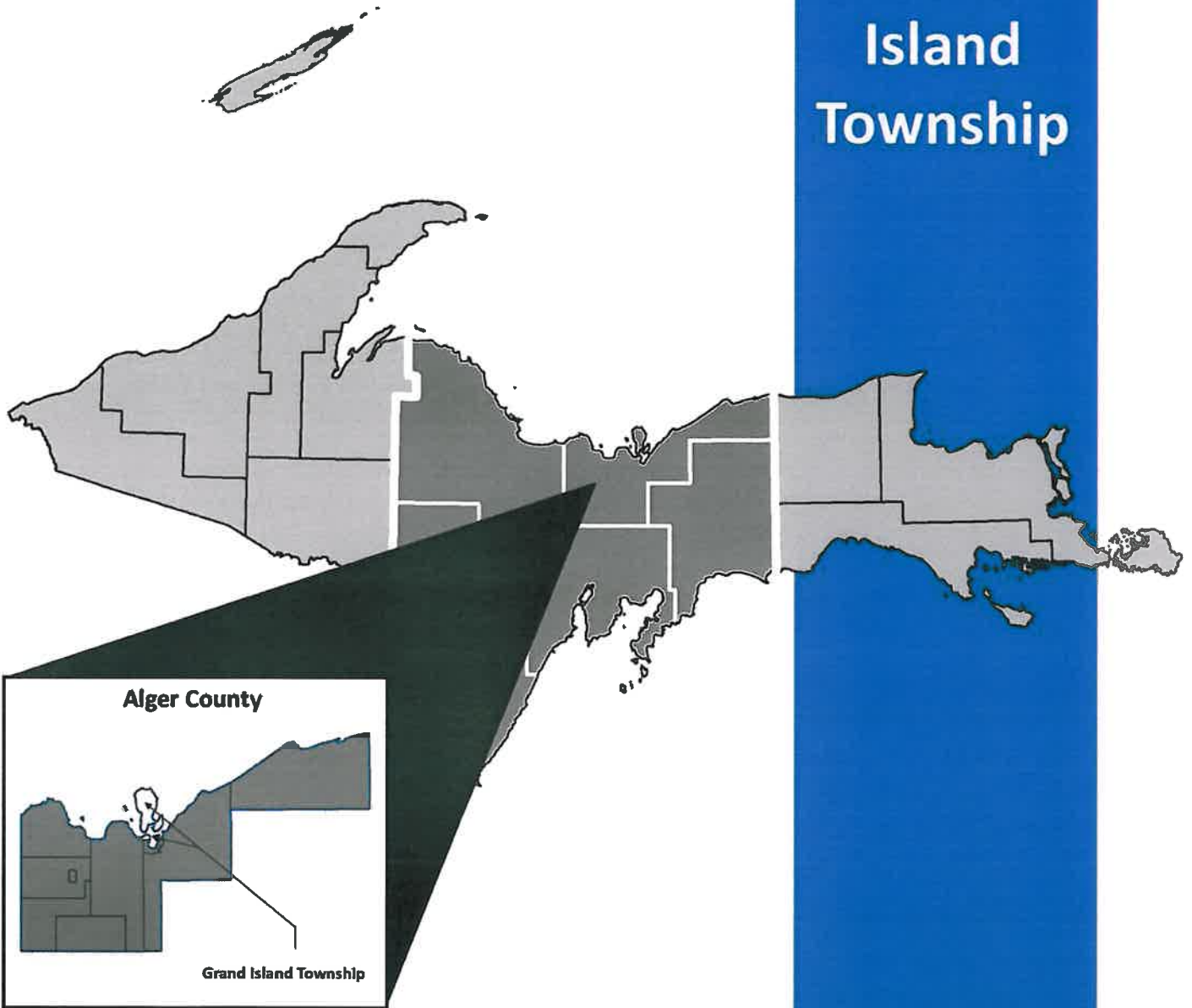


# Grand Island Township



## Zoning Ordinance

Prepared By:  
Grand Island Township Planning Commission  
&  
Grand Island Township Board  
Adopted: December 11, 2012  
Effective: December 27, 2012



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**ARTICLE I  
PURPOSE OF ZONING**

Section 101 Purpose

An Ordinance to establish zoning districts and regulations governing the development and use of land within the Grand Island Township, in accordance with the provisions of Act 110, Public Acts of 2006, as amended; to provide for regulations governing nonconforming uses and structures; 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 regulations regarding conflicts with other ordinances or regulations.

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and the stability of the agricultural, residential, and non-residential areas within the Township of Grand Island and promoting the orderly and beneficial development of such areas;
- C. Providing adequate light, air, privacy and convenience of access to property;
- D. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health;
- E. Lessening and avoiding congestion on the public highways and streets;
- F. Providing for the needs of agriculture, housing, and commerce in future growth;
- G. Protecting the public and adjacent uses from fire, explosion, noxious fumes or orders, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- H. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- I. Enhancing social and economic stability in the Township;
- J. Enhancing the aesthetic desirability of the environment throughout the Township; and
- K. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land.

Section 102 Short Title

This Ordinance shall be known and may be cited as the Grand Island Township Zoning Ordinance, Alger County, Michigan.

## ARTICLE II DEFINITIONS

### Section 201 Construction of Language

The following rules of construction shall apply to the text of this Ordinance:

- A. 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 Ordinance, shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. 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.
- F. The word "building" includes the word "structure", and the word "dwelling" includes the word "residence". A "building" or "dwelling" includes any part thereof.
- G. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.
- H. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- I. The word "lot" includes the words "plot" and "parcel".
- J. 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", "either...or", the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.

- K. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- L. Whenever a reference is made to several sections and the section numbers are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.
- M. In computing a period of days, the first day is excluded and the last day is excluded. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

### Section 202 Definitions

For the purpose of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement, and enforcement 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 Foster Care Facility: A governmental or nongovernmental establishment that provides foster care to adults. Includes facilities and foster care family home for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. This definition includes other provisions and limiting appearing in MCL 400.703.
4. Agriculture: Any land or building use for pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.
5. 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.
6. Alterations: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; or any change which may be referred to herein as "altered" or "reconstructed".
7. Apartment: A dwelling unit in a "dwelling, multiple-family" as defined herein.



8. Attached Wireless Communication Facilities: Any wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.
9. Basement: That portion of a building which is partially or wholly below grade. A basement shall not be counted as a story.
10. Bed and Breakfast: A single-family detached dwelling, containing four or fewer sleeping rooms available for rental to transient tenants for less than 15 consecutive nights. Guest accommodations shall be subordinate to the principal use of the dwelling as a single-family residence. Breakfast shall be served to guests at no additional cost; other meals may be served in accordance with P.A. 112 of 1987, as amended.
11. Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
12. Billboard: An outdoor sign advertising services or products, activities, persons or events which were not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
13. 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, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
14. Bluffline: The edge or crest of the elevated segment of the shoreline above the beach or beach terrace which may be subjected to wave attack, and normally presents a precipitous front and inclines steeply on the water side. (Dunal terraces which accrete and erode depending on water levels are not considered blufflines.)
15. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
16. Buffer Strip: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
17. Building: Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced (fire) wall(s) extending from the ground up, each part is deemed a separate building, except for minimum side yard requirements as hereinafter provided.

18. Building Area: The area (square footage) included within surrounding exterior walls (or fire walls) exclusive of vents, elevator or other shafts, courts, or courtyards. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the floor above.
19. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for 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 wall.
20. Building Line: A line parallel to the front lot line, which for purposes of this Ordinance, a minimum building line is the same as the minimum required front setback line.
21. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
22. Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator or authorized person to a party intending to initiate any work or change any use of property in the Township.
23. Church: A building wherein persons regularly assemble 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.
24. Clinic: A location where medical or dental care is furnished to persons or animals on an outpatient basis by licensed doctors, dentists, or veterinarians.
25. 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.
26. Co-location: Means the location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Township.
27. Commercial Vehicle: Any vehicle so registered or required by the State to be registered as a vehicle used for commercial purposes.
28. Conditional Use Permit (CUP): Pursuant to the Zoning Ordinance, a conditional use permit (CUP) may authorize uses not routinely allowed on a particular site. CUPs require

a public hearing and if approval is granted, are usually subject to the fulfillment of certain conditions by the developer. Approval of a CUP is not a change in zoning.

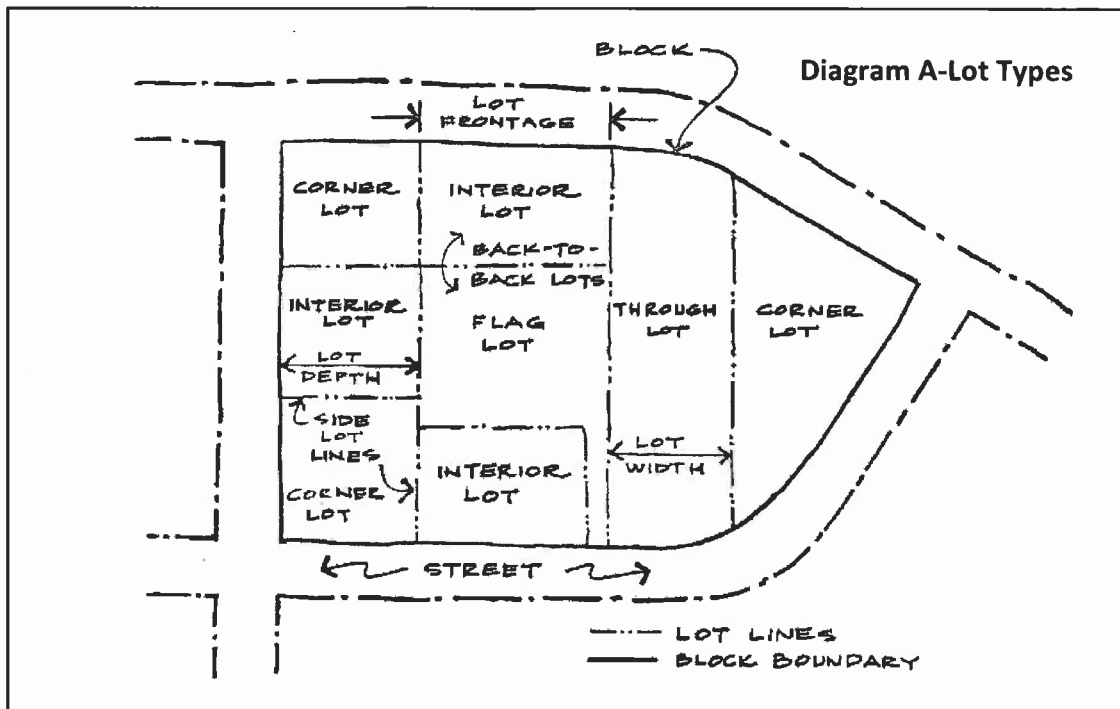
29. Condominium: A building or group of buildings in which the dwelling units, offices or floor area are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
30. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a private right-of-way or easement running through them. A parcel in the same ownership, which would otherwise be touching except for a public right-of-way or easement running through it, shall not be considered contiguous property.
31. Density: The number of dwelling units situated on or to be developed on a net acre of land.
32. Directional Sign: An on-site sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
33. District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.
34. Driveway: Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
35. Dwelling, Single-Family: A structure, including modular housing units, but excluding mobile homes, designed or used for residential occupancy by one family.
36. Dwelling, Two-Family: A structures containing two dwelling units each designed for residential occupancy by one family.
37. Dwelling, Multiple-Family: A building containing three or more dwelling units each designed for residential occupancy by one family, including condominiums.
38. Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.
39. Easement: The legal right to use property owned by another for specific purposes or to gain access to another property. The easement may be for a portion or all of the property and can be deemed as under, on, or above said property.

40. Erected: The word "erected" includes built, constructed, reconstructed, move upon, or any physical operations on the premises required for a building. Excavations, fill, drainage, and the like, shall be considered part of erection.
41. 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.
42. Family: An individual or two or more persons related by blood, marriage or adoption, or parents along 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 housekeeping unit with single cooking facilities. 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 facilities as established under P.A. 395 of 1976, as amended.
43. Family Day-Care Home: A private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
44. Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
45. Fence: An artificially constructed barrier of wood, metal, stone or any manufactured materials erected for the enclosure of yard areas.
46. Floor Area Ratio: Intensity measured as a ratio, derived by dividing the total floor area of a building by the base site area.
47. Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patron, clients or customers. Such floor area which is used or intended to be used principally 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." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the heated, living area of the building, measured from the interior faces of the exterior walls, excluding private garages.

48. 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.
49. 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
50. Grandfathered: A land use or activity, which lawfully existed prior to the adoption of this Ordinance.
51. Group Day-Care Home: A private home licensed or registered under Public Act 116 of 1973, in which more than six (6) but not more than twelve (12) adults or minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during the year. A group day care home does not include facilities offering nursing services, congregate care facilities, drug treatment facilities nor facilities for the care and treatment of persons released from or assigned to correctional facilities.
52. Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary or barrier that protects, shields, or separates one area from another.
53. Home Occupation: A use or occupation conducted on the premises either within the main residential dwelling or an accessory dwelling which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the terms as identified in this definition. Home occupations are permissible by Conditional Use Permit in those districts specified in Article III.
  - a. Home occupations shall employ only those members of the family residing on the premises and not more than one outside employee;
  - b. There shall be no exterior evidence of the conduct of home occupations, other than an approved sign;
  - c. Any traffic generated or parking requirements shall be limited by the conditions and restrictions imposed in the Special Use Permit.
  - d. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home

- occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation;
- e. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses 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;
  - f. A sign advertising the home occupation shall not exceed nine (9) square feet and shall not be illuminated or have working parts. It may be attached flush to the building or placed to the front of the lot and shall not detract from the visual appearance of the neighborhood;
  - g. Accessory buildings used in the conduct of home occupations shall conform to the setback requirements of the principal building;
  - h. If the home occupation is conducted in an accessory building, it shall not have a square footage greater than those areas allowed in Section 404 of this Ordinance, unless an approved Conditional Use Permit is obtained from the Planning Commission.
54. Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but not including hospitals, nursing homes or similar facilities. A hotel may also include a restaurant, small meeting rooms, etc., primarily for use by guests.
55. Kennel, Commercial: Any activity involving the permanent or temporary keeping or treatment of more than three (3) domestic pets, including adult dogs or cats, or any combination of such animals exceeding three (3) in number, other than ordinary agricultural activities.
56. Loading Space: An off-street space on the same lot with a building, or group of buildings for one temporary parking or a commercial vehicle while loading or unloading merchandise or materials.
57. Lodge: A single building or facility that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of guests with or without sleeping facilities.
58. Lot: Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces of yards as are required under this Ordinance and having its principal frontage upon a street. (See Diagram – A)



59. Lot Area: The total horizontal area within the lot lines of a lot.
60. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length. (See Diagram A)
61. Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
62. Lot, Interior: A lot other than a corner lot. (See Diagram A)
63. Lot Line(s): Any of the lines bounding a lot as defined herein. (See Diagram A)
  - a. Front Lot Line: 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 that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit application, the designated front lot line shall remain as such.
  - b. Rear Lot Line: 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 (10) feet in length, lying farthest from the front lot line and wholly within the lot.
  - c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

64. Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Alger County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Alger County, Michigan, prior to the adoption of this Ordinance.
65. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines. (See Diagram A)
66. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines. (See Diagram A)
67. Master Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.
68. Mobile Home: A structure designed or used for residential occupancy built upon or having a frame or chases to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted.
69. 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 home and including any accessory buildings, structures or enclosures comprising facilities used by park residents.
70. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules 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 single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
71. Motel: A series of attached or detached rental unit containing bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the traveling public.
72. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.



73. 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.
74. 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 amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.
75. Nuisance: Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:
- a. noise;
  - b. dust;
  - c. smoke;
  - d. odor;
  - e. glare;
  - f. fumes;
  - g. flashes;
  - h. vibration;
  - i. objectionable effluent;
  - j. noise of a congregation of people, particularly at night;
  - k. invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.
76. Nursery School (Child-Care Center): A public or private school, kindergarten or child care facility wherein day-care, or day-care and education is provided for five (5) or more minors.
77. Parking Space: An area of not less than one hundred eighty (180) square feet in area, exclusive of drives, aisles or entrance giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
78. Personal Services Use: A facility for the sale of personal services. Typical personal service uses include a barber/beauty shop, shoe repair, a tailor, a photography studio, a laundry or cleaning pickup and receiving station, a handcrafted art work studio, safe deposit boxes, a travel bureau, fitness center and custom printing or duplicating shop.
79. Planned Unit Development: A tract of land developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan, which allows flexibility of design not available under

normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses

80. Planning Commission: The Township Planning Commission of Grand Island Township.
81. Principal Building: Any building or structure that adheres to the principal use for which that lot or parcel is zoned.
82. Principal Use: The main use to which the premises are devoted and the principal use for which the premises exist.
83. 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.
84. Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, electricity, sewage disposal, communication, telephone, transportation or water.
85. Quarry: Any excavation or demolition or combination thereof for the purpose of removing sand, gravel, rock, pit-run, or other sub-surface material.
86. Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
87. Resort: A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential, dwelling units, cottages, cabins, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.
88. Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
89. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
90. Riparian Lot: Lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.

91. Riparian Rights: Those rights which are associated with the ownership of the bank or shore of an inland lake or stream.
92. Road: A public thoroughfare, including street, drive, highway, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.
93. Road, Private: Any right-of-way or area set aside to provide vehicular access within a development that is not dedicated or intended to be dedicated to the public and is not maintained by the public.
94. Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.
95. Seasonal Dwelling: A residential building, whether temporary or permanent. Where "seasonal dwelling" is provided as a principal permitted or conditional use in this Ordinance, it is intended that governmental services including snow plowing, road construction or maintenance, utilities, school bus service, and other like services may not be provided to such dwelling or use.
96. Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
97. Setback, Front: The minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line. On lots or properties abutting a public road or highway the front setback line is established from the road Right of Way.
98. 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.
99. 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.
100. Shared Driveway: A driveway that is shared by adjacent property owners that is privately owned and maintained.
101. Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

102. Sign Area: The entire area within a perimeter defined by a continuous line composed of right angles using not more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.
103. Sign-Billboard/Off Premise: An outdoor sign advertising services or products, activities, persons or events which were not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
104. Sign-Building: A sign which identifies or directs attention to a business which is permanently affixed to a building or structure.
105. Sign-Directional: A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way," "entrance" and "exit" but not used for advertising.
106. Sign-Freestanding: A sign having its own support mechanism placed in or upon the ground.
107. 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.
108. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
109. State Licensed Residential Facility: A structure constructed for residential purposes that are licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.
110. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
111. Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, free-standing signs and satellite dishes, and not including sidewalks, drives, patios, and utility poles.
112. Township Board: The Township Board of Grand Island Township.
113. Transient Lodging Accommodations: Temporary accommodation typically for less than 14 consecutive days.
114. Vacation Rental: The use of a single-family dwelling in which the dwelling is rented for transient use.

115. Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
116. Wind Turbine: A wind energy conversion device that produces electricity; typically three blades rotating about a horizontal axis and positioned up-wind of the supporting.
117. Wireless Communication Facilities: Means 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.
118. Yards:
- a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
  - b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
  - c. Yard, Side: An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.
119. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.
120. Zoning Board of Appeals: The Zoning Board of Appeals of Grand Island Township.

Section 203 Undefined Terms

Any term not defined herein shall have the meaning of common or standard use.

### **ARTICLE III ZONING DISTRICTS AND MAP**

#### Section 301 Establishment of Districts

For the purpose of this Ordinance, Grand Island Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

- TD: Town Development District
- LR: Lakeshore Residential District

#### Section 302 Zoning Districts Map

The boundaries of the respective districts enumerated in Section 301 are defined and established as depicted on the map entitled "Official Zoning Map of Grand Island Township, Alger County, Michigan" 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.

This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: "This is to certify that this is the Official Zoning Map of Grand Island Township Zoning Ordinance adopted on the 11<sup>th</sup> day of December, 2012." If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map, such changes approved by the Township Board together with an entry on the Official Zoning Map showing the date and official action taken.

The Township Clerk shall keep the official copy of the map. It shall be available for public inspection and shall be the final authority as to the zoning status of any property within the Township.

#### Section 303 Replacement of Official Zoning Map

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, 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 same signatures and certification as required in Section 302. Unless the 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 304 Application of District Regulations

The regulations herein established within 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 or hardships in the way of carrying out the strict letter of this Ordinance, the Board of Zoning Appeals shall have power in passing upon appeals, in

accordance with Article X herein, 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 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Uses are permitted by right only if specifically listed as principal permitted uses in the various Zoning Districts. Where not specifically permitted, uses are thereby prohibited unless construed to be similar to an expressly permitted use by the Zoning Board of Appeals of Grand Island Township.
- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

Section 306 Conflicting Regulations

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

Section 307 District TD: Town Development

- A. Intent: The TD, 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. Principal Permitted Uses:
1. Adult foster care family home.
  2. Dwelling, single-family.
  3. Dwelling, two-family.
  4. Essential services.
  5. Family day care home.
  6. General retail sales to the consumer not to exceed 1,200 square feet; production may occur on the premises provided all goods produced on the premises must be sold on the premises.
  7. Offices not to exceed 1,200 square feet.
  8. Personal services not to exceed 1,200 square feet.
  9. Public buildings.
  10. Seasonal dwelling.
  11. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions.
- C. Permitted Accessory Uses: The following are permitted accessory uses.
1. Accessory structures normally associated with single-family dwellings such as a private garage, shed, playhouse, boathouse, woodshed, sauna, swimming pool and the like.
  2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
  3. Pens and private kennels for household pets, not constituting a commercial kennel.
  4. Signs, as required and subject to the regulations established in Article V.
- D. Conditional Uses Permitted by Permit: The following uses of land and structures may be permitted in this District, by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Adult foster care facility.
  2. Bed and breakfast.
  3. Child care facility.
  4. Churches and other buildings for religious worship.
  5. Dwelling, multiple-family.
  6. General retail sales to the consumer exceeding 1,200 square feet; production may occur on the premises provided all goods produced on the premises must be sold on the premises.
  7. Greenhouse, commercial.



8. Group day-care home, shall be granted if consistent with standards in section 704.
9. Home occupation.
10. Hotel and motel.
11. Nursing home.
12. Offices exceeding 1,200 square feet.
13. On-site wind energy system.
14. Outdoor wood burning boilers.
15. Personal services exceeding 1,200 square feet.
16. Private and public parks and similar recreational facilities.
17. Resort and Lodge.
18. Restaurant.
19. Schools.
20. Vacation rental.
21. Wireless communications tower.

Section 308 District LS/R: Lakeshore Residential

- A. Intent: The LS/R, Lakeshore Residential District is intended for the establishment and preservation quiet neighborhoods for single-family dwellings free from other uses except those which are compatible with and convenient to the residents in this district.
- B. Principal Permitted Uses:
  1. Dwelling, single-family.
  2. Essential services.
  3. Family day care home.
  4. Seasonal dwelling.
  5. Stairways, landings and rustic fences within the ordinary high water mark if there is a bluff.
  6. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
  1. Accessory structures normally associated with single-family dwellings such as a private garage, shed for yard tools, playhouse, bath house, woodshed, sauna, swimming pools, and the like.
  2. Pens and private kennels for household pets.
- D. Conditional Uses Permitted by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as required for in Article VI.
  1. Accessory vehicle storage
  2. Bathing facilities.
  3. Bed and breakfast.
  4. Boat liveries.
  5. Churches and other buildings for religious worship.
  6. Dwelling, two family.

7. Fishing piers.
8. Home occupation.
9. On-site wind energy system.
10. Outdoor wood burning boilers.
11. Private and public parks and similar recreational facilities.
12. Resort and lodge.
13. Two-family dwellings.
14. Vacation rental.
15. Wireless communications tower.

Section 309 Reserved for Future Use

Section 310 Reserved for Future Use

**ARTICLE IV  
 GENERAL REGULATIONS**

Section 401 Height, Bulk and Placement Regulations

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 in the Schedule of Regulations 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 of any front lot line.

SCHEDULE OF REGULATIONS						
			SETBACK			
DISTRICT	MINIMUM LOT SIZE (SQ FT)	MINIMUM LOT WIDTH (FEET) <sup>A</sup>	FRONT	SIDE (FEET)	REAR (FEET)	MAXIMUM HEIGHT (FEET)
TD	1 acre	150'	50' <sup>A</sup>	20'	10'	30'
LS/R	1 acre	150'	50' <sup>A</sup>	20'	25'	30'

Section 402 One Principal Building per Lot

- A. No more than one principal building shall be permitted on a lot.
- B. In the Town Development District, buildings with commercial use on the ground floor may have residential use within the structure.
- C. A single-family dwelling may be allowed to be located on the same lot as a permitted business by application for and issuance of a Conditional Use Permit.

Section 403 Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

- A. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas, wire transmission structures, and cooling towers. Any commercial tower shall be so located that the distance from the base of the tower to the nearest property line shall be fifty (50) feet greater than the height of the tower;
- C. Public utility structures; and

- D. Agriculture related structures such as barns, silos, elevators and the like.

Section 404 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A. 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.
- B. An accessory building unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.
- C. No accessory building shall be located less than thirty (30) feet from the front lot line on a lot in any residential district or on a lot in any other district having a common side lot line with a lot in any residential district. Uniform setbacks in both directions must be maintained when front of lot is optional.
- D. Accessory uses on corner lots must maintain uniform setbacks with adjoining side lots.
- E. No accessory building shall be closer than five (5) feet to a side lot line and ten (10) feet to a rear lot line.
- F. Customary home occupations are permitted as an accessory use to residential use or occupancy but only to the extent authorized by the definitions of these terms in this Ordinance. Accessory buildings used for the conduct of home occupations shall conform to the setback requirements of the principal building.
- G. Accessory buildings shall not exceed the 1,500 square feet unless an approved Conditional Use Permit is obtained from the Planning Commission.

Section 405 Waterfront Development

All new structures built after the effective date of this Ordinance, on lots abutting any body of water, as defined in PA 451 of the Public Acts of 1994, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 50 feet as measured from the high water mark or lot line. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of 30 feet as measured from the high water mark or lot line.

Section 406 Variance of Requirements for Lots of Record

Any residential lot created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot area and/or dimensions are less than those

required for the District in which the lot is located, provided that yard dimensions and other requirements of the District, not involving lot area or width are met.

Section 407 Lights

Yard lights, including dusk to dawn lights, shall be so erected and so shielded that the light is directed down onto the property on which it is erected so that it shall not be offensive to neighbors or the traveling public.

Section 408 Access to A Street (Lot of Record)

Any one lot of record created without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. Under this provision, such an access route may serve no more than one lot. Additional lots, however, may be served by a single access upon application for and receipt of a Conditional Use Permit as provided for in Article VI and Section 607.

Section 409 Screening

In District TD whenever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within fifty (50) feet of any residential use, a planting screen of sufficient length to interfere with the view thereof from the adjoining district shall be required except where the view is blocked by change in grade or other natural or manmade features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, an opaque wooden fence, a chain link fence with interwoven redwood or cedar slats, or a masonry wall may be substituted.

Where the zoning districts are separated by a state trunkline or paved county primary road, the screening requirement shall not be required. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the above is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay but no permanent certificate of occupancy shall be issued until completion of all required plantings. Any certificate of occupancy may be revoked after thirty (30) days written notice to the person assessed taxes on the affected property and to the occupant, wherever plantings are not maintained as required in this Ordinance.

Section 410 Off-Street Parking Requirements

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

USE	SPACES REQUIRED
Single and two-family dwelling	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly	.4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit

USE	SPACES REQUIRED
Mobile home subdivisions and parks	2 per mobile home
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Barber shops and beauty parlors	2 plus 1.5 per chair
Fast food take-out establishments and drive-in restaurants	.10 times floor area in square feet
Restaurants (except drive-ins)	1.2 per 100 square feet of floor space
FOR USES NOT SPECIFICALLY LISTED ABOVE, THE REQUIREMENTS LISTED BELOW ARE APPLICABLE:	
USE	SPACES REQUIRED
Retail stores and service establishments	1 per 150 square feet of floor space and outdoor sales space
Offices	1 per 300 square feet of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

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.

Required off-street parking shall be provided on the lot to which it pertains. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Additionally, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking or motor vehicles is prohibited.

The following minimum design standards shall be observed in laying out off-street parking facilities:

PARKING ANGLE	STALL WIDTH	AISLE WIDTH	PARKING STALL LENGTH	CURB TO CURB
0° to 15°	9 Feet	12 Feet	23 Feet	30 Feet
16° to 37°	10 Feet	11 Feet	19 Feet	47 Feet
38° to 57°	10 Feet	13 Feet	19 Feet	54 Feet
58° to 74°	10 Feet	18 Feet	19 Feet	61 Feet
75° to 90°	10 Feet	24 Feet	19 Feet	63 Feet

Section 411 Keeping of Animals and Pets

The keeping of household pets, including dogs, cats, rabbits, fish birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any

residential zoning district. However, no more than three dogs or cats, six months of age or older, in any combination, and shall be kept or housed in or at one dwelling unit in a residential district, unless the use is a commercial kennel.

Section 412 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Grand Island Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location 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 Grand Island 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. A Conditional Use Permit for a new wireless communication facility shall not be granted until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.
  2. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs that might result in lower heights. No part of any wireless communication facility shall be constructed, located or maintained at any time on 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 property lines a distance equal to its height.

5. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks. The accessory building shall not exceed 600 square feet.
6. A wireless communication facility may be of 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.
7. All support structures must be certified by a professional engineer who is licensed in Michigan, that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All metal support structures shall be constructed of or treated with corrosive resistant material. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, and 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.
8. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
9. There shall be no advertising display on the wireless communication facility or identification of any kind to be visible from the ground or other structures, except as required for emergency purposes.
10. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities. The fence shall be a minimum height of eight feet.
11. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. Each accessory building shall not exceed 600 square feet.
12. 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 it does not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
13. 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. A facility shall be considered abandoned when it has not been used for one year or more. For the purposes of this section, the removal of antennas or other equipment from the facility, or cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. Following complete demolition and removal of the building and structure, the premise shall be



restored with six inches of topsoil, seeded and mulched. The applicant shall provide a performance bond or a surety bond issued by an acceptable bonding company authorized to do business in the State of Michigan for the removal of the wireless and communication facilities and restoration of the site.

14. 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.
15. Conditions and safeguards as identified in Section 605 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

#### Section 413 Outdoor Wood Burning Boilers and Appliances

- A. Boilers/Units and outside wood burning are a Conditional Use in the TD and LS/R Districts.
  1. Conditions for approval:
    - a. Lots of 2.5 acres or larger;
    - b. A setback of 75 feet from any and all lot/property lines, easements and right-of-ways;
    - c. Minimum chimney height of 12 feet, measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling, within 1,000 feet, whichever is higher;
    - d. No fuel other than natural wood without additives, wood pellets without additives and agricultural seeds in their natural state may be burned and no outdoor wood burning boiler or appliance may be used as a waste incinerator;
    - e. Unit shall not be located in the front yard;
    - f. A grant of Zoning Compliance Permit constitutes an agreement between the land owner and Grand Island Township, that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with above conditions.

#### Section 414 Wind Turbines

- A. The Township desires to encourage and facilitate wind turbines and wind test towers within the Township, in a manner that protects the health, safety and welfare of local residents, protects historic values and minimizes environmental and visual impacts.
- B. Wind Turbines and wind test towers may be permitted in any district with the issuance of a conditional use permit.
- C. The Planning Commission shall use the following standards in reviewing the Conditional Use Permit.

1. The proposed wind turbine or test tower will not block, interfere or otherwise impair a scenic vista, corridor or the view of a neighboring residential structure.
2. The primary purpose of a wind turbine will be to provide power for the principal use of the property whereon said wind turbine is to be located and shall not be the generation of power for commercial purposes unless permitted by the Planning Commission. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a wind turbine designed to meet the energy needs of the principal use.
3. Towers shall be set back from any lot line a distance at least equal to one and one-tenth times (1.1 x) the wind turbine height. Additional side and rear yard setbacks from the required structure zoning ordinance setback shall be determined by the Planning Commission and shall be based upon the height of the proposed wind turbine.
4. No variance shall be granted in connection with a proposed wind turbine or test tower to permit a height greater than 175 feet of the placement of a wind turbine or test tower so close to a property line as to result in any portion of the wind turbine or test tower at any time, whether erect or in the event the wind turbine or test tower should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.
5. No wind turbine or test tower shall be located within the front yard area.
6. Any proposed wind turbine or test tower shall produce sound levels no more than fifty (50) decibels as measured on the db(A) scale at the property lines of the site in question. A noise report shall be prepared by a qualified professional and shall include the following, at a minimum: a description and map of the project's noise producing features, including the range of noise levels expected and a description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts to a level of insignificance.
7. Where feasible, as determined by the Planning Commission, all on-site electrical transmission lines connecting the wind turbine or test tower to the public utility distribution system shall be located underground.
8. All wind turbines and test towers shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
9. All structures must meet or exceed all applicable federal, state and local standards, including those of the FAA, the Michigan Public Service Commission, National Electric Safety Code and any other agency of the state or federal government with the authority to regulate wind turbines in effect at the time the conditional use permit is approved.
10. The Planning Commission may add reasonable conditions.
11. A grant of a zoning compliance permit constitutes an agreement between the land owner and Grand Island Township that the Zoning Administrator at any reasonable time may enter the property, for the purpose of inspection to determine compliance with above conditions.

12. No wind turbine or test tower shall be erected until final site plan approval has been granted by the Planning Commission and all necessary permits have been issued by all government agencies involved.
13. The site plan, in addition to information required in Article VI of this Ordinance, shall also show:
  - a. Location of tower on-site and tower height, including blades
  - b. Underground utility lines within a radius equal to the proposed tower height, including blades;
  - c. Dimensional drawings, installation and operation instructions;
  - d. Design data indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions;
  - e. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes;
  - f. Any other information that the Zoning Administrator or Planning Commission deems necessary.
14. Wind turbines and test towers shall be removed within 120 days of discontinuance or abandonment. A wind turbine or test tower shall be considered abandoned when it has not been used for a period of one year. If wind turbine or test tower is abandoned, removal shall consist of removing the abandoned wind turbine or test tower and transporting it off the site. The site must be returned to its original contours, and shall be covered with at least six inches of topsoil, seeded, and mulched. The site shall be free of litter, debris and/or abandoned equipment. To assure that such removal takes place, the Township shall require a performance bond in an amount equal to the estimated cost of removal. The bond shall be issued by an acceptable bonding company authorized to do business in the State of Michigan. Any funds remaining after removal shall be returned to the owner upon the completion of removal of the facilities. If the cost of removal exceeds the amount of the bond, the owners shall be responsible for all additional costs. In the event that the owner fails to remove the facilities and/or restore the site, the Norway Area shall use the bond to pay for such removal and restoration no less than 60 days following written notification by certified mail to the owner of the facilities. The owner of any abandoned wind turbine or test tower may file for an extension with the Township for a later removal date.
15. In order that the Township may provide due notice of the requirements of this Ordinance to any subsequent owner, the owner of any wind turbine shall notify the Township within 30 days of transfer of ownership, indentifying the name, address and phone number of an appropriate contact person for the new owner.

## ARTICLE V SIGNS

### Section 501 Intent

It is hereby determined that regulation of the location, 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 businesses 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 the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

### Section 502 Residential District Regulations for Signs

Within all districts allowing residential uses, signs shall be permitted as follows:

- A. One sign not to exceed six (6) square feet to announce the sale or rent of property.
- B. Churches shall be permitted a total sign area of twenty (20) square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
- C. One sign per vehicle entrance not to exceed thirty-two (32) square feet and eight (8) feet in height above grade which identifies a platted subdivision development or Mobile Home Park.
- D. Multiple dwellings and nursing homes shall be permitted one (1) identification sign not to exceed twelve (12) square feet and eight (8) feet in height above grade.
- E. One sign, not to exceed six (6) square feet, shall be permitted to advertise a home occupation. The sign shall not be illuminated nor have working parts. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood.
- F. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

### Section 503 Town Development District Signs

Signs are permitted in the Town Development (TD) District on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet or fraction of frontage, or sixty (60) square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of

one hundred (100) square feet of sign area for each developed parcel. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales are occupied by them. Where a premise has more than two occupants and has a name distinct from that of the occupants, an additional two (2) square feet of sign area for each ten (10) feet or fraction of street frontage, with a maximum of two hundred (200) square feet, is permitted only for signs identifying the developed premises.

Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Signs shall be subject to the height regulations for the Town Development District.

#### Section 504 Conditional Use Sign Regulations

On-premise signs are permitted to identify or advertise an approved Conditional Use or activity and shall not advertise a specific product not produced on the premises. Signs shall have a maximum sign area of sixteen (16) square feet and not exceed eight (8) feet in height above grade. Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Sign regulations in this Section shall not apply to any Conditional Use located in the Town Development District, or to churches, multiple family dwellings, nursing homes or home occupations which are regulated elsewhere in this Section.

#### Section 505 Temporary Signs

Signs which are intended to identify or advertise a nonprofit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period of not more than two (2) months if the proposed sign is not contrary to the spirit and purpose of this Ordinance. Any temporary sign 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 ten (10) days after the end of the event. Signs shall not be located in the right-of-way or interfere with traffic. Signs mounted on a mobile base shall all conform to setbacks and conform to lighted sign regulations.

#### Section 506 Construction Signs

One construction sign is permitted per project not exceeding sixteen (16) square feet in sign area for residential districts. Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed prior to occupancy.

Section 507 Exempt Signs

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance:

- A. Public Signs - Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
- B. Political Signs - Those 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 ten (10) days after the election date and shall not be located on the public right-of-way or interfere with traffic.
- C. Signs which announce no hunting or no trespassing.
- D. Signs which identify the name of a farm or farming operation.
- E. Residential Identification Signs - Those signs which have an occupant's name and/or house number.

Section 508 Lighting of Signs

No lighted signs shall be permitted within the LS/R District. No lighted signs shall be permitted adjacent to residential property in the TD District. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Section 509 Maintenance of Signs

Dilapidated sign structures which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. The Zoning Administrator is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which is to be borne by the sign owner and/or property owner.

Section 510 Non-Conforming 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. No nonconforming sign:
  - 1. Shall 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 be continued after the activity, business, or usage to which it relates has been discontinued for thirty (30) days or longer; or
  3. Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the sign value.
- C. No nonconforming sign may be changed to another nonconforming use.
- D. Nonconforming signs may have their face or message updated but not structurally altered.

#### Section 511 Billboards

- A. Billboards may be erected in the TD District provided that they meet the following conditions:
1. Not more than two billboards may be located per lineal mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway or adjoining roads, streets or highways.
  2. Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.
  3. Billboard structures having tandem billboard faces (i.e. two parallel billboard faces side by side), or stacked billboard faces (i.e. two parallel billboard faces one above the other) shall not be allowed.
  4. No billboard shall be located within 1,000 feet of another billboard.
  5. Billboards will not be illuminated unless located more than 300 feet from any residence and the illumination is concentrated on the surface of the billboard and is so located as to avoid glare or reflection on streets, highways, or residential areas. No flashing, revolving, or other wise intermittent lighting or illumination shall be permitted.
  6. Billboards shall adhere to the setbacks found in Section 401 of this ordinance.
  7. The surface display area of a billboard shall not exceed 300 square feet (600 square feet for double-faced back to back, and V-type billboard structures.
  8. Height of a billboard shall not exceed 30 feet above the grade of the ground (unmodified level) upon which the billboard is constructed or applied.

9. No billboards shall be on top of, cantilevered or otherwise suspended above the roof of any building.
  10. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity where it is constructed and applied.
  11. All billboards will be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message.
  12. A billboard established within a business, commercial or industrial area, as defined in the "Highway Advertising Act of 1972" (Public Act 106 of 1972 as amended) bordering interstate highways, freeways, or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
- B. No billboards may be erected without first having obtained a permit for such billboard from the Zoning Administrator.



## ARTICLE VI SITE PLAN REVIEW

### Section 601 Intent

It is the purpose of this section 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 the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

### Section 602 Site Plan Required

A Site Plan is required for and shall accompany the applications for:

- A. Zoning Compliance Permits for:
  - 1. Any proposed construction
  - 2. Any commencement of a new use
  - 3. Any proposed change in use
- B. Conditional Use Permit
- C. Variances
- D. Nonconforming Use designations
- E. Plats
- F. Site condos
- G. Land splits with more than four (4) lots created
- H. Any other request for zoning status where the Zoning Administrator determines a Site Plan is necessary for accurate review or documentation of the existing development.

The Site Plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown.

### Section 603 Site Plans for Single and Two-Family Dwellings, and Residential Accessory Uses and Structures and for Recreational Structures

The Site Plan for single and two-family dwellings, residential accessory uses and structures and recreational structures shall show the following information:

- A. Lot corners shall be identified by a registered land surveyor.
- B. A legal description of the site.
- C. Proof of ownership or land conveyance.
- D. All lot lines and dimensions of the lot.
- E. All roads and easements.
- F. All existing and proposed buildings shall be shown and labeled.

- G. Proposed use of each building.
- H. Distances between buildings and all lot lines.
- I. Building dimensions.
- J. Natural features affecting development (rock, water, etc.).
- K. Well and septic locations.
- L. A north arrow.
- M. Front, side and rear elevations.
- N. Any deed restrictions or covenants affecting the proposed plan and future on or off-site development.

Section 604 Site Plans for Commercial, Industrial and Multiple Family Developments (all other development)

Site Plans for all uses and developments except for one and two-family dwellings, residential accessory uses and recreational structures shall contain the following information and data. This information shall be provided on two identical copies on one or more sheets.

- A. Lot corners shall be identified by a registered land surveyor.
- B. A scale adequate to illustrate the proposed activity.
- C. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
- D. Date, north point, and scale.
- E. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
- F. 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.
- G. The location of all existing and proposed drives and parking areas.
- H. The location and right-of-way widths of all abutting streets, alleys, and private easements.
- I. The location of proposed planting and screening, fencing, signs and advertising features.
- J. The height and floor area of all proposed structures.
- K. The size and location of all existing and proposed public and private utilities and required landscaping.
- L. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
- M. A lighting plan shall be submitted for all uses and developments.
- N. A storm water retention plan shall be submitted for all uses and developments. The storm water retention plan shall meet all applicable Alger County Code Commission standards and the standards of any other appropriate agency. The storm water plan shall include, but not be limited to the following:
  - 1. A standard USGS 7.5-minute topographic map with 10 foot contours which shows the location of the projects area is acceptable. A topographic map with a 2-foot contour interval is preferred. The map must also show the location of the

- property with respect to the street system and other features such as existing and proposed stormwater retention basins.
2. A drainage easement shall be prepared and recorded for permanent stormwater retention basins.
  - O. A colored rendering shall be submitted indicating the proposed exterior color scheme and materials that will be utilized.
  - P. Front, side and rear elevations.
  - Q. All roads and easements.
  - R. Any deed restrictions or covenants affecting the proposed plan and future on or off-site development.

#### Section 605 Review Procedures

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, shows compliance with this Ordinance and all other ordinances of the township, and demonstrates the adequacy of utility service. The Zoning Administrator may provide a copy of the Site Plan to the Drain Commissioner and Health Department. Upon demand by the proposer of the Site Plan, the Zoning Administrator shall, within ten (10) working days, approve or deny in writing, setting forth in detail their reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Zoning Board of Appeals. The Zoning Administrator shall use the following standards in the review.

#### Section 606 Standards for Site Plan Approval

All approved site plans shall comply with the appropriate zoning district regulations, parking requirements, general provisions and other requirements of this Ordinance as they apply to the proposed site plan. In addition, each site plan shall comply with the following requirements:

- A. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement or surrounding property for uses permitted in this Ordinance.
- B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. 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.
- E. All buildings or group of buildings shall be arranged so as to permit convenient and direct emergency vehicle access.

- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.
- H. The site plan shall show the location, height and kind of lighting proposed. Exterior lighting, including parking area lighting, building lighting, and lighting for signs, awnings and canopies, shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- I. Plans for private roads shall be included with the Site Plan.

## ARTICLE VII CONDITIONAL USE PERMITS

### Section 701 Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following Sections, 702 through 705, together with previous Sections, 307 through 308, designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all Conditional Uses indicated.

### Section 702 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. Data Required in Application: Every application shall be accompanied by one copy of the following information and data:
  1. Conditional Use form supplied by the Zoning Administrator filled out by the applicant.
  2. Site Plan drawn to a readable scale and containing that information specified in Section 603 and or Section 604.
  3. A statement with supporting evidence regarding the required findings specified in Section 704.

- D. Upon receipt of such materials by the Zoning Administrator, the Township shall transmit one copy to the Road Commission, Drain Commissioner, Health Department, and School District, as deemed appropriate, for their review and comment. Each agency shall review the document and forward any comments to the Zoning Administrator. The Zoning Administrator shall transmit a copy of the Site Plan to the Planning Commission for their review.
- E. Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- F. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- G. If development of a Conditional Use Permit has not commenced within one (1) year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant.

#### Section 703 Review and Findings

- A. Planning Commission Public Hearing: The Planning Commission shall conduct a public hearing on the application at a regular or special meeting. The Zoning Administrator shall cause to be published one (1) notice of the public hearing, in accordance of the provisions set forth in Section 902.
- B. Planning Commission Action: The Planning Commission shall approve, approve with conditions, or reject the application within thirty (30) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the Conditional Use Permit application. Following favorable action by the Planning Commission, the Zoning Administrator shall issue a Conditional Use Permit, in accordance with the Site Plan and any conditions as have been placed on such permit by the Planning Commission. All conditions shall be clearly specified in writing and the petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.
- C. Appeals: Any appeals concerning an unfavorable action by the Planning Commission shall be made by filing a notice of appeal with the Zoning Administrator pursuant to Section 1006.

#### Section 704 General Standards

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general policies or with any specific objectives of the Master Plan;
- B. 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 that the use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not result in a decline or erosion of land values, or the value of buildings or structures within the District;
- E. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. 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;
- G. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- H. Will protect the public health, safety and general welfare of the community; and
- I. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
- J. The following standards shall be used by the Planning Commission when considering group day care homes:
  - 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 Township 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, if any, governing signs used by a group day-care home to identify itself.

6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

Section 705 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 704 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. Conditions and requirements stated as part of a Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- 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. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect 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 thirty (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.
- F. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Conditional Use Permit issued thereto.
- G. No application for a Conditional Use Permit which had been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more



from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.

- H. The foregoing general standards are basic to all Conditional Uses; and the specific requirements accompanying sections relating to particular uses are in addition to and shall be required in all applicable situations.

## **ARTICLE VIII NONCONFORMING USES AND STRUCTURES**

### Section 801 Intent

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 applicability. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without such necessary and appropriate restriction as are within the power of the township to impose.

The zoning regulations established by this Ordinance are designed to guide the future use of land in Grand Island Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.

This Ordinance distinguishes by class the various nonconforming uses and structures. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

All uses or structures created in violation of any preceding Grand Island Township Zoning Ordinance shall not be considered a nonconforming use or structure, has no vested right, and is a violation of this Ordinance.

### Section 802 Class A Nonconforming Uses and Structures

Class A Nonconforming Uses and Structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare; or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 704 of this Ordinance; and that 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.

### Section 803 Procedure for Obtaining Class A Designation

A written application shall be filed with the Planning Commission using forms obtained from the Zoning Administrator, which shall include:

- A. Name and address of property owner and applicant if not the same;
- B. A legal description of the property or lot;
- C. A map illustrating property boundaries, all existing buildings and uses of land including existing drives and parking areas;
- D. An explanation describing the present nonconforming use or structure; and
- E. Proof of ownership of property.

The Zoning Administrator shall, upon receipt of said application, schedule a public hearing in accordance with the procedures set out in Section 1002 of this Ordinance. 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 identified in Section 704. Conditions may not be attached, including any time limit, where necessary to assure that the use of structure does not become contrary to the public health, safety, or welfare, or the spirit and the purpose of this Ordinance.

Section 804 Provisions for Class A Nonconforming Uses and Structures

Where, at the effective date of adoption or amendment 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 following provisions:

- A. No such Class A Nonconforming Use or Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except after approval of the Planning Commission
- B. No Class A Nonconforming Use or Structure shall be moved, in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except after approval of the Planning Commission.
- C. No Class A Nonconforming Use or Structure shall be extended to displace a permitted (conforming) use.
- D. No Class A Nonconforming Use or Structure shall be changed to another nonconforming use or structure, except after approval of the Planning Commission. Before granting such approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
- E. No Class A Nonconforming Uses or Structures shall not be altered or expanded to add another nonconforming use or structure, except after approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 704.
- F. Nonconforming Structures or structures devoted to a nonconforming use shall not be repaired, other than normal maintenance. Repairs shall not exceed 25% of the assessed market value of the structure in any twelve (12) month period.
- G. In the event that any nonconforming structure or structure devoted to a nonconforming use is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration is equal to or less than 50% of the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, such reconstruction or restoration shall be permitted provided a building permit for such reconstruction or restoration is issued within one (1) year of the occurrence of such damage.
- H. Failure to commence restoration or reconstruction within one (1) year following the occurrence of said damage shall be conclusively presumed to be an abandonment of the nonconforming use or structure.

- I. Where the cost of restoration or reconstruction of such a structure exceeds 50% of the entire structure as it existed immediately prior to the time of said damage, the nonconforming structure may not be restored or reconstructed, nor shall any nonconforming use which may have been occurring within said structure be resumed or continued upon the premises upon which said structure was located unless the Planning Commission authorizes the continuation of the nonconforming structure or nonconforming use within said structure. A written application for such authorization must be filed with the Planning Commission within six months of the occurrence of the damage.

Section 805 Regulations Pertaining to Class A Nonconforming Uses and Structures

No Class A Nonconforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least twelve (12) months or if it has been changed to a conforming use for any period.

Section 806 Class B Nonconforming Uses and Structures

All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least twelve (12) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.

No Class B Nonconforming Structure shall be enlarged or structurally altered. Non Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area that was used at the time of becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

**ARTICLE IX  
ADMINISTRATION AND ENFORCEMENT**

Section 901 Administration

Except as otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator or by such deputies of his department as the Township Board may designate to enforce the provisions of this Ordinance.

Section 902 Administrative Standards and Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission shall comply with the following in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006:

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Grand Island Township and mailed or delivered as provided in this Section.

1. All mail, personal and newspaper notices for public hearings shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the Zoning Ordinance and proposals and applications may be examined.
2. Personal and Mailed Notice - When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Grand Island Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive

- notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section shall receive notice by mail.
  - d. Other governmental units within one mile of the property involved in the application.
3. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal or ordinance interpretation shall be provided no less than fifteen (15) days before the date the application will be considered for approval.
5. Registration to Receive Notice by Mail:
- a. General: Any neighborhood organization, Public Utility Company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant this Section. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
  - b. Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this Section.
- C. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission:
- 1. Shall base their decision upon facts presented at a public hearing;
  - 2. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
  - 3. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;

4. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
  5. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;
  6. Shall comply with all other requirements under the law; and
  7. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- D. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of Conditional Use Permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
  2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
  3. Necessary to meet the intent and purpose of the Zoning Ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
  4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- E. 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 Township Clerk and be open to public inspection.

#### Section 903 Zoning Administrator

The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator, or their designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

#### Section 904 Duties of Zoning Administrator

- A. The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to review Site Plans to determine whether it is in proper form, contains all of the required information and is in accordance with the provisions of this

Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.

- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.
- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- D. The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Administrator may be appealed to the Board of Appeals.
- E. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform to this Ordinance.

#### Section 905 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance. A change in ownership or a change in the use of any building shall require an issuance of a new Zoning Compliance Permit.
- B. The Zoning Administrator shall maintain a record of all Zoning Compliance Permit and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

#### Section 906 Enforcement and Violation

##### Notice of Violation:

- A. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
- B. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- C. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail,



addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

- D. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.
- E. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a civil infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 and in addition, shall pay costs and expenses involved in the case for each offense. Each day such violation continues shall be considered a separate offense.

#### Section 907 Special Zoning Orders Book and Map

The Zoning Administrator shall maintain a book, to be known as the Special Zoning Orders Book, in which shall be listed, with a brief description, all variances, Conditional Use Permits, authorizations for Planned Unit Developments, designations of Nonconforming Uses and Structures, and any termination of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also maintain a map, to be known as the Special Zoning Order Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Orders Book and Map shall be open to public inspection.

#### Section 908 Fees

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit or certificate shall be issued unless such fees have been paid in full.

**ARTICLE X**  
**ZONING BOARD OF APPEALS**

Section 1001 Creation and Membership

The Zoning Board of Appeals is hereby established in accordance with the Michigan Zoning Enabling Act, PA110 of 2006, as amended. The Board shall consist of three members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township. The term of office for the member of the Planning Commission shall not exceed his term of office on the Commission. The Township Board may appoint a maximum of two (2) alternates to the Zoning Board of Appeals to serve in the absence or illness of regular members of the Board of Appeals. The term of the alternates shall coincide with the terms of the members appointed from the electors residing in the Township.

Section 1002 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, PA110 of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the Zoning Ordinance, including the zoning map and variances.
- B. 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, but does have power to act on those matters specifically provided for in this Ordinance.

Section 1003 Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- C. 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 1002.

Section 1004 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, with the exception of Site Plan appeals.
  
- 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 of this Ordinance;
  - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
  - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 409 or by an analysis of the specific needs.

Section 1005 Variances

- A. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulties.
  
- B. Practical difficulties standard-A variance shall not be granted by the Zoning Board of Appeals unless and until the following conditions are met. A written application for the variance shall be submitted, demonstrating:
  - 1. That 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. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
  - 3. That the special conditions and circumstances necessitating the variance did not result from the actions of the applicant; and
  - 4. That granting the variance requested 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. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
  
- D. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
  
- E. 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, building, or structure.

- F. 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.
- G. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards with this Ordinance. 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.
- H. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- I. 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 that end shall have the powers of the public official from whom the appeal was taken.
- J. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within 180 days after the granting of such variance.

Section 1006 Appeals

- A. Appeals concerning interpretation of the administration of this Ordinance or denial of Conditional Use Permit by the Planning Commission shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of sixty (60) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.
- B. A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1007 Duties on Matters of Appeal

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 on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Alger County, as provided by law.

**ARTICLE XI**  
**TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY**

Section 1101 Designation

The Grand Island Township Planning Commission is hereby designated the Commission as specified in the Zoning Act, as amended. Under said act, it shall be the duty of the Commission to advise the Township Board on matters of planning. Further, the Commission shall assume the duties of the Zoning Commission prescribed in the Zoning Act, as amended.

Section 1102 Changes and Amendments

- A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, other government agencies, or by an individual, business or organization.
- B. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 902 of this Ordinance.
- C. Following the public hearing, the Planning Commission shall submit the proposed zoning ordinance and any applicable maps to the Alger County Board for their review and recommendation. The County has 30 days in which to respond with any comments.
- D. Following receipt of comments from the County Board, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- E. The Township Board may hold additional public hearings if it considers it 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 fifteen (15) days] before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance for the Township. Any changes or 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. The Planning Commission shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.
- F. 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 resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.

- G. If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. 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. Date of filing with the Zoning Administrator;
  6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
  7. The desired change and reasons for such change.
- H. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within thirty (30) days following review by the County Board. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.
- I. The general standards to be considered by the Planning Commission shall include, but not 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. Is the requested zoning change consistent with the Goals and Policies, and other elements of the current county and/or local plans;
  3. The precedents, and the possible effects of such precedents, which might likely 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. Are there 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; and
  6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.

J. Notice of adoption of amendment shall be published in accordance with the Zoning Act.



**ARTICLE XII**  
**INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES AND EFFECTIVE DATE**

Section 1201 Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1202 Severability

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 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. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of Class A 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 1203 Vested Right

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

Section 1204 Penalties and Remedies

- A. Civil Law: Any building, structure, or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
  
- B. Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans,

shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500) dollars and imprisoned for not more than ninety (90) days, or both, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

- C. Remedies: The Township Board may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine or jail sentence of both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 1205 Effective Dates

This Ordinance shall become effective upon seven days after publication of the notice of adoption in a locally circulated newspaper.

Adopted: December 11, 2012

Published: December 19, 2012

Effective: December 27, 2012

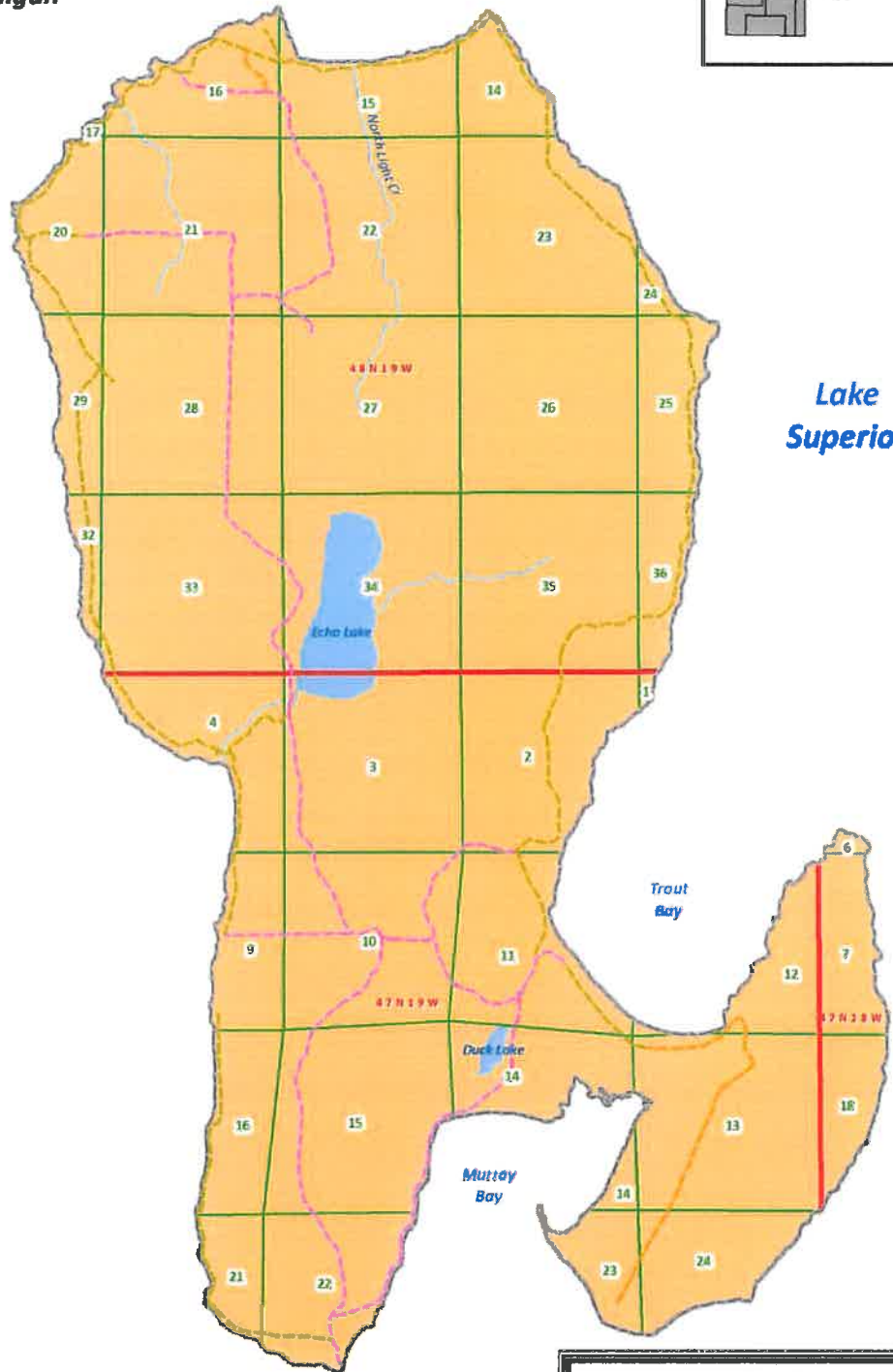
# Official Zoning Map of Grand Island Township

Alger County, Michigan



Lake Superior

Lake Superior



**Island Network**

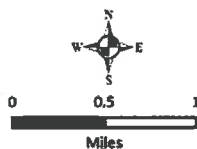
**Type**

- Foot Only
- Foot / Bike
- Public Road

**Roads**

**LEGALSYS**

- State Trunkline
- County Primary
- County Local
- Township Boundary
- Section Lines
- Rivers
- Lakes



- Zoning Districts**
- TOWN DEVELOPMENT
  - LAKESHORE RESIDENTIAL

This Zoning Map may be subject to amendments over time and Zoning Districts may be revised. Rather than exclusively relying upon the information shown on this Map, please contact the Grand Island Township Zoning Administrator for clarification.



**Grand Island Township Zoning Map**

Adopted: December 11, 2012  
Effective: December 27, 2012

This is to certify that this is the Official Zoning Map of Grand Island Township Zoning Ordinance adopted on the 11th day of December 2012.

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Jeff Cromell,  
Supervisor

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Deanna Boyak,  
Clerk