification sign not to exceed 12 square feet and eight feet in height.

5. A sign advertising a Home Occupation may be attached to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. Unless a Class II Home Occupation, the sign shall not be illuminated nor have working parts.
6. Signs permitted by Section 502 are exempt from the setback requirements of Section 402. Signs shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 503 On Premise Sign Regulations

- A. Signs shall be permitted on parcels to advertise goods, services, events facilities or attractions on the premise. Free-standing (ground) signs shall be permitted having an area not exceeding six square feet for each 10 feet or fraction of frontage, or 60 square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of 100 square feet of sign area for each developed parcel. Where the premises has more than one occupant, the permitted sign are shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a name district from that of the occupants, an additional two square feet of sign area for each 10 feet or fraction of street frontage, with a maximum of 200 square feet, is permitted only for signs identifying the developed premises.
- B. Signs shall be setback a minimum of five feet when the right-a-way width from the centerline of the road to the property line is less than 50 feet; located at the lot line when the right-a-way width from the centerline of the road to the property line is greater than 50 feet. Setback measurement shall be from the right-a-way to the closest part of the sign, whether it be at or above grade.
- C. The maximum height for a sign shall be 30 feet.

Section 504 Signs for Conditional Use

- A. In granting a conditional use permit, the zoning board shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or sign associated with the conditional use.

Section 505 Miscellaneous Signs

- A. The following signs shall not exceed nine square feet:
 1. Public signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.
 2. Signs which identify or advertise a non-profit annual or one-time event or occurrence, such as a fair or other event of general public interest, may be posted for a period of not more than two months, provided the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.
 3. Signs which announce no hunting or trespassing.
 4. Signs which identify the name of a farm or farming operation.
 5. Residential identification signs which have an occupant's name and/or house number.

Section 506 Lighting of Signs

- A. No lighted sign, unless authorized as a Home Occupation II, shall be permitted within the R1, R2, RR, RR1 or LS/R2 Districts.
- B. No lighted sign shall create a traffic hazard, adversely affect neighboring land uses, be lighted to such an intensity that it creates a public nuisance or adversely affects the public health, safety or general welfare.

Section 507 Nuisance Signs

- A. The following signs are declared to be a nuisance:
 - 1. A sign structure which are likely to cause injury.
 - 2. A sign which advertises a closed business, past event, or past political election.
 - 3. A sign which is no longer legible.
 - 4. A sign which is otherwise untimely or unsafe.
- B. The cost of removal of these signs is to be borne by the sign owner and/or property owner.

Section 508 Nonconforming Signs

- A. It is the intent and purpose of this section to eliminate nonconforming signs except as otherwise specifically set forth in this section as rapidly as the police power of the Township permits.
- B. Nonconforming signs
 - 1. Shall not be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered;
 - 2. Shall not be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer; or
 - 3. Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the sign value.
 - 4. Nonconforming signs may not be changed to another nonconforming use.
 - 5. Nonconforming signs may have their face or message updated but may not be structurally altered.

ARTICLE VI THE ZONING ADMINISTRATOR

Section 601 Office of Zoning Administrator

- A. The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Township Board and shall serve at their pleasure. Should the Zoning Administrator be unable to carry out these duties for a period of time, the Township Board may appoint a substitute. He/she shall receive such compensation as the Township Board may, from time to time, determine.

Section 602 Duties of the Zoning Administrator

- A. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the duties which follow. However, in no case shall the Zoning Administrator, or any of his/her subordinates, waive or vary any of the provisions or standards in this Ordinance.
1. Issue Permits: All applications for zoning compliance permits shall be submitted to the Zoning Administrator who shall issue zoning compliance permits when applicable provisions of the Ordinance have been complied with.
 2. File Applications: The Zoning Administrator shall maintain files of all applications for zoning compliance permits, and shall keep records of all zoning compliance permits issued and/or denied. Files and records shall be open for public inspection. Copies shall be provided upon request, in compliance with the AuTrain Township Freedom of Information Policy.
 3. Maintain Official Copies: The Zoning Administrator shall keep in his/her office a book to be known as the Official Zoning Orders Book, in which he/she shall list, with a brief description, all variances, conditional use permits, designations of nonconformance, and any termination of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Official Zoning Orders Map, on which he/she shall record the numbers in the Official Zoning Orders Book to indicate the locations affected by the items in the book. The Official Zoning Orders Book and Map shall be open to public inspection.
 4. Conduct Inspections: Upon the issuance of a zoning permit, the zoning administrator shall be permitted to make inspections of building and premises in order to verify the accuracy of information submitted in the application for zoning permit.
 5. Maintain Record of All Complaints: The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint. These records shall be public record.
 6. Report to the Planning Commission: The Zoning Administrator shall report to the Township Planning Commission at each meeting, summarizing for the period since the last previous report all applications for zoning compliance permits, all complaints of violations, all appeals, variances, and exceptions granted by the Zoning Board of Appeals, and the action taken.
 7. Review Site Plans for Completeness: The Zoning Administrator shall review Site Plans in accordance with Article X of this Ordinance.

8. Provide Information: The Zoning Administrator shall present information to the Planning Commission for Conditional Use Permit hearings, and to the Zoning Board of Appeals for variances, interpretations and other matters which are the responsibility of the Zoning Board of Appeals. The Zoning Administrator shall present information to the Planning Commission and Township Board regarding proposed amendments to the Ordinance, including zoning map revisions.
9. Communication: The Zoning Administrator shall report on communications between the Zoning Administrator and the public.
10. Other Duties: The Zoning Administrator may have additional duties and responsibilities, but these additional duties must be closely related to zoning duties.

ARTICLE VII ZONING COMPLIANCE PERMITS

Section 701 Intent

- A. No land use shall be commenced or changed and no structure shall be erected or enlarged that requires a county or state permit unless the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator.

Section 702 Procedure

- A. The Zoning Administrator shall issue such permit upon: 1) the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, 2) a finding by the Zoning Administrator that such is the case, and 3) payment of a permit fee when one has been set by the Township Board.
- B. The Zoning Administrator shall respond to a permit request with either an approval, denial, or a request for further information within seven working days of the receipt of the application request. The Zoning Administrator shall respond to the application by certified mail, the postmark of which shall fall within the prescribed time line.
- C. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.

Section 703 Automatic Expiration

- A. If development authorized by a zoning compliance permit has not commenced within one year from the date of issuance, said permit shall expire automatically and any date extension shall be put in writing. The Zoning Administrator may approve an extension for one additional year upon request of the applicant.

Section 704 Use of False Information

- A. Any zoning compliance permit based on any false statement in the application or supporting documents is absolutely void and shall be revoked.

ARTICLE VIII CONDITIONAL USE PERMITS

Section 801 Intent

- A. No conditional use shall be established in any zoning district except upon permit issued by the Planning Commission, which shall be guided in making a decision by the standards set forth in this Ordinance. Any person seeking a conditional use permit shall provide to the Planning Commission such information as it may reasonably require to determine whether to the grant of the requested permit is authorized by law.
- B. Conditional uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the conditional use under consideration.
- C. Conditions may be attached to an approval. Conditions are usually attached only if the review standards would not be met with out them.

Section 802 Basis of Determination/General Standards

- A. The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
 - 1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - 2. The conditional use shall not change the essential character of the surrounding area.
 - 3. The conditional use shall not interfere with the general enjoyment of adjacent property.
 - 4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.
 - 5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
 - 6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the services and facilities deemed essential to the conditional use under consideration.
 - 7. The conditional use shall not place demands on public services and facilities in excess of current or immediately planned capacity.
 - 8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any adopted county or township development plan.
 - 9. Conditions may be attached to an approval. Conditions are usually attached only if the review standards would not be met with out them.

- B. The following standards shall be used by the Planning Commission when considering Group Child Day Care Facilities /Adult Foster Care:
1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Planning Commission.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
 5. Meets regulations governing signs used by a group day-care home to identify itself.
 6. Meets regulations of a group day-care home operator to provide off-street parking accommodations for his/her employees.
- C. The following standards shall be used by the Planning Commission when considering Dog Kennels:
1. Sites shall have a minimum lot area of five acres.
 2. All outdoor runs or breeding areas are to be enclosed on all sides by a solid masonry wall not less than 6 feet in height, and located at least 25 feet from any property line.
 3. Buildings where dogs are kept, dog runs, and/or exercise areas shall construct a reasonable sound barrier around the kennel and be at least ½ mile from the nearest residence in all directions or any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
 4. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance such as fencing, soundproofing, or sanitary requirements.
- D. The following standards shall be used by the Planning Commission when considering Horses for the Personal Use of the Property Owner/resident:
1. Five acres for One horse and each additional horse require 1 acre.
 2. In Residential and Rural Residential Districts, there shall be a minimum of five acres.

Section 803 Conditions

- A. The Planning Commission may deny, approve with conditions, or approve requests for conditional use. The decision on a conditional use shall be incorporated in a written statement of conclusions relative to the use under consideration which specifies the basis for the decision and any conditions.
- B. The Planning Commission may impose conditions upon the approval of a conditional use which are necessary to insure compliance with the standards for approval stated in this Article and any other applicable standards contained in this Ordinance. The Planning Commission shall also consider the activity levels of the proposed use and may impose conditions to insure the preservation and protection of property values of adjacent properties. Such conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator.
- C. If development authorized by a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension, in writing for one additional year upon request of the applicant.

Section 804 Procedure and Process

- A. Every application for a conditional use permit must contain a site plan drawn to a readable scale, and containing the information specified in Section 1003 or 1004, as appropriate.
- B. Upon receipt of an application for a conditional use which requires a decision on discretionary grounds, one notice that a request for conditional use approval has been received shall be published in a newspaper which circulates in the Township. Refer to 125.3103 of ZEA.
- C. Only Conditional Use Permits that are clearly for a temporary use may be issued for a temporary time and shall be renewed in the original manner.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. The Planning Commission may review any Conditional Use Permit to determine if the conditions imposed are being complied with.
- F. The Planning Commission may revoke a Conditional Use Permit. Revocation of a Conditional Use Permit by the Planning Commission shall be made following a public hearing using the same procedures as the permit was originally granted. The Planning Commission may revoke a conditional use permit upon finding that:
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.

ARTICLE IX: NON-CONFORMING USES AND STRUCTURES

Section 901 Intent

- A. Legal nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its adoption. It is recognized that those non-conformities which adversely affect the orderly development and the value of nearby property are not permitted to continue without restriction.
- B. The zoning regulations established by this Ordinance are designed to guide the future use of and in Au Train Township by encouraging appropriate groupings of compatible and related uses to promote and protect the public health, safety and general welfare.
- C. The continued existence of non-conformities is frequently inconsistent with the purpose for which these regulations were established. It is the purpose of this Ordinance to eliminate nonconforming uses and structures as permitted by law without payment of compensation, but not to create an undue hardship to the property owner.
- D. Where, at the effective date of adoption of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the provisions of this Article.

Section 902 Provisions for Continued Use of A Non-Conforming Structure or Use

- A. A legal nonconforming use or structure may not be enlarged to occupy an area no greater than 110% of its gross floor area at the effective date of adoption of this Ordinance without the approval of the Planning Commission.
- B. If a nonconforming structure is damaged by fire or other casualty and such damage is less than the assessed value of such property, reconstruction or repair may proceed without the approval of the Planning Commission.
- C. If damage caused by fire or other casualty to a nonconforming structure equals or exceeds the assessed value of such property, reconstruction or repair to the structure is not permitted unless the Planning Commission authorizes the continuation of the nonconforming structure. A written application for such authorization must be filed with the Planning Commission within six months of the occurrence.
- D. Structural alterations to the interior of a nonconforming structure are permitted without the approval of the Planning Commission.
- E. Structural alterations to the exterior of a nonconforming structure as required by local, state or federal laws or regulations are permitted without the approval of the Planning Commission and subject to code.
- F. A nonconforming use or structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use or structure subject to the approval of the Planning Commission.
- G. A non conforming use or structure may be changed to another nonconforming use subject to approval of the Planning Commission.
- H. No nonconforming use or structure shall be resumed if it has been discontinued for a continuous period of 12 months, unless caused by casualty or fire. Reconstruction or repair activities due to casualty or fire must be completed within a stipulated 18 months time period, unless extended by the Planning Commission.

- I. A nonconforming use or structure shall not be resumed if it has been changed to a conforming use or structure.
- J. In the situation where two or more nonconforming dwellings are located on the same lot and one dwelling sustains damage by fire or other casualty, to the extent that the cost of reconstruction or repair exceeds the assessed value of the structure, the damaged structure shall be removed, unless the damaged dwelling is closer to the street or faces a street. In such case it may be rebuilt with the approval of the Planning Commission.

Section 903 Procedure for Approval by Planning Commission

- A. A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
 - 1. Name and address of property owner and applicant, if not same;
 - 2. A legal description of the property or lot;
 - 3. A site plan pursuant to Section 1003 or 1004;
 - 4. An Explanation describing the present nonconforming use or structure;
 - 5. An explanation of any proposed addition or alteration to the uses or structures;
 - 6. Time frame for completion of the project; and,
 - 7. Comparison of the proposed activity to the existing structure or use.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 109. The applicant must demonstrate undue hardship for the expansion of the nonconforming use or structure. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identifies in Section 904. Conditions may be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this ordinance.

Section 904 Standards for Review and Approval of Completion, Resumption, Restoration, Reconstruction, Extension or Substitution.

- A. In granting its approval, the Planning Commission shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:
 - 1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance;
 - 2. The use or structure does not, and is not likely to significantly decrease the value of nearby properties;
 - 3. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform;
 - 4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by Au train Township;

5. The use or structure will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
6. The use or structures will not be hazardous or disturbing to existing or foreseeable neighboring uses;
7. The use or structure will not diminish the value of land, buildings, or structures in the district;
8. The use or structure will be served adequately by essential public facilities and services; and,
9. The use or structure will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

Section 905 Provision for Designation of a Non-Conforming Structure

- A. It is recognized that there exists within the township structures which were lawfully established prior to passage of this Ordinance, but which no longer are in conformance with this Ordinance.
- B. It is the intent of this section to permit such legal nonconforming structure to be reconstructed as a result of damage by fire or other casualty, without the approval of the Planning Commission.
- C. The Planning Commission shall, upon receipt of an application, schedule a public hearing. A written application shall be filed with the Planning Commission which shall include:
 1. Name and address of property owner;
 2. A legal description of the property or lot;
 3. A site plan pursuant to Section 1003 or 1004;
 4. An explanation describing the present nonconforming structure or use.
- D. Upon hearing the facts and information, the Planning Commission shall make its decision in writing as to whether the structure shall be granted a Non-Conforming designation. The findings and reasons shall be based, pursuant to the standards identified in Section 906.
- E. The conferring of a Non-Conforming designation on a structure only allows the structure to be built or reconstructed in the event it is damaged by casualty or fire without obtaining the approval of the Planning Commission.
- F. Should the Non-Conforming structure or use become a conforming structure or use, the Non-Conforming designation becomes null and void.
- G. Any Non-Conforming Use or Structure maintained or used in violation of this Ordinance is a nuisance per se. Violations not corrected shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Non-Conforming designation in writing and set for the findings and reasons on which it is based.

Section 906

Reference to ZEA for Section 125.3208 Sec. 208. [1]

ARTICLE X SITE PLAN REVIEW

Section 1001 Intent

- A. It is the purpose of this Article to require site plan review approval for all buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained herein are intended to provide and promote: 1) the orderly development of the township, 2) safe and convenient traffic movement, both within a site and in relation to access streets, and 3) the stability of land values and investments by preventing the impairment or depreciation of land values and development.

Section 1002 Site Plan Required

- A. No person shall commence any use or erect or enlarge any structure that requires a county or state permit without first obtaining the approval of a site plan by the Zoning Administrator. All non-residential uses utilizing more than one (1) acre of land except for timber and agriculture uses shall be required to submit a site plan.
- B. A site plan is required for, and shall accompany the following applications:
1. Zoning Compliance Permits for:
 - a. Any proposed construction,
 - b. Any commencement of a new use,
 - c. Any proposed change in use.
 2. Conditional Use Permit
 3. Variance
 4. Any other request for zoning status
- C. The site plan shall be drawn on or attached to the application form at an appropriate scale for the required information to be properly and clearly shown.

Section 1003 Site Plan for Single and Two-Family Dwellings and Residential Accessory Uses and Structures and for Recreational Structures

- A. The site plan shall include:
1. A legal description of the site.
 2. All lot lines and dimensions of the lot.
 3. All roads and easements.
 4. All existing and proposed buildings shall be shown and labeled.
 5. Proposed use of each building.
 6. Distances between buildings and all lot lines.
 7. Building dimensions.
 8. Natural features affecting development (rock, water, etc.)
 9. Well and septic locations.
 10. A north arrow.

Section 1004 Site Plans for Commercial, Industrial, and Multiple Family Development (all other development)

- A. The site plan shall be provided on six identical copies on one or more sheets depicting the following:
1. A scale adequate to illustrate the proposed activity.
 2. A legal description of the lot: the name, address and telephone number of the owner, developer, and designer.
 3. Date, North arrow, and scale.
 4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, or licensed engineer, with survey stakes visible) showing the relationship of the subject property to abutting proper
 5. The location of all existing and proposed structures including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
 6. The location of all existing and proposed drives and parking areas.
 7. The location and right-of-way widths of all abutting streets, alleys, and private drives.
 8. The location of proposed planting and screening, fencing, signs, and advertising features.
 9. The height and floor area of all proposed structures.
 10. The size and location of all existing and proposed public and private utilities and required landscaping.
 11. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
 12. A topographic map with enough detail to show the location of all existing and proposed surface water impoundments, and the surface water drainage pattern.
 13. The location and extent of all earth movement which is planned. Indicate if a sedimentation erosion control permit has been applied for.

Section 1005 Review Procedures

- A. Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form contains all of the required information, and shows compliance with this Ordinance. The Zoning Administrator shall provide a copy of a site plan to the Road Commission, Soil Conservation District, and Health Department. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within 10 working days, approve or deny in writing, setting forth in detail the reasons, which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance, and any changes which would make the plan acceptable.
- B. The proposer may appeal any denial to the Township Zoning Board of Appeals.

Section 1006 Site Plan Review Standards

- A. The Zoning Administrator and Planning Commission shall use the following standards for site plan approval:
1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of the buildings. The site will be so developed as to not impede the normal and orderly development or improvement or surrounding property for uses permitted in the Ordinance.
 2. The landscaping shall be preserved in its natural state in so far as practical by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
 3. Special attention shall be given to proper site surface drainage so that removal of storm waters and melting stockpiled snow will not adversely affect neighboring properties.

4. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used as appropriate for the protection and enhancement of property and for the privacy of its occupants.
5. All buildings or group of buildings shall be arranged to permit emergency vehicle access to all sides.
6. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
7. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, a residential zone, or public thoroughfares, shall be screened to at least 6 feet in height.
8. Exterior lighting shall be arranged so it does not adversely affect adjacent.

ARTICLE XI ZONING BOARD OF APPEALS

Section 1101 Establishment of Zoning Board of Appeals

- A. The Zoning Board of Appeals is hereby established in accordance with the ZEA Article VI Sec 125.3601, Page 17. The Board shall consist of three or five members: one member shall be a member of the Planning Commission. The Board may appoint 2 alternates.

Section 1102 Procedures

Reference ZEA Article VI Sec. 123.3604 and Article VII Sec. 125.3701

- A. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 108.

Section 1103 Duties and Powers

- A. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance. Refer to ZEA, Article VI Sec. 125.3606

Section 1104 Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.
- B. The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose for this Ordinance;
 - 2. Determine the precise location of the boundry lines between zoning districts in accordance with Section 303;
 - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 1414, or by an analysis of the specific needs.
 - 4. Determine if a use is similar to any expressly permitted (either by right of conditionally) use within a specific district.

Section 1105 Variance

- A. The Zoning Board of Appeals shall have the power to authorize, upon appeal in specific cases, a variance from the provisions of this Ordinance that will not be contrary to the public intrest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in unnecessary hardship or practical difficulty.

- B. The Zoning Board of Appeals shall not grant a variance unless the following conditions are met:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of the Ordinance;
 3. The special conditions and circumstances necessitating the variance did not result from the actions of the applicant; and,
 4. The granting of the variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- C. The Zoning Board of Appeals shall make findings that the applicant has met the requirements of this section.
- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, structure, or building.
- E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to the end shall have the powers of the public official from whom the appeal was taken.
- H. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or building, or the construction authorized by such variance has commenced within one year after the granting of the variance.
- I. An extension of one year may be granted by the Zoning Board of Appeals if evidence of effort towards completion of the building, or occupancy of the land or building, has been shown and such request is made within 30 days and not more than 60 days before the expiration date.

Section 1106 Appeals

- A. Appeals concerning interpretation and administration of this ordinance shall be made by filing a written notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall furnish to the Zoning Board of Appeals copies of all papers constituting the record of the decision which is being appealed.
- B. A fee of \$150.00 shall be paid to the Township at the time of filing the notice of appeal.
- C. Any party or parties may appear at the hearing in person or by agent or attorney. The Zoning Board of Appeals shall decide all matters within 10 working days of the public hearing. The decision of the Board shall be in the form of a resolution containing full record of its findings and determinations in each case.
- E. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only by filing an appeal based on the decisions of the Zoning Administrator.
- F. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Alger County, as provided by law.

ARTICLE XII TEXT AND REZONING AMENDMENTS

Section 1201 Intent

- A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board, by the Planning Commission, by other government agencies, or by an individual, business or organization.

Section 1202 Required Amendment Information

- A. If the amendment is to change the text of this Ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission.
- B. When the petition involves a change in the Zoning Map the petitioner shall submit the following information:
 - 1. A legal description of the property.
 - 2. A scaled map of the property, correlated with the legal description and clearly showing the property's location.
 - 3. The name and address of the petitioner.
 - 4. The petitioner's interest in the property.
 - 5. Signatures of petitioner(s) certifying the accuracy of the required information.
 - 6. The desired change and reasons for such change.

Section 1203 Procedure

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, to be referred to the Planning Commission for review at a public hearing held in conformance with Section 109.
- B. Following the public hearing, the Planning Commission shall transmit their recommendation, and a summary of the comments received at the public hearing, to the Alger County Planning Commission who shall have 30 days to review and comment.
- C. The Planning Commission shall transmit their recommendation, a summary of the comments received at the public hearing, and the comments from the Alger County Planning Commission to the Township Board who may hold additional public hearings if it considers necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given not less than 15 days before the hearing.
- D. After receiving the recommended amendment, the Township Board, at a regular meeting or at a special meeting shall consider the recommendation and vote upon the adoption of the amendment. Any amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions.

- E. The Planning Commission shall have 30 days from receipt of the proposed change or departure to send its report to the Township Board. and shall notify, by personal service or by mail before the hearing, all owners, residents, or managers of property adjacent to or within 600 feet of the property to be directly affected by a zoning decision. In addition the notice shall be sent to three property owners in all directions from the affected property; the intent of this provision is to assure that in areas of low density population that a sufficient number of individuals and property owners are notified who may reside a distance greater than 600 feet from the affected property.
- F. After receiving the report the Township Board may grant a hearing on the request prior to the regular meeting at which the proposed amendment is to be considered. The Township Board may then adopt, by a majority vote the amendment to the zoning ordinance with or without amendments that have been previously considered by the Planning Commission.
- G. Notice of adoption of the amendment shall be published as required by law.
- H. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon re-submittal. Re-submittal shall follow the same procedure as outlined in this Section.
- I. An amendment shall not be approved unless standards in Section 1204 and other identified facts are affirmatively resolved in terms of the general health, safety, welfare, comfort and civil divisions where applicable. Reference to ZEA Act III 125.3306.

Section 1204 Standards for Review of Amendments

- A. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.
- B. The general standards to be considered by the Planning Commission shall include, but not be limited to, the following:
 - 1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - 2. Whether the requested zoning change is consistent with the Goals and Policies and other elements of the Alger County Master Plan.
 - 3. The precedents and the possible effects of such precedents which may result from approval or denial of the petition.
 - 4. The ability of the Township or other government agencies to provide any services, facilities and/or programs that might be required if the petition is approved.

5. Whether there are any significant and negative environmental impacts, which would potentially occur if the petitioned zoning change and resulting permitted structures, were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.
6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.